KAISER PERMANENTE SAN JOSÉ MEDICAL CENTER

Draft Environmental Impact Report

(File Nos.: PDC23-006, PD23-002, ER 23-005)
SCH #2023050424

Prepared for
City of San José

February 2024

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SUMMARY

Kaiser Permanente San José Medical Center Draft Environmental Impact Report

This environmental impact report (EIR) has been prepared by the City of San José (City) to evaluate the potential environmental effects of the development of the Kaiser Permanente San José Medical Center Project (project), in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Title 21 of the San José Municipal Code. This summary chapter is intended to provide an overview of the environmental analysis as required by CEQA Guidelines Section 15123.

S.1 Project Summary

Kaiser Foundation Hospitals (Kaiser Permanente), the project applicant, proposes to demolish the existing approximately 250,000-square-foot (sf) hospital and construct a new, approximately 685,000 sf hospital (including basement), a new central utility plant (energy center), and a parking structure (collectively referred to as the "Hospital Replacement") at their San José Medical Center campus ("SJMC campus" or "campus"). Other expected Future Campus Improvements would include demolition of two existing, one-story medical offices (each approximately 10,100 sf), sustainable electricity generation features and technology, and construction of an approximately 250,000 sf outpatient facility and a parking garage on the existing approximately 40-acre SJMC campus.

The existing hospital was constructed in 1974 and has a Seismic Performance Category rating of 2.[1] Under California Senate Bill (SB) 1953, the hospital would be required to implement seismic upgrades or be replaced in order to continue to provide acute care services beyond 2030. Given the age of the hospital structure, advancements in medical technology, and changes to service delivery models, Kaiser Permanente has determined that a hospital replacement would most effectively enable successful provision of services to members with limited service disruptions, and is the most cost-effective approach to meeting state mandated seismic requirements. The future improvements would also allow Kaiser Permanente to serve the growing community.

[1] California Department of Health Care Access and Information, *SPC/NPC Ratings of Acute Care Hospital Buildings as of 3/9/2023*. Available at hcai.ca.gov/wp-content/uploads/2023/03/SPCNPCList03092023.pdf. Accessed March 23, 2023.

S.2 Summary of Environmental Impacts

As provided by CEQA Guidelines Section 15123(b)(1), an EIR must provide a summary of the impacts, mitigation measures, and significant impacts after mitigation for a project. **Table S-1** provides an overview of the analysis in Chapter 3, *Environmental Setting, Impacts, and Mitigation*. Impacts are categorized by the type of impact as follows:

- *Less-than-Significant Impact*. An impact that does not exceed the defined significance criteria or would be reduced to a less-than-significant level through compliance with existing federal, state, and local laws and regulations.
- *Less-than-Significant Impact with Mitigation*. An impact that would be reduced to a less-than-significant level through implementation of the identified mitigation measure(s).

As indicated in Table S-1, with mitigation measures incorporated, the project would not result in any significant and unavoidable impacts.

S.3 Summary of Alternatives to the Project

CEQA requires that an EIR identify alternatives to the project as proposed and evaluate their comparative merits. CEQA Guidelines Section 15126.6 states that an EIR must describe a "reasonable range of potentially feasible alternatives," focusing on those that "would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects of the project." Consistent with these requirements, and CEQA's requirement for a No Project Alternative, Chapter 5 describes the following alternatives:

- Alternative A: No Project Alternative
- Alternative B: Reduced Development Alternative
- Alternative C: New Hospital and Retrofit of Existing Hospital for Future Medical Office Building (MOB)
- Alternative D: Seismic Upgrade of Existing Hospital

The analysis of the alternatives, including a comparison of alternatives to the project, is presented in Chapter 5, which provides a summary of impact levels within all environmental topic areas. Overall, the analysis shows that all alternatives considered would not result in any significant and unavoidable impacts, and all of the "build" alternatives would result in a similar degree of impact as the project. Alternative A would not have the ability to meet the basic objectives of the project. Alternative B would meet most of the basic objectives of the project, although some to a lesser degree. Alternative C would have the ability to meet all of the basic objectives of the project, although some to a lesser degree. Alternative D would meet only half of the basic objectives of the project, with some objectives being met to a lesser degree.

CEQA Guidelines Section 15126.6(e) requires the identification of an environmentally superior alternative to the project. Based on the analysis and comparison of the impacts of the alternatives presented above, the No Project Alternative (Alternative A) would be the environmentally superior alternative because it would result in no impacts to all resources. However, Alternative A does not meet any of the basic objectives of the project. While Alternative A would offer environmental advantage over the project, CEQA Guidelines Section 15126.6(e)(2) provides that

if the "No Project" alternative is the environmentally superior alternative, the EIR should also identify an environmentally superior alternative among the other alternatives. Beyond the No Project Alternative, Alternative B (Reduced Development Alternative) would be the environmentally superior alternative because it would reduce toxic air contaminant (TAC) emissions, would reduce vehicle miles traveled (VMT), and would result in the greatest potential for energy efficiency and incorporation of green building design features; however, while the impact conclusions would be similar to the project, not all project objectives would be met.

S.4 Known Areas of Controversy and Issues to Be Resolved

CEQA Guidelines Section 15123(b)(2) requires that an EIR summary identify areas of controversy known to the lead agency, including those issues raised by other agencies and the public. In accordance with CEQA Guidelines Sections 15063 and 15082, the City prepared a notice of preparation (NOP) for this EIR. The NOP provided a general description of the project and identified environmental impacts that could result from its implementation. The NOP was circulated to federal, state, and local agencies and other interested parties on May 17, 2023. The standard 30-day comment period was extended to 60 days due to an error in publishing the NOP in the newspaper. The comment period concluded on July 20, 2023. The City held a joint community and environmental public scoping meeting during the NOP circulation period on June 5, 2023, to discuss the project and solicit public input on the scope and contents of this EIR. The meeting was held remotely via Zoom.

Issues raised by agencies and the public have included concerns regarding air quality, biological resources, tribal cultural resources, geology and soils, hydrology and water quality, noise, transportation, and utilities and service systems. As a result, these issues are potential areas of controversy. Comments received regarding these issues are summarized in Table 1-1 in Chapter 1, *Introduction*, and copies of written correspondence are included in **Appendix A**, *Notice of Preparation and Comments Received*.

The major issues to be resolved for the project include decisions by the City of San José, as the lead agency, whether this EIR adequately describes the environmental impacts of the project; whether recommended mitigation measures should be adopted or modified; and whether additional measures need to be applied to the project. In addition, the City will need to determine whether potentially feasible alternatives exist that would achieve most of the basic objectives of the project and reduce significant environmental effects; and whether the project should or should not be approved.

TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
3.1 Air Quality			
Impact AQ-1: The project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	None required	LTS
Impact AQ-2: The project would not 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.	LTS	None required	LTS
Impact AQ-3: The project would expose sensitive receptors to substantial pollutant concentrations because it would exceed BAAQMD's project-level thresholds of 10 in one million for cancer risk and 0.3 μg/m3 for annual average PM2.5 concentration during construction.	S	**Mitigation Measure AQ-3a: Clean Construction Equipment** 1. The project applicant shall ensure that all diesel off-road equipment used for construction shall have engines that meet the Tier 4 Final off-road emission standards, as certified by the California Air Resources Board (CARB), except as provided for in this section. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the Bay Area Air Quality Management District (BAAQMD) as necessary. The Certification Statement shall state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract. The City may waive the requirement for Tier 4 Final equipment only under the following unusual circumstances: if a particular piece of off-road equipment with Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the project and (ii) geographic proximity to the project site of Tier 4 Final equipment. Sufficient documentation must be provided when	LTSM

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		seeking any waiver described above. If the waiver is granted, the contractor must use the next cleanest piece of off-road equipment that is commercially available, or another alternative that results in comparable reductions of DPM and $PM_{2.5}$ emissions. 2. To the extent feasible, electric engines shall be used for all equipment that is commercially available as plug-in or battery-electric equipment during each construction phase and activity. Portable equipment shall be powered by grid electricity if available. Electric equipment shall include, but not be limited to, concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, pressure washers, and pumps. The project applicant shall maintain an inventory of equipment utilized for the project. The applicant shall maintain information for non-electric equipment listed on the inventory indicating why it is not commercially available. "Commercially available" is defined as (1) can be obtained without significant delays to critical-path timing of construction; and (2) available within the larger northern California region. This inventory shall be made available to the City upon request. 3. The project applicant shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit. **Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements** Prior to approval of Planned Development Permits or grading permits (whichever occurs sooner) for future campus improvements beyond 2030, the project applicant shall prepare and submit to the City for review and approval a project-specific health risk analysis demonstrating that construction and operation of development proposed as Future Campus Improvements will not result in a significant acute non-cancer health risk, chronic non-cancer health risk, cancer health risk, or annual average $PM_{2.5}$ concentrations to receptor locations at the project or cumulative levels based on the BAAQMD CEQA Guidelines in effect at the time the campus improvement is proposed. As a performance standard, future project-level health risk analysis must demonstrate an incremental lifetime cancer risk level of 10 in 1 million or less, a non-cancer (i.e., chronic or acute) hazard index of 1.0 or less, and an incremental increase an annual average $PM_{2.5}$ concentrations of no more than 0.3 microgram per cubic meter. Cumulative health risk analysis must demonstrate that the project-level health risk in combination with background risks from stationary and mobile sources would be less	

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		than an incremental lifetime cancer risk level of 100 in 1 million or less, a non-cancer (i.e., chronic or acute) hazard index of 10.0 or less, and an incremental increase an annual average $PM_{2.5}$ concentrations of no more than 0.8 microgram per cubic meter. These performance standards shall be updated to match the BAAQMD's thresholds if the thresholds are updated in the future. Mitigation Measure AQ-3a shall be implemented if construction-related health risks are found to exceed significance thresholds.	
Impact AQ-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LTS	None required	LTS
Impact C-AQ-1: The project could combine with cumulative projects to contribute considerably to cumulative health risk impacts because it would exceed BAAQMD's cumulative threshold for annual average PM2.5 concentration.	S	**Mitigation Measure AQ-3a: Clean Construction Equipment** (refer to Impact AQ-3) **Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements** (refer to Impact AQ-3)	LTSM
3.2 Biological Resources			
Impact BI-1: The project would 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.	S	**Mitigation Measure BI-1: Avoid and Minimize Impacts on Nesting Birds** Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code when in active use. This shall be accomplished by taking the following steps. a) If construction is proposed during the nesting season (February 1 to August 31, inclusive), prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal, building demolition, or construction, to identify any active nests (i.e., nests containing eggs, and/or young) of bird species protected by the MBTA and California Fish and Game Code, on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project site, vehicle and equipment staging areas, and suitable habitat within 150 feet to locate any active passerine (e.g., songbird) nests and within 250 feet to locate any active raptor (bird of prey) nests.	LTSM

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		b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to January 31, inclusive), construction may proceed with no restrictions. c) If active bird nests are found, an adequate no-disturbance buffer shall be established around the nest location and construction activities shall be restricted within the buffer until a qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest, and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing, high visibility rope, or a similar visual barrier if construction is to be initiated on the remainder of the development site. d) Any birds that begin nesting within the project site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no-disturbance zones shall not be established around active nests in these cases; however, should birds nesting within the project site and survey buffers amid construction activities begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist. e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged. f) A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.	
Impact BI-2: The project would not 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.	LTS	None required	LTS

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Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact BI-3: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	None required	LTS
Impact BI-4: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	LTS	None required	LTS
Impact C-BI-1: The project could combine with cumulative projects to result in significant cumulative impacts on nesting birds.	S	**Mitigation Measure BI-1: Avoid and Minimize Impacts on Nesting Birds** (refer to Impact BI-1)	LTSM
3.3 Cultural Resources and Tribal Cultural Resources			
Impact CU-TCR-1: The project would cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5 or tribal cultural resource as defined in PRC Section 21080.3.	S	**Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training** Prior to the issuance of any demolition, grading, or building permits, the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that a Cultural and Tribal Cultural Resources Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.	LTSM
Impact CU-TCR-2: The project could disturb any human remains, including those interred outside of formal cemeteries.	S	**Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training** (refer to Impact CU-1)	LTSM

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Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact CU-TCR-3: The project could cause a substantial adverse change in the significance of tribal cultural resources as defined in Public Resources Code Section 21074.	S	**Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training** (refer to Impact CU-1)	LTSM
Impact C-CU-TCR-1: The project could combine with cumulative projects to result in significant cumulative effects on archaeological resources as defined in CEQA Guidelines Section 15064.5; human remains, including those interred outside of formal cemeteries; and tribal cultural resources as defined in Public Resources Code Section 21074.	S	**Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training** (refer to Impact CU-1)	LTSM
3.4 Energy			
Impact EN-1: The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	LTS	None required	LTS
Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	LTS	None required	LTS
Impact C-EN-1: The project, when combined with cumulative projects, would not result in cumulative impacts on energy.	LTS	None required	LTS

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3.5 Geology, Soils, and Paleontological Resources			
Impact GE-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, including liquefaction or lateral spreading.	LTS	None required	LTS
Impact GE-2: The project would not result in substantial soil erosion.	LTS	None required	LTS
Impact GE-3: The project would not 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.	LTS	None required	LTS
Impact GE-4: The project would not be located on expansive soil creating substantial direct or indirect risks to life or property.	LTS	None required	LTS
Impact C-GE-1: The project, when combined with cumulative projects, would not result in a significant cumulative impact on geology and soils.	LTS	None required	LTS
3.6 Greenhouse Gas Emissions			
Impact GR-1: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	LTS	None required	LTS

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Impact GR-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	LTS	None required	LTS
Impact C-GR-1: The project, when combined with cumulative projects, would not contribute considerably to cumulative impacts on GHG emissions or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	LTS	None required	LTS
3.7 Hazard and Hazardous Materials			
Impact HA-1: The project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or the reasonably foreseeable upset and accident conditions involving hazardous materials.	S	**Mitigation Measure HA-1: Soil Management Plan** Prior to excavation activities outside of the southwest quadrant of the project site (Hospital Replacement area), the project applicant shall implement the soil management plan (SMP). The SMP provides procedures for identifying the number of required samples, laboratory testing procedures, and procedures for disposal of soil with concentrations of chemicals above regulatory action levels. The samples shall be analyzed for the following parameters using the cited test methods: • Total petroleum hydrocarbons as gasoline, diesel, and motor oil by EPA Method 8021/8015 • Volatile organic compounds (VOCs) by EPA Method 8260 • Semi-volatile organic compounds (SVOCs) by EPA Method 8270 • Organochlorine pesticides (OCPs) by EPA Method 8081 • Polychlorinated biphenyls (PCBs) by EPA Method 8082 • California Assessment Manual (CAM) 17 metals by EPA Method 6020 • Leaking Underground Fuel Tanks (LUFT) 5 heavy metals by EPA Method 6020 • Percent moisture by EPA Method 8000 • Asbestos by California Air Resource Board (CARB) by Method 435 Results of the SMP testing shall be provided to the City of San José Planning, Building, and Code Enforcement Supervising Planner, and the Environmental Services Department (ESD) Municipal Compliance Officer.	LTSM

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		If the SMP results indicate soil contamination above the applicable regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or Santa Clara County Department of Environment Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.	
Impact HA-2: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	None required	LTS
Impact C-HA-1: The project, when combined with cumulative projects, would not result in significant cumulative impacts on hazards and hazardous materials.	LTS	None required	LTS
3.8 Hydrology and Water Quality			
Impact HY-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	LTS	None required	LTS
Impact HY-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	LTS	None required	LTS
Impact HY-3: The project would not 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	LTS	None required	LTS

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siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 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.			
Impact HY-4: The project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.	LTS	None required	LTS
Impact HY-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	LTS	None required	LTS
Impact C-HY-1: The project, when combined with cumulative projects, would not result in cumulative impacts to water quality.	LTS	None required	LTS
Impact C-HY-2: The project, when combined with cumulative projects, would not result in cumulative impacts to surface water or groundwater hydrology.	LTS	None required	LTS

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3.9 Land Use			
Impact LU-1: The project would not 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.	LTS	None required	LTS
Impact C-LU-1: The project, when combined with other cumulative projects, would not result in a cumulative impact related to land use and planning.	LTS	None required	LTS
3.10 Noise and Vibration			
Impact NO-1: The project would result in a 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.	S	**Mitigation Measure NO-1a: Construction Noise Reduction Plan** The project applicant shall prepare a Construction Noise Reduction Plan. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval required as a condition of the permit. This Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures: **1. Noise Monitoring:** The Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the City of San José Planning, Building and Code Enforcement Department. **2. Schedule:** Any proposed nighttime construction activities such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts shall undergo review, permitting, and approval by the City of San José Planning, Building, and Code Enforcement Department. **3. Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, daycare facilities, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the 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	LTSM

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SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		materials with a Sound Transmission Class rating of 25 or greater. The barrier shall achieve a performance standard of a 10 dBA noise reduction. **4. Stationary-Source Equipment Placement:** Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the City of San José Planning, Building, and Code Enforcement Department to provide equivalent noise reduction. **5. Stationary-Source and Small Equipment Local Barriers:** For stationary equipment, such as generators and air compressors, and small equipment such as concrete saws that will operate for more than one week within 500 feet of a noise-sensitive land use, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight to neighboring properties and achieve a performance standard of a 10 dBA noise reduction. **6. Construction Equipment:** Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land use. All equipment shall be properly maintained. **7. Truck Traffic:** The project shall minimize truck idling to no more than five minutes. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers. **8. Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site. **9. Notification and Confirmation:** Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information. **10. Complaint Protocol:** Protocols shall be implemented for receiving, responding to, and tracking received complaints. A community liaison shall be designated who will be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.	

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TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Mitigation Measure NO-1b: Operational Noise Performance Standard Prior to the issuance of any building permit, the project applicant shall ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses by meeting the performance standards of Chapters 20.20 through 20.50 of the San José Municipal Code and Policy EC-1.3 of the General Plan, limiting noise from stationary sources such as mechanical equipment, loading docks, and central utility plants to 55 dBA and 60 dBA, at the property lines of residential and commercial receivers, and 55 dBA, DNL[2] at the property line when located adjacent to existing or planned noise sensitive residential, respectively. There are numerous methods of achieving these performance standards, depending on the reduction need for a given specific source. Methods may include using low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment within a rooftop mechanical penthouse, and using shields and parapets to reduce noise levels to adjacent land uses. Acoustical screening can also be applied to exterior noise sources of the proposed central utility plants and can achieve up to 15 dBA of noise reduction.[3] Given that equipment noise associated with the energy center are predicted to be 16 dBA over the commercial ordinance standard, measures beyond acoustical screening would be required. Additional reductions can be achieved through engineering controls such as an acoustical silencer. Acoustical silencers are an assembly of solid steel outer skin and an absorption filled inner skin engineered specific to the airflow and available pressure loss of the subject fan. Silencers are tuned to reduce the specific sound frequency of the fan and its function. Typical reduction can be as high as 35 dB depending on the frequency.[4] This reduction would be more than required to achieve the performance standards of this mitigation measure. An acoustical study shall be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary design measures to be incorporated to meet the City's standards. The study shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee for review and approval before the issuance of a permit on the hospital parcel.	

[2] It is noted that for steady-state sources, 49 dBA, Leq is equivalent to a DNL of 55 dBA.

[3] Environmental Noise Control, Product Specification Sheet, ENC STC-32 Sound Control Panel System, 2014.

[4] ENoise Control, 2023. Available at www.enoisecontrol.com/condenser-fan-attenuation/#:~:text=The%20condenser%20fan%20pulls%20air%20over%20the%20coils,control%20for%20this%20application%20is%20an%20acoustical%20silencer.

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TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		An acoustical study shall be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary design measures to be incorporated to meet the City's standards. The study shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee for review and approval before the issuance of any building permit.	
Impact NO-2: The project would not result in a generation of excessive groundborne vibration or groundborne noise levels.	LTS	None required	LTS
Impact C-NO-1: The project, when combined with cumulative projects would not generate a substantial temporary increase in ambient noise levels from construction activity in the vicinity of the project in excess of standards established in the local general plan or noise ordinance.	LTS	None required	LTS
Impact C-NO-2: Operation of the project, when combined with cumulative projects, would not result in a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies.	LTS	None required	LTS
3.11 Population and Housing			
Impact PH-1: The project would not 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).	LTS	None required	LTS

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TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact C-PH-1: The project, when combined with other cumulative projects, would not result in cumulative impacts on population and housing.	LTS	None required	LTS
3.12 Public Services and Recreation			
Impact PS-1: The project would not 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 fire protection, police protection, schools, parks, or other public facilities, including libraries and community centers.	LTS	None required	LTS
Impact PS-2: The project would not 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, nor would the project require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.	LTS	None required	LTS

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TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact C-PS-1: The project, when combined with cumulative projects, would not result in a significant cumulative impact on public service and recreational facilities.	LTS	None required	LTS
3.13 Transportation			
Impact TR-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	LTS	None required	LTS
Impact TR-2: The project would conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	S	**Mitigation Measure TR-2: Transportation Demand Management Plan and Hardscape Multimodal Improvements** 1. The project applicant shall implement the following measures at the conclusion of the Hospital Replacement construction and when the new hospital is operational: – Commute Trip Reduction Marketing and Education. The applicant would be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, with the aim of lowering the number of single occupancy vehicle trips and vehicle miles traveled (VMT). – The project applicant shall identify a transportation demand management (TDM) coordinator who shall be responsible for implementing the commute trip reduction marketing and education for the participation of 25 percent of eligible hospital employees. If the TDM coordinator changes, the Director of Planning, Building and Code Enforcement or the Director's designee shall be notified of the name and contact information of the newly designated TDM coordinator. 2. The project applicant shall implement multimodal network improvements (hardscape) to reduce the patient/visitor VMT for the Hospital Replacement and Hospital Replacement plus Future Campus Improvements Scenarios in compliance with the California Air Pollution Control Officers Association mitigation handbook; and consistent with the City of San José Transportation Analysis Handbook. Improvements could include: – Intersection/signal modifications adjacent to the project site to improve pedestrian and/or bicyclist safety/comfort; or	LTSM

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SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		– Other features such as curb extensions, ADA-compliant ramps, and crosswalk improvements that improve the pedestrian and biking experience. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report describing the plans and schedules for completing the agreed-upon improvements to the Director of Public Works, or the Director's designee, for review and approval. A copy of the report shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee.	
Impact TR-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	None required	LTS
Impact TR-4: The project would not result in inadequate emergency access.	LTS	None required	LTS
Impact C-TR-1: The project, when combined with cumulative projects, would not result in a cumulative transportation impact.	LTS	None required	LTS
3.14 Utilities and Service Systems			
Impact UT-1: The project would not 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.	LTS	None required	LTS

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TABLE S-1
SUMMARY OF IMPACTS AND MITIGATION

Impact Statement	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact UT-2: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.	LTS	None required	LTS
Impact UT-3: The project would 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.	LTS	None required	LTS
Impact UT-4: The project would not 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.	LTS	None required	LTS
Impact UT-5: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.	LTS	None required	LTS
Impact C-UT-1: The project, when combined with cumulative projects, would not result in significant cumulative utilities and service systems impacts.	LTS	None required	LTS

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CHAPTER 1
Introduction

1.1 Purpose of This Environmental Impact Report

The City of San José (City), as the lead agency, has prepared this draft environmental impact report (EIR) for the Kaiser Permanente San José Medical Center (project) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and San José Municipal Code Title 21. This EIR evaluates the whole of the project and cumulative impacts.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses the potential environmental impacts of a project and identifies mitigation measures and alternatives to the project that could reduce or avoid adverse environmental impacts. As the CEQA lead agency for this project, the City is required to consider the information in the EIR along with any other available information in deciding whether to approve the project.

The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

This EIR was prepared as an informational document that in and of itself does not determine whether the project or any component of it, such as proposed street network changes, will be approved. The EIR informs the planning and decision-making process by disclosing the potential for significant adverse impacts. In conformance with CEQA (California Public Resources Code Section 21000 et seq.), this EIR provides objective information addressing the environmental consequences of the project and identifies the means of reducing or avoiding its significant impacts where feasible. The CEQA Guidelines help define the role and expectations of this EIR as follows:

- **Informational Document.** An EIR is an informational document that informs public agency decision-makers and the public of the significant environmental effect(s) of a project, identifies feasible ways to avoid or minimize significant effects, and describes reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information contained in the administrative record (Section 15121(a)).
- **Degree of Specificity.** An EIR on a construction project necessarily will be more detailed in the specific effects of the project than an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction project can be predicted with greater accuracy (Section 15146).
- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a

decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a 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 (Section 15151).

- **Type of EIR.** An EIR can be tailored to different situations and intended uses, but all EIRs must meet the content requirements of Section 15120. This document is a project- and program-level EIR. The proposed new hospital, energy center, and parking garage are analyzed at a project level and collectively referred to as the "Hospital Replacement." The project-level analysis focuses primarily on the changes in the environment that would result from all phases of the project including planning, construction, and operation of the specific development project (Section 15161).

  The Future Campus Improvements are analyzed at a program level. The program-level analysis is appropriate for a project that will involve a series of actions that are (1) related geographically, (2) logical parts in a chain of contemplated actions, (3) connected as part of a continuing program, and (4) carried out under the same authorizing statute or regulatory authority and have similar environmental impacts that can be mitigated in similar ways (Section 15168).

1.2 Environmental Review Process

1.2.1 Notice of Preparation and Scoping

In accordance with CEQA Guidelines Sections 15063 and 15082, the City prepared a notice of preparation (NOP) for this EIR. The NOP provided a general description of the project and identified environmental impacts that could result from its implementation. The NOP was circulated to federal, state, and local agencies and other interested parties on May 17, 2023. The standard 30-day comment period was extended to 60 days due to an error in publishing the NOP in the local newspaper, and the comment period concluded on July 20, 2023.

The City held a joint community and environmental public scoping meeting on June 5, 2023, to discuss the project and solicit public input on the scope and contents of this EIR. The meeting was held remotely via Zoom.

The Department of Planning, Building, and Code Enforcement (PBCE) has considered the comments made by the public and agencies in response to the NOP, as summarized in **Table 1-1**. Comments on the NOP that relate to environmental issues are addressed and analyzed throughout this EIR. The scoping comments, as summarized in this table, also indicate areas of controversy known to the lead agency and issues to be resolved, per CEQA Guidelines Section 15123. **Appendix A** of this EIR includes the NOP and comments received on the NOP. While no formal written response to comments on the NOP is required by CEQA, comments relevant to environmental issues are reflected in the topical sections/analyses in the EIR.

TABLE 1-1
SUMMARY OF SCOPING COMMENTS

Topic	Comment
Air Quality	• Evaluate the air quality construction impacts
Biological Resources	• The environmental review should consider retaining some or all of the healthy, mature trees
Tribal Cultural Resources	• Include compliance with AB 52 tribal consultation requirements • Include mitigation measures to avoid or minimize impacts to tribal cultural resources
Geology and Soils	• Address liquefaction, groundshaking, and surface fault rupture hazards
Hydrology and Water Quality	• Active wells on the project site should be protected during construction to prevent damage.
Noise	• Evaluate construction-related noise impacts
Transportation and Circulation	• Apply Valley Transit Authority (VTA) thresholds for Congestion Management Program (CMP) intersections • Modify Camino Verde Drive/Santa Teresa Boulevard and Cottle Road/Hospital Parkway intersections to reduce speeding and create safer bicycle and pedestrian environments • Shared-use paths from Cottle Road and Santa Teresa Boulevard into the site, and also along Camino Verde Drive and Hospital Parkway should be considered. • Consider bus station improvements
Utilities and Service Systems	• Utilities within Pacific Gas and Electric Company (PG&E) property and/or easements and permitting requirements

1.2.2 Project Changes after the Notice of Preparation

Following the publication of the NOP, the project applicant made revisions to the project, which include the following:

- The six-level, 419,000-square-foot (sf) parking garage with 1,431 parking spaces was reduced to five-levels, 350,000 sf, and 1,040 parking spaces;
- The addition of an approximately 1-acre Construction Trailer Area at the Bright Horizons Day Care center rear yard adjacent to the east side of the project site for construction offices and approximately 44 parking spaces for construction staff; and
- Construction activities beyond normal hours (i.e., between 7:00 a.m. and 7:00 p.m.). Construction would occur between the hours of 6:00 a.m. and 7:00 p.m., five days a week, and on Saturdays between 8:00 a.m. and 5:00 p.m. In addition, activities such as concrete pours may require nighttime work on an as needed basis.

1.2.3 Draft Environmental Impact Report Public Review and Comment Period

CEQA Guidelines Section 15201 encourages public participation in the planning and environmental review processes. The public is invited to provide comments and concerns regarding the environmental issues that are addressed and analyzed throughout this EIR.

Publication of this draft EIR establishes the 45-day public review and comment period, which begins on February 23, 2024 and ends on April 11, 2024. During this period, the draft EIR will be

available to federal, state, and local agencies and interested organizations and individuals for review. Notice of this draft EIR will be sent directly to every agency, person, and organization that commented on the NOP.

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

Cort.Hitchens@sanjoseca.gov

During the 45-day public review and comment period, written comments regarding the environmental review contained in this draft EIR should be sent to:

City of San José, Department of Planning, Building, and Code Enforcement
Attn: Cort Hitchens, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

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

Cort.Hitchens@sanjoseca.gov

1.3 Final Environmental Impact Report and Responses to Comments

After the conclusion of the 45-day public review and comment period, the City will prepare a final EIR in conformance with CEQA Guidelines Section 15132. The final EIR will consist of:

- Revisions to the draft EIR text, as necessary;
- A list of individuals and agencies commenting on the draft EIR;
- Responses to comments received on the draft EIR, in accordance with CEQA Guidelines (Section 15088); and
- Copies of letters received on the draft EIR.

CEQA Guidelines Section 15091(a) stipulates that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings. If the lead agency approves a project even though it would result in significant adverse environmental impacts that cannot be mitigated to a less-than-significant level, the agency must state the reasons for its action in writing. This "statement of overriding considerations" must be included in the record of project approval.

If the project is approved, the City of San José will file a notice of determination, which will be available for public inspection and posted within 24 hours of receipt at the Santa Clara 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 (CEQA Guidelines Section 15094(g)).

1.4 Organization of This EIR

This EIR is organized into six chapters, as described below:

- ***Summary*.** This chapter provides a summary of project and the necessary approvals; the environmental impacts that would result from the project; mitigation measures identified to reduce or eliminate these impacts; project alternatives; and areas of known controversy and issues to be resolved.
- **Chapter 1, *Introduction*.** This chapter summarizes the project and describes the type, purpose, and function of the EIR; the environmental review process and comments received on the NOP; and the organization of the EIR.
- **Chapter 2, *Project Description*.** This chapter presents objectives of the applicant, the location of the site and project boundaries, characteristics of the project, and required approval actions by the City and other agencies.
- **Chapter 3, *Environmental Setting, Impacts, and Mitigation*.** This chapter includes introductory material regarding the purpose of the EIR and its scope and approach to the analysis of a comprehensive range of environmental resource topics. Each topic section then presents the environmental setting; regulatory framework; approach to analysis; project-specific and cumulative impacts; and mitigation measures, when appropriate. This chapter contains the following sections and environmental resource topics:
  - 3.1, Air Quality
  - 3.2, Biological Resources
  - 3.3, Cultural Resources and Tribal Cultural Resources
  - 3.4, Energy
  - 3.5, Geology, Soils, and Paleontological Resources
  - 3.6, Greenhouse Gas Emissions
  - 3.7, Hazards and Hazardous Materials
  - 3.8, Hydrology and Water Quality
  - 3.9, Land Use and Planning
  - 3.10, Noise and Vibration
  - 3.11, Population and Housing
  - 3.12, Public Services and Recreation
  - 3.13, Transportation
  - 3.14, Utilities and Service Systems
  - 3.15, Effects Not Found to Be Significant
- **Chapter 4, *Other CEQA Issues*.** This chapter addresses potential growth-inducing impacts of the project and identifies significant effects that cannot be avoided if the project is implemented, as well as significant irreversible environmental changes that would occur with the project.
- **Chapter 5, *Alternatives*.** This chapter presents and evaluates the no project alternative and three other alternatives to the project that could feasibly attain most of the project objectives and avoid or substantially lessen identified significant adverse impacts. This

chapter also describes other alternatives that were considered but were not analyzed in detail and explains the reasons for this decision. Alternatives evaluated in this chapter include the following:

  - Alternative A: No Project Alternative
  - Alternative B: Reduced Development Alternative
  - Alternative C: New Hospital and Retrofit of Existing Hospital for Future Medical Office Building (MOB)
  - Alternative D: Seismic Upgrade of Existing Hospital

- **Chapter 6, *Lead Agency and Preparers*.** This chapter lists the EIR lead agency and consultants.
- ***Appendices*.** The following appendices are included in this EIR:
  - Appendix A, Notice of Preparation and Comments Received
  - Appendix B, Air Quality Supporting Information
  - Appendix C, Plant and Wildlife Species Lists for the Project Area
  - Appendix D, Historic Resources Evaluation Report
  - Appendix E, Geotechnical Report
  - Appendix F, Greenhouse Gas Reduction Strategy Compliance Checklist
  - Appendix G1, Phase I Environmental Site Assessment (San José Medical Center Campus)
  - Appendix G2, Phase I Environmental Site Assessment (Construction Trailer Area)
  - Appendix H, Noise and Vibration Supporting Information
  - Appendix I1, Transportation Analysis
  - Appendix I2, Local Transportation Analysis
  - Appendix J, Water Supply Assessment

CHAPTER 2
Project Description

2.1 Project Overview

Kaiser Foundation Hospitals (Kaiser Permanente), the project applicant, proposes to demolish the existing approximately 250,000-square-foot (sf) hospital and construct a new, approximately 685,000 sf hospital (including basement), a new central utility plant (energy center), and a parking structure at their San José Medical Center campus ("SJMC campus" or "campus"). Other expected future campus improvements would include demolition of two one-story medical offices (each approximately 10,100 sf), sustainable electricity generation features and technology, and construction of a an approximately 250,000 sf outpatient facility and a parking garage. The project would require construction activities that would extend beyond normal hours as established in the City of San José Municipal Code Section 20.100.450 (i.e., between 7:00 a.m. and 7:00 p.m.). Construction would occur between the hours of 6:00 a.m. and 7:00 p.m., five days a week, and on Saturdays between 8:00 a.m. and 5:00 p.m.

The existing hospital was constructed in 1974 and has a Seismic Performance Category rating of 2.[5] Under California Senate Bill (SB) 1953, the hospital would be required to implement seismic upgrades or be replaced in order to continue to provide acute care services beyond 2030. Given the age of the hospital structure, advancements in medical technology, and changes to service delivery models, Kaiser Permanente has determined that a hospital replacement would most effectively enable successful provision of services to members with limited service disruptions, and is the most cost-effective approach to meeting state mandated seismic requirements. The future improvements would allow Kaiser to serve the growing community.

The project is subject to review under the California Environmental Quality Act (CEQA). The City of San José is serving as the Lead Agency under CEQA for the project. This Environmental Impact Report (EIR) has been prepared in accordance with CEQA to analyze potential environmental impacts that could result from implementation of the project. This EIR provides project-level analysis of near-term projects and activities proposed for the initial phase of implementation that are planned for completion by 2030. This EIR also provides a programmatic analysis of campus improvements that are projected to occur after 2030.

[5] California Department of Health Care Access and Information, SPC/NPC Ratings of Acute Care Hospital Buildings as of 3/9/2023, hcai.ca.gov/wp-content/uploads/2023/03/SPCNPCList03092023.pdf, accessed March 23, 2023.

2.2 SJMC Campus Site Location

The SJMC campus and project site are located at 250 Hospital Parkway. **Figure 2-1** presents an aerial view of the SJMC campus site location and vicinity. The SJMC campus is located on an approximately 40-acre site and bounded by Highway 85 and the Valley Transit Authority (VTA) Cottle Light Rail Station and parking lot to the north; Cottle Road to the west; Santa Teresa Boulevard to the south; and Liska Lane to the east. Hospital Parkway, Camino Verde, and International Boulevard provide access to and through the campus. The campus is surrounded by urban uses, including a gas station at the northeast corner of Cottle Road and Santa Teresa Boulevard adjacent to the campus; commercial uses to the south; the Oakridge Palmia residential neighborhood and daycare and pre-school to the west; and the Santa Teresa Branch Library, daycare, and residential uses to the east.

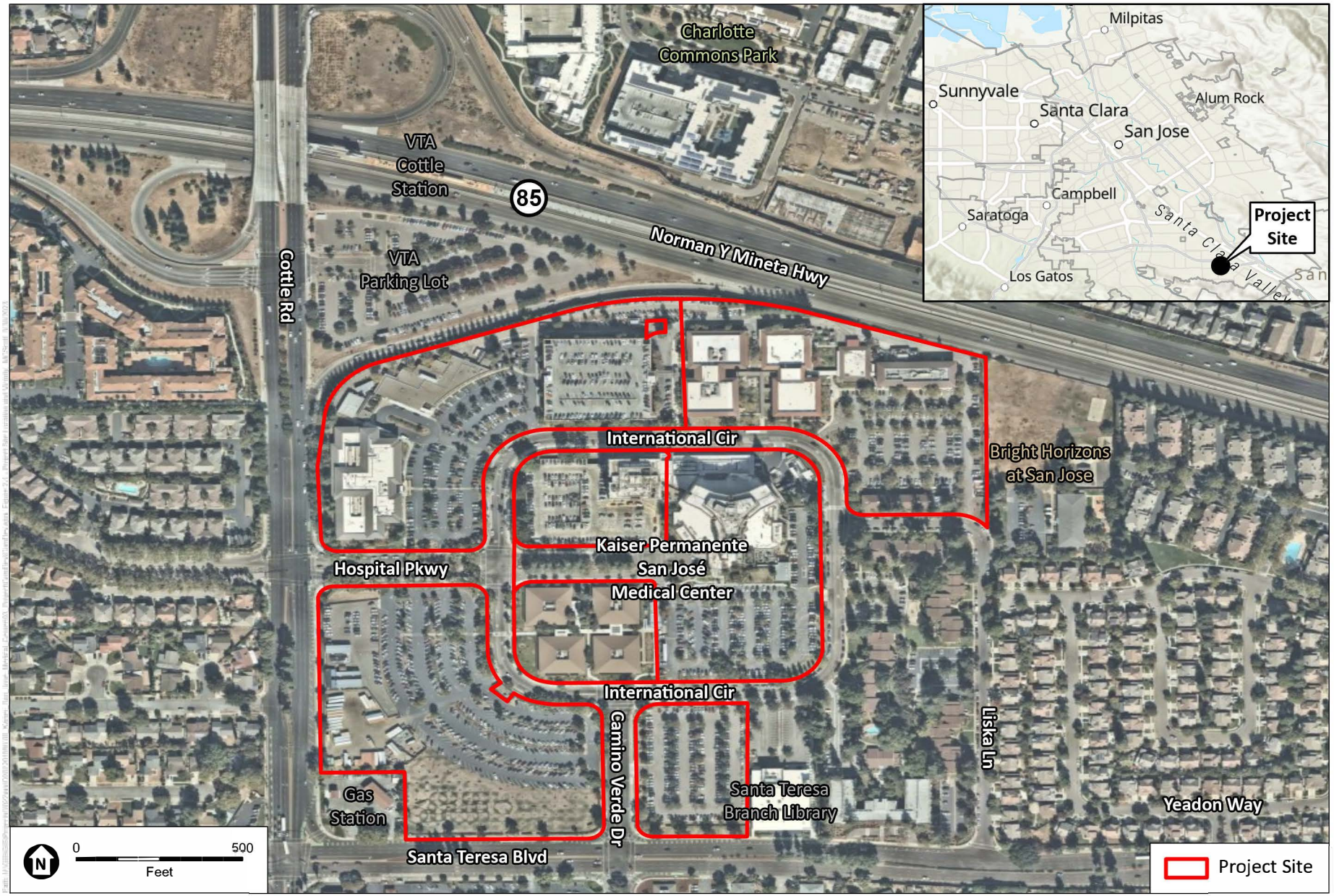
2.3 Existing SJMC Campus Site Characteristics

The existing approximately 40-acre SJMC campus contains approximately 675,000 sf of hospital and medical office space. The campus is located at 250 Hospital Parkway and comprises multiple structures and APNs (APN 706-05-011; 706-05-025; 706-05-017; 706-05-037; 706-05-020; 706-05-032; and 706-05-035).[6] The majority of the campus is developed and includes the existing hospital and emergency department, medical office buildings, one administrative building, two parking structures, surface parking, and support uses. The campus provides both outpatient and inpatient clinical services.

The core of the campus is encircled by International Circle and contains the approximately 250,000 sf seven-story hospital and emergency department with 247 patient beds (250 Hospital Parkway), an eight-story medical office building (275 Hospital Parkway), medical office buildings A through D (280 Hospital Parkway), and associated parking lots. The portion of the campus located north of Hospital Parkway and International Circle is developed with a one-story outpatient surgery building (274 International Circle), four medical office buildings ranging between two to three stories (256, 270, and 277 International Circle), a five-level parking structure, a one-story administration building (258 International Circle), and a two-story facility engineering building (255 International Circle). The total medical office space is approximately 425,000 square feet. The portion of the campus located south of Hospital Way and International Circle is currently developed with surface parking lots, portions of which are currently occupied by temporary portable buildings (284 Hospital Parkway) and tents associated with the COVID-19 testing and vaccine distribution. **Figure 2-2** presents the existing campus buildings.

Primary vehicular, pedestrian, and bicycle access into and out of the site is from Cottle Road and Santa Teresa Boulevard. Hospital Parkway is an east–west roadway within the site that provides connections to Cottle Road and International Circle. Hospital Parkway has four lanes (two lanes in each direction). International Circle encircles the central portion of the campus where the existing hospital is located and provides connections to Hospital Parkway and Camino Verde

[6] Other addresses assigned to the site include 255, 256, 258, 260, 270, 274, 275, 276, and 280 Hospital Parkway and 1275 International Circle.



SOURCE: ESA, 2023

Kaiser Permanente San José Medical Center

Figure 2-1
Campus Site Location and Vicinity

ESA

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SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

Figure 2-2
Existing Kaiser Permanente San José Medical Center Campus Site

ESA

Drive. International Circle has two lanes (one lane in each direction). Camino Verde Drive is a two-lane (one in each direction) north–south roadway that provides connections to Santa Teresa Boulevard and International Circle. The existing hospital is served by a vehicle turnaround at the east end of Hospital Parkway[7] that provides passenger pickup/drop off. A driveway on International Circle along the north side of the hospital provides ambulance access to the hospital.

The current worker population at the SJMC campus, which includes support staff, nurses, and physicians, is approximately 3,755 employees, of which 2,055 are associated with the existing hospital. Approximately 2,975 support the day shift and 780 support the evening/night shifts (combined). The average daily patient population at the existing hospital is approximately 247 people.

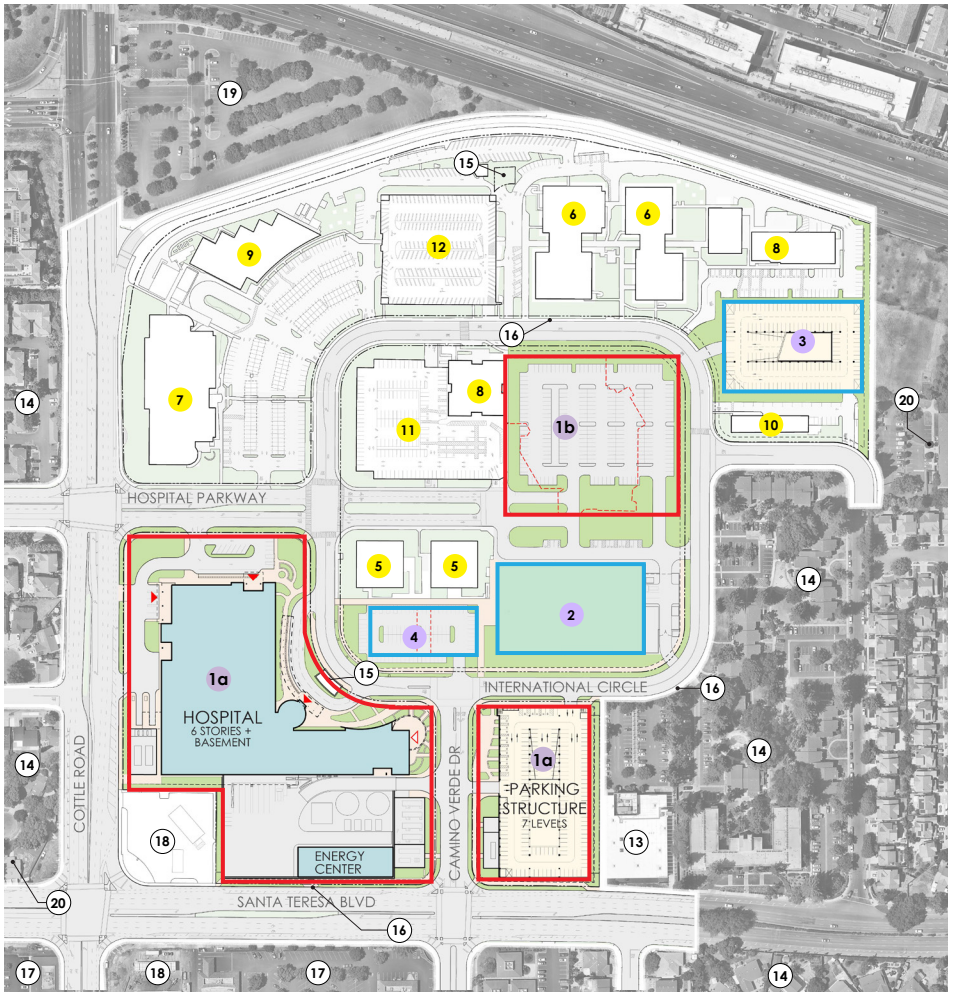
2.4 Construction of a New Hospital, Energy Center, Parking Garage, and Demolition of the Existing Hospital

As discussed above, this EIR includes a project-level analysis for demolition of the existing, approximately 250,000 sf hospital and construction of a new, approximately 685,000 sf hospital, an approximately 35,000 sf energy center, and a five-level parking structure (see **Figure 2-3**) referred to as the "Hospital Replacement" in this EIR. This EIR also includes a programmatic analysis of improvements planned for completion after 2030, which would include demolition of two one-story approximately 10,100 sf medical office buildings, construction of an approximately 250,000 sf, four- to six-story medical office building, a five-level parking garage, and additional surface parking. Each of these components is described below and summarized in **Table 2-1**.

2.4.1 New Hospital and Energy Center

The new approximately 685,000 sf, 110-foot-tall, six-story hospital including a basement level would be constructed in the southwest corner of the campus where surface parking is currently located. The proposed hospital would have 303 beds, which constitutes a net increase of 56 beds from the existing hospital. **Figure 2-4** illustrates the proposed site plan. **Figure 2-5** and **Figure 2-6** show the conceptual building elevations of the proposed hospital. The new hospital would be approximately 435,000 sf larger than the existing hospital. Factors informing the size of the new hospital include the need to comply with applicable building codes and regulations that require taller floor heights and additional space to meet current building code clearances for beds and other mobile equipment, as well as the need to right-size the facility to include private patient rooms and improve staff and patient safety, daylighting, lines of sight from nursing stations, HVAC efficiency, acoustics, and operational efficiencies. Other amenities of the new hospital would include a healing garden, outdoor seating areas, and an outdoor dining area adjacent to the hospital café.

[7] The portion of Hospital Parkway inside International Circle is privately owned.



LEGEND

NEAR-TERM PROJECT

NEAR-TERM PROJECT CONSTRUCTION AREAS

1a NEW HOSPITAL, ENERGY CENTER, AND PARKING GARAGE

1b DEMOLISH EXISTING HOSPITAL + ADD SURFACE PARKING

PROJECTED FUTURE CAMPUS IMPROVEMENTS

PROJECTED FUTURE CAMPUS IMPROVEMENTS CONSTRUCTION AREAS

2 MEDICAL OFFICE BUILDING, 4-6 STORIES (DEMOLISH EXISTING SURFACE PARKING)

3 PARKING STRUCTURE, UP TO 6 LEVELS (DEMOLISH EXISTING SURFACE PARKING)

4 DEMOLISH SINGLE-STORY MEDICAL OFFICE BUILDINGS AND ADD SURFACE PARKING

NOTE: THIS SITE PLAN SHOWS THE POTENTIAL FUTURE SCOPE, AFTER THE NEW HOSPITAL IS OPEN, SUBMITTED FOR PROGRAM LEVEL APPROVAL

OTHER KAISER PERMANENTE EXISTING BUILDINGS

5 EXISTING MEDICAL OFFICE BUILDING, 1-STORY

6 EXISTING MEDICAL OFFICE BUILDING, 2-STORY

7 EXISTING MEDICAL OFFICE BUILDING, 3-STORY

8 EXISTING MEDICAL OFFICE BUILDING, 8-STORY

9 EXISTING OUTPATIENT SURGERY BUILDING, 1-STORY

10 EXISTING FACILITY ENGINEERING BUILDING, 2-STORY

11 EXISTING PARKING STRUCTURE, 2-LEVEL

12 EXISTING PARKING STRUCTURE, 5-LEVEL

SURROUNDING USE, OTHER NOTES

13 PUBLIC LIBRARY

14 RESIDENTIAL

15 EXISTING UTILITY, OWNED BY OTHERS

16 BUS STOP

17 COMMERCIAL / RETAIL

18 GAS STATION

19 VTA LIGHT RAIL PARKING

20 DAY CARE

SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

Figure 2-3

Proposed Campus Plan (Project-Level and Projected Future Campus Improvements)

ESA

TABLE 2-1
SJMC CAMPUS PROPOSED LAND USE PROGRAM

Project Component	Existing	Proposed	Net New
Hospital Replacement			
Hospital	250,000 sf	685,000 sf	+435,000 sf
Height	90 feet (7 stories)	110 feet (6 stories)	+20 feet
Beds	247 beds	303 beds	+56 beds
Energy Center	—[a]	35,000 sf	+35,000 sf
Height	—	35 feet	—
Parking Structure	606 spaces[b]	1,040 spaces[c]	+434 spaces
Structure Size	—	350,000 sf	+350,000 sf
Height	—	55 feet (5 stories)	—
Total	***250,000 sf***	***1,070,000 sf***	***+820,000 sf***
Future Campus Improvements			
Medical Office	425,000 sf[d]	250,000 sf (4–6 stories)	229,800 sf[e]
Parking	1,982 spaces[f]	2,557 spaces[g]	575 spaces

SOURCE: Kaiser Permanente 2023

NOTES:

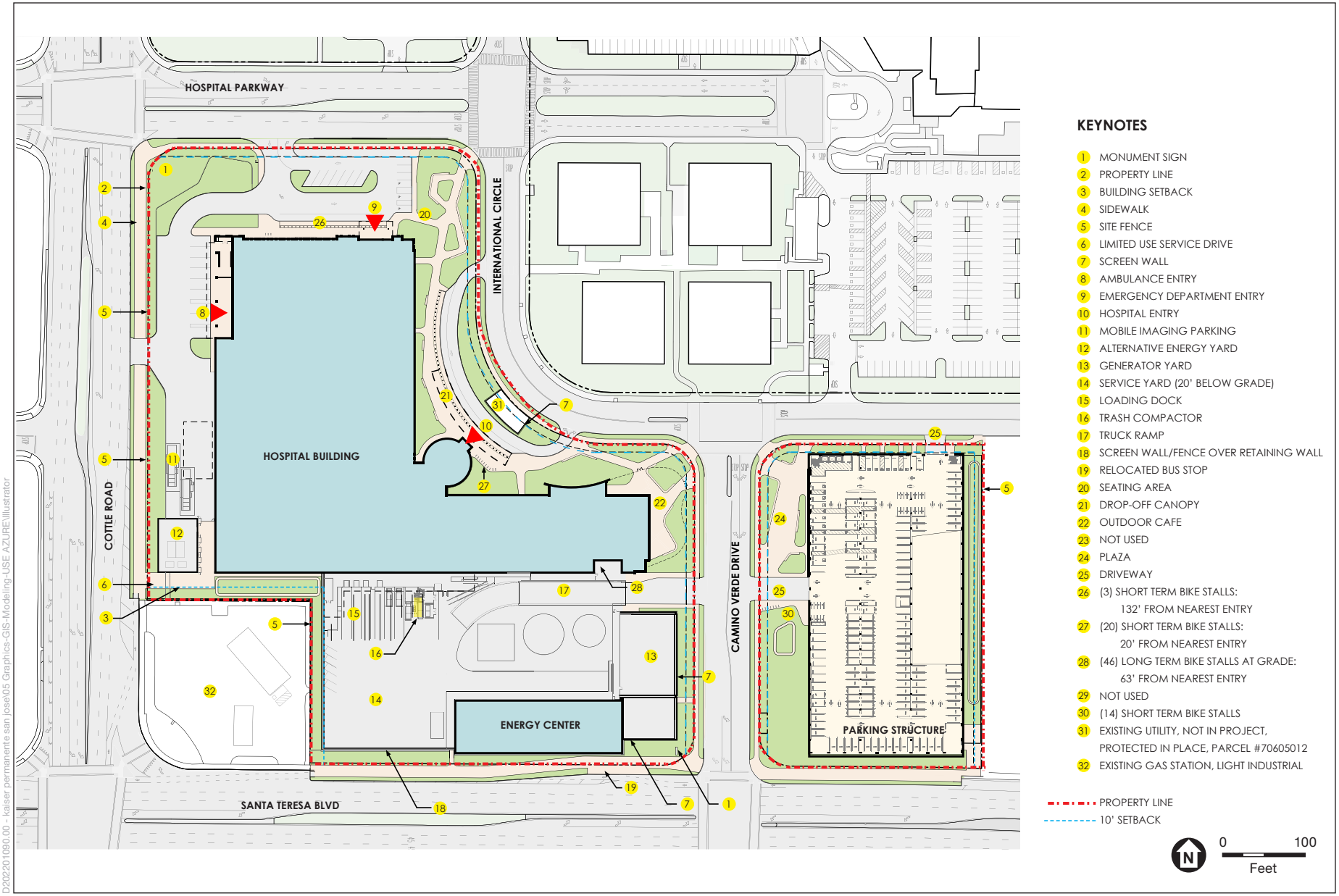
a. The existing energy center is part of the hospital's 250,000 sf.
b. Includes only surface parking spaces displaced by the new hospital and parking garage.
c. 1,015 spaces in the five-level parking garage and 25 at grade spaces at the new hospital site.
d. 20,200 sf of medical office would be demolished.
e. (20,200 sf) demolished + 250,000 sf new construction = 229,800 net new sf
f. Includes 471 surface parking spaces displaced by the new medical office and parking garage.
g. 1,982 existing spaces retained – 471 spaces displaced + 1,046 new spaces = 2,557 spaces

The main entrance of the new hospital would be located on the east side of the building facing International Circle, with a new vehicle drive for passenger pickup/drop off. The emergency department entrance would be located on the north side of the hospital and accessed from Hospital Parkway. Ambulances would access the new hospital from Cottle Road and would have direct access to services in the emergency department. A new service driveway would be located on Camino Verde Drive on the south side of the new hospital, leading to a below grade loading dock and service yard.

The new hospital would have approximately 2,877 employees, consisting of nurses, physicians, and support staff, of which approximately 1,785 that would support the day shift and approximately 1,092 that would support the evening/night shift (combined).[8] The new hospital would result in an increase of 822 employees compared to the existing hospital.

An approximately 35-foot-tall, 35,000 sf energy center would house the main electrical, mechanical, and plumbing equipment to supply the new hospital and would be located on the

[8] The increase of 822 hospital employees is due to the right-sizing of the hospital. The addition of beds and associated mechanical equipment to support the larger hospital operations requires more staff such as nurses, physicians, engineering, and maintenance staff.



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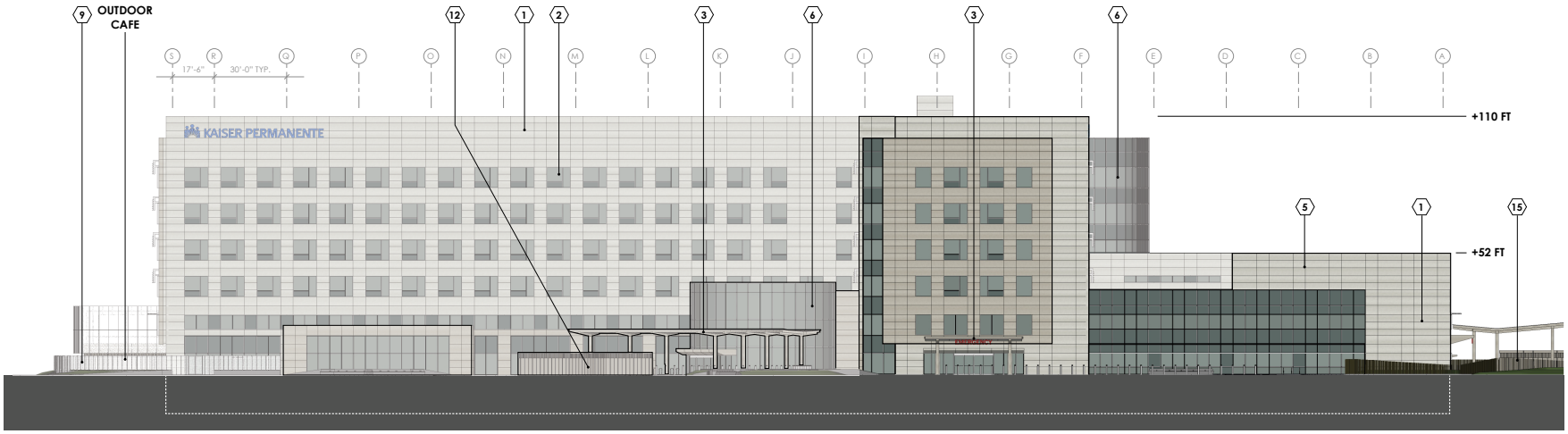
SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

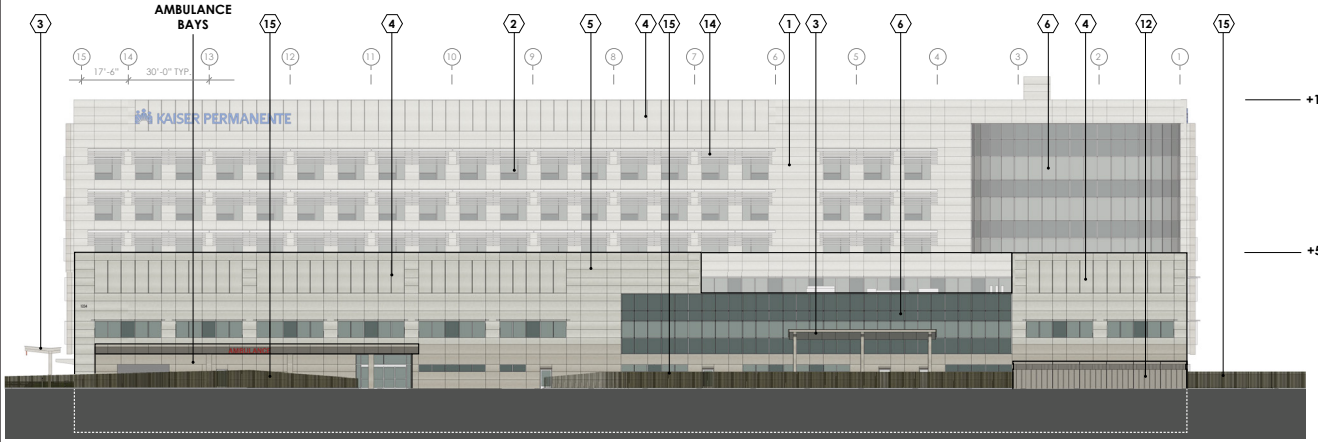
Figure 2-4

Proposed New Hospital, Energy Center, and Parking Garage Site Plan (Project-Level)

ESA



HOSPITAL NORTH ELEVATION



HOSPITAL WEST ELEVATION

BUILDING ELEVATION LEGEND

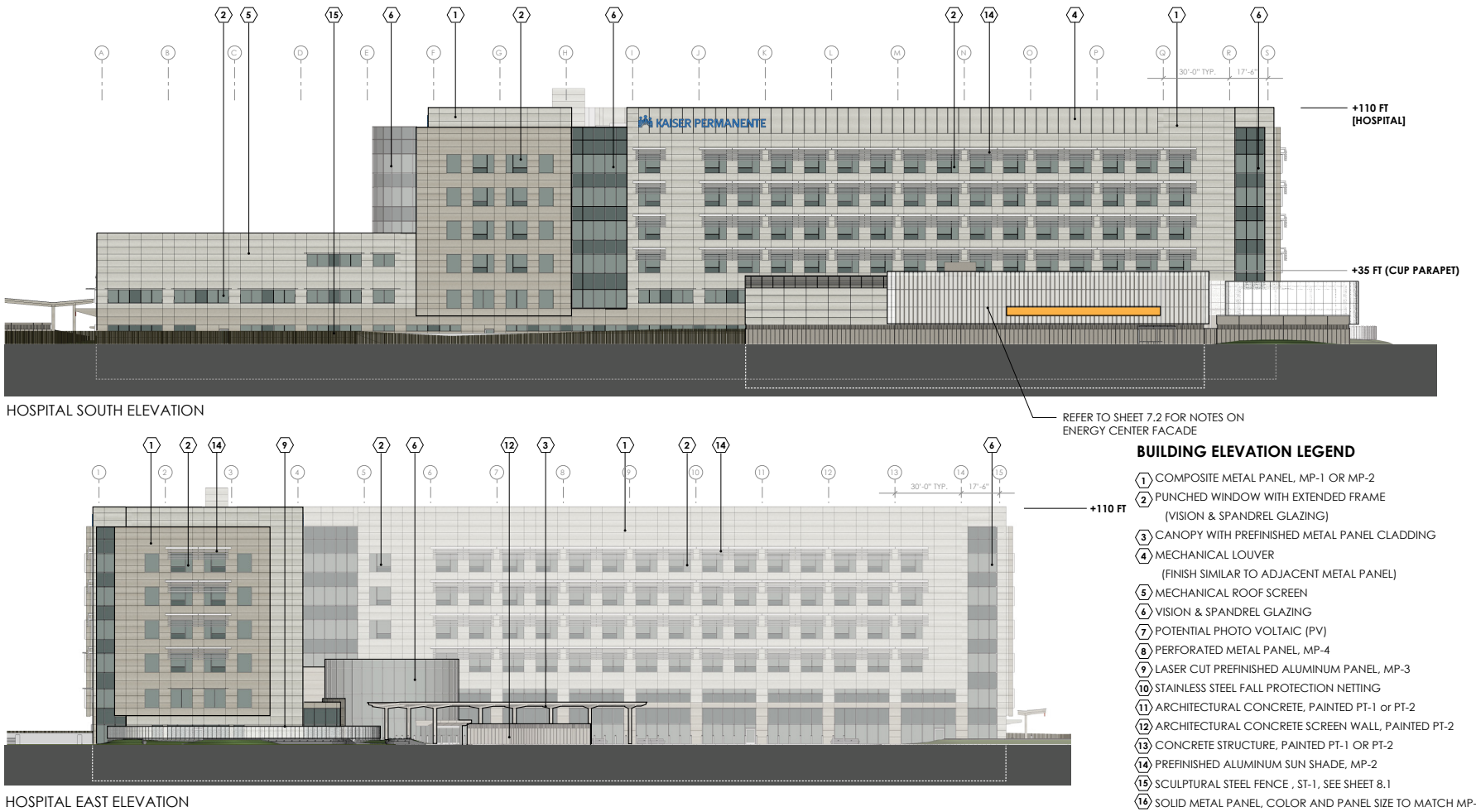
1. COMPOSITE METAL PANEL, MP-1 OR MP-2
2. PUNCHED WINDOW WITH EXTENDED FRAME (VISION & SPANDREL GLAZING)
3. CANOPY WITH PREFINISHED METAL PANEL CLADDING
4. MECHANICAL LOUVER (FINISH SIMILAR TO ADJACENT METAL PANEL)
5. MECHANICAL ROOF SCREEN
6. VISION & SPANDREL GLAZING
7. POTENTIAL PHOTO VOLTAIC (PV)
8. PERFORATED METAL PANEL, MP-4
9. LASER CUT PREFINISHED ALUMINUM PANEL, MP-3
10. STAINLESS STEEL FALL PROTECTION NETTING
11. ARCHITECTURAL CONCRETE, PAINTED PT-1 or PT-2
12. ARCHITECTURAL CONCRETE SCREEN WALL, PAINTED PT-2
13. CONCRETE STRUCTURE, PAINTED PT-1 OR PT-2
14. PREFINISHED ALUMINUM SUN SHADE, MP-2
15. SCULPTURAL STEEL FENCE , ST-1, SEE SHEET 8.1
16. SOLID METAL PANEL, COLOR AND PANEL SIZE TO MATCH MP-4

SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

Figure 2-5
Proposed New Hospital North and West Elevations

ESA



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SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

Figure 2-6
Proposed New Hospital South and East Elevations

project site south of the new hospital along the Santa Teresa Boulevard frontage (see Figure 2-4). The energy center would be an all-electric facility demonstrating Kaiser Permanente's commitment to sustainability and healthy communities; and is in alignment with San José's Climate Smart initiative to reduce the effects of greenhouse gases on the climate and environment. The energy center would provide heating, cooling, and hot water to the new hospital without the use of natural gas. **Figure 2-7** shows the conceptual building elevations of the energy center. Adjunct to the energy center are alternative energy yards located adjacent to the southwest corner of the hospital along Cottle Road and to the east of the proposed parking garage.

Hospitals are required to be capable of operating without interruption through any major seismic or weather event to serve the community at times of emergency. To ensure continuous power without interruption, three 3,356 horsepower (HP) emergency diesel generators would be located adjacent to the energy center. These generators would support essential hospital operations for a minimum of 72 hours in the case of power disruption.

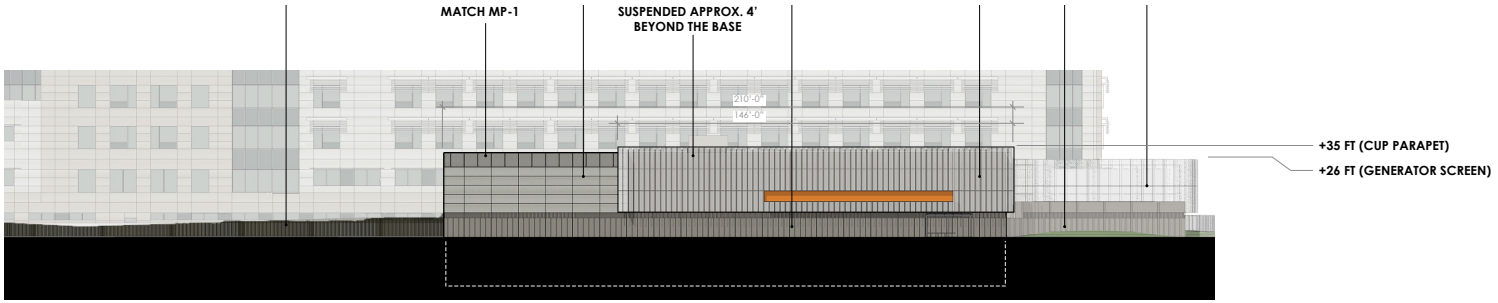
2.4.2 Parking Garage[9]

A five-level, approximately 350,000 sf parking garage would be constructed on the campus at the northeast corner of Camino Verde Drive and Santa Teresa Boulevard, east of the new hospital on what is currently a surface parking lot. The parking garage would provide 1,015 spaces (including approximately 103 electric vehicle spaces) and would replace the loss of 606 parking spaces displaced by the new hospital and parking garage, for a net increase of 409 spaces in this location of the campus. The parking garage would be accessed from driveways on Camino Verde Drive and International Circle on the west and north sides, respectively. **Figure 2-8** and **Figure 2-9** show the conceptual building elevations of the parking garage.

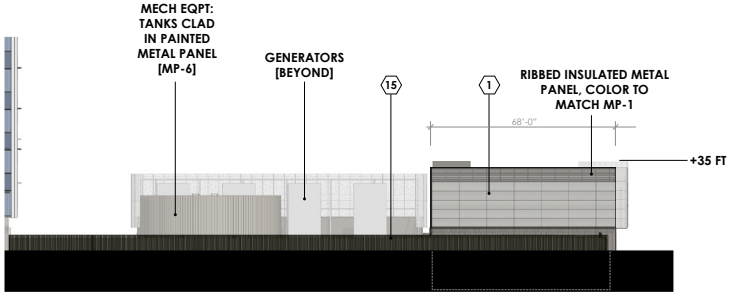
2.4.3 Construction Trailer Area

Prior to construction of the Hospital Replacement, an approximately 1-acre area of the Bright Horizons Day Care center rear yard adjacent to the east side of the project site would be prepared for the installation of temporary construction trailer offices and approximately 44 parking spaces for construction staff (Construction Trailer Area). Site preparation would include shallow trenching for utilities to connect to the campus' existing infrastructure (e.g., water, sewer, and electricity), grading, hauling soil, gavel laydown, and paving over a period of 3 weeks. Approximately 26 construction trailers would be brought on-site via semitrucks. Once the trailers are on-site, they would be connected together followed by interior finishing over approximately 2 months. No construction materials would be stored in this area. Fencing would be installed to create a barrier between the day care and construction offices. After construction of the Hospital Replacement is completed, the construction trailers, fencing, gravel, and paving would be removed, and this area would be restored to existing conditions. **Figure 2-10** shows the conceptual site plan for the Construction Trailer Area.

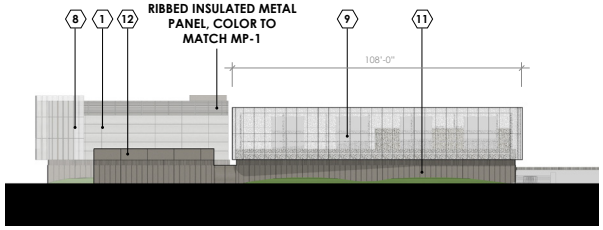
[9] This section describes the parking garage. Total new parking, including surface spaces around the new hospital would be 1,040 spaces for a total net increase of 434 spaces.



ENERGY CENTER SOUTH ELEVATION



ENERGY CENTER WEST ELEVATION



ENERGY CENTER EAST ELEVATION

BUILDING ELEVATION LEGEND

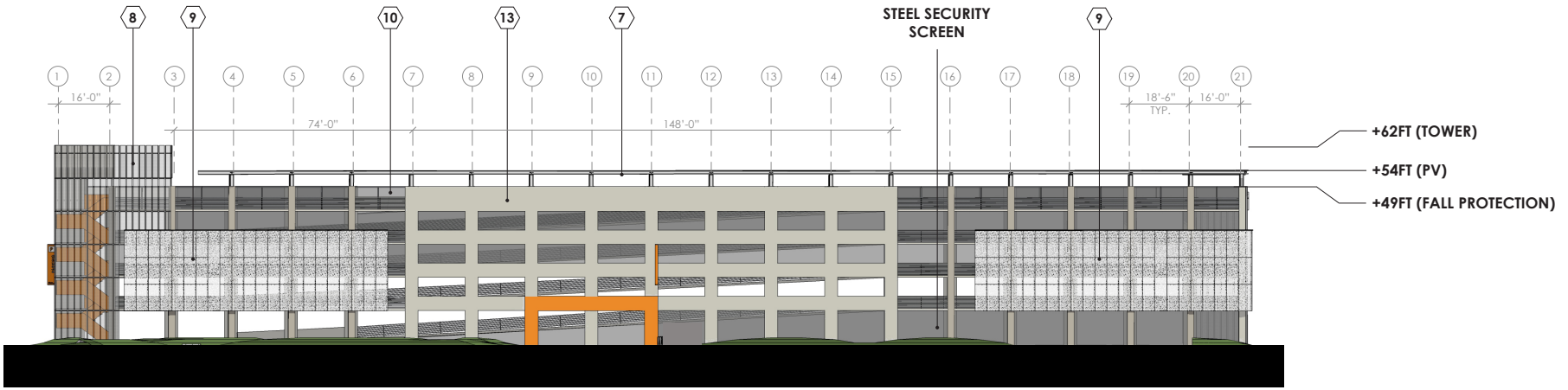
1. COMPOSITE METAL PANEL, MP-1 OR MP-2
2. PUNCHED WINDOW WITH EXTENDED FRAME (VISION & SPANDREL GLAZING)
3. CANOPY WITH PREFINISHED METAL PANEL CLADDING
4. MECHANICAL LOUVER (FINISH SIMILAR TO ADJACENT METAL PANEL)
5. MECHANICAL ROOF SCREEN
6. VISION & SPANDREL GLAZING
7. POTENTIAL PHOTO VOLTAIC (PV)
8. PERFORATED METAL PANEL, MP-4
9. LASER CUT PREFINISHED ALUMINUM PANEL, MP-3
10. STAINLESS STEEL FALL PROTECTION NETTING
11. ARCHITECTURAL CONCRETE, PAINTED PT-1 or PT-2
12. ARCHITECTURAL CONCRETE SCREEN WALL, PAINTED PT-2
13. CONCRETE STRUCTURE, PAINTED PT-1 OR PT-2
14. PREFINISHED ALUMINUM SUN SHADE, MP-2
15. SCULPTURAL STEEL FENCE , ST-1, SEE SHEET 8.1
16. SOLID METAL PANEL, COLOR AND PANEL SIZE TO MATCH MP-4

SOURCE: Stantec, 2023; SANDIS, 2023

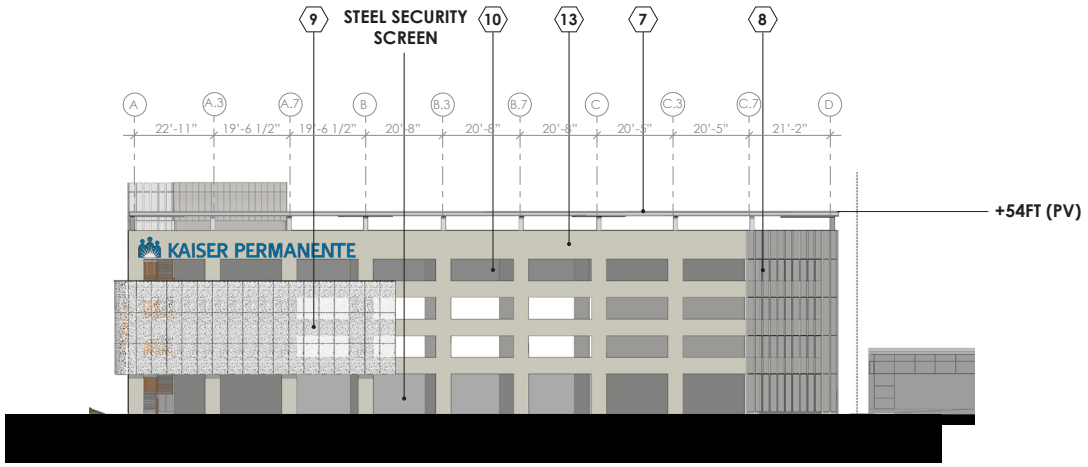
Kaiser Permanente San José Medical Center

Figure 2-7
Proposed Energy Center Elevations

ESA



PARKING WEST ELEVATION



PARKING SOUTH ELEVATION

BUILDING ELEVATION LEGEND

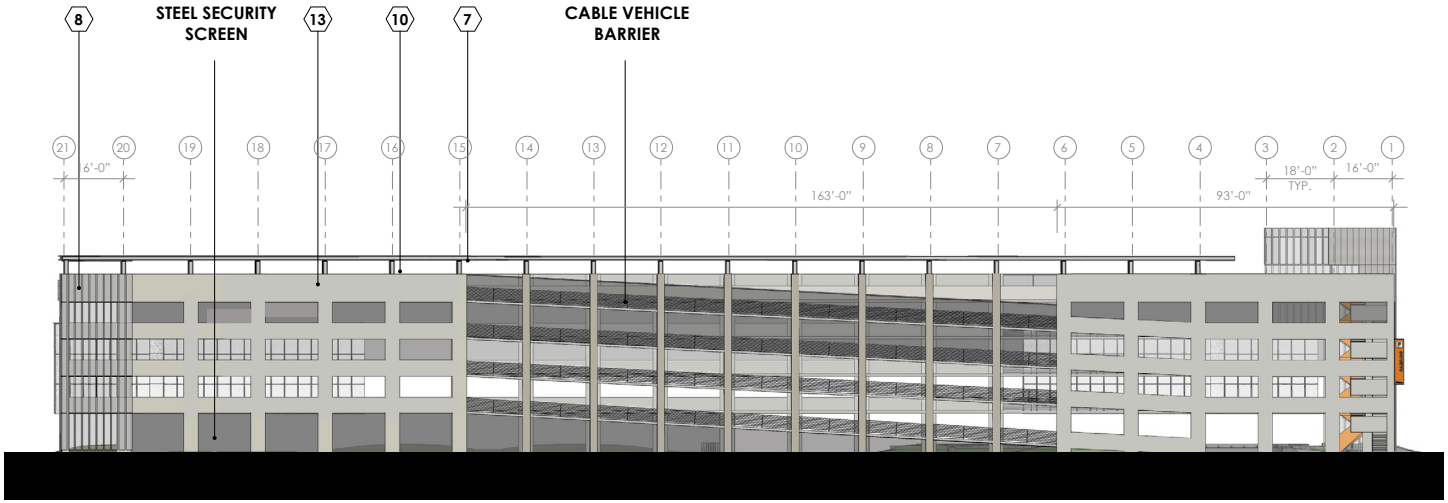
1. COMPOSITE METAL PANEL, MP-1 OR MP-2
2. PUNCHED WINDOW WITH EXTENDED FRAME (VISION & SPANDREL GLAZING)
3. CANOPY WITH PREFINISHED METAL PANEL CLADDING
4. MECHANICAL LOUVER (FINISH SIMILAR TO ADJACENT METAL PANEL)
5. MECHANICAL ROOF SCREEN
6. VISION & SPANDREL GLAZING
7. POTENTIAL PHOTO VOLTAIC (PV)
8. PERFORATED METAL PANEL, MP-4
9. LASER CUT PREFINISHED ALUMINUM PANEL, MP-3
10. STAINLESS STEEL FALL PROTECTION NETTING
11. ARCHITECTURAL CONCRETE, PAINTED PT-1 or PT-2
12. ARCHITECTURAL CONCRETE SCREEN WALL, PAINTED PT-2
13. CONCRETE STRUCTURE, PAINTED PT-1 OR PT-2
14. PREFINISHED ALUMINUM SUN SHADE, MP-2
15. SCULPTURAL STEEL FENCE , ST-1, SEE SHEET 8.1
16. SOLID METAL PANEL, COLOR AND PANEL SIZE TO MATCH MP-4

SOURCE: Stantec, 2023; SANDIS, 2023

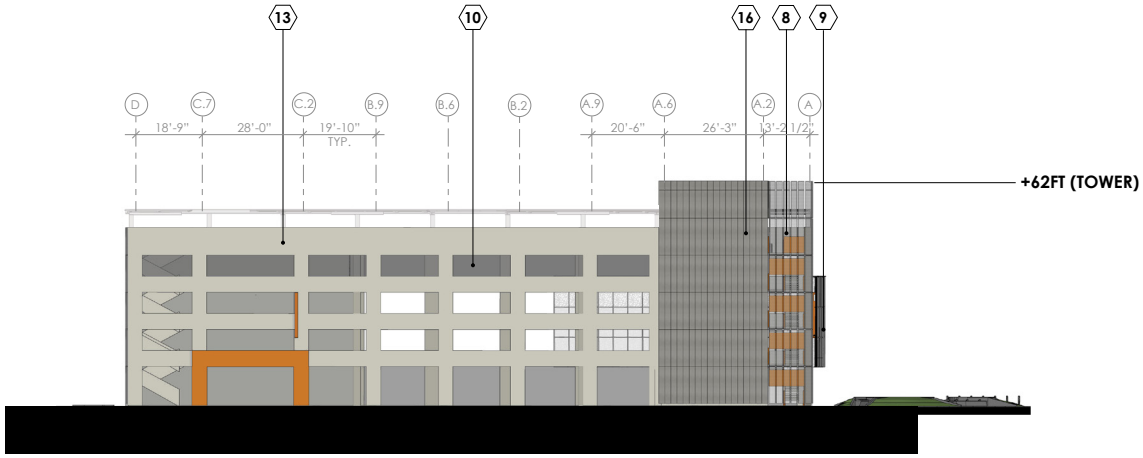
Kaiser Permanente San José Medical Center

Figure 2-8
Proposed Parking Garage West and South Elevations

ESA



PARKING EAST ELEVATION



PARKING NORTH ELEVATION

BUILDING ELEVATION LEGEND

1. COMPOSITE METAL PANEL, MP-1 OR MP-2
2. PUNCHED WINDOW WITH EXTENDED FRAME (VISION & SPANDREL GLAZING)
3. CANOPY WITH PREFINISHED METAL PANEL CLADDING
4. MECHANICAL LOUVER (FINISH SIMILAR TO ADJACENT METAL PANEL)
5. MECHANICAL ROOF SCREEN
6. VISION & SPANDREL GLAZING
7. POTENTIAL PHOTO VOLTAIC (PV)
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12. ARCHITECTURAL CONCRETE SCREEN WALL, PAINTED PT-2
13. CONCRETE STRUCTURE, PAINTED PT-1 OR PT-2
14. PREFINISHED ALUMINUM SUN SHADE, MP-2
15. SCULPTURAL STEEL FENCE , ST-1, SEE SHEET 8.1
16. SOLID METAL PANEL, COLOR AND PANEL SIZE TO MATCH MP-4

SOURCE: Stantec, 2023; SANDIS, 2023

Kaiser Permanente San José Medical Center

Figure 2-9
Proposed Parking Garage East and North Elevations

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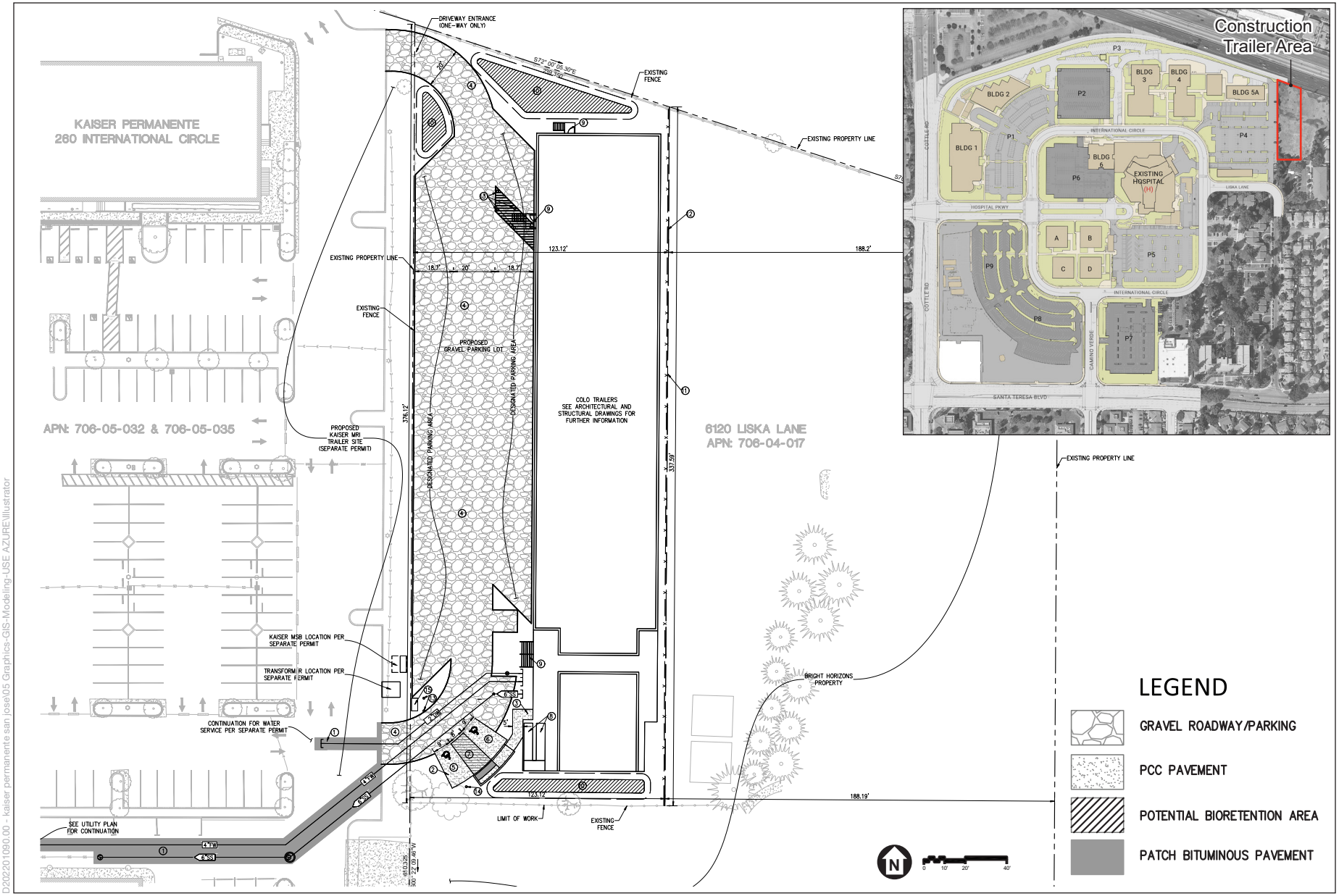


SOURCE: Rudolph and Sletten, Stantec 2024

Kaiser Permanente San José Medical Center

Figure 2-10
Construction Trailer Area

ESA

2.4.4 Interim Use and Demolition of the Existing Hospital

While the new hospital is under construction, the existing hospital would continue to function in full capacity. Once the new hospital is operational, Kaiser Permanente would begin the decommissioning and demolition process of the existing hospital. This EIR provides a project-level analysis of the existing hospital demolition.

2.4.5 Interim Parking

The project would require temporary off-site parking for a period of approximately 2 years, until the proposed parking garage is completed (2025–2026). Maximization of on-site parking during construction is being evaluated but up to 1,200 off-site parking spaces may be needed for physicians and staff. Patients and visitors would continue to use on-site parking. Various existing and underutilized parking lots within a 2-mile radius of the campus are under consideration for a short-term lease. Construction of a temporary parking lot is also being considered as an option. Although no formal agreements with landowners have been made, there are several potential vacant sites within the same 2-mile radius, including sites off Santa Teresa Boulevard east of the project site. Shuttle service would be provided to and from off-site parking lots.

2.4.6 Utilities and Infrastructure

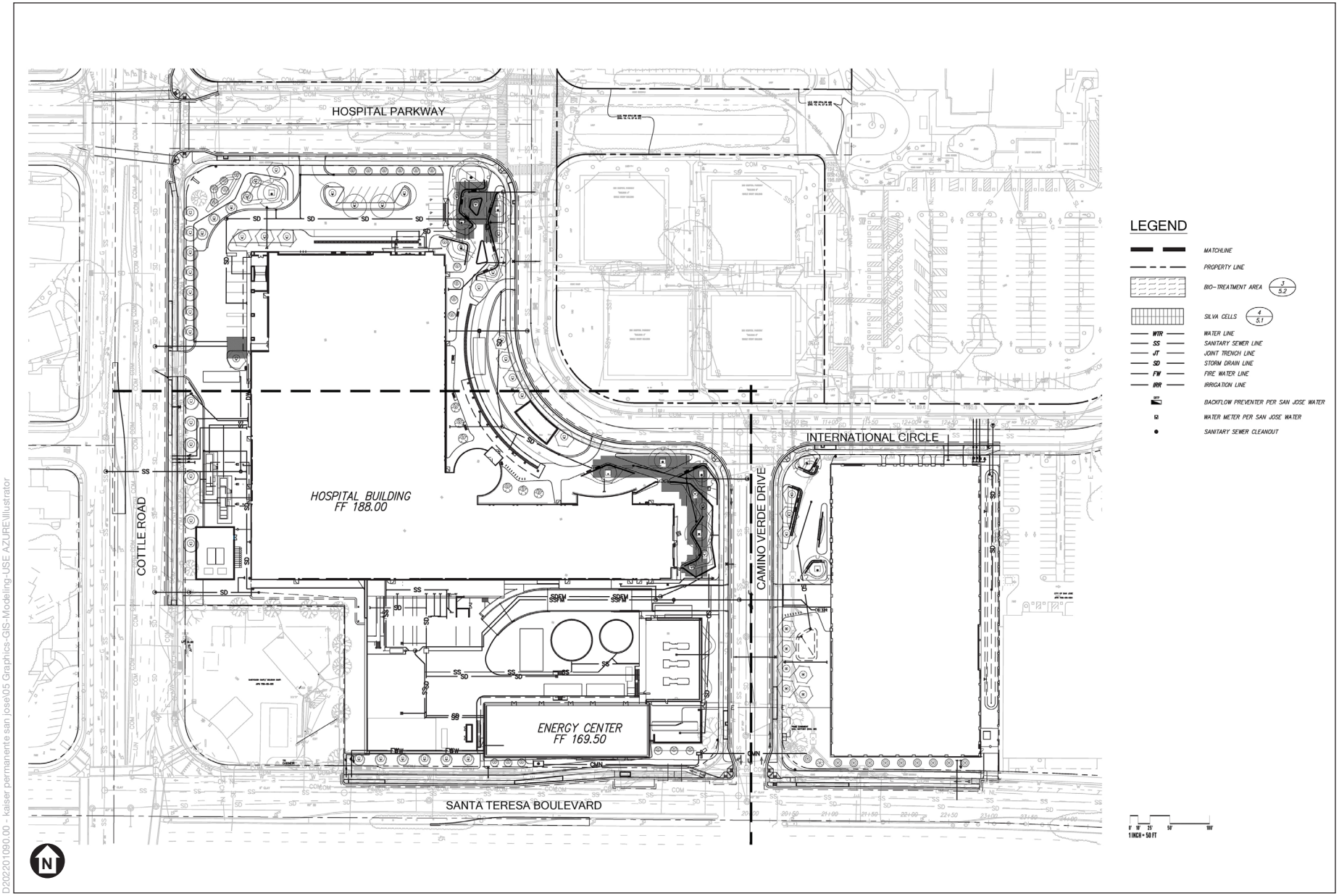
The campus is currently served by several public and private utilities, including public utilities for wastewater and storm drainage (City of San José), and private companies provide potable water (Great Oaks Water Company), and telecommunications. Electricity is jointly provided by PG&E and third-party service providers. The City's Environmental Services Department (ESD) manages solid waste collection and disposal of garbage, recycling, and yard waste that are provided through contracted service providers. Medical waste is collected and disposed of by Kaiser Permanente's contracted providers.

The Hospital Replacement would require installation of utilities. New sanitary sewer, storm drainage, and water lines would connect the new hospital and parking garage to the existing lines along Cottle Road, Hospital Parkway, International Circle, Camino Verde Drive, and Santa Teresa Boulevard. **Figure 2-11** illustrates the proposed utilities improvements.

The new parking garage may require the installation of an exterior fire pump and associated generator to meet fire water pressure requirements. This equipment would be located at the northeast side of the parking structure.

2.4.7 Sustainability Features

The Hospital Replacement would be consistent with the City's General Plan and the applicable greenhouse gas (GHG) emissions reduction strategies included in the City's 2030 GHG Reduction Strategy, by being consistent with the land use/transportation diagram, reduced energy use through construction techniques, and incorporating green building practices. The new hospital would be designed and constructed to meet the Leadership in Energy and Environmental Design (LEED) Gold Certification level. Kaiser Permanente proposes to reduce water use through the use of efficient plumbing fixtures, medical equipment, and drought tolerant plants.



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SOURCE: Stantec, 2024; SANDIS, 2024

Kaiser Permanente San José Medical Center

Figure 2-11
Proposed Utilities Improvements

ESA

To minimize resource consumption, sustainable materials would be selected in accordance with LEED Materials and Resources credit standards for the new hospital. The new hospital building materials would also meet stringent LEED indoor air quality requirements and minimize the use of harmful chemicals. Kaiser is also considering the possibility of the hospital operating to achieve net zero onsite carbon emissions.

To improve air quality and reduce carbon emissions, the new hospital and energy center would have no natural gas infrastructure and the facilities would be all electric. Kaiser Permanente is also considering the possibility of installing solar panels on the top level of the parking garage and the hospital roof.

The Hospital Replacement would increase the impervious area of the site by approximately 103,500 square feet (from approximately 339,500 square feet to 443,000 square feet). The project design includes low-impact design features, source control, and treatment to minimize the volume of runoff from the site and reduce pollutant load in stormwater; such as directing runoff to landscaped areas, using water efficient irrigation systems, connecting covered trash/recycling enclosures and interior parking structures to the sanitary sewer system, and treating stormwater using bioretention areas and flow-through planters.[10] The Hospital Replacement's stormwater treatment features were also selected to provide sufficient stormwater retention and infiltration such that the stormwater runoff rates do not exceed existing runoff rates, in compliance with City Council Policy 8-14.[11]

2.4.8 Transportation Improvements and Bicycle Parking

The project applicant would implement several on- and off-site transportation improvements intended to enhance pedestrian and bicycle circulation:

- The bus shelter on Santa Teresa Boulevard along the project frontage would be upgraded;
- The class II[12] bikeway on Santa Teresa Boulevard along the project frontages would be upgraded to a class IV bikeway[13] consistent with the City's Better Bike Plan 2025; the existing class IV bikeway on Cottle Road south of Hospital Parkway would be upgraded to include curbs and a planting strip between the vehicle lane and bikeway;
- Camino Verde Drive would be reconfigured to accommodate a class II bikeway;
- Removal of channelized right-turns at the following intersections for the specified movements:
  - Cottle Road/Hospital Parkway: westbound right-turn and northbound right turn
  - Santa Teresa Boulevard/Camino Verde Drive: southbound right-turn and westbound right-turn;

[10] City of San José, *Stormwater Evaluation Form*, December 9, 2022.

[11] SANDIS, *Stormwater Hydromodification Management Report*, October 2023.

[12] Class II Bikeways are on-street bike lanes marked by a striped lane, pavement markings, and signage for one-way bike travel on a street.

[13] Class IV Bikeways are separated bikeways for the exclusive use of bicycles, which are physically separated from vehicle traffic. Types of separation may include, but are not limited to, grade separation, flexible posts, physical barriers, or on-street parking.

- Remove mid-block enhanced crosswalk with Rectangular Rapid-Flashing Beacons (RRFBs) along International Circle between Hospital Parkway and Camino Verde Drive; and
- Up to 56 long-term bicycle parking spaces and up to 26 short term bicycle parking spaces, which would exceed the number of bicycle parking spaces required (10 short term and three long term) under Section 20.90.220 of the San José Municipal Code.[14]

2.5 Future Campus Improvements

Kaiser Permanente anticipates Future Campus Improvements beyond 2030, which would include the following components (see Figure 2-3):

- Demolition of two one-story medical office buildings totaling 20,200 sf (280 Hospital Parkway, #6 on Figure 2-3 for the construction of approximately 116 surface parking spaces);
- Demolition of the existing surface parking lot at the northeast corner of the site between the administration building (258 International Circle, #8) and the facility engineering building (255 International Circle, #12) and construction of a six-story parking garage with approximately 930 parking spaces (#5); and
- Construction of a four- to six-story, approximately 250,000 sf medical office building at the southeast corner of the central portion of the campus on the existing surface parking lot (#4); and
- Installation of sustainable, non-combustion energy generation facilities and technology to support the medical center and reduce greenhouse gas emissions. The appropriate technologies are being studied but possibilities include fuel cells or other emerging technologies such as linear generators. Possible locations include the east side of the near-term parking garage, areas that become available after building demolition, or other locations on the campus. It is anticipated that future facilities would generate between 1.5 to 2 megawatts (MW), though the exact capacity may shift depending on operational needs. If fuel cells were selected, as an example, a typical product would be 7.5 feet tall and emit <70 dBA of sound at 6 feet away from the units. Appropriate noise attenuation would be included to minimize noise.
- The Future Campus Improvements would have a total of 2,500 total employees for the day shift. The Future Campus Improvements would result in approximately 800 net new employees from the existing 1,700, consisting of nurses, physicians, and support staff for the day shift.

The sizing, timing, and exact locations of the Future Campus Improvements are speculative and will be analyzed at a program level in this EIR. The Future Campus Improvements would be consistent with the proposed PD zoning standards and would require approval of a PD permit and may require additional CEQA analysis if required, see CEQA Guidelines 15168(c). The permitting process for the sustainable energy improvements would be reviewed at the time they are proposed to ensure they are compliant with current state and local regulatory requirements, which change frequently to streamline the process for greenhouse gas reduction improvements.

[14] Long-term bicycle parking would be provided in racks inside a secure, covered enclosure, near an entrance. Short-term bicycle parking would be provided at open racks near building entrances.

2.6 Construction

2.6.1 Construction Overview

As described in more detail below, construction is anticipated to begin in early 2025, with construction of the Hospital Replacement completed before the year 2030. The Future Campus Improvements would be completed after 2030. The project would require construction activities that would extend beyond normal hours as established in the City of San José Municipal Code Section 20.100.450 (i.e., between 7:00 a.m. and 7:00 p.m.). Construction would occur between the hours of 6:00 a.m. and 7:00 p.m., five days a week, and on Saturdays between 8:00 a.m. and 5:00 p.m. In addition, activities such as concrete pours may require nighttime work on an as needed basis.

Construction activities would include but not be limited to demolition; site preparation, excavation, and grading activities; new building construction; paving; installation of utilities; building interior finishing; exterior hardscaping and landscaping; and improvements within the City of San José right-of-way.

A variety of mobile and stationary construction equipment would be used at the project site and/or in the immediate vicinity during construction. This is expected to include use of cranes for steel and/or precast erection and building façades. Other mobile equipment such as asphalt grinders, concrete/industrial saws, excavators, backhoes, loaders, concrete trucks, and forklifts would be used at the project site for a range of other construction tasks including site preparation, excavation and grading, building construction, and/or hardscape and landscape materials installation and material deliveries. Construction would generate off-site truck trips for deliveries of concrete and other building materials, transportation of construction equipment to and from the site, hauling soils and debris from the site, and street sweepers. A variety of other smaller mechanical equipment would also be used during the construction period, such as concrete/industrial saws, tile saws, stud impact guns, impact drills, torque wrenches, welding machines, and concrete boom pumps. No pile driving or blasting activities are proposed during construction.

On-site construction materials/construction worker staging areas would be located within the existing surface parking areas at the campus.

2.6.2 Estimated Hospital Replacement Construction Timeline

It is anticipated that the Hospital Replacement would be constructed as shown in the approximate timeline presented in **Table 2-2**.

TABLE 2-2
PRELIMINARY HOSPITAL REPLACEMENT CONSTRUCTION SCHEDULE

Construction Component	Estimated Construction Duration
New Hospital and Energy Center	February 2025 to February 2029
Site Preparation	February 2025 to March 2025
Excavation, Dewatering, Shoring, and Foundation	March 2025 to June 2025
Building Construction	June 2025 to March 2028
Trenching and Tank Installation	January 2025 to January 2027
Architectural Coating	April 2026 to January 2028
Parking Garage	February 2025 to June 2026
Site Preparation	February 2025 to March 2025
Excavation and Foundations	March 2025 to April 2025
Building Construction	March 2025 to May 2026
Trenching	December 2025 to March 2026
Architectural Exterior Systems	September 2025 to March 2026
Related Improvements	January 2027 to July 2027
Paving and Site Improvements	February 2025 to June 2026

SOURCE: Rudolph and Sletten 2023

Future Campus Improvements

After 2030, the sequencing of the future improvements is unknown but could occur at any time depending on need. Future Campus Improvements could occur in any sequence and would be subject to review in light of this EIR to determine the appropriate level of additional review, if any, under CEQA.

2.6.3 Demolition and Excavation

Hospital Replacement

It is estimated that approximately 119,500 cubic yards (cy) of material would be excavated and removed from the project site to accommodate the new construction. This includes excavation of approximately 6,700 cy associated with site preparation; 92,010 cy associated with the new hospital; 3,120 cy to accommodate the energy center; 8,670 cy to accommodate the parking garage; and 9,000 cy for additional site work including utilities installation. The maximum excavation depth for the new hospital and energy center would be approximately 30 feet below ground surface. The maximum excavation depth for the parking garage would be approximately 7 feet below ground surface.

Future Campus Improvements

During the Future Campus Improvements, there would be approximately 250,000 sf of new building construction added within the project site. In addition, there would be approximately 20,200 sf of existing buildings demolished associated with the demolition of the two one-story

medical office buildings (280 Hospital Parkway, #6 on Figure 2-3) for a net increase of 229,800 sf. The total amount of material for excavation to accommodate the future development is unknown at this time.

2.6.4 Tree Removal

Tree removal would be required to support the construction of the Hospital Replacement. A total of approximately 108 trees would be removed and replaced with 148 trees. The trees would be removed and replaced in accordance with the ratios in the City's Standard Permit Conditions. Approximately 15 trees would be removed for the Construction Trailer Area and replaced at a 1:1 ratio when the area is restored to existing conditions.

2.7 Project Objectives

1. Replace the existing Kaiser Permanente San José Medical Center Hospital with a state-of-the-art facility that meets state regulations for provision of acute care services beyond 2030 (SB 1953).
2. Replace the existing Kaiser Permanente San José Medical Center Hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements such as private patient rooms; current building code required clearances for beds and other mobile equipment; staff and patient safety; daylighting (taking advantage of natural light); lines of sight and convenient access from nursing stations; HVAC efficiency; and acoustics.
3. Provide facilities that are consistent with modern medical care delivery models, as reflected in Kaiser Permanente's building and layout design standards for facilities, thereby ensuring the maximalization of operational and maintenance efficiencies, minimization of redundancies, and the provision of Kaiser member experiences that are consistent with Kaiser's current standards.
4. Keep pace with the medical service needs of an increasing population in the City of San José and the region within the existing boundaries of the Medical Center Campus, including increasing the hospital bed count from 247 to 303.
5. Maintain current services at the existing Medical Center Campus, including 24/7 emergency services, without interruption during construction of the Hospital Replacement.
6. Provide an expansion opportunity for a future medical office to serve long-term membership growth projections, and clinical and diagnostic needs.
7. Provide parking sufficient to accommodate membership and patient parking needs, as well as staff parking to meet current and projected future demand.
8. Allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces.
9. Incorporate sustainable green building design features developed by the Leadership in Energy and Environmental Design (LEED) to meet the LEED Gold performance standards and Kaiser Permanente's long-term environmental stewardship goals.
10. Provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster.

2.8 Uses of the EIR and Required Project Approvals

2.8.1 City of San José

The City of San José is the lead agency under CEQA for preparation of the project's environmental analysis. This EIR is intended to provide the City of San José, other public agencies, and the general public with the relevant environmental information needed to consider the project's impacts on the environment under CEQA. The City anticipates that the project addressed in this EIR will require discretionary and non-discretionary City approvals that will include but not be limited to the following:

- Revised Planned Development zoning from the current Planned Development Zoning District (A[PD]) to a new Planned Development Zoning District on an approximately 40-acre site that includes, as applicable:
  - An increase to the maximum square footage permitted at the SJMC center to (1) conform with the 3.5 Floor Area Ratio (FAR) for the Neighborhood/Community Commercial District on the west side of the site; and (2) apply a 3.5 FAR to the eastern and central portion of the campus, which are designated Public/Quasi-Public and do not have a specified FAR standard. The 3.5 FAR would allow for approximately 400,000 net new sf associated with the new hospital and approximately 250,000 sf of future outpatient facilities.
  - Maps delineating permitted land uses; landscape and open space areas; public and private streets and driveways, both on and adjacent to the site; and public and private easements for parking, access, utilities, and pedestrian use
  - Zoning regulations that specify setting forth required setbacks, maximum building heights, landscaping concepts; environmental mitigation pursuant to CEQA; and any other appropriate conditions of approval
- Planned Development (PD) permit, which would include:
  - Demolition of the existing hospital
  - Extended construction hours
  - Construction of a new hospital, energy center, and parking garage
  - Infrastructure Plan Sheets (anticipated grading, utility layout and stormwater improvements within the public realm)
  - Tree removal and replacement
  - Findings for demolition permit(s)
- Storm water pollution prevention plans
- Demolition permits
- Building permits
- Grading permits
- Off-site agreements
- Encroachment permits and other Department of Public Works clearances, including for work in the public right-of-way
- Site Development Permit for the Construction Trailer Area

2.8.2 Other State, Regional, and Local Entities

Other public agencies and private service providers may act as responsible, trustee, or consulting agencies under CEQA, and their review and approval could be required for certain aspects of the project. Those agencies and service providers may include but are not necessarily limited to the following entities, listed here along with their roles:

- **Bay Area Air Quality Management District:** Permit to construct and authority to operate the energy center backup diesel generators.
- **Great Oaks Water Company:** Will-serve authorization to provide potable water.

CHAPTER 3
Environmental Setting, Impacts, and Mitigation

3.0 Introduction to the Analysis

3.0.1 Introduction

This chapter describes the physical and regulatory context, or "setting," of the project described in Chapter 2, *Project Description*, and analyzes at both a project- and program-level the potential physical environmental impacts of implementing the project. Mitigation measures are identified where necessary to reduce the severity of potentially significant impacts. This Environmental Impact Report (EIR) evaluates the maximum environmental impact that could result from implementation of the project.

3.0.2 Organization of the Analysis

The information and analysis in this chapter are organized by environmental resource topics as follows:

- 3.1 Air Quality
- 3.2 Biological Resources
- 3.3 Cultural Resources and Tribal Cultural Resources
- 3.4 Energy
- 3.5 Geology, Soils, and Paleontological Resources
- 3.6 Greenhouse Gas Emissions
- 3.7 Hazards and Hazardous Materials
- 3.8 Hydrology and Water Quality
- 3.9 Land Use and Planning
- 3.10 Noise and Vibration
- 3.11 Population and Housing
- 3.12 Public Services and Recreation
- 3.13 Transportation
- 3.14 Utilities and Service Systems
- 3.15 Effects Not Found to Be Significant

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014. Among other things, SB 743 added Section 21099 to the California

Public Resources Code, which states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." An "employment center project" is defined as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area as defined in Section 21099(a)(1). The project site is located within a transit priority area and would revise the zoning to a new Planned Development Zoning District and would increase the maximum square footage permitted at the site to conform with the 3.5 floor area ratio. The project meets the definition of an employment center project on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Accordingly, this EIR does not contain a separate discussion of the topics of aesthetics or parking.

The information and discussion for each environmental topic analyzed in this chapter include the following subsections, which are described below:

- Environmental Setting
- Regulatory Framework
- Impacts and Mitigation Measures
- Cumulative Impacts

Environmental Setting

This subsection describes the baseline physical conditions or point of reference from which the environmental impacts of the project and the alternatives to the project are measured to determine whether an impact is significant. CEQA Guidelines Section 15360 defines the environment (or the setting) as "the physical conditions which exist within the area which will be affected by a proposed project."

Generally, the EIR sections describe the environmental setting or baseline conditions as they existed when the notice of preparation (NOP) was published (May 2023). 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 (CEQA Guidelines Section 15125[a][1]). Where the analysis for a particular topic has used a baseline other than the existing environmental setting, an explanation supported by substantial evidence is provided.

Regulatory Framework

The regulatory framework subsection presents relevant information about federal, state, regional, and/or local laws, regulations, and plans or policies that pertain to the environmental topic addressed in the section. These include relevant General Plan policies.

Impacts and Mitigation Measures

This subsection discusses the significance criteria, or thresholds of significance, for determining impacts, followed by an explanation of the approach to the analysis for the resource topic. The *Impact Analysis* subsection then describes the relationship of the project to the thresholds of

significance and evaluates the potential for the project to result in direct and indirect adverse effects on the existing physical environment, with consideration of both short-term and long-term effects. Based on CEQA Guidelines Section 15382, an impact is considered significant if it would constitute "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." Mitigation measures are identified where feasible for the impacts considered significant, consistent with CEQA Guidelines Section 15126.4, which states that an EIR "shall describe feasible measures which could minimize significant adverse impacts …" CEQA Guidelines Section 15364 defines *feasible* as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

Significance Criteria

The significance criteria used in this EIR are those used by the City of San José Department of Planning, Building, and Code Enforcement and are based on CEQA Guidelines Appendix G. The significance criteria used to analyze each environmental resource topic are presented in each resource section of this chapter under the *Impacts and Mitigation Measures* section. The categories used to designate impact significance are described as follows:

- **No Impact.** An impact is considered not applicable (no impact) if there is no potential for impacts, or the environmental resource does not occur within the project area or the area of potential effects—essentially, a project would result in no physical changes in the setting.
- **Less-than-Significant Impact.** This determination applies if there is potential for some limited effect, but not a substantial adverse effect that qualifies under the significance criterion as a significant impact. No mitigation is required for impacts determined to be less than significant.
- **Less-than-Significant Impact with Mitigation.** This determination applies if implementation of the project would result in an adverse effect that meets the significance criterion, but feasible mitigation is available that would reduce the impact to a less-than-significant level.
- **Significant Unavoidable Impact.** This determination applies if implementation of the project would result in an adverse effect that meets the significance criterion, but there appears to be no feasible mitigation available to reduce the impact to a less-than-significant level. In some cases, mitigation may be available to lessen a given impact, but the residual effects of that impact would continue to be significant even after implementation of the mitigation measure(s).

Approach to Analysis

The *Approach to Analysis* subsection describes the relevant features of the project for the impact analysis, followed by the methodology used to analyze potential environmental impacts based on the identified significance thresholds. Depending on the resource topic and applicable significance criteria, evaluations for topics may be quantitative or qualitative.

Impact Analysis

The *Impact Analysis* subsection evaluates the potential for the project to result in direct and indirect adverse effects on the physical environment. The analysis covers construction and

operation of the project, including the projected Future Campus Improvements at a program level, and is based on the significance criteria and the approach to analysis described in the previous subsection. In most cases, if the impacts associated with implementation of the project would be the same as those associated with implementation of the projected Future Campus Improvements, the analysis is combined.

Each impact is numbered to correspond to the evaluation criterion or significance threshold identified at the start of the section. For example, Impact NO-1 corresponds with the first criterion listed in Section 4.10, *Noise and Vibration*. In some instances, multiple impacts may correspond to a single significance evaluation criterion. For example, Impact NO-1 addresses construction and stationary noise sources. Mitigation measures are also generally numbered to correspond to the impact they address. If there is more than one mitigation measure for a given impact, letters are used to distinguish between measures (e.g., Mitigation Measures NO-1a and NO-1b).

The new hospital, energy center, parking garage, and demolition of the existing hospital are collectively referred to as the "Hospital Replacement." The demolition of the two one-story medical office buildings, construction of a four- to six-story medical office building, and installation of sustainable, non-combustion energy generation facilities and technology beyond 2030 are collectively referred to as "Future Campus Improvements." If the impact conclusion is the same for the Hospital Replacement and Future Campus Improvements, they are referred to as the "project" in the impact statement and analysis. If the impact conclusions are different, the analysis will discuss the Hospital Replacement and Future Campus Improvements separately.

3.0.3 Purpose of This EIR and Scope of the Analysis

This document is a project- and program-level EIR pursuant to CEQA Guidelines Section 15161 and 15168, respectively. A project-level EIR focuses on the changes in the environment that would result from construction and operation of a specific development project. Thus, the primary purpose of this EIR is to assess the physical changes to the environment that could result from approval and implementation (construction and operation) of the Hospital Replacement. The Future Campus Improvements are analyzed at a program level in this EIR. When additional details of the Future Campus Improvements are known, those projects would be reviewed in light of this EIR to determine the appropriate level of additional environmental review, if any, needed before approval and implementation of the particular project. The purpose of this EIR is to provide information to decision makers and the public before any decision is made regarding whether to proceed with the project. The EIR provides information and does not make a recommendation about whether to approve or not approve the project.

Chapter 2, *Project Description*, provides the foundation for the EIR's analysis and contains a description of the project, including its development program and other physical characteristics, as well as the discretionary approval actions that would be required for the project to move forward. As discussed in that chapter, the project would require a revised Planned Development zoning and Planned Development Permit.

Physical Environmental Impacts

CEQA directs lead agencies to identify the potential environmental effects of a project, to determine the significance of a project's environmental effects, and to identify feasible mitigation measures and/or alternatives that could avoid or minimize any adverse environmental effects. This EIR considers direct and indirect physical environmental effects that may be attributable to the project. A *direct* physical change in the environment is "a physical change in the environment which is caused by and immediately related to the project" (CEQA Guidelines Section 15064(d)(1)). An *indirect* physical change in the environment is "a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project" (CEQA Guidelines Section 15064(d)(2)). An EIR would only consider indirect effects if the change "is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable" (CEQA Guidelines Section 15064(d)(3)).

In general, economic and social changes resulting from a project are not treated as significant effects on the environment.[15] Social and economic effects are relevant under CEQA only if they would result in or are caused by an adverse physical impact on the environment. To the extent that social or economic changes associated with project implementation may engender secondary or indirect physical changes, such effects are addressed in this EIR.

3.0.4 Cumulative Impacts

Cumulative impacts, as defined in CEQA Guidelines Section 15355, refer to two or more individual effects that, when taken together, are "considerable" or that compound or increase other environmental impacts. A cumulative impact from several projects is the change in the environment that would result from the incremental impact of the project when added to the impacts of other closely related past, present, or reasonably foreseeable future projects. Pertinent guidance for cumulative impact analysis is provided in CEQA Guidelines Section 15130:

- An EIR shall discuss cumulative impacts of a project when the project's incremental effect is "cumulatively considerable."
- An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.
- A project's contribution would be less than cumulatively considerable, and thus not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.
- The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.
- The focus of analysis should be on the cumulative impact to which the identified other projects contribute, rather than on attributes of the other projects that do not contribute to the cumulative impact.

[15] CEQA Guidelines Sections 15064(d)(1) through 15064(d)(3) and 15064(e).

An EIR must determine whether an individual project's contribution to a significant cumulative impact is *considerable*. This means that the project's proportional share is considered adverse in conjunction with other similar projects that may combine to result in physical impacts.

The cumulative impact analysis for each individual resource topic is described in the corresponding resource section of this chapter, immediately following the description of the project- and program-specific impacts and mitigation measures.

Two approaches to a cumulative impact are articulated in CEQA Guidelines Section 15130(b)(1): (1) The analysis can be based on a list of past, present, and reasonably foreseeable probable future projects producing closely related impacts that could combine with those of a project; or (2) a summary of projections contained in a general plan or related planning document can be used to determine cumulative impacts.

The analysis in this EIR employs both the list-based approach and a projections approach, depending on which approach best suits the individual resource topic being analyzed. For instance, Section 3.10, Noise, considers projects in the project area and vicinity and takes into account other construction that would be close or adjacent to the project site. By comparison, Section 3.13, *Transportation*, relies on the City of San José Travel Demand Forecasting Model, which encompasses growth projections to the year 2040.

The following factors were used to determine an appropriate list of individual projects to be considered in the cumulative impact analysis where the list-based approach is used:

- **Similar Environmental Impacts**—A relevant project contributes to effects on resources that are also affected by the project. A relevant future project is defined as one that is "reasonably foreseeable," such as a project for which an application has been filed with the approving agency or has approved funding.
- **Geographic Scope and Location**—A relevant project is located within the geographic area within which effects could combine. The geographic scope varies on a resource-by-resource basis. For example, the geographic scope for evaluating cumulative effects on regional air quality consists of the affected air basin.
- **Timing and Duration of Implementation**—Effects associated with activities for a relevant project (e.g., short-term construction or demolition, or long-term operations) would likely coincide in timing with the related effects of the project.

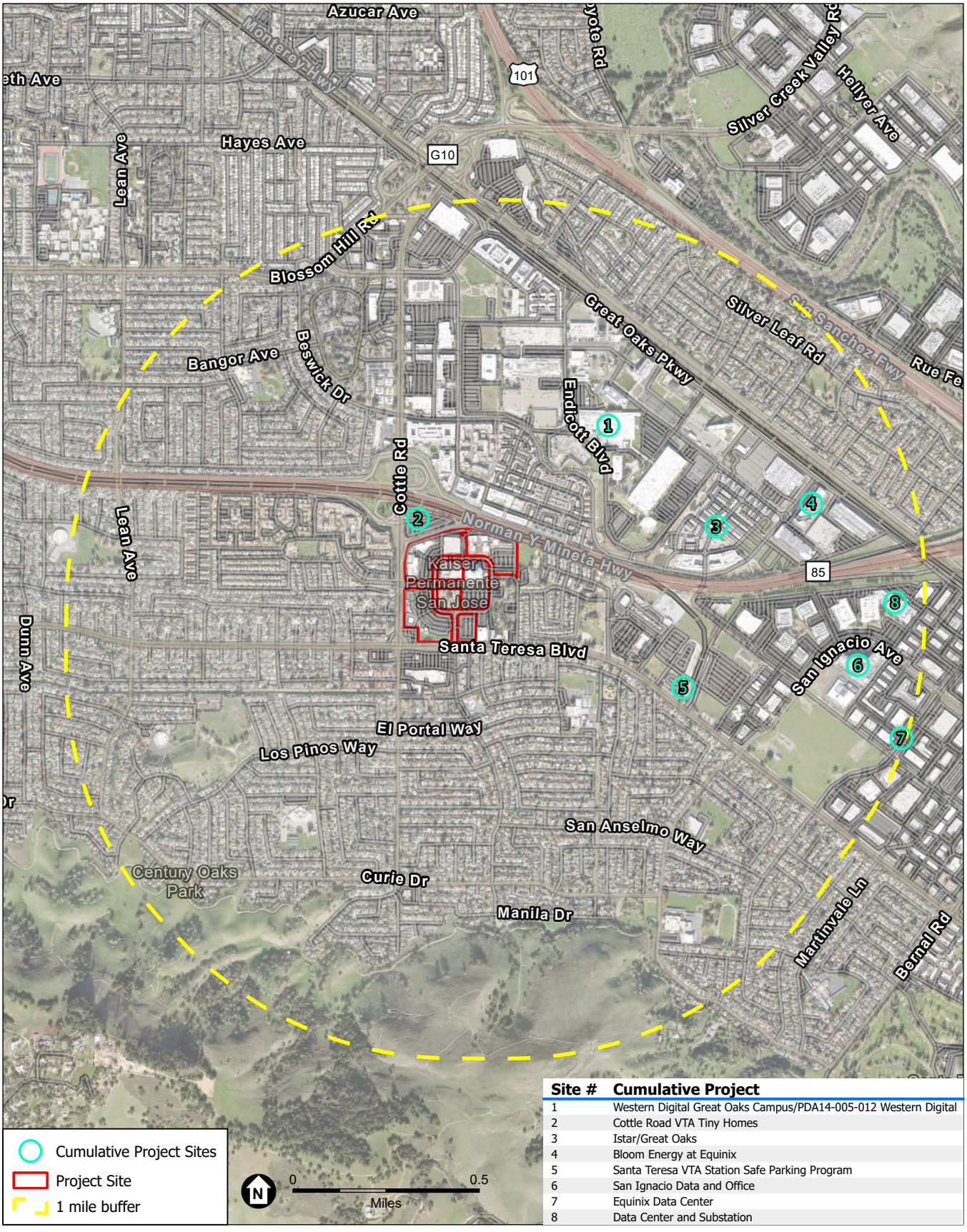
For the resource topics using the list-based approach, cumulative projects within a 1-mile radius of the project site are listed below in **Table 3-1** and mapped on **Figure 3-1**. These cumulative projects are approved, under construction, or pending development application at the time the NOP was issued.

TABLE 3-1
CUMULATIVE PROJECTS IN THE PROJECT VICINITY

Figure Key #	Project Name and Description	Assessor's Parcel Number (APN)	Status as of NOP	Dwelling Units	Industrial/ Office
1	**Western Digital Great Oaks Campus**[a,b] 5601 Great Oaks Parkway Construction of a 580,000 sf office building and a cafeteria/amenities building	706-07-020	Approved	N/A	580,000
2	**Cottle Road VTA Station Parking Lot Tiny Homes** (Emergency Housing System Expansion: Quick-Build Emergency Interim Housing)[c] Temporary housing for formerly unhoused individuals with shared amenities	706-05-038	Planning	Unknown	N/A
3	**PD16-005 Istar/Great Oaks**[a] Construction of a mixed use development with 301 residential units on the west side of Great Oaks Blvd approximately 1,000 feet northwesterly of Highway 85	706-08-008	Under Construction	301	N/A
4	**PDA15-031-01 Bloom Energy at Equinix**[a,b] 5 Great Oaks Boulevard Planned Development Permit Amendment to allow the construction of a 5-story, 92,350-square-foot bloom fuel cell structure to the east of the SV11 data center building approved under PD15-031	647-25-043	Approved	N/A	92,350
5	**Santa Teresa VTA Parking Lot Safe Parking Program**[d] 45- to 60-space RV parking site at the Santa Teresa VTA light rail station parking lot	706-03-013	Under construction	45-60 RV spaces	N/A
6	**SP18-054 San Ignacio Data and Office**[a,b] 6320 and 6340 San Ignacio Avenue Demolition of an existing two-story office/R&D building and associated paved area and construction of 282,000 sf data center	706-09-023	Under Construction	N/A	282,000
7	**SPA15-031-01 Equinix Data Center**[a] 123 Great Oaks Boulevard Construction of three data center buildings totaling approximately 547,000 square feet	706-02-053	Under Construction	N/A	547,050
8	**CP19-020 Data Center and Substation**[d] 6321 San Ignacio Avenue Construction of an energy storage facility and associated substation	706-09-044	Under Construction	N/A	44,900

SOURCES:

a. City of San José Department of Planning, Building and Code Enforcement, Development Activity Highlights and Five-Year Forecast (2023–2027), www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/development-data/activity-highlights-five-year-forecast, accessed June 14, 2023.
b. City of San José Maps Gallery, Development Projects,
c. City of San José, sanjose.legistar.com/View.ashx?M=M&ID=999878&GUID=CDB0A6FB-AC1C-4101-BF06-DB5E8796244A, accessed June 21, 2023. As of the date of this document there is no definitive timing for this project to move forward; however, this project is included in the cumulative analysis where applicable.
d. City of San José, Public GIS Viewer, gis.sanjoseca.gov/maps/publicgisviewer/, accessed June 21, 2023.



Site #	Cumulative Project
1	Western Digital Great Oaks Campus/PDA14-005-012 Western Digital
2	Cottle Road VTA Tiny Homes
3	Istar/Great Oaks
4	Bloom Energy at Equinix
5	Santa Teresa VTA Station Safe Parking Program
6	San Ignacio Data and Office
7	Equinix Data Center
8	Data Center and Substation

SOURCE: Maxar, 2022; ESRI, 2023; ESA, 2023

Kaiser Permanente San José Medical Center

Figure 3-1
Cumulative Projects

3.1 Air Quality

This section assesses the potential for the project, including the Hospital Replacement and Future Campus Improvements, to result in significant air quality impacts. The section describes the existing environmental setting as it relates to air quality and provides a regulatory framework that discusses applicable regulations. The section then evaluates potential significant air quality impacts resulting from construction and operation of the project, and identifies feasible mitigation measures to avoid or reduce potential adverse impacts. Potential impacts are discussed and evaluated, and appropriate mitigation measures or standard permit conditions (SPCs) are identified, as necessary. **Appendix B, Air Quality Supporting Information**, includes additional details supporting the analysis of air quality and health risk impacts.

3.1.1 Environmental Setting

Climate and Meteorology

Climate and meteorological conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The project site is located in the City of San José within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB or Bay Area). The SFBAAB encompasses the nine-county region including all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, and Napa Counties, and the southern portions of Solano and Sonoma Counties.

The climate of the SFBAAB is determined largely by a high-pressure system that is often present over the eastern Pacific Ocean off the west coast of North America. During winter, the Pacific high-pressure system shifts southward, allowing an increased number of storms systems to pass through the region. During summer and early fall, when fewer storms pass through the region, emissions generated in the Bay Area accumulate as a result of the more stable conditions. The combination of abundant sunshine and the restraining influences of topography and subsidence inversions creates conditions conducive to the formation of photochemical pollutants, such as ground-level ozone and secondary particulates, including nitrates and sulfates.

Air Pollutants of Concern

Air pollutants of concern within the SFBAAB include certain criteria air pollutants and toxic air contaminants (TACs). These are described below.

Criteria Air Pollutants

As required by the federal Clean Air Act (CAA) passed in 1970, the U.S. Environmental Protection Agency (U.S. EPA) has identified six criteria air pollutants that are pervasive in urban environments, and for which state and national health-based ambient air quality standards have been established. The U.S. EPA calls these pollutants "criteria air pollutants" because the agency has regulated them by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. Ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (PM), and lead are the six criteria air pollutants originally identified by the U.S. EPA. Since then, subsets of PM have also been identified for which

permissible levels have been established. These include particulate matter less than 10 microns in diameter (PM_{10}), and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). See Section 3.1.2, *Regulatory Framework*, for further discussion of specific pollutants and their attainment status within the SFBAAB with respect to state and federal air quality standards.

Ozone

Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG, also referred to as volatile organic compounds [VOC] by some regulating agencies) and nitrogen oxides (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the SFBAAB, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, and shortness of breath and can aggravate existing respiratory diseases, such as asthma, bronchitis, and emphysema.

Carbon Monoxide (CO)

CO is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles with the highest emissions occurring during low travel speeds, stop-and-go driving, cold starts, and hard acceleration. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, and fatigue; impairs central nervous system function; and induces angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal; however, ambient levels of CO have decreased substantially due to improved vehicle fuel efficiency and stringent vehicle emission standards.

Particulate Matter (PM_{10} and $PM_{2.5}$)

PM is a class of air pollutants that consists of heterogeneous solid and liquid airborne particles from man-made and natural sources. In the SFBAAB, motor vehicles generate about one-half of the air basin's particulates through tailpipe emissions as well as brake pads and tire wear. Wood burning in fireplaces and stoves, industrial facilities, and ground-disturbing activities such as construction are other sources of fine particulates.

Large dust particles (diameter greater than 10 microns) settle out rapidly and are easily filtered by human breathing passages. This large dust is of more concern as a soiling nuisance rather than as a health hazard. However, PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. According to the California Air Resources Board (CARB), studies in the United States and elsewhere "have demonstrated a strong link between elevated particulate levels and premature deaths, hospital admissions, emergency room visits, and asthma attacks," and studies of children's health in

California have demonstrated that particle pollution "may significantly reduce lung function growth in children."[16]

$PM_{2.5}$ is of particular concern because epidemiological studies have demonstrated that people who live near freeways and high-traffic roadways have poorer health outcomes, including increased asthma symptoms and respiratory infections, and decreased pulmonary function and lung development in children.[17]

Nitrogen Dioxide (NO_2)

NO_2 is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are its main sources. Aside from its contribution to ozone formation, NO_2 can increase the risk of acute and chronic respiratory disease and reduce visibility. NO_2 may be visible as a coloring component of the air on high pollution days, especially in conjunction with high ozone levels.

Toxic Air Contaminants

In addition to criteria air pollutants, development proposed as part of plans and individual projects may directly or indirectly emit TACs. TACs are airborne substances that can cause short-term (acute) and/or long-term (chronic and/or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). Human health effects of TACs can include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity that may be emitted from a variety of common sources including gasoline stations, automobiles, diesel engines, dry cleaners, industrial operations, and painting operations. Thus, individual TACs vary greatly in the health risk they present; and at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

Unlike criteria air pollutants, TACs do not have ambient air quality standards but instead are regulated by local air districts using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. A health risk assessment (HRA) is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide quantitative estimates of the risks.[18] Exposure assessment guidance published by the Bay Area Air Quality management District (BAAQMD) in January 2016 adopts the assumption that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 30 years.[19] Therefore, assessments of air

[16] California Air Resources Board (CARB), *Reduce Your Exposure to Particle Pollution*, December 27, 2018. Available at ww2.arb.ca.gov/resources/fact-sheets/reduce-your-exposure-particle-pollution. Accessed May 15, 2023.

[17] San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effect from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008. Available at www.gsweventcenter.com/Draft_SEIR_References/2008_0501_SFDPH.pdf. Accessed September 2023.

[18] A HRA is required as part of the permitting process if the air district concludes that projected emissions of a specific TAC from a proposed new or modified source suggest a potential public health risk. The applicant of the project that would emit TACs is required to conduct a HRA for the source in question. Such an assessment generally evaluates chronic, long-term effects, estimating the increased risk of cancer from exposure to one or more TACs. A HRA is also used as a tool to assess a project's health risk impacts under CEQA.

[19] Bay Area Air Quality Management District (BAAQMD), *Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*, January 2016. Available at www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en. Accessed May 15, 2023.

pollutant exposure to residents typically result in the greatest adverse health outcomes of all population groups.

Although not a TAC, exposure to $PM_{2.5}$ is strongly associated with mortality, respiratory diseases, and reductions in lung development in children, and other endpoints such as hospitalization for cardiopulmonary disease.[20] In addition to $PM_{2.5}$, diesel particulate matter (DPM) is also of concern. CARB identified DPM as a TAC in 1998, primarily based on evidence demonstrating cancer effects in humans.[21] The estimated cancer risk from exposure to diesel exhaust is much higher than the risk associated with any other TAC routinely measured in the region.

Despite notable emission reductions since CARB's 2000 Diesel Risk Reduction Plan[22], CARB recommends that proximity to sources of DPM emissions (e.g., a freeway) be considered in the siting of new sensitive land uses. CARB notes that these recommendations are advisory and should not be interpreted as defined "buffer zones," and that local agencies must balance other considerations, including transportation needs, the benefits of urban infill, community economic development priorities, and other quality of life issues. With careful evaluation of exposure, health risks, and affirmative steps to reduce risk where necessary, CARB's position is that infill development, mixed use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level.[23]

Asbestos is also a TAC of concern, particularly in association with the demolition of older buildings and structures. Asbestos is a fibrous mineral that naturally occurs in ultramafic rock (a rock type commonly found in California) and was formerly used as a processed component of building materials. Asbestos is strictly regulated because it has been proven to cause serious adverse health effects, including asbestosis and lung cancer. Existing structures on the project site proposed for demolition may contain asbestos.

Lead exposure can result when a person breathes in lead dust. Lead can remain in a person's body and lead to serious health problems, especially in young children, because it can affect a child's developing nerves and brain. Prior to the passage of the Lead-Based Paint Poisoning Prevention Act of 1971, lead was used as a pigment and drying agent in oil-based paint. Therefore, structures constructed prior to 1970 could contain lead-based paint (LBP) which construction workers and sensitive receptors could be exposed to. Existing structures on the project site proposed for demolition may contain LBP.

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20 San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effect from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 2008. Available at www.gsweventcenter.com/Draft_SEIR_References/2008_0501_SFDPH.pdf. Accessed September 29, 2023.

21 CARB, *Fact Sheet: The Toxic Air Contaminant Identification Process: Toxic Air Contaminant Emissions from Diesel-Fueled Engines*, October 1998. Available at ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/factsht1.pdf. Accessed May 15, 2023.

22 CARB, *Diesel Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, October 2000. Available at ww2.arb.ca.gov/our-work/programs/diesel-risk-reduction-plan. Accessed September 28, 2023.

23 CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005. Available at www.arb.ca.gov/ch/handbook.pdf. Accessed September 28, 2023.

Existing Ambient Air Quality

Criteria Air Pollutants

The BAAQMD's air quality monitoring network measures the ambient concentrations of criteria air pollutants at various locations in the SFBAAB. The only monitoring station in San José is located at 1588 Jackson Street, approximately 11.4 miles northwest of the project site. **Table 3.1-1** shows the most recent monitoring data for this site for the years 2020 through 2022, for the four criteria air pollutants of concern in the Bay Area - ozone, PM_{10}, $PM_{2.5}$, and NO_2. The table does not include data for CO and SO_2 as these are no longer pollutants of concern for the region. The SFBAAB has attained the CO standard due to decreasing emissions over the last several years from increasingly stringent emission standards and improved vehicle fuel efficiency. SO_2 is not monitored in the SFBAAB as the area has never been designated as non-attainment. Table 3.1-1 also compares the measured pollutant concentrations to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) for each of the criteria air pollutants of concern. The concentrations shown in **bold** indicate an exceedance of the standard.

TABLE 3.1-1
SUMMARY OF AIR QUALITY MONITORING DATA (2020–2022) – SAN JOSÉ – JACKSON STREET STATION

Pollutant	Applicable Standard	Number of Days Standards Were Exceeded and Maximum Concentrations Measured		
		2020	2021	2022
Ozone				
Days 1-Hour State Standard Exceeded		1	3	0
Maximum 1-Hour Concentration (ppm)[a]	0.09 ppm	**0.106**	**0.098**	**0.090**
Days 8-hour State/National Standard Exceeded		2	4	1
Maximum 8hour Concentration (ppm)[a,b]	0.07 ppm	**0.085**	**0.084**	**0.074**
Respirable Particulate Matter (PM_{10})				
Days 24-hour National Standard Exceeded[b]	>150 µg/m^3	0	0	0
Days 24-hour State Standard Exceeded[a]	>50 µg/m^3	10	0	0
Maximum 24-hour Concentration (µg/m^3)		137.1	45.1	44.5
State Annual Average (µg/m^3)[a]	20 µg/m^3	—	20.1	21.3
Fine Particulate Matter ($PM_{2.5}$)				
Days 24-hour National Standard Exceeded[b]	>35 µg/m^3	**12**	1	2
Maximum 24-hour Concentration (µg/m^3)		**120.5**	38.1	36.2
Annual Average (µg/m^3)[a,b]	12 µg/m^3	**11.5**	8.9	10.1
Nitrogen Dioxide (NO_2)				
Days 1-hour National Standard Exceeded[b]	>0.1 ppm	0	0	0
Maximum 1-hour Concentration (ppm)		0.052	0.048	0.047

ABBREVIATIONS: ppm = parts per million; µg/m^3 = micrograms per cubic meter

NOTES: **Bold** values are in excess of applicable standards.

The San José – Jackson Street, CA station is the closest monitoring station to the project site.

a. State standard, not to be exceeded.
b. National standard, not to be exceeded.

SOURCE: CARB, *Top 4 Summary Site*. Available at www.arb.ca.gov/adam/topfour/topfour1.php. Accessed September 2023.

Compliance with the standards is on a regional basis. In the SFBAAB, compliance is demonstrated by ongoing measurements of pollutant concentrations at more than 30 air quality monitoring stations operated by the BAAQMD in all nine Bay Area counties. An exceedance of an ambient air quality standard at any one of the stations counts as a regional exceedance.

Air Quality Index

The U.S. EPA developed the Air Quality Index (AQI) scale to make the public health impacts of air pollutant concentrations easily understandable. The AQI, much like an air quality "thermometer," translates daily air pollution concentrations into a number on a scale between 0 and 500. The numbers on a scale of 0-300 scale are divided into six color-coded ranges as outlined below. AQI values over 300 represent hazardous air quality.

- **Green (0–50)** indicates "good" air quality. Air quality is considered satisfactory, and air pollution poses little or no risk.
- **Yellow (51–100)** indicates air quality is "moderate." Air quality is acceptable; however, for some pollutants, there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
- **Orange (101–150)** indicates air quality is "unhealthy for sensitive groups." Members of sensitive groups may experience health effects. The general public is not likely to be affected.
- **Red (151–200)** indicates air quality is "unhealthy." Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
- **Purple (201–300)** indicates air quality is "very unhealthy." Health warnings of emergency conditions are issued by local agencies as the entire population is more likely to be affected.

The AQI numbers refer to specific amounts of pollution in the air and are based on the NAAQS for ozone, CO, NO_2, SO_2, PM_{10}, and $PM_{2.5}$. In most cases, the NAAQS for these air pollutants correspond to the number 100 on the AQI chart. If the concentration of any of these pollutants rises above its respective standard, it can be unhealthy for the public. In determining the air quality forecast, local air districts use the anticipated concentration measurements for each of the major pollutants, convert them into AQI numbers, and determine the highest AQI for each zone in an air district. Readings below 100 on the AQI scale would not typically affect the health of the public (although readings in the moderate range of 50 to 100 may affect unusually sensitive people). Levels above 300 rarely occur in the United States, and readings above 200 have not occurred in the SFBAAB in decades, except during the October 2017 and November 2018 wildfires north of San Francisco and the August/September 2020 complex wildfires that occurred throughout the SFBAAB.

Wildfires appear to be occurring with increasing frequency in California and the Bay Area as climate changes (since 2000, 18 of the state's 20 largest wildfires and 18 of the state's 20 most destructive fires on record have occurred).[24] As a result of fires in Bay Area counties Napa and

[24] California Department of Forestry and Fire Protection (CAL FIRE), *Top 20 Largest California Wildfires*, n.d. Available at 34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/featured-items/top20_acres.pdf?rev=be2a6ff85932475e99d70fa9458dca79&hash=A355A978818640DFACE7993C432ABF81. Accessed September 28, 2023.

Sonoma and counties north and east of the Bay Area (e.g., Butte, Lassen, Plumas, and Shasta), the AQI in the Bay Area reached the "very unhealthy" and "hazardous" designations, ranging from values of 201 to above 350. During those periods, the BAAQMD issued "Spare the Air" alerts and recommended that individuals stay inside with windows closed and refrain from significant outdoor activity.

AQI statistics over recent years indicate that air quality in the SFBAAB as well as in San José is predominantly in the "Good" or "Moderate" categories and healthy on most days for most people. Historical BAAQMD data indicate that San José experienced air quality in the red level (unhealthy) on 8 days between 2020 and 2022. As shown in **Table 3.1-2**, the Jackson Street station at San José recorded a total of 16 red-level or orange-level (unhealthy or unhealthy for sensitive groups) days between 2020 and 2022. A number of these days are attributable to the increasing frequency of wildfires. This table also shows that the San José experienced no purple level (very unhealthy) day between 2020 and 2022.

TABLE 3.1-2
AIR QUALITY INDEX STATISTICS FOR THE SAN JOSÉ JACKSON STREET STATION

	Number of Days by Year		
AQI Statistics for Air Basin	**2020**	**2021**	**2022**
Unhealthy for Sensitive Groups (Orange)	1	4	3
Unhealthy (Red)	8	0	0
Very Unhealthy (Purple)	0	0	0

SOURCE: BAAQMD, *Daily Air Quality Index for San José – Jackson Street, Santa Clara Valley*. Available at www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/aqi-highs?date=2020-01-02&view=daily. Accessed September 28, 2023.

Toxic Air Contaminants

In addition to monitoring criteria air pollutants, both the BAAQMD and CARB operate TAC monitoring networks in the SFBAAB. These stations measure 10 to 15 TACs depending on the specific station. The monitoring stations are located in areas where highest concentrations of TACs can be expected, and the TACs selected for monitoring at these stations are those that have traditionally been found in the highest concentrations in ambient air and therefore tend to produce the most substantial risk.

Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and is subjective. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source, wind speed and direction, and the sensitivity of receptors. Odor impacts should be considered for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Odor sources typically include wastewater treatment plants, landfills,

confined animal facilities, composing stations, food manufacturing plants, refineries, and chemical plants.[25]

Sensitive Receptors

Air quality does not affect every individual in the population in the same way, and some groups are more sensitive than others to air pollution. Reasons for greater sensitivity can include existing health problems, duration of exposure to air pollutants, or certain peoples' increased susceptibility to pollution-related health problems due to factors such as age. Population subgroups sensitive to the health effects of air pollutants include: the elderly and the young; population subgroups with higher rates of respiratory disease, such as asthma and chronic obstructive pulmonary disease; and populations with other environmental or occupational health exposures (e.g., indoor air quality) that affect cardiovascular or respiratory diseases. The factors responsible for variations in exposure are also often similar to factors associated with greater susceptibility to air quality health effects. For example, lower income residents may be more likely to live in substandard housing and be more likely to live near industrial or roadway sources of pollution.

The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants. Sensitive receptors include children, the elderly, off-site workers, students, and those with preexisting medical conditions. Examples include land uses such as residences, schools, parks and playgrounds, daycare centers, nursing homes, and medical facilities. Land uses such as schools, children's day care centers, hospitals, and nursing and convalescent homes are considered to be sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress. Residential uses are considered sensitive because these individuals could be present, and people in residential areas are often at home for extended periods of time, so they can be exposed to pollutants for extended periods.

The project site is surrounded by State Route (SR) 85 to the north and a mix of commercial and residential uses to the east, west, and south. Sensitive receptors in the form of apartment complexes and single-family homes are located north of SR 85.

The Oakridge Palmia residential neighborhood consisting of single-family homes is located to the west side of the project site across Cottle Road. Tulip Kids Academy, a childcare, preschool, and afterschool center, is located at the northwestern corner of the intersection of Cottle Road and Santa Teresa Boulevard. Venegas Family Daycare is located approximately 1,200 feet west of the project site.

On the east side of the project site, adjacent to the eastern boundary and across International Circle, are the Santa Teresa Apartments (approximately 50 feet), and the Santa Teresa Branch Library located immediately east (approximately 15 feet) of the parking area south of International Circle and east of Camino Verde Drive. Also, approximately 100 feet east of Liska Lane is the Bright Horizons Day Care center and single-family residences.

[25] BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov /plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed September 2023.

Single-family residences are also located south of the project site along Santa Teresa Boulevard. The Santa Teresa Elementary School is located approximately 1,500 feet southeast of the project site.

This BAAQMD recommends that on-site receptors be evaluated for uses such as hospitals where people sleep or spend most of their day. Existing on-site receptors include patients at the existing hospital. Patients at the medical office buildings would not spend extended periods of time or sleep at the location. Demolition of the existing hospital would take place after completion of construction and commencement of operation of the new hospital. Therefore, patients at the new hospital would be considered as on-site receptors exposed to emissions from demolition of the existing hospital and activities associated with Future Campus Improvements.

In addition, the health risk analysis presented in this section conservatively includes staff at the existing hospital and medical office buildings as worker receptors.

3.1.2 Regulatory Framework

Regulation of air pollution is achieved through both national and state ambient air quality standards through emissions limits on individual sources of air pollutants.

The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the SFBAAB. The Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various non-governmental organizations also participate in the 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. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB to meet federal and state air quality standards. Specifically, the BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the SFBAAB and to develop and implement strategies to attain the applicable federal and state standards. The BAAQMD has permit authority over most types of stationary emission sources to impose emission limits, set fuel or material specifications, or establish operational limits to reduce air emissions. The BAAQMD also regulates new or expanding stationary sources of TACs and requires air toxic control measures for sources emitting TACs.

Federal

Clean Air Act and National Ambient Air Quality Standards

The 1970 Clean Air Act (CAA) (most recently amended in 1990) requires that regional planning and air pollution control agencies prepare a regional air quality plan to outline the measures by which both stationary and mobile sources of pollutants will be controlled in order to achieve all ambient air quality standards by the deadlines specified in the act. These ambient air quality standards are intended to protect the public health and welfare, and they specify the concentration of pollutants (with an adequate margin of safety) to which the public can be exposed without adverse health effects. They are designed to protect those segments of the public most susceptible to respiratory distress, including asthmatics, the very young, the elderly, people weakened from

other illness or disease, or persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollution levels that are somewhat above ambient air quality standards before adverse health effects are observed. **Table 3.1-3** presents current NAAQS.

TABLE 3.1-3
STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS AND MAJOR SOURCES

Pollutant	Averaging Time	CAAQS	NAAQS	Major Pollutant Sources
Ozone	1 hour	0.09 ppm	—	Formed when ROG and NO_X react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial / industrial mobile equipment.
	8 hour	0.070 ppm	0.070 ppm	
Carbon Monoxide	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hour	9.0 ppm	9 ppm	
Nitrogen Dioxide	1 hour	0.18 ppm	100 ppb	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Avg.	0.030 ppm	0.053 ppm	
Sulfur Dioxide	1 hour	0.25 ppm	75 ppb	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hour	—	0.5 ppm[1]	
	24 hour	0.04 ppm	0.14 ppm	
	Annual Avg.	—	0.030 ppm	
Respirable Particulate Matter (PM_{10})	24 hour	50 ug/m^3	150 ug/m^3	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Avg.	20 ug/m^3	—	
Fine Particulate Matter ($PM_{2.5}$)	24 hour	—	35 ug/m^3	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants, including NO_X, sulfur oxides, and organics.
	Annual Avg.	12 ug/m^3	12.0 ug/m^3	
Lead	Monthly Ave.	1.5 ug/m^3	—	Present source: lead smelters, battery manufacturing and recycling facilities. Past source: combustion of leaded gasoline.
	Quarterly	—	1.5 ug/m^3	
Hydrogen Sulfide	1 hour	0.03 ppm	No National Standard	Geothermal power plants, petroleum production and refining
Sulfates	24 hour	25 ug/m^3	No National Standard	Produced by the reaction in the air of SO_2.
Visibility Reducing Particles	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	No National Standard	See $PM_{2.5}$.
Vinyl chloride	24 hour	0.01 ppm	No National Standard	Polyvinyl chloride and vinyl manufacturing.

ABBREVIATIONS: ppb = parts per billion; ppm = parts per million; ug/m^3 = micrograms per cubic meter.

NOTE:

a. Secondary national standard.

SOURCE: CARB, *Ambient Air Quality Standards*, May 4, 2016. Available at ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf. Accessed September 28, 2023.

The NAAQS are statutorily required to be set by the U.S. EPA at levels that are "requisite to protect the public health."[26] Therefore, the closer a region is to attaining a particular ambient air quality standard, the lower the human health impact is from that pollutant. See Section 3.1.2, above, for a brief description of the health effects of exposure to criteria air pollutants. Pursuant to the 1990 federal CAA Amendments, the U.S. EPA classifies air basins (or portions thereof) as "attainment," "nonattainment," or "unclassified" for each criteria air pollutant, based on whether the national standards have been achieved. An unclassified designation indicates that air quality and other relevant information is insufficient to determine whether the area is attainment or nonattainment. As shown in **Table 3.1-4**, at the federal level, the SFBAAB is designated as a nonattainment area for the federal 8-hour ozone standard and the federal 24-hour $PM_{2.5}$ standard. The SFBAAB is in attainment for all other federal ambient air quality standards. State-level attainment status of the SFBAAB is discussed further below.

TABLE 3.1-4
SAN FRANCISCO BAY AREA AIR BASIN ATTAINMENT STATUS

		Designation/Classification	
Pollutant	**Averaging Time**	**State Standards**	**Federal Standards**
Ozone	8 Hour	Nonattainment	Nonattainment
	1 Hour	Nonattainment	—
Carbon Monoxide	8 Hour	Attainment	Attainment
	1 Hour	Attainment	Attainment
Nitrogen Dioxide	1 Hour	Attainment	—
	Annual Arithmetic Mean	—	Attainment
Sulfur Dioxide	24 Hour	Attainment	—
	1 Hour	Attainment	—
	Annual Arithmetic Mean	—	—
Respirable Particulate Matter (PM_{10})	Annual Arithmetic Mean	Nonattainment	—
	24 Hour	Nonattainment	Unclassified
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	Nonattainment	Unclassified/Attainment
	24 Hour	—	Nonattainment
Sulfates	24 Hour	Attainment	—
Lead	30 Day Average	—	Attainment
	Calendar Quarter	—	Attainment
	Rolling Month Average	—	—
Hydrogen Sulfide	1 Hour	Unclassified	—
Vinyl Chloride	24 Hour	No information available	—
Visibility Reducing Particles	8 Hour	Unclassified	—

SOURCES: BAAQMD, *Air Quality Standards and Attainment Status*, last updated January 5, 2017. Available at www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status. Accessed September 2023; U.S. EPA, Green Book - *Details of Criteria Pollutant Nonattainment Area Summary Report*, August 31, 2023. Available at www3.epa.gov/airquality/greenbook/ancl2.html. Accessed September 2023.

[26] See www.law.cornell.edu/uscode/text/42/7409.

The federal CAA Amendments require each state to prepare an air quality control plan referred to as the State Implementation Plan (SIP). The federal CAA Amendments added requirements for states containing areas that violate the national standards to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The U.S. EPA has the responsibility to review all SIPs to determine if they conform to the mandates of the federal CAA Amendments and will achieve air quality goals when implemented.

State

California Clean Air Act and Ambient Air Quality Standards

Although the federal CAA established the NAAQS, individual states retain the option to adopt more stringent standards and to include other pollution sources. California had already established its own air quality standards when federal standards were established, and because of the unique meteorological challenges in California, there are differences between the state and national ambient air quality standards. The current CAAQS are also shown in Table 3.1-4. California ambient standards tend to be at least as protective as national ambient standards or are often more stringent.

NAAQS and CAAQS have been set at levels considered safe to protect the public, including the health of sensitive populations such as asthmatics, children, and the elderly with a margin of safety; and to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. As explained by CARB, "an air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without any harmful effects on people or the environment".[27] That is, if a region is in compliance with the ambient air quality standards, its regional air quality can be considered protective of public health.

The California CAA (California Health and Safety Code section 39600 et seq.), like its federal counterpart, calls for designation of areas as "attainment," "nonattainment," or "unclassified" with respect to the CAAQS. The SFBAAB is currently designated as nonattainment for the state 8-hour and 1-hour ozone standards, the state average and 24-hour PM_{10} standards, and the state average $PM_{2.5}$ standards. The SFBAAB is designated as attainment or unclassified with respect to the other state standards.

In 2003, the California Legislature enacted SB 656 (Chapter 738, Statutes of 2003), codified as Health and Safety Code Section 39614, to reduce public exposure to PM_{10} and $PM_{2.5}$. SB 656 required CARB, in consultation with local air districts, to develop and adopt, by January 1, 2005, a list of the most readily available, feasible, and cost-effective control measures that could be employed by CARB and the air districts to reduce PM_{10} and $PM_{2.5}$ (collectively referred to as PM). The legislation established a process for achieving near-term reductions in PM throughout California ahead of federally required deadlines for $PM_{2.5}$ and provided new direction on PM

[27] CARB, *California Ambient Air Quality Standards*. Available at ww2.arb.ca.gov/resources/california-ambient-air-quality-standards. Accessed September 28, 2023.

reductions in those areas not subject to federal requirements for PM. Measures adopted as part of SB 656 complement and support those required for federal $PM_{2.5}$ attainment plans, as well as for state ozone plans. This ensures continuing focus on PM reduction and progress toward attaining California's more health protective standards. This list of air district control measures was adopted by CARB on November 18, 2004.

Toxic Air Contaminants

The Health and Safety Code defines TACs as air pollutants that may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. The state Air Toxics Program was established in 1983 under AB 1807 (Tanner). The program involves a two-step process: risk identification and risk management. A total of 243 substances have been designated TACs under California law, including the 189 (federal) Hazardous Air Pollutants.

Off-Road Diesel Emissions

The CARB In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation) applies to all self-propelled off-road diesel vehicles 25 horsepower or greater used in California and most two-engine vehicles (except on-road two-engine sweepers). This includes vehicles that are rented or leased (rental or leased fleets). CARB's goal is to gradually reduce the state-wide construction vehicle fleet's emissions through turnover, repower, or retrofits. New engine emissions requirements were grouped into tiers based on the year in which the engine was built.28 In 2014, new engines were required to meet Tier 4 Final standards which, to date, are the most stringent emissions standards for off-road vehicle engines. The goal of the In-Use Off-Road Diesel-Fueled Fleets Regulation is to reduce particulate matter (PM_{10} and $PM_{2.5}$) and NO_X emissions from off-road heavy-duty diesel vehicles in California.[29] This regulation also limits idling to five minutes, requires a written idling policy for larger vehicle fleets, and requires that fleet operators provide information on their engines to CARB and label vehicles with a CARB-issued vehicle identification number.

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce emissions of criteria pollutants or TACs, increased energy efficiency and reduced consumption of natural gas and other fuels would result in fewer criteria pollutant and TAC emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods.

[28] CARB, *Non-road Diesel Engine Certification Tier Chart*. Available at ww2.arb.ca.gov/sites/default/files/2020-03/Tier_Color_Chart_Off_Road_Diesel_Stds_R.pdf. Accessed September 28, 2023.

[29] CARB, *In-Use Off-Road Diesel-Fueled Fleets Regulation*. Available at ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation/about. Accessed September 28, 2023.

The most recent update to the Title 24 energy efficiency standards (2022 standards) went into effect on January 1, 2023. The Hospital Replacement and Future Campus Improvements would adhere to the applicable version of Title 24 as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits.

California Green Standards Building Code

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards (CALGreen) Code. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code was most recently updated in 2022 to include new mandatory measures for residential and non-residential uses; the new measures took effect on January 1, 2023.

Advanced Clean Cars Program

In January 2012, pursuant to Recommended Measures T-1 and T-4 of the Scoping Plan, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model years 2017 through 2025. In response to a midterm review of the standards in March 2017, CARB directed staff to begin working on post-2025 model year vehicle regulations (Advanced Clean Cars II) to research additional measures to reduce air pollution from light-duty and medium-duty vehicles. Additionally, as described earlier, in September 2020, Governor Newsom signed EO N-79-20 that established a goal that 100 percent of California sales of new passenger car and trucks be zero-emission by 2035 and directed CARB to develop and propose regulations toward this goal. The primary mechanism for achieving these targets for passenger cars and light trucks is the Advanced Clean Cars II Program. CARB adopted the ACC II regulations on August 25, 2022.

Mobile Source Strategy

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next 15 years. The strategy promotes a transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled (VMT). The Mobile Source Strategy calls for 1.5 million Zero Emission Vehicles (ZEVs) (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025 and 4.2 million ZEVs by 2030. The strategy also calls for more stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero emission trucks primarily for class 3 through 7 “last mile” delivery trucks in California.

Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions from mobile sources and a 50 percent reduction in the consumption of petroleum-based fuels.[30]

Similar to the 2016 Mobile Source Strategy, the 2020 Strategy is a framework that identifies the levels of cleaner technologies necessary to meet the many goals and high-level regulatory concepts that would allow the state to achieve the levels of cleaner technology. The 2020 Strategy will inform the development of other planning efforts, including the SIP, which will translate the concepts included into concrete measures and commitments for specific levels of emissions reductions, the 2022 Climate Change Scoping Plan (2022 Scoping Plan), and Community Emissions Reduction Plans (CERPs) required for communities selected as a part of CARB's Community Air Protection Program. Central to all of these planning efforts, and CARB actions on mobile sources going forward, will be environmental justice as CARB strives to address longstanding environmental and health inequities from elevated levels of toxics, criteria pollutants, and secondary impacts of climate change.[31] The 2020 Mobile Source Strategy illustrates that an aggressive deployment of ZEVs will be needed for the state to meet federal air quality requirements and the state's climate change targets.

Advanced Clean Trucks Regulation

The Advanced Clean Truck (ACT) Regulation is part of a holistic approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles. The regulation has two components including a manufacturer sales requirement and a reporting requirement:

Starting with the 2024 model year, the ACT Regulation requires manufacturers to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck sales would need to be 55 to 75 percent of truck sales, depending on truck category, and 40 percent of truck tractor sales. In addition, large employers including retailers, manufacturers, brokers, and others are required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, are required to report about their existing fleet operations.

The goal of this regulation is to achieve NOx and GHG emission reductions through advanced clean technology, and to increase the penetration of the first wave of zero-emission heavy-duty technology into applications that are well suited to its use.

Advanced Clean Fleets Regulation

The Advanced Clean Fleets (ACF) Regulation is the latest development in CARB's history of setting increasingly stringent emission standards for mobile sources. The ACF Regulation requires fleets that are well suited for electrification to transition to ZEVs through requirements to both phase-in the use of ZEVs for targeted fleets and requirements that manufacturers only manufacture ZEV trucks starting in the 2036 model year.

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30 CARB, *Mobile Source Strategy*, May 2016. Available at ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf. Accessed May 8, 2023.

31 CARB, *2020 Mobile Source Strategy*, October 28, 2021. Available at ww2.arb.ca.gov/sites/default/files/2021-12/2020_Mobile_Source_Strategy.pdf. Accessed May 8, 2023.

Airborne Toxic Control Measure (ATCM) for In-Use Diesel-Fueled Transport Refrigeration Units (TRU), TRU Generator Sets and Facilities Where TRUs Operate

CARB adopted the TRU ATCM in 2004 (and amended it in 2010 and 2011) to reduce DPM emissions and resulting health risk from diesel-powered TRUs. 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. The new amendments to the TRU ATCM became effective October 1, 2022.

The new amendments introduce new requirements such as reporting of California-based and out-of-state TRUs to CARB, ultra-low emission TRU in-use performance standards, use of lower global warming potential refrigerants, PM emission standards, registration of applicable facilities where TRUs operate, and zero-emission truck TRU fleet requirement. The requirements have different compliance deadlines, the earliest starting December 31, 2022.

ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling

In 2004, CARB adopted the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling to reduce public exposure to diesel particulate matter emissions (13 CCR Section 2485). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation also results in GHG reduction and energy savings in the form of reduced fuel consumption from unnecessary idling.

ATCM for Stationary Compression Ignition Engines

In 2004, CARB adopted an Airborne Toxic Control Measure to reduce public exposure to emissions of diesel particulate matter and criteria pollutants from stationary diesel-fueled compression ignition engines (17 CCR Section 93115). The measure applies to any person who owns or operates a stationary compression ignition engine in California with a rated brake horsepower greater than 50, or to anyone who either sells, offers for sale, leases, or purchases a stationary compression ignition engine. This measure outlines fuel and fuel additive requirements; emissions standards; recordkeeping, reporting and monitoring requirements; and compliance schedules for compression ignition engines.

Regional

BAAQMD Clean Air Plan

Local Air Quality Management Districts and Air Pollution Control Districts are responsible for demonstrating attainment of state air quality standards through the adoption and enforcement of Attainment Plans. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air

Plan) was adopted on April 19, 2017, by the BAAQMD in cooperation with the Metropolitan Transportation Commission, the San Francisco Bay Conservation and Development Commission, and the Association of Bay Area Governments to provide a regional strategy to improve air quality within the SFBAAB and meet public health goals.[32] The control strategy described in the 2017 Clean Air Plan includes a wide range of control measures designed to reduce emissions and lower ambient concentrations of harmful pollutants, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce greenhouse gas emissions (GHGs) to protect the climate.

The 2017 Clean Air Plan addresses four categories of pollutants including ground-level ozone and its key precursors: ROG and NO_X; PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; air toxics; and GHG emissions. The control measures are categorized based on the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water.

The air district is the regional agency with jurisdiction over the nine-county region located in the air basin. The Association of Bay Area Governments, the Metropolitan Transportation Commission, regional transportation agencies, cities and counties, and various non-governmental organizations also participate in the 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. The air district is responsible for attaining and/or maintaining air quality in the region within federal and state air quality standards. Specifically, the air district has the responsibility to monitor ambient air pollutant levels throughout the region and to develop and implement strategies to attain the applicable federal and state standards. The air district has permit authority over most types of stationary emission sources and can require stationary sources to obtain permits, and can impose emission limits, set fuel or material specifications, or establish operational limits to reduce air emissions. The air district also regulates new or expanding stationary sources of TACs and requires air toxic control measures for many sources emitting TACs.

BAAQMD Rules and Regulations

BAAQMD rules that would be most applicable to the Hospital Replacement and Future Campus Improvements pertain mostly to permits for emergency generators including Rules 2-1, 2-2, and 2-5. BAAQMD regulates stationary-source emissions of TACs through Rule 2-1 (General Permit Requirements), Rule 2-2 (New Source Review), and Rule 2-5 (New Source Review of Toxic Air Contaminants). Under these rules, all stationary sources that have the potential to emit TACs above a certain level are required to obtain permits from the air district. These rules provide guidance for the review of new and modified stationary sources of TAC emissions, including evaluation of health risks and potential mitigation measures. Sources must apply Best Available Control Technology (BACT) to reduce emissions, and the air district recently updated its BACT requirement for emergency generators greater than 1,000 horsepower (hp) to achieve EPA Tier 4

[32] BAAQMD, *2017 Final Clean Air Plan*, April 19, 2017. Available at www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed May 8, 2023.

standards.[33] Other BAAQMD rules and regulations applicable to the project include Rule 8-3, which limits the quantity of volatile organic compounds in architectural coating supplied, sold, offered for sale, applied, solicited for application or manufactured within the BAAQMD jurisdiction; Rule 9-8, which regulates emissions of NOx and CO from stationary internal combustion engines and limits the hours of operation for emergency standby engines; Rule 11-2, which aims to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establishes appropriate waste disposal procedures; and Rule 6-6, which limits the quantity of particulate matter in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of large construction sites.

Regulation of Odors

BAAQMD regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. The regulation limits the "discharge of any odorous substance which causes the ambient air at or beyond the property line … to be odorous and to remain odorous after dilution with four parts of odor-free air." BAAQMD must receive odor complaints from 10 or more complainants within a 90-day period in order for the limitations of this regulation to go into effect. If this criterion has been met, an odor violation can be issued by the air district if a test panel of people can detect an odor in samples collected periodically from the source.

BAAQMD CEQA Guidelines and Thresholds of Significance

BAAQMD California Environmental Quality Act Air Quality Guidelines (CEQA Guidelines) is an advisory document that provides lead agencies, consultants, and project proponents with procedures for assessing air quality impacts and preparing environmental review documents. The document describes the criteria that BAAQMD uses when reviewing and commenting on the adequacy of environmental documents. It recommends thresholds for use in determining whether projects and plans would have significant adverse environmental impacts, describes methods for predicting project emissions and impacts, and identifies measures that can be used to avoid or reduce air quality impacts.

BAAQMD's most recent update to its CEQA Guidelines (2022 CEQA Guidelines) was adopted in April 2023.[34] These guidelines provide recommended quantitative significance thresholds along with direction on recommended analysis methods. BAAQMD states that the quantitative significance thresholds are "advisory and should be followed by local governments at their own discretion," and that lead agencies are fully within their authority to develop their own thresholds of significance. However, BAAQMD offers these thresholds for lead agencies to use in order to inform environmental review for development projects in the Bay Area. Lead agencies may also reference the *CEQA Thresholds Options and Justification Report* developed by BAAQMD staff in 2009 and included as Appendix A to the 2022 CEQA Guidelines.

[33] BAAQMD, *Engine Permits*, last updated December 18, 2019. Available at www.baaqmd.gov/permits/apply-for-a-permit/engine-permits. Accessed May 15, 2023.

[34] BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan[35] adopted on November 1, 2011, and amended on March 16, 2020, lays out 12 interrelated, mutually supportive major strategies that provide a basis for the City's vision for future development. The strategies relate to economic development through job creation, providing more housing so that people who work in San José will also reside there, and developing Downtown as a social and cultural center. The General Plan also describes five major strategies directly related to air quality.

The Measurable Environmental Sustainability chapter of the General Plan contains the following goals and policies regarding air quality that are applicable to the project:

GOAL MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing developments.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission 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-10.3: Promote the expansion and improvement of public transportation services and facilities, where appropriate, to both encourage energy conservation and reduce air pollution.

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-10.5: 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.

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.

[35] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended on May 12, 2023). Available at www.sanjoseca.gov/home/showpublisheddocument/22359/638197407493730000. Accessed September 2023.

GOAL MS-11: Toxic Air Contaminants. 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 toxic air contaminants (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, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

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-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

GOAL MS-12: Objectionable Odors. Minimize and avoid exposure of residents to objectionable odors.

Policy MS-12.1: For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater treatment facilities, asphalt batch plants, and food processors), the City requires an analysis of possible odor impacts and the provision of odor minimization and control measures as mitigation.

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: Construction Air Emissions. 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 toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

City of San José Municipal Code

Per Chapter 17.84.220, Green Building Compliance Requirements, of the City of San José Municipal Code:

A. No building permit shall be issued for a tier one project unless the application for the building permit contains a completed GreenPoint Rated Checklist or Leadership in Energy and Environmental Design™ (LEED) Checklist.

B. All tier two commercial industrial projects for which this chapter is applicable must receive the minimum green building certification of LEED Silver and tier two residential projects shall receive the minimum green building certification of LEED Certified or GreenPoint Rated.

C. High-rise residential projects for which this chapter is applicable shall receive certification as the minimum green building performance requirement of USGBC [U.S. Green Building Council] LEED™ Certified.

D. Mixed-use new construction projects, for which this chapter is applicable, must submit a checklist and receive the minimum green building new construction certification designation for the portion of the building under the requirements of the applicable subsections of this section above.

These green building requirements are further regulated through the San José Reach Code, which is a building code that is more advanced than those required by the state. The Reach Code encourages building electrification and energy efficiency, requires solar readiness on non-residential buildings, and requires electric vehicle (EV) readiness and installation of EV equipment.

As of October 2019, Chapter 24 (24.10.200) of the City's Municipal Code requires that for all non-residential buildings, 10 percent of total parking spaces shall be EV supply equipment spaces and an additional 40 percent shall be EV Capable spaces. The new requirements are designed to accelerate the installation of vehicle chargers to address demand. The replacement of gasoline and diesel vehicles with electric vehicles will reduce criteria air pollutant emissions associated with traditional vehicle fuel combustion. On December 1, 2020, City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021.[36] Section 17.845.040 of the ordinance exempts hospitals from the all-electric requirement. However, as a project design feature, the project is proposed as an all-electric development with no natural gas infrastructure.

[36] City of San José, *Ordinance No. 30502 – An Ordinance of the City of San José Amending Chapter 17.845 Of Title 17 of the San José Municipal Code to Amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and Add Section 17.845.045 to prohibit Natural Gas Infrastructure in Newly Constructed Buildings*, adopted December 16, 2020. Available at www.sanjoseca.gov/home/showpublisheddocument/69230/637485403354170000. Accessed September 2023.

Other relevant regulations that would reduce emissions include water efficient landscape standards for new and rehabilitated landscaping (Chapter 15.10), transportation demand management (TDM) programs for employers with more than 100 employees (Chapter 11.105), and construction and demolition diversion deposit program (Chapter 9.10).

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on air quality are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address air quality impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC AQ-1: Construction-Related Air Quality.*** The project applicant shall implement the following measures during all phases of construction to control dust and exhaust at the project site:
>
> – All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
>
> – Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
>
> – All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
>
> – Water active construction areas at least twice daily or as often as needed to control dust emissions.
>
> – Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
>
> – Remove visible mud or dirt track-out onto adjacent public roads using wet-power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
>
> – Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
>
> – Pave new or improved roadways, driveways, and sidewalks as soon as possible.
>
> – Lay building pads as soon as possible after grading unless seeding or soil binders are used.
>
> – Limit all vehicle speeds on unpaved surfaces to 15 mph.
>
> – Replant vegetation in disturbed areas as quickly as possible.
>
> – Install sandbags or other erosion control measures to prevent silt runoff on to public roadways.
>
> – Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

– All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified visible emissions evaluator.

– Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

SPC GR-1: 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 San José Clean Energy (SJCE) GreenSource program (approximately 95 percent carbon free power) or TotalGreen (approximately 100 percent carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (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.

3.1.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, an air quality impact would be significant if implementation of the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- 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;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based on scientific and factual data to the extent possible. The City of San José has determined that the BAAQMD significance thresholds for air quality, as described in the 2022 CEQA Guidelines, would be appropriate for the project. The BAAQMD CEQA Guidelines include project-level significance thresholds in Chapter 3 and recommended methods of analysis in Chapter 5. The BAAQMD has separate thresholds and methods for plan-level analyses (Chapter 7). BAAQMD's emission thresholds represent the levels above which a project's individual emissions would result in a considerable contribution (i.e., significant) to the SFBAAB's existing non-attainment of NAAQS and CAAQS and thus establish a nexus to regional air quality impacts that satisfies CEQA requirements for evidence-based determinations of significant impacts. Therefore, an analysis of a project's emissions relative to the BAAQMD thresholds also addresses if the project would lead to or contribute to violations of the NAAQS and CAAQS.

Table 3.1-5 summarizes the significance thresholds used in this analysis.

TABLE 3.1-5
BAAQMD CEQA AIR QUALITY SIGNIFICANCE THRESHOLDS

Pollutant	Construction Thresholds – Average Daily Emissions (pounds per day)	Operational Thresholds	
		Average Daily Emissions (pounds per day)	Maximum Annual Emissions (tons per year)
ROG	54	54	10
NOx	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust	Construction Dust Ordinance or other best management practices (BMPs)	Not applicable	
CO	Not applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Risks and Hazards for New Sources and Receptors (Project)	Same as operational thresholds	• Increased cancer risk of > 10.0 in 1 million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase > 0.3 $\mu g/m^3$ annual average (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Risks and Hazards for New Sources and Receptors (Cumulative)	Same as operational thresholds	• Increased cancer risk of > 100 in 1 million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase > 0.8 $\mu g/m^3$ annual average (Zone of influence: 1,000-foot radius from property line of source or receptor)	

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; BAAQMD = Bay Area Air Quality Management District; CEQA = California Environmental Quality Act; CO = carbon monoxide; NOx = oxides of nitrogen; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; PM_{10} = particulate matter 10 microns or less in diameter; ppm = parts per million; ROG = reactive organic gases

SOURCE: BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

Approach to Analysis

The study area for regional air quality impacts is the SFBAAB. The study area for localized health risk impacts is the area in the vicinity of the project, generally defined by the BAAQMD as the "zone of influence" extending 1,000 feet out from the project site boundaries.

The air quality analysis conducted for this impact assessment uses the emissions factors, models, and tools developed by a variety of industry experts and agencies including CARB, the California Air Pollution Control Officers Association, the Office of Environmental Health Hazard Assessment (OEHHA), and EPA. The analysis also uses methods identified in BAAQMD's 2022 CEQA Air Quality Guidelines. Therefore, this analysis applies the most recent guidance available, and deemed relevant and applicable by the City of San José.

Consistency with Air Quality Plan

The most recently adopted air quality plan for the air basin is the *2017 Clean Air Plan: Spare the Air, Cool the Climate*.[37] The 2017 Clean Air Plan is a road map that demonstrates how the Bay Area will achieve compliance with the state ozone standards as expeditiously as practicable and how the region will reduce the transport of ozone and ozone precursors to neighboring air basins. Consistency with the 2017 Clean Air Plan is the basis for determining whether the project would conflict with or obstruct implementation of an applicable air quality plan, the first bulleted significance criterion identified above.

In determining consistency with the 2017 Clean Air Plan, this analysis considers whether the project would (1) support the primary goals of the 2017 Clean Air Plan, (2) include applicable control measures from the 2017 Clean Air Plan, and (3) avoid disrupting or hindering implementation of control measures identified in the 2017 Clean Air Plan. To meet the primary goals, the 2017 Clean Air Plan includes 85 control measures and actions. These control measures are grouped into various categories and include stationery and area source measures, mobile source measures, transportation control measures, land use measures, and energy and climate measures. The 2017 Clean Air Plan recognizes that, to a great extent, community design dictates individual travel mode, and that a key long-term control strategy to reduce emissions of criteria air pollutants, air toxics, and GHG emissions from motor vehicles is to channel future Bay Area growth into urban communities where goods and services are close at hand, and people have a range of viable transportation options. This analysis is presented in Impact AQ-1 and addresses the first significance criterion.

Criteria Air Pollutants

Construction and operation of the project would result in emissions of criteria air pollutants, which result in impacts that are generally regional in nature. Construction emissions from the project were estimated using methods consistent with CalEEMod and found in the User Guide for CalEEMod Version 2022.1.[38] Data on construction phasing, equipment types and numbers used, and construction vehicle trips was provided by the project applicant. Construction of the Construction Trailer Area, new hospital, parking garage, and energy center and demolition of the existing hospital would take place from 2024 to 2028. Estimated emissions were compared with the BAAQMD's significance thresholds for construction presented in Table 3.1-5. Construction of the project would also result in localized impacts from fugitive dust emissions; these emissions are evaluated qualitatively using BAAQMD guidance to use BMPs to control dust. Construction activities associated with Future Campus Improvements are anticipated to take place beyond 2030 and would therefore not coincide with construction associated with Hospital Replacement. Construction impacts from Future Campus Improvements have been analyzed qualitatively.

[37] BAAQMD, *Final 2017 Clean Air Plan: Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area*, adopted April 19, 2017. Available at www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed December 2023.

[38] CAPCOA and ICF, *CalEEMod User Guide Version 2022.1*, April 2022. Available at www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf. Accessed September 2023.

For the estimation of operational emissions from on-site area sources (including landscape maintenance, architectural coatings, and the use of consumer products such as cleaning products), CalEEMod runs were completed for both the existing hospital and new hospital, energy center, and parking garage (Hospital Replacement). Existing emissions were estimated assuming the earliest year of analysis available in CalEEMod (2010) to account for the energy use in the older hospital building. The operational emissions for the project were estimated for the year 2028 when the new hospital would become operational.

For the mobile on-road source emissions, the net new VMT calculated as Hospital Replacement VMT minus existing hospital VMT provided by the traffic consultant was used along with emission factors from EMFAC2021 to estimate emissions. The operations of the new hospital would also generate emissions from the source testing, maintenance, and operation of emergency back-up generators during power outages, as well as emissions at the loading docks from the idling of delivery trucks and operation of Transport Refrigeration Units (TRUs). Emissions from TRU and truck idling are currently occurring at the loading docks of the existing hospital and would cease once the new hospital is completed, and these services would instead occur at the new hospital. Therefore, there would be no increase in these operational emissions over existing conditions and hence these emissions sources were not included in the operational criteria air pollutant analysis. Currently, there are three 750 kW emergency generators serving the backup power needs of the existing hospital. These generators would be decommissioned once the new hospital and energy center are completed. The Hospital Replacement includes three 2,500 kW emergency generators as part of the new energy center, which would be subject to BAAQMD's BACT requirement of Tier 4 Final-compliant engines for generators greater than 1,000 hp.[39] Tier 4 Final compliant generators generate lower emissions compared to the existing generators. Therefore, there would be a decrease in emissions from emergency generators when compared to existing conditions. However, the operational emissions presented below conservatively assume that emergency generator emissions would remain the same as existing. The net increase in operational emissions estimated due to the Hospital Replacement has been compared to the BAAQMD's project-level thresholds for criteria pollutants for operation.

The analysis of criteria air pollutants on regional air quality from the Future Campus Improvements has been conducted at a program-level using significance thresholds recommended by the BAAQMD for programs and plans and considers whether future development could result in significant impacts. For programs and plans, the BAAQMD recommends that the analysis consider a comparison of the rate of increase in VMT to the rate of population growth to assess impact on regional air quality.[40] Construction impacts of development that would occur under the program-level are analyzed qualitatively as specific information of construction schedule and phasing and equipment and vehicle activity level for these components are not currently available.

This analysis is presented in Impact AQ-2 and addresses the second significance criterion.

[39] BAAQMD, *BACT/TBACT Workbook*, last updated March 24, 2021. Available at www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook. Accessed September 2023.

[40] BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

Toxic Air Contaminants

Construction-related and operational TAC emissions, including DPM and $PM_{2.5}$, can result in localized health impacts, expressed as annual average $PM_{2.5}$ concentrations, the increased probability of contracting cancer per 1 million persons exposed to TAC concentrations, and the chronic Hazard Index. DPM results in very negligible acute chronic risk and OEHHA does not provide a Reference Exposure Level for the estimation of acute chronic risk from DPM. Therefore, the analysis presented below focuses on chronic Hazard Index from DPM.

An HRA was conducted to estimate health risks from exposure to TACs emitted by construction and operation of the Hospital Replacement, as well as the combined risks from construction and operation. The HRA was prepared using technical information and health risk assessment guidance and protocol from the BAAQMD,[41] CARB,[42] and OEHHA.[43] The HRA evaluated the estimated incremental increase in lifetime cancer risk from exposure to emissions of DPM and the annual average $PM_{2.5}$ concentrations associated with fuel combustion in emergency generators, trucks and TRUs idling at the loading docks and on-road fugitive sources (including tire wear, brake wear, and road dust) that would be emitted by Hospital Replacement-related construction activities. Fugitive construction dust emissions were also accounted for in the $PM_{2.5}$ concentration analysis. The HRA includes DPM and $PM_{2.5}$ emissions from vendor and hauling trucks but not from construction worker vehicle trips, which would be primarily gasoline-fueled and are therefore not a substantial source of DPM and $PM_{2.5}$ exhaust emissions.

The HRA focuses on the pollutants of concern ($PM_{2.5}$ and DPM) because these pollutants pose substantial health impacts at the local level more so than other types of air pollutants. While DPM is a complex mixture of gases and fine particles that includes over 40 substances that are listed by U.S. EPA as hazardous air pollutants and by the BAAQMD as TACs, in accordance with OEHHA and BAAQMD health risk guidance, the DPM analysis uses exhaust PM_{10} emissions as a surrogate for DPM emissions.[44] This is a conservative approach because DPM is a subset of exhaust PM_{10}, and therefore the fraction of DPM emissions is expected to be lower.

Construction activity data provided by the applicant for the Hospital Replacement in conjunction with default CalEEMod inputs were used to prepare a construction HRA using the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee regulatory air dispersion model (AERMOD version 21112)[45] and HRA guidelines

41 BAAQMD, *Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*, January 2016. Available at www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en. Accessed September 29, 2023.

42 CARB, *Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values*, last updated August 4, 2023. Available at ww2.arb.ca.gov/sites/default/files/classic/toxics/healthval/contable08042023.pdf. Accessed September 29, 2023.

43 OEHHA, *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*, February 2015. Available at oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf Accessed September 29, 2023.

44 OEHHA, CARB, "*Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant" Part B: Health Risk Assessment for Diesel Exhaust*, May 1998. Available at www.arb.ca.gov/toxics/dieseltac/part_b.pdf. Accessed September 29, 2023.

45 U.S. EPA, *AERMOD Implementation Guide*, June 2022. Available at gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_implementation_guide.pdf. Accessed September 29, 2023.

from BAAQMD and OEHHA. Emission rates estimated as described under Impact AQ-2 were input into AERMOD to derive concentrations across a 20 meter by 20-meter receptor grid that covered all receptors within 1,000 feet of the potential project site boundaries. The BAAQMD considers 1,000 feet around sources as the zone of influence for assessing health risk impacts.[46] Receptors included residences, childcare centers, schools, and workers (both on-campus and off-site). The concentrations estimated in AERMOD were then used to calculate health risks using health risk parameters and equations from the OEHHA and BAAQMD guidelines for HRAs.[47,48]

For assessing impacts to existing offsite receptors from construction and operational TAC emissions, construction exposure is assumed to begin to a fetus at the start of the 3rd trimester. Sensitive receptors analyzed include residents, daycare, and students; worker receptors were also analyzed. The thresholds of significance used to evaluate community health risks and hazards from new sources of TACs are the BAAQMD risk threshold levels for cancer risk, acute and chronic non-cancer health risks, and annual average $PM_{2.5}$ concentrations, as presented in Table 3.1-5. If the Hospital Replacement would contribute TAC emissions resulting in increased health risk values or annual average $PM_{2.5}$ concentration contributions exceeding these thresholds at the maximally exposed individual receptor (MEIR) (including residential, school, and daycare receptors) or at the maximally exposed individual worker (MEIW), the Hospital Replacement would have a significant impact. Due to the cumulative nature of chronic health risks, the incremental risk from the construction and operation of Future Campus Improvements would add on to the risks from the Hospital Replacement. However, as project-level detail for Future Campus Improvements is not available at this time, a qualitative analysis has been conducted. This analysis is presented in Impact AQ-3 and addresses the third significance criterion.

The operational HRA considered emissions from testing and operation of emergency generators and emissions from idling of trucks and TRUs at the proposed loading docks. Emissions from emergency generators were calculated assuming a maximum of 50 hours per year of non-emergency testing operation, consistent with the Airborne Toxic Control Measure for Stationary Compression Ignition Engines (17 CCR section 93115), and an additional 100 hours for emergency use.[49] Installation and operation of the emergency diesel generators would require an Authority to Construct and Permit to Operate from the BAAQMD, which would evaluate emissions based on size and require Best Available Control Technology, if warranted. All three generators were assumed to meet the BAAQMD BACT requirement of Tier 4 Final-compliant engines for generators greater than 1,000 hp.[50] Idling emissions from diesel trucks at the loading dock were estimated assuming 10 minutes of idling per delivery (5 minutes on arrival and 5

46 BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed September 2023.

47 OEHHA, *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*, February 2015. Available at oehha.ca.gov/air/hot_spots/hotspots2015.html. Accessed September 29, 2023.

48 BAAQMD, *Air Quality Guidelines Appendix E: Recommended Methods For Screening and Modeling Local Risks and Hazards*, April 2023. Available at www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed September 2023.

49 CARB, *Final Regulation Order: Amendments to the Airborne Toxic Control Measure for Stationary Compression Ignition Engines*, 2011. Available at ww3.arb.ca.gov/diesel/documents/finalreg2011.pdf. Accessed July 3, 2023.

50 BAAQMD, *BACT/TBACT Workbook*, last updated March 24, 2021. Available at www.baaqmd.gov/permits/permitting-manuals/bact-tbact-workbook. Accessed September 2023.

minutes prior to departure) consistent with the requirements of Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (13 CCR Section 2485). TRU engines were assumed to be idling for 40 minutes per delivery. Though these emissions currently occur at the existing loading dock at the project site and were therefore not included in the operational criteria air pollutant analysis, they were included in the HRA to account for the change in location of the sources which affects exposure to receptors. The Hospital Replacement would also increase vehicle trips and associated emissions, but the fraction of operational traffic that would comprise diesel-fueled trucks generating DPM emissions would be minimal and hence is not considered in the HRA. For the same reasons, exposure of the occupants of the new hospital to operational emissions from emergency generators and the loading dock is unlikely to result in health risks that would exceed BAAQMD's thresholds and is not further evaluated.

Health risks from exposure to asbestos containing materials and lead based paint is addressed qualitatively through required compliance with state and local regulations.

Odors

With respect to odors, BAAQMD's CEQA Guidelines provide guidance in the form of screening distances, to help evaluate potential odor impacts. They identify potential odor sources of particular concern, such as wastewater treatment plants, oil refineries, asphalt plants, chemical manufacturing, painting/coating operations, coffee roasters, food processing facilities, recycling operations, and metal smelters, and recommend buffer zones around them to avoid potential odor conflicts. As the project would not include any of these types of sources, analysis is conducted qualitatively. Odor analysis is presented in Impact AQ-4 and addresses the fourth significance criterion.

Non-CEQA Impacts of the Environment on the Project

As discussed in the *Regulatory Framework*,[51] CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where a project would exacerbate an existing environmental condition. The project-level analysis focuses on air quality impacts on the existing sensitive receptors from new emissions from the project, during both construction and operational phases. Existing emissions from off-site TAC sources and the project's capacity to exacerbate existing TAC-related health risks are addressed under cumulative impacts below.

Cumulative Impacts

As noted earlier, by definition, regional air pollution is largely a cumulative impact in that no single project is sufficient in size, by itself, to cause nonattainment of air quality standards. The contribution of a project's air emissions to regional air quality impacts is, by its nature, a cumulative effect. Emissions from cumulative projects in the vicinity could also contribute to

[51] *California Building Industry Association V. Bay Area Air Quality Management District,* 62 Cal.4th 369. Opinion Filed December 17, 2015.

cumulative air quality conditions and potentially adverse regional air quality impacts.[52] The project-level thresholds for criteria air pollutants identify levels of emissions for new sources that are not anticipated to result in a considerable net increase in nonattainment criteria air pollutants. Therefore, if a project's emissions are below the project-level thresholds, the project would not result in a considerable contribution to cumulative regional air quality impacts. For this reason, no separate cumulative criteria air pollutant analysis is warranted, and none is provided below. Refer to Impact AQ-2 for analysis of the project's contribution to regional criteria air pollutant impacts.

Potential cumulative health risks were analyzed at the project's residential MEIR. The analysis considers health risks from the Hospital Replacement in combination with health risk and TACs from BAAQMD-permitted stationary sources and mobile sources (freeway, major streets and rail) within 1,000 feet of the residential MEIR.[53,54] Health risk data from BAAQMD-permitted stationary sources and background mobile source risks from on-road and rail sources were derived from the health risk screening and modeling tools available on the BAAQMD website.[55,56] Combined health risks are compared to the BAAQMD's thresholds of significance for cumulative impacts shown in Table 3.1-5.

Impact Analysis

Impact AQ-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. *(Less than Significant)*

Hospital Replacement

In determining consistency with the Clean Air Plan, the BAAQMD recommends that the analysis consider whether the Hospital Replacement would:

- Support the primary goals of the Clean Air Plan;
- Include applicable control measures of the Clean Air Plan; and
- Avoid disrupting or hindering implementation of control measures identified in the Clean Air Plan.

The primary goals of the 2017 Clean Air Plan are to protect air quality and public health at the regional and local scale and protect the climate by reducing regional criteria air pollutant emissions and reducing local air quality-related health risks (by meeting state and national ambient air quality standards). To meet these goals, the 2017 Clean Air Plan includes 85 control

52 BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

53 The MEI adequately captures analysis of all sensitive receptors.

54 BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

55 BAAQMD, *Stationary Source Screening Map*, last updated on April 10, 2023. Available at baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed October 2023.

56 BAAQMD, *Mobile Source Screening Map*, last updated on April 28, 2023. Available at mtc.maps.arcgis.com/apps/instant/sidebar/index.html?appid=c5f9b1a40326409a89076bdc0d95e429. Accessed October 2023.

measures aimed at reducing air pollutants in the SFBAAB.[57] These control measures are grouped into the following sectors: stationary (industrial) sources, transportation, energy, buildings, agriculture, natural and working lands, and waste management.

The vast majority of the control measures included in the 2017 Clean Air Plan do not apply directly to the Hospital Replacement because they target facilities or land uses that do not currently exist and are not proposed by the project applicant (e.g., energy generation, waste management, agricultural, forest or pasture lands); vehicles or equipment that would not be employed in the project area (e.g., airplanes, farming equipment); and/or involve rulemaking or other actions under the jurisdiction of agencies not directly involved with design and approval of the Hospital Replacement and its related actions. For example, the Agriculture, Natural and Working Lands, and Water measures address emissions sources not applicable to the Hospital Replacement, but rather the BAAQMD's own programs and regional air quality planning and are less applicable to local agencies' decisions and projects. In addition, 40 of these measures address stationary sources (such as oil refineries and cement kilns, and large boilers used in commercial and industrial facilities) and will be implemented by the BAAQMD using its permit authority and are therefore not suited to implementation through local planning efforts.

Most of the control measures identified in the Clean Air Plan fall under the implementation responsibility of the BAAQMD and would not be directly applicable to the Hospital Replacement. However, the Hospital Replacement would include features, either by design, required as part of compliance with regulations or its location close to transit facilities, that support implementation of transportation-, energy-, building-, waste-, and water conservation-related measures included in the 2017 Clean Air Plan. **Table 3.1-6** provides a consistency analysis of the Hospital Replacement with applicable control measures of the 2017 Clean Air Plan.

As shown in Table 3.1-6, required compliance with regulations from various agencies as well as the City, implementation of City SPCs AQ-1 and GR-1 as part of the project, and the Hospital Replacement's design features would ensure that implementation of the Hospital Replacement would be consistent and support all applicable control measures from the 2017 Clean Air Plan.

Further, the Hospital Replacement would not cause disruption or delay in the implementation of any of the Clean Air Plan control measures. Projects that would hinder implementation of control measures are projects that would preclude the extension of a transit line or bike path or projects that propose excessive parking beyond City parking requirements. The project is an existing use located within half a mile of a high-quality transit stop and would not affect transit services or the existing bicycle or pedestrian infrastructure in the vicinity. Therefore, the Hospital Replacement would not obstruct implementation of any measures in the 2017 Clean Air Plan that aim to improve connectivity and reduce transportation-related emissions.

[57] BAAQMD, *2017 Final Clean Air Plan*, April 19, 2017. Available at www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed May 8, 2023.

TABLE 3.1-6
CONSISTENCY WITH POTENTIALLY APPLICABLE CONTROL MEASURES IN 2017 CLEAN AIR PLAN CONTROL MEASURES

Control Measure	Description	Consistency Analysis
Stationary Source Control Measures		
SS21: New Source Review for Air Toxics	SS21 addresses air toxics emissions through BAAQMD Rule 2-5, New Source Review of Toxic Air Contaminants.	**Consistent.** Stationary sources such as emergency generators proposed as part of the Hospital Replacement would be required to comply with BAAQMD Rule 2-5.
SS25: Coating, 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 Hospital Replacement would comply with all applicable BAAQMD rules and regulations regarding ROG emission limits.
SS32: Emergency Backup 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 reduces GHG emissions.	**Consistent.** Proposed emergency backup generators shall meet Tier 4 Final standards compliant with the regulations set forth in BAAQMD Rule 11-18.
SS36: PM 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.** Construction activities associated with the Hospital Replacement would implement BMPs required by the BAAQMD, through the City's SPC AQ-1, which would reduce fugitive dust emissions and trackout of PM from construction areas.
SS38 Fugitive Dust	SS38 reduces particulate matter (PM_{10} & $PM_{2.5}$) fugitive dust emissions from traffic and other operations on construction sites, large, disturbed surfaces, and other sources of fugitive PM emissions.	**Consistent.** Project construction activities would implement dust control BMPs required by the BAAQMD as part of City SPC AQ-1, which would be required for project approval. This would reduce fugitive dust emissions from construction areas.
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 pre-tax 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.** The Hospital Replacement would result in a nominal increase in regional VMT over existing conditions amounting to less than two percent change in both the employment and service VMT. However, consistent with the City's transportation impact thresholds, the project would implement Mitigation Measure TR-2, which requires the project to develop and implement a 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, where the Clipper® fare payment system can be used on various transit operators.

Control Measure	Description	Consistency Analysis
TR8: Ridesharing	TR8 promotes ridesharing services and incentives through the implementation of the 511 Regional Rideshare Program, as well as local rideshare programs implemented by 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.	**Consistent.** Ridesharing services to project employees are available through the 511 Regional Rideshare Program as well as other private rideshare programs.
TR9: Bicycle and Pedestrian Access and 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.** As discussed in Section 3.13, *Transportation*, the project site is served by Class II bike lanes. In addition, the *San José Better Bike Plan 2025* includes several bicycle facility improvements for road segments near the project site. Bicycle facilities would be provided on the project site, including long-term bicycle parking spaces for employees and short-term bicycle parking spaces for visitors. The new hospital would include showers and other amenities, which would encourage the use of bicycles for commuting purposes. Pedestrian facilities in the vicinity of the project site are comprised of sidewalks and crosswalks. The streets adjacent to the project site, including Cottle Road, Santa Teresa Boulevard, Hospital Parkway, Camino Verde Drive, and International Circle, have continuous sidewalks on both sides of the roadway.
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 would comply with this measure as it is an existing use located in proximity to a variety of land uses including residential, retail and commercial uses. The project site is also located in an area well served by transit, bicycle and pedestrian facilities that serve to reduce VMT and associated emissions. As discussed under Impact AQ-3, the Hospital Replacement would not result in significant TAC exposure to existing offsite sensitive receptors with implementation of Mitigation Measure AQ-3a. In addition, as shown in Section 3.13, Transportation, with implementation of Mitigation Measure TR-2, the Hospital Replacement would not result in a significant impact on VMT.
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.** Under Mitigation Measure AQ-3a, the project applicant or its contractors would meet Tier 4 Final standards for all off-road construction equipment. It also requires the use of electric construction equipment that is commercially available.

Control Measure	Description	Consistency Analysis
Energy Control Measures		
EN1: Decarbonize Electricity Production	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 SPC GR-1, the project would enroll in the San José Clean Energy (SJCE) GreenSource program (approximately 95 percent carbon free power) or TotalGreen (approximately 100 percent carbon free power). SJCE enrollment is required to comply with SB 100 and the RPS requirements.
EN2: Decrease Electricity Demand	EN2 would decrease electricity demand through the adoption of additional energy efficiency policies and programs.	**Consistent.** The Hospital Replacement 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 Reach Codes and ordinances. Project buildings would be designed to comply with the most recent version of Title 24 Building Energy Efficiency Standards and mandatory CALGreen measures. The Hospital Replacement would include building design measures to meet Leadership in Energy and Environmental Design™ (LEED) Gold performance standards. Measures include use of high-performance glazing and sun shading at windows to reduce solar heat gain, high performance building roof and envelope to maximize energy performance as well as using thermal energy storage tanks to supplement heating and cooling loads to further reduce energy usage.
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.** In addition to compliance with the most recent version of Title 24 Building Energy Efficiency Standards and mandatory CALGreen measures, the project would be subject to the City of San José Reach Codes and ordinances, which requires, among other things, solar readiness in new construction. SPC GR-1 would require the project to enroll in SJCE's GreenSource or TotalGreen programs which provide 95 to 100 percent carbon-free electricity. The Hospital Replacement would include building design measures to achieve LEED Gold certification for non-residential buildings.
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 new hospital building would be exempt from the City of San José Reach Code's requirement for all-electric construction in all new buildings with no natural gas infrastructure. Nevertheless, the entire project is proposed as an all-electric development with no natural gas infrastructure. In addition, the project would comply with the Mandatory Requirements for Solar Ready Buildings (Energy Standards. Subchapter. 2. $110.10) adopted by the City's Ordinance No. 30311. In addition, SJCE's GreenSource or TotalGreen programs would provide 95 to 100 percent carbon-free electricity to the project consistent with SB 100 and RPS requirements.

Control Measure	Description	Consistency Analysis
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 project would be serviced by a waste hauler that would be required to comply with the requirements of the California Integrated Waste Management Act and AB 341.
WA4: Recycling and Waste Reduction	WA4 seeks to reduce GHG emissions by diverting recyclables and other materials from landfills.	**Consistent** with AB 341 – Commercial Recycling and AB 1826 – Commercial Organics, commercial, business, or multifamily establishments that generate two cubic yards or more of solid and organic waste per week will be required to have a recycling and/or organics program.
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.** To advance this measure, BAAQMD supports efforts of local governments to achieve and exceed state water use reduction goals by disseminating best practices that reduce water consumption and increase on-site water recycling; encouraging the adoption of water conservation ordinances; and incorporating public outreach and education on water conservation into BAAQMD's outreach programs. BAAQMD also incorporates best practices for water use into local plan guidance, CEQA guidance, and other resources for cities and counties. The Hospital Replacement would result in a net decrease in pervious surfaces on the project site through proposed bioretention or flow-through planter areas that would receive and treat site stormwater runoff, along with proposed permeable paving areas.

Overall, the Hospital Replacement would not hinder, or delay implementation of any control measures contained in the 2017 Clean Air Plan and would therefore be consistent with the BAAQMD's 2017 Clean Air Plan. This impact would be **less than significant**.

Mitigation: None required.

Future Campus Improvements

The nature of development proposed under the Future Campus Improvements (medical office buildings) would be similar to the Hospital Replacement because it would include the construction of medical office buildings and parking and include similar sources as the project. Though design features of the future campus development are not known at this time, required compliance with regulations from various agencies as well as the City, implementation of City SPCs AQ-1 and GR-1 as part of the project, as well as the location of the project site in an area well served by transit facilities would ensure that future development would also be consistent and support all applicable control measures in the 2017 Clean Air Plan.

Mitigation: None required.

Impact AQ-2: The project would not 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)***

Hospital Replacement

For the project-level analysis which includes construction of the new hospital building, energy center and parking structure and demolition of the existing hospital (Hospital Replacement), the analysis presented below estimates construction and operational criteria air pollutants and compares them with the BAAQMD's project-level thresholds for construction and operation.

Construction

Project construction would emit criteria air pollutants for which the SFBAAB is non-attainment as well as precursor pollutants which would further contribute to non-attainment issues in the area. Sources of criteria air pollutant emissions during construction of the Hospital Replacement include:

- The use of heavy-duty construction equipment such as excavators, bulldozers, loaders, and graders during the various phases of construction;
- Heavy-duty truck trips hauling materials and equipment, and from construction workers traveling to and from the project site; and
- Paving operations and the application of asphalt, architectural coatings (i.e., paints) and other building materials during the finishing phases, which would release ROG emissions.

Table 3.1-7 presents the Hospital Replacement's average daily unmitigated emissions of construction-related criteria air pollutants by year. This table also compares estimated emissions to BAAQMD's significance thresholds for construction.

TABLE 3.1-7
UNMITIGATED AVERAGE DAILY CONSTRUCTION CRITERIA POLLUTANT EMISSIONS BY YEAR

	Average Daily Emissions (pounds per day)[a,b]			
Construction Year	**ROG**	**NO_X**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
2024	1.1	9.8	0.4	0.4
2025	4.8	26.7	0.6	0.6
2026	11.0	18.6	0.5	0.4
2027	11.6	12.6	0.3	0.3
2028	2.5	18.4	0.8	0.7
Threshold	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

ABBREVIATIONS: NO_X = oxides of nitrogen; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; PM_{10} = particulate matter 10 microns or less in diameter; ROG = reactive organic gases

NOTES:

a. **Bold values** = threshold exceedance.
b. Average daily construction emissions represent total annual emissions divided by workdays per year.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

Unmitigated exhaust emissions from project construction would not exceed BAAQMD's CEQA thresholds of significance for average daily emissions for all years of construction.

The BAAQMD has taken a qualitative approach to addressing mass criteria pollutant emissions of fugitive dust from construction activities and considers any project that implements the BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions to not result in a significant impact with respect to mass criteria pollutant emissions of fugitive dust. The measures would be implemented by the project as they are required by the City's SPC AQ-1. With the implementation of BAAQMD's BMPs as part of City SPC AQ-1, criteria pollutant impacts from fugitive dust during construction would be considered less than significant.

Overall, the Hospital Replacement's construction impacts associated with criteria air pollutants for which the SFBAAB is considered non-attainment would be **less than significant**.

Demolition and Operation

Demolition of the existing hospital would take place once the new hospital building is operational. Therefore, for the year 2028, emissions from the demolition of the existing hospital building would overlap with the hospital's operational emissions. As shown in **Table 3.1-8**, the sum of these emissions would not exceed any BAAQMD thresholds, resulting in a less than significant impact.

TABLE 3.1-8
UNMITIGATED AVERAGE DAILY CRITERIA POLLUTANT EMISSIONS – OVERLAPPING DEMOLITION AND OPERATIONAL EMISSIONS FOR 2028

	Average Daily Emissions (pounds per day)[a,b]			
Source	**ROG**	**NO_X**	**PM_{10}**	**$PM_{2.5}$**
Demolition of Existing Hospital Building	2.0	14.4	0.7	0.7
Operation of New Hospital Building	14.4	0.5	0.4	0.1
Total	*16.4*	*14.9*	*1.1*	*0.8*
Threshold	**54**	**54**	**82**	**54**
Exceeds Threshold?	No	No	No	No

ABBREVIATIONS: NO_X = oxides of nitrogen; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; PM_{10} = particulate matter 10 microns or less in diameter; ROG = reactive organic gases

NOTES:

a. **Bold values** = threshold exceedance.
b. Average daily construction emissions represent total annual emissions divided by workdays per year.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

Operation

Table 3.1-9 presents operational criteria air pollutant emissions of the Hospital Replacement from on-site area sources (e.g., landscape maintenance, architectural coatings, use of consumer products such as cleaning products) and on-road vehicle trips generated by the Hospital Replacement.

TABLE 3.1-9
UNMITIGATED AVERAGE DAILY AND ANNUAL OPERATIONAL CRITERIA POLLUTANT EMISSIONS

	Average Daily Emissions (pounds per day)[a]				Annual Emissions (tons per year)			
Source	**ROG**	**NO_X**	**PM_{10} Total**	**$PM_{2.5}$ Total**	**ROG**	**NO_X**	**PM_{10} Total**	**$PM_{2.5}$ Total**
Area[b]	14.1	0.1	<0.1	<0.1	2.6	<0.1	<0.1	<0.1
Mobile[b]	0.3	0.3	0.3	0.1	0.1	0.1	0.1	<0.1
Total	*14.4*	*0.5*	*0.4*	*0.1*	*2.6*	*0.1*	*0.1*	*<0.1*
BAAQMD Threshold	**54**	**54**	**82**	**54**	**10**	**10**	**15**	**10**
Exceeds Threshold?	No	No	No	No	No	No	No	No

ABBREVIATIONS: NO_X = oxides of nitrogen; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; PM_{10} = particulate matter 10 microns or less in diameter; ROG = reactive organic gases

NOTES: **Bold values** indicate exceedance of threshold

a. Average daily operational emissions represent total annual emissions divided by 365 operating days per year.
b. Emissions presented are net new: Hospital Replacement minus existing hospital operations.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

As explained earlier, emissions from the testing and operation of emergency generators and idling of trucks and TRUs at loading docks were not included in the operational criteria air pollutant analysis because these emissions are currently being generated at the existing hospital and would cease once the new hospital is completed.

As shown in Table 3.1-9, the Hospital Replacement's operational emissions would not exceed either BAAQMD's daily or annual significance thresholds for ROG, NO_X, PM_{10}, and $PM_{2.5}$. Thus, the Hospital Replacement would result in **less-than-significant** impacts with respect to operational emissions of criteria air pollutant for which the SFBAAB is designated non-attainment.

Future Campus Improvements

Construction

Future Campus Improvements would be completed beyond 2030 and would include demolition of two one-story medical offices (both approximately 10,100 square feet) and construction of a 250,000 square feet outpatient facility and a parking garage. Therefore, the overall amount of demolition and construction under the Future Campus Improvements would be less than what is analyzed for the Hospital Replacement.

Demolition and construction activities associated with Future Campus Improvements would be similar to the Hospital Replacement and subject to project-level CEQA review at the time it is proposed for development. Demolition and construction activities would generate both exhaust and fugitive dust emissions. Similar to the Hospital Replacement, fugitive dust impacts would be less than significant as future development would also be subject to City SPC AR-1, which included BMPs consistent with the BAAQMD Basic Construction Mitigation Measures Recommended for All Projects.

Estimating exhaust emissions generated by construction activities (i.e., construction equipment and vehicles) requires project-specific data regarding the construction schedule and phasing, and

equipment needs (equipment type and number, horsepower, activity level), which is not available at this time. As the scale of development proposed for the Future Campus Improvements would be lower than the Hospital Replacement and as construction equipment and methods used are likely to be same as the Hospital Replacement, criteria air pollutants from construction activities associated with Future Campus Improvements are also forecast to result in a **less-than-significant** impact.

Operation

For a program-level analysis of operational impacts, the BAAQMD recommends that the significance of the impact of criteria air pollutant emissions generated be based on consistency with regional air quality planning, including an evaluation of service population growth and growth in VMT. For a proposed program to result in a less-than-significant impact from criteria air pollutants, an analysis must demonstrate that the growth in VMT with the implementation of the program would not exceed the population growth resulting from the development.

The BAAQMD Justification Report explains that the impact to air quality is not necessarily growth but where that growth is located.[58] Because transportation sources typically constitute the largest percent of criteria pollutant emissions generated from land use development projects and plans, a comparison of the rate of increase in VMT to the growth rate (represented by the service population growth that includes residential population and employment growth), will determine if planned growth will impact the air quality of the area.

The transportation analysis for the Hospital Replacement and the Future Campus Improvements considered service population and VMT changes to the region as a whole. It is assumed the Hospital Replacement and Future Campus Improvements would not cause an increase in trips regionally, but rather result in a change in the location of trips. The premise of the assumption is if expanded medical services are located at the project site, then medical demand from other similar locations would be shifted to the project site. It is assumed that some employees would leave their jobs at other hospitals and find employment at the expanded Kaiser San José Medical Center. Likewise, patients will choose to find treatment at Kaiser San José Medical Center instead of at other hospitals in the region. Thus, the estimated increase in hospital and future campus improvement jobs was removed from other hospitals in the region and there would be no net increase in the service population of the area over existing conditions.

The transportation analysis also found that there would be a minimal increase in regional VMT from employee, patient, and visitor trips due to the new hospital and medical office expansion in both the employment and patient/visitor VMT. Based on the City's impact threshold of no net increase from regional employee and patient/visitor VMT, a significant impact for the hospital and future campus improvement uses was identified. Implementation of Mitigation Measure TR-2 would require the implementation of a Transportation Demand Management Plan and Hardscape

[58] BAAQMD staff analyzed various options for CEQA air quality thresholds of significance for use within BAAQMD's jurisdiction. The analysis and evaluation undertaken by BAAQMD staff is documented in the Revised Draft Options and Justification Report – California Environmental Quality Act Thresholds of Significance (Draft Options Report) (BAAQMD October 2009).

Multimodal Improvements, which would reduce VMT generated to achieve a no net increase over existing conditions.

Therefore, there would be no net increase in reginal service population and associated VMT with the proposed hospital and medical office expansion. This would result in a **less-than-significant** impact with respect to criteria air pollutants at a program level.

Mitigation: None required.

Impact AQ-3: The project would expose sensitive receptors to substantial pollutant concentrations because it would exceed BAAQMD's project-level thresholds of 10 in one million for cancer risk and 0.3 μg/m^3 for annual average $PM_{2.5}$ concentration during construction. ***(Less than Significant with Mitigation)***

Hospital Replacement

Construction Health Risk

The results of the construction HRA for the Hospital Replacement are shown in **Table 3.1-10**. As shown, the unmitigated cancer risk at the residential MEIR, located approximately 150 feet from the nearest edge of the main project site, and daycare MEIR, located approximately 125 feet from the nearest edge of the Construction Trailer Area, would exceed the BAAQMD's project-level threshold of 10 in one million. The BAAQMD's annual average threshold for $PM_{2.5}$ concentrations would also be exceeded for the residential MEIR and MEIW, resulting in a significant health risk impact during construction. The non-cancer Hazard Index at all MEIRs and at the MEIW would be below the BAAQMD threshold. All health risks at Santa Teresa Elementary School, located approximately 1,500 feet from the nearest edge of the project site would be below BAAQMD thresholds and less than significant.

Exposure to Receptors at the Existing Hospital

Worker receptors at the existing hospital have been included in the HRA to evaluate risks from exposure to TACs from construction activities associated with the Hospital Replacement. But patients at the existing hospital were not included in the HRA. This is because of the short duration of stay for patients at the hospital. Based on data provided by the project applicant, the average inpatient length of stay for this facility is 4.1 days.[59] In addition, hospitals and healthcare facilities are equipped with advanced filtration systems not just to reduce particulate pollution but also to reduce virus transmission. Hospitals rely on a combination of specialized heating, ventilation, and air conditioning (HVAC) systems and high-efficiency particulate air (HEPA) filters to regulate airflow, and to prevent the spread of viruses and bacteria. Any air entering the hospital is first passed through a series of filters before it is allowed to circulate. These filters reduce the levels of potentially harmful particulates in the air, such as viruses, dust, pollen, and pollution from the outdoor environment.[60] A short-term indoor exposure of several days or even several weeks is extremely unlikely to cause health risks that would exceed BAAQMD's

[59] California Department of Health Care Access and Information, *Hospital Profile – Kaiser Foundation Hospital, San José*, 2023. Available at hcai.ca.gov/facility/kaiser-foundation-hospital-san-jose/. Accessed December 22, 2023.

[60] Cairn Technology Ltd., *What Air Filtration Systems are used in Hospitals?* April 22, 2022. Available at cairntechnology.com/what-air-filtration-systems-hospitals/. Accessed October 2023.

thresholds. The short duration of inpatient stay combined with the presence of HEPA filters and inoperable windows would result in less-than-significant health risk impacts from DPM and $PM_{2.5}$, whose impacts are primarily chronic and estimated based on exposure durations of one year for $PM_{2.5}$ concentration and 30 years for cancer risk.

TABLE 3.1-10
UNMITIGATED HEALTH RISKS FROM PROJECT CONSTRUCTION

Receptor Type/Emissions Source	Cancer Risk (# in 1 million)	Chronic HI (unitless)	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
MEIR – Resident Infant Receptor[a]			
Project Construction	**19.6**	0.08	**0.5**
Significance Threshold	10	1.0	0.3
MEIR – School Child Receptor[b]			
Project Construction	1.2	0.002	0.009
Significance Threshold	10	1.0	0.3
MEIR – Daycare Infant Receptor[c]			
Project Construction	**27.9**	0.03	0.12
Significance Threshold	10	1.0	0.3
MEIW – Worker Receptor[d]			
Project Construction	3.2	0.07	**0.6**
Significance Threshold	10	1.0	0.3

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Resident; MEIW = Maximally Exposed Individual Worker; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter; NA = not applicable

NOTES: Values shown in **bold** exceed thresholds.

a. The resident child MEIR for cancer risk is located along Coffeeberry Drive near the southwest corner of the intersection of Cottle Road and Palmia Drive approximately 150 feet west of the project site. The resident child MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located along Liska lane to the east of the project site. Exposure is assumed to begin in the third trimester of an unborn child.
b. The school MEIR for cancer risk, chronic HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Elementary School. Exposure is assumed to begin at the age of 5.
c. The daycare MEIR for cancer risk is located at the Bright Horizons Daycare east of the project site. The daycare MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located at the Bright Horizons Daycare east of the project site. Daycare. Exposure is assumed to begin at 6 weeks of age.
d. The MEIW for cancer risk, HI and annual average $PM_{2.5}$ concentration is located on site at the Kaiser campus.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

Exposure to Asbestos and Lead-Based Paint during Demolition

The project includes demolition of buildings on the project site that predate the late 1970s regulatory bans on the use of hazardous building materials, such as ACM and LBP. Demolition of these buildings could expose construction workers and the environment to hazardous building materials if not managed appropriately.

Demolition activities that may disturb or require the removal of hazardous building materials are required to be inspected and/or tested for the presence of hazardous building materials. If present at concentrations above levels needing regulatory action, the testing, handling, removal, and disposal of hazardous building materials would be conducted in accordance with existing federal, state, and local regulations described in Section 3.7, *Hazards and Hazardous Materials*. BAAQMD Rule 11-2 specifies procedures for safe decontamination, removal, and disposal of

ACM. The rule also includes reporting requirements to the Air Pollution Control Officer. This is also enforced through compliance with SPC HA-1, which would require testing of suspect materials prior to demolition activities, removal by state-certified ACM and/or LBP removal contractors, containerization of ACM and/or LBP to prevent exposure of workers or the public, and compliance with BAAQMD requirements (see Section 3.7). The required compliance with the numerous laws and regulations that govern the transportation, use, handling, and disposal of hazardous building materials would reduce the potential to create hazardous conditions due to the use or accidental release of hazardous materials and would render this impact less than significant.

Operational Health Risk

Operational sources of health risk associated with the Hospital Replacement would primarily include the three diesel fueled emergency generators and idling of trucks and TRUs at the loading dock of the new hospital building. DPM and $PM_{2.5}$ Operational health risks associated with the Hospital Replacement are shown in **Table 3.1-11**. As shown, operational health risks associated with the Hospital Replacement would be less than significant for all receptor types. For the same reasons discussed under *Construction Health Risk*, health risk impacts from project operation would result in less than significant impacts to patients at the new hospital. Overall, health risks associated with operational sources proposed as part of the Hospital Replacement would be **less than significant**.

Combined Construction and Operational Health Risk

Table 3.1-12 shows the combined construction and operational health risks for the different receptor types. The combined health risks were estimated assuming that the maximum exposed receptor for construction continues to be exposed to the Hospital Replacement's operational emissions once construction has ended. As shown in table, incremental lifetime cancer risk would exceed the BAAQMD threshold of 10 in one million at the resident and daycare MEIR. Annual average $PM_{2.5}$ concentration would exceed the threshold at the resident MEIR and MEIW. Other health risks would be below applicable BAAQMD thresholds. Therefore, the Hospital Replacement would result in a significant health risk impact when construction and operation are considered together.

TABLE 3.1-11
UNMITIGATED HEALTH RISKS FROM PROJECT OPERATION

Receptor Type/Emissions Source	Cancer Risk (# in 1 million)	Chronic HI (unitless)	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
MEIR – Resident Infant Receptor[a]			
Project Operations	5.6	0.002	0.01
Significance Threshold	10	1.0	0.3
MEIR – School Child Receptor[b]			
Project Operations	1.2	<0.001	0.002
Significance Threshold	10	1.0	0.3
MEIR – Daycare Infant Receptor[c]			
Project Operations	1.7	<0.001	0.001
Significance Threshold	10	1.0	0.3
MEIW – Worker Receptor[d]			
Project Operations	1.3	0.001	0.005
Significance Threshold	10	1.0	0.3

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Resident; MEIW = Maximally Exposed Individual Worker; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

NOTES: **Bold values** = threshold exceedance.

a. The resident child MEIR for cancer risk, HI and annual average $PM_{2.5}$ concentration is located along Del Canto Drive south of Santa Teresa Boulevard south of the project site. Exposure is assumed to begin in the third trimester of an unborn child.
b. The school MEIR for cancer risk, chronic HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Elementary School. Exposure is assumed to begin at the age of 5.
c. The daycare MEIR for cancer risk, HI and annual average $PM_{2.5}$ concentration is located at the Bright Horizons Daycare east of the project site. Daycare exposure is assumed to begin at 6 weeks of age.
d. The MEIW for cancer risk, HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Branch Library.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

TABLE 3.1-12
UNMITIGATED COMBINED HEALTH RISKS FROM PROJECT CONSTRUCTION AND OPERATION

Receptor Type/Emissions Source	Cancer Risk (# in 1 million)	Chronic HI (unitless)	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
MEIR – Resident Infant Receptor[a]			
Project Construction + Operations	**19.8**	0.075	**0.5**
Significance Threshold	10	1.0	0.3
MEIR –School Child Receptor[b]			
Project Construction + Operations	1.8	0.002	0.009
Significance Threshold	10	1.0	0.3
MEIR – Daycare Infant Receptor[c]			
Project Construction + Operations	**28.0**	0.026	0.12
Significance Threshold	10	1.0	0.3
MEIW – Worker Receptor[d]			
Project Construction + Operations	4.5	0.07	**0.6**
Significance Threshold	10	1.0	0.3

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Resident; MEIW = Maximally Exposed Individual Worker; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

NOTES: Values shown in **bold** are in excess of thresholds

a. The resident child MEIR for cancer risk is located along Coffeeberry Drive near the southwest corner of the intersection of Cottle Road and Palmia Drive approximately 150 feet west of the project site. The resident child MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located along Liska lane to the east of the project site. Exposure is assumed to begin in the third trimester of an unborn child.
b. The school MEIR for cancer risk, chronic HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Elementary School. Exposure is assumed to begin at the age of 5.
c. The daycare MEIR for cancer risk is located at the Bright Horizons Daycare east of the project site. The daycare MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located at the Bright Horizons Daycare east of the project site. Daycare exposure is assumed to begin at 6 weeks of age.
d. The MEIW for cancer risk, HI and annual average $PM_{2.5}$ concentration is located on-site at the Kaiser campus.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

Mitigation Measure

Mitigation Measure AQ-3a: Clean Construction Equipment

1. The project applicant shall ensure that all diesel off-road equipment used for construction shall have engines that meet the Tier 4 Final off-road emission standards, as certified by the California Air Resources Board (CARB), except as provided for in this section. This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Verified Diesel Emission Control Strategy (VDECS) information if applicable and other related equipment data. A Certification Statement is also required to be made by the Contractor for documentation of compliance and for future review by the Bay Area Air Quality Management District (BAAQMD) as necessary. The Certification Statement shall state that the Contractor agrees to compliance and acknowledges that a violation of this requirement shall constitute a material breach of contract.

   The City may waive the requirement for Tier 4 Final equipment only under the following unusual circumstances: if a particular piece of off-road equipment with

Tier 4 Final standards is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use other alternate off-road equipment. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines taking into consideration factors such as (i) potential significant delays to critical-path timing of construction for the project and (ii) geographic proximity to the project site of Tier 4 Final equipment. Sufficient documentation must be provided when seeking any waiver described above. If the waiver is granted, the contractor must use the next cleanest piece of off-road equipment that is commercially available, or another alternative that results in comparable reductions of DPM and $PM_{2.5}$ emissions.

2. To the extent feasible, electric engines shall be used for all equipment that is commercially available as plug-in or battery-electric equipment during each construction phase and activity. Portable equipment shall be powered by grid electricity if available. Electric equipment shall include, but not be limited to, concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, and cement and mortar mixers, pressure washers, and pumps. The project applicant shall maintain an inventory of equipment utilized for the project. The applicant shall maintain information for non-electric equipment listed on the inventory indicating why it is not commercially available. "Commercially available" is defined as (1) can be obtained without significant delays to critical-path timing of construction; and (2) available within the larger northern California region. This inventory shall be made available to the City upon request.
3. The project applicant shall require the idling time for off-road and on-road equipment be limited to no more than 2 minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.

Significance after Mitigation: Table 3.1-13 shows the mitigated health risks associated with construction of the Hospital Replacement. Mitigation Measure AQ-3a would reduce health risk impacts from project construction to below the BAAQMD thresholds of 10 in one million for incremental lifetime cancer risk, 1.0 for chronic hazard index and 0.3 $\mu g/m^3$ annual average $PM_{2.5}$ concentration with the use of clean construction equipment that meet the Tier 4 Final off-road emission standards as certified by CARB. Mitigation Measure AQ-3a in conjunction with the dust control measure to water construction areas twice per day required as part of the City's SPCs would reduce annual average $PM_{2.5}$ concentrations to less than the BAAQMD threshold at all receptors. **Table 3.1-14** shows that the combined construction (mitigated) and operational health risks of the Hospital Replacement for all receptor types would be **less than significant with mitigation**.

TABLE 3.1-13
MITIGATED HEALTH RISKS FROM PROJECT CONSTRUCTION

Receptor Type/Emissions Source	Cancer Risk (# in 1 million)	Chronic HI (unitless)	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
MEIR – Resident Infant Receptor[a]			
Project Construction (Mitigated)	2.5	0.01	0.17
Significance Threshold	10	1.0	0.3
MEIR –School Child Receptor[b]			
Project Construction (Mitigated)	0.2	<0.001	0.003
Significance Threshold	10	1.0	0.3
Daycare Infant Receptor[c]			
Project Construction (Mitigated)	2.0	0.002	0.009
Significance Threshold	10	1.0	0.3
MEIW – Worker Receptor[d]			
Project Construction (Mitigated)	0.5	0.01	0.2
Significance Threshold	10	1.0	0.19

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Resident; MEIW = Maximally Exposed Individual Worker; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

NOTES: Values shown in **bold** exceed thresholds

a. The resident child MEIR for cancer risk is located along Coffeeberry Drive near the southwest corner of the intersection of Cottle Road and Palmia Drive approximately 150 feet west of the project site. The resident child MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located along Liska lane to the east of the project site. Exposure is assumed to begin in the third trimester of an unborn child.
b. The school MEIR for cancer risk, chronic HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Elementary School. Exposure is assumed to begin at the age of 5.
c. The daycare MEIR for cancer risk is located at the Bright Horizons Daycare east of the project site. The daycare MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located at the Bright Horizons Daycare east of the project site. Daycare. Exposure is assumed to begin at 6 weeks of age.
d. The MEIW for cancer risk, HI and annual average $PM_{2.5}$ concentration is an on-site worker receptor at the Kaiser campus.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

TABLE 3.1-14
COMBINED HEALTH RISKS FROM MITIGATED CONSTRUCTION AND OPERATION

Receptor Type/Emissions Source	Cancer Risk (# in 1 million)	Chronic HI (unitless)	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)
MEIR – Resident Infant Receptor[a]			
Project Construction (Mitigated) + Operations	2.8	0.01	0.17
Significance Threshold	10	1.0	0.3
MEIR – School Child Receptor[b]			
Project Construction (Mitigated) + Operations	0.9	<0.001	0.003
Significance Threshold	10	1.0	0.3
MEIR – Daycare Infant Receptor[c]			
Project Construction (Mitigated) + Operations	2.2	0.002	0.009
Significance Threshold	10	1.0	0.3
MEIW – Worker Receptor[d]			
Project Construction (Mitigated) + Operations	1.8	0.01	0.19
Significance Threshold	10	1.0	0.3

ABBREVIATIONS: $\mu g/m^3$ = micrograms per cubic meter; HI = Hazard Index; MEIR = Maximally Exposed Individual Resident; MEIW = Maximally Exposed Individual Worker; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

NOTES: Values shown in **bold** exceed thresholds

a. The resident child MEIR for cancer risk is located along Coffeeberry Drive near the southwest corner of the intersection of Cottle Road and Palmia Drive approximately 150 feet west of the project site. The resident child MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located along Liska lane to the east of the project site. Exposure is assumed to begin in the third trimester of an unborn child.
b. The school MEIR for cancer risk, chronic HI and annual average $PM_{2.5}$ concentration is located at the Santa Teresa Elementary School. Exposure is assumed to begin at the age of 5.
c. The daycare MEIR for cancer risk is located at the Bright Horizons Daycare east of the project site. The daycare MEIR for chronic HI and annual average $PM_{2.5}$ concentration is located at the Bright Horizons Daycare east of the project site. Daycare. Exposure is assumed to begin at 6 weeks of age.
d. The MEIW is an on-site worker receptor at the Kaiser campus.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

Future Campus Improvements

Construction and Operation

Future Campus Improvements would be completed beyond 2030 and would include demolition of two single-story medical offices (both approximately 10,100 square feet) and construction of an approximately 250,000 square foot outpatient facility and a parking garage. Therefore, the overall amount of demolition and construction under the Future Campus Improvements would be less than what is analyzed for the Hospital Replacement project.

In general, the types of construction equipment and techniques that would be used for Future Campus Improvements would be similar to those used for the project. Without details of specific construction schedules, sequencing, and construction information, it is not possible to meaningfully estimate construction TAC emissions associated with the Future Campus Improvements. However, as the level of development proposed would be lower than what has been analyzed for the Hospital Replacement, it is reasonable to expect that TAC emissions generated would be less than or at most similar to those estimated for the Hospital Replacement. It should be also noted that the overall construction fleet that would be used during construction of Future Campus Improvements would be less-polluting than the fleet used for the Hospital Replacement using new emission control technologies in response to CARB's Off-Road Emissions Regulation for both new and in-use equipment as discussed above in the Section 3.1.2, *Regulatory Framework* would be implemented over time, reducing tailpipe emissions from construction equipment.

Nonetheless, given the lack of detail for a quantitative assessment of health risks and the proximity to sensitive uses, the human health risk impact associated with the Future Campus Improvements is conservatively considered to be potentially significant requiring mitigation.

Mitigation Measure

Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements

Prior to approval of Planned Development Permits or grading permits (whichever occurs sooner) for Future Campus Improvements beyond 2030, the project applicant shall prepare and submit to the City for review and approval a project-specific health risk analysis demonstrating that construction and operation of development proposed as Future Campus Improvements will not result in a significant acute non-cancer health risk, chronic non-cancer health risk, cancer health risk, or annual average $PM_{2.5}$ concentrations to receptor locations at the project or cumulative levels based on the BAAQMD CEQA Guidelines in effect at the time the campus improvement is proposed. As a performance standard, future project-level health risk analysis must demonstrate an incremental lifetime cancer risk level of 10 in 1 million or less, a non-cancer (i.e., chronic or acute) hazard index of 1.0 or less, and an incremental increase an annual average $PM_{2.5}$ concentrations of no more than 0.3 microgram per cubic meter. Cumulative health risk analysis must demonstrate that the project-level health risk in combination with background risks from stationary and mobile sources would be less than an incremental lifetime cancer risk level of 100 in 1 million or less, a non-cancer (i.e., chronic or acute) hazard index of 10.0 or less, and an incremental increase an annual average $PM_{2.5}$ concentrations of no more than 0.8 microgram per cubic meter. These performance standards shall be updated to match the BAAQMD's thresholds if the thresholds are

updated in the future. Mitigation Measure AQ-3a shall be implemented if construction-related health risks are found to exceed significance thresholds.

Significance after Mitigation: Implementation of **Mitigation Measure AQ-3b** would require Future Campus Improvements to conduct a project-specific construction and operational health risk analysis to demonstrate that the construction and operational sources of TACs would not result in a significant acute health risk, chronic non-cancer health risk, cancer health risk, or annual average $PM_{2.5}$ concentrations to specific receptors when compared to applicable BAAQMD thresholds. Implementation of Mitigation Measure AQ-3b would ensure potential impact related to exposure of sensitive receptors to substantial pollutant concentrations or health risk from construction and operation of proposed Future Campus Improvements would be **less than significant**.

Impact AQ-4: The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. ***(Less than Significant)***

There are no existing uses on the project site that are considered major sources of odors by the BAAQMD. In addition, the Hospital Replacement and Future Campus Improvements would not introduce any land uses or sources to the project site that would be considered a major source of odors.

During construction, the various diesel-powered vehicles and equipment would create localized odors while in use. These odors would be temporary and intermittent and are not likely to be noticeable for extended periods of time beyond the boundaries of the project site. Therefore, the potential for diesel odor impacts during construction would be **less than significant**.

Once operational, diesel exhaust from idling trucks and TRUs at the loading dock and emergency generator testing would create localized odors. But these odors would dissipate quickly and are not likely to carry beyond the project site boundaries. Therefore, operational odor impacts would also be **less than significant**.

Mitigation: None required.

Cumulative Impacts

The SFBAAB is a nonattainment area for both the federal and state ozone standards; therefore, an air quality impact already exists. Additional emissions of ozone precursors NO_X or ROG over threshold amounts would further degrade air quality related to ozone. Impact AQ-2 evaluates whether the project's contribution to this significant impact would be considerable. The BAAQMD's project-level criteria air pollutant thresholds are based on levels below which new sources would not result in a cumulatively considerable net increase in criteria air pollutants for which the region is in nonattainment. The potential for the project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to non-attainment criteria pollutants, is addressed under Impact AQ-2. Therefore, no separate cumulative criteria air pollutant analysis is required.

Impact AQ-1 addresses potential impacts related to consistency with the BAAQMD 2017 Clean Air Plan. Because the 2017 Clean Air Plan focuses on reducing population exposure to air pollutants throughout the region, the assessment in Impact AQ-1 is a cumulative analysis in itself as it assesses consistency with a region wide air quality plan. Therefore, a separate cumulative assessment of consistency with the 2017 Clean Air Plan is not required.

Impact C-AQ-1: The project could combine with cumulative projects to contribute considerably to cumulative health risk impacts because it would exceed BAAQMD's cumulative threshold for annual average $PM_{2.5}$ concentration. ***(Less than Significant with Mitigation)***

Table 3.1-15 shows that the Hospital Replacement in conjunction with other permitted stationary sources within 1,000 feet of the MEIR and background health risks from mobile sources on highways, major streets and rail would result in cumulative lifetime cancer risk and chronic hazard index below the BAAQMD's cumulative thresholds, which are 100 in a million for incremental lifetime cancer risk and 10.0 for non-cancer Hazard Index (acute or chronic). However, the cumulative annual average $PM_{2.5}$ concentration would exceed the BAAQMD's threshold of 0.8 $\mu g/m^3$ resulting in a significant cumulative impact. Implementation of Mitigation Measure AQ-3a would reduce the project's contribution to cumulative health risks and reduce cumulative annual average $PM_{2.5}$ concentration to less than the BAAQMD threshold. Table 3.1-15 also shows the cumulative health risks considering the mitigated project contribution. Mitigation Measure AQ-3b would require a project-level and cumulative HRA to be completed for development proposed as part of the future program level improvements. Therefore, the cumulative health risk impact would be **less than significant with mitigation**.

Mitigation Measures

Implementation of Mitigation Measure AQ-3a and AQ-3b.

Significance after Mitigation: Less than significant.

TABLE 3.1-15
SUMMARY OF CUMULATIVE EXCESS LIFETIME CANCER RISK, NON-CANCER CHRONIC RISK, AND ANNUAL AVERAGE $PM_{2.5}$ CONCENTRATION AT THE EXISTING OFF-SITE MEIR

Emissions Source/Receptor Type	Excess Lifetime Cancer Risk (per million)[a]	Non-Cancer Chronic Hazard Index (unitless)[a]	Annual Average $PM_{2.5}$ Concentration ($\mu g/m^3$)[a,c]
Project Contributions – Unmitigated			
Project Construction (Unmitigated) + Operations	19.7	0.07	0.5
Background Cumulative Contributions from Sources within 1,000 feet of MEIR			
Existing Stationary Sources[d,e]	0.8	0.003	0.0
Roadways, Highways and Major Streets[f]	26.8	0.08	0.5
Railways[e]	0.01	<0.001	<0.001
Total Background Cumulative	*27.6*	*0.09*	*0.5*
Project Plus Cumulative			
Cumulative Total	47.3	0.2	1.0
Cumulative Significance Thresholds	100	10.0	0.8
Significant?	No	No	**Yes**
Project Contributions – Mitigated			
Project Construction (Mitigated)[b] + Operations	2.8	0.01	0.2
Background Cumulative Contributions from Sources within 1,000 feet of MEIR			
Existing Stationary Sources[d,e]	0.8	0.003	0.0
Roadways, Highways and Major Streets[f]	26.8	0.08	0.5
Railways[e]	0.01	<0.001	<0.001
Total Background Cumulative	*27.6*	*0.09*	*0.5*
Project Plus Cumulative			
Cumulative Total	30.4	0.1	0.7
Cumulative Significance Thresholds	100	10.0	0.8
Significant?	No	No	No

NOTES:

$PM_{2.5}$ = particulate matter that is 2.5 microns or less in diameter; = $\mu g/m^3$ micrograms per cubic meter; MEIR = maximally exposed individual receptor

a. **Bold values** = threshold exceedance
b. Health risks include implementation of Mitigation Measure AQ-3a (Diesel Particulate Matter Controls) and City SPC AQ-1.
c. For onsite construction, $PM_{2.5}$ concentrations include exhaust and fugitive dust emissions as required by the most recent BAAQMD Guidelines.
d. Health risks from BAAQMD permitted stationary sources available through the BAAQMD's Stationary Source Screening Map.
e. Does not include health risks from the emergency generators at the existing hospital as they will be decommissioned once the new hospital and energy center are constructed.
f. Background health risks from mobile sources derived from BAAQMD's Mobile Source Screening Map.

SOURCE: Table compiled by ESA in 2023 based on Appendix B of this EIR.

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3.2 Biological Resources

This section of the Draft EIR addresses the potential biological impacts related to the project, including the Hospital Replacement and Future Campus Improvements. This section identifies the existing biological resources within the "study area," which includes the project site as well as a 250-foot impact study buffer; identifies the federal, state, and local regulations pertaining to biological resources within the region; and describes the project's potential impacts on those biological resources as well as mitigation measures to reduce project-related impacts to a less-than-significant level. This setting discussion provides a summary description of biological resources within the study area, including identification of any special-status species that have the potential to occur.

3.2.1 Environmental Setting

Regional and Local Setting

The project site is in the San Francisco Bay Bioregion, which has a mild Mediterranean climate with generally warm, dry summers and cool, wet winters. This region includes marine, freshwater, and terrestrial resources from Point Arena to the Santa Cruz Mountains and extends from the continental shelf to the delta of the Sacramento and San Joaquin Rivers.[61] The project site is in the Guadalupe River watershed within the City of San José. The watershed encompasses approximately 171 square miles, extending from the headwaters in the eastern Santa Cruz Mountains near the summit of Loma Prieta through the Santa Clara Valley to South San Francisco Bay. Land use in the upper watershed is characterized by heavy forests with pockets of residential parcels. Residential development increases to high density on the valley floor, mixed with commercial and industrial uses in the City of San José and its surrounding municipalities.

Vegetation Communities and Associated Wildlife Species

A vegetation community is a recognizable collection of plant species that interact with each other and the elements of their environment and are distinct from adjacent vegetation communities.[62] Vegetation communities generally correlate with wildlife habitat types. The project site is primarily developed with buildings, parking lots, roads, and landscaping, including mowed turf. Landscaping and mowed turf do not constitute a vegetation community since they are not natural assemblages of plants that are part of the natural ecology of the site; as such, the project site does not include any vegetation communities.

Small areas of landscape vegetation are present within the study area adjacent to buildings, parking lots and roads. Generally, ornamental landscape trees and shrubs are relatively small in stature and provide limited food and cover for wildlife. However, landscaped areas in an otherwise urban environment can provide cover, foraging, and nesting habitat for a variety of bird species as well as reptiles and small mammals, especially those that are tolerant of disturbance and human presence. Birds commonly found in such areas include non-native species such as English sparrow (*Passer*

[61] U.S. Geological Survey (USGS), Western Ecological Research Center (WERC), Bioregions of the Pacific U.S., 2017. Available at www.usgs.gov/centers/werc/science/bioregions-pacific-us. Accessed August 2023.

[62] R.F. Holland, *Preliminary Descriptions of the Terrestrial Natural Communities of California*, 1986, California Department of Fish and Game.

domesticus) and European starling (*Sturnus vulgaris*) as well as birds native to the area, including American robin (*Turdus migratorius*), house finch (*Carpodacus mexicanus*), dark-eyed junco (*Junco hyemalis*), western scrub jay (*Aphelocoma californica*), mourning dove (*Zenaida macroura*), and Anna's hummingbird (*Calypte anna*). Other wildlife commonly present in urban landscaped areas include striped skunk, raccoon, and Virginia opossum (*Didelphis virginiana*).

Special-Status Species

The phrase "special-status species" is used by the scientific community to describe plant and wildlife species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the federal and/or state governments. Such species are legally protected under the federal and/or state Endangered Species Acts, or other regulations, or are species that are considered sufficiently rare by the regulatory and scientific community to qualify for protection. The term special-status species includes the following:

- Species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (FESA) (50 Code of Federal regulations [CFR] 17.12 [listed plants], 17.11 [listed animals] and various notices in the Federal Register [FR] [proposed species]);
- Species that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act (61 FR 40, February 28, 1996);
- Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] 670.5);
- Plants listed as rare or endangered under the California Native Plant Protection Act (California Fish and Game Code, Section 1900 et seq.);
- Species designated by California Department of Fish and Wildlife (CDFW) as species of special concern;[63]
- Animals fully protected under California Fish and Game Code (California Fish and Game Code, Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]) [64];
- Species that meet the definitions of rare and endangered under CEQA. CEQA Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists (CEQA Guidelines Section 15380); and

[63] A California species of special concern is one that has been extirpated from the state; meets the state definition of threatened or endangered but has not been formally listed; is undergoing or has experienced serious population declines or range restrictions that put it at risk of becoming threatened or endangered; and/or has naturally small populations susceptible to high risk from any factor that could lead to declines that would qualify it for threatened or endangered status.

[64] The "fully protected" classification was California's initial effort in the 1960s to identify and provide additional protection to those animals that were rare or faced possible extinction. The designation can be found in the Fish and Game Code.

- Raptors (birds of prey), which are specifically protected by California Fish and Game Code Section 3503.5, thus prohibiting the take, possession, or killing of raptors and owls, their nests, and their eggs;[65]
- Plants considered under the CDFW and CNPS to be "rare, threatened or endangered in California" (California Rare Plant Rank [CRPR] 1A, 1B, and 2);

A comprehensive list of special-status species that have the potential to occur within the vicinity of the project site was compiled from the California Natural Diversity Database (CNDDB)[66] and the CNPS Online Inventory of Rare and Endangered Plants (CNPS)[67], based on a search of the Santa Teresa Hills and San José East 7.5-minute U.S. Geological Survey quadrangles. The U.S. Fish and Wildlife Service (USFWS) *Official List of Federal Endangered and Threatened Species that Occur in or May Be Affected by the Projects*[68] was queried based on the project site (refer to **Appendix C**, *Plant and Wildlife Species Lists for the Project Area*, for database reports). The results of these queries formed the basis for analysis of special-status species with the potential to occur in the local vicinity, their general habitat requirements, and their potential to occur in the study areas.

There is no suitable habitat for any special-status plant or wildlife species in the study area due to the study area being out of the species' known ranges and/or a lack of suitable habitat due to the completely developed landscape.

Critical Habitat

The USFWS can designate critical habitat for species that have been listed as threatened or endangered. "Critical habitat" is defined in Section 3(5)(A) of the federal Endangered Species Act (ESA) as those lands (or waters) within a listed species' current range that contain the physical or biological features that are considered essential to its conservation. The designated habitat should contain elements necessary for the primary biological needs of the species, including breeding, foraging, dispersal, migration, shelter, and growth of juveniles. Critical habitat serves to identify specific areas that are considered essential to the conservation of a listed species through special management or protection under Section 7 of the ESA, which requires that federal agencies must not fund, carry out, or authorize projects that would destroy or adversely affect critical habitat.

No critical habitat occurs within the study area.[69]

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65 The inclusion of birds protected by Fish and Game Code Section 3503.5 is in recognition of the fact that these birds are substantially less common in California than most other birds, having lost much of their habitat to development, and that the populations of these species are therefore substantially more vulnerable to further loss of habitat and to interference with nesting and breeding than most other birds. It is noted that a number of raptors and owls are already specifically listed as threatened or endangered by State and federal wildlife authorities.

66 California Department for Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB) printout for USGS 7.5-Minute topographic quadrangles: Santa Teresa Hills and San José East, 2023. Accessed in July 2023.

67 California Native Plant Society (CNPS), Online Inventory of Rare and Endangered Plants, Data request for U.S. Geological Survey 7.5-minute topographic quadrangles: Santa Teresa Hills and San José East, 2023. Accessed in July 2023.

68 U.S. Fish and Wildlife Service (USFWS), Official List of Federal and Endangered and Threatened Species that Occur in or May Be Affected by the Project, 2023. Available at ipac.ecosphere.fws.gov/. Accessed in July 2023.

69 USFWS, ECOS Environmental Conservation Online System Critical Habitat Mapper, 2010, 2023. Available at ecos.fws.gov/ecp/report/table/critical-habitat.html. Accessed in August 2023.

Sensitive Natural Communities

Sensitive natural communities are designated by various resource agencies such as CDFW, or in local policies and regulations; are generally considered to have important functions or values for wildlife and/or are recognized as declining in extent or distribution; and are considered threatened enough to warrant some level of protection. CDFW tracks communities of conservation concern through its California Sensitive Natural Community List. Natural communities with ranks of S1 to S3 are considered sensitive natural communities, to be addressed in the environmental review processes of CEQA and its equivalents.

There are no sensitive natural communities present in the study area. The non-built environment includes only landscaping and mowed turf grass, which would not contain native plant species alliances that constitute a sensitive natural community.

3.2.2 Regulatory Framework

This subsection briefly describes federal, state, and local regulations, permits, and policies pertaining to biological resources.

Federal

The federal Endangered Species Act, Migratory Bird Treaty Act (MBTA), and Sections 401 and 404 of the Clean Water Act are the primary federal planning, treatment, and review mechanism for biological resources in the study area.

Endangered Species Act

USFWS and the National Marine Fisheries Service (NMFS) are the designated federal agencies responsible for administering the FESA. The FESA defines species as "endangered" and "threatened" and provides regulatory protection for any species thus designated. FESA Section 9 prohibits the "take" of species listed by USFWS as threatened or endangered. As defined in the FESA, *taking* means "… to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct." Recognizing that take cannot always be avoided, FESA Section 10(a) includes provisions for takings that are incidental to, but not the purpose of, otherwise lawful activities.

FESA Section 7(a)(2) requires all federal agencies, including USFWS, to evaluate projects authorized, funded, or carried out by federal agencies with respect to any species proposed for listing or already listed as endangered or threatened and the species' critical habitat, if any is proposed or designated. Federal agencies must undertake programs for the conservation of endangered and threatened species and are prohibited from authorizing, funding, or carrying out any action that would jeopardize a listed species or destroy or modify its "critical habitat."

As defined in the FESA, "individuals, organizations, states, local governments, and other non-federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding."

No federally listed species are expected in the study areas.

Migratory Bird Treaty Act

The MBTA is the domestic law that affirms and implements a commitment by the United States 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 makes it unlawful at any time, by any means, or in any manner to intentionally pursue, hunt, take, capture, or kill migratory birds anywhere in the United States. The law also applies to the intentional disturbance and removal of nests occupied by migratory birds or their eggs during the breeding season.

Clean Water Act

Under Section 404 of the Clean Water Act (CWA), the USACE has primary federal responsibility for administering regulations that concerns waters of the United States. Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the U.S. Fill material is material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. Waters of the United States include navigable waters of the United States; interstate waters; all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce; tributaries to any of these waters, and wetlands adjacent to these waters. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The USACE requires that a permit be obtained if a project proposes the placement of structures within, over, or under navigable waters and/or discharging dredged or fill material into waters below the ordinary high-water mark.

Under CWA Section 401, applicants for a federal license or permit to conduct activities that may result in the discharge of a pollutant into waters of the United States must apply for water quality certification from the state. Therefore, all projects with a federal component that may affect state water quality (including projects that require federal agency approval, such as a Section 404 permit) must comply with CWA Section 401. part of the permitting process under Section 404, applicants would be required to apply for water quality certification from the Central Valley Regional Water Quality Control Board.

State

In addition to CEQA, the California Endangered Species Act, California Fish and Wildlife Code Sections 3503, 3503.5, and 3511 and Porter-Colone Water Quality Control Act are the primary state planning, treatment, and review mechanism for biological resources in the study area.

California Endangered Species Act

The CESA closely parallels the conditions of the FESA; however, it is administered by CDFW. CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened or endangered in California. “Take” in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species (CFGC section 86). The take prohibitions also apply to

candidates for listing under CESA. However, section 2081 of the act allows the department to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the act. Unlike FESA, species that are candidates for state listing are granted the same protections as listed species under CESA.

In accordance with the requirements of CESA, an agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species could be present in the study areas. The agency also must determine whether the project could have a potentially significant impact on such species. In addition, the department encourages informal consultation on any project that could affect a candidate species.

No state listed species are expected in the study areas.

California Fish and Game Code Sections 3503, 3503.5, and 3513

Under these sections of the California Fish and Game Code, the project operator is not allowed to conduct activities that would result in the taking, possessing, or destroying of any birds of prey; the taking or possessing of any migratory nongame bird; the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or nongame birds; or the taking of any nongame bird pursuant to California Fish and Game Code Section 3800. Fish and Game Code Section 3513 adopts the federal Department of the Interior take provisions under the MBTA.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act of 1969 established the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB). The act authorized the SWRCB and the RWQCBs to provide oversight for water rights and water quality. It uses the National Pollutant Discharge Elimination System (NPDES) to monitor point source discharges into the waters of the State to prevent water quality degradation. The act also protects wetlands surface waters, and groundwater from both point and nonpoint sources of pollution.

California Environmental Quality Act Sections 15380(b) and 15065(a)

Under CEQA Guidelines section 15380(b), a species of animal or plant is “Endangered” when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or “Rare” when either: (1) Although the species is not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or (2) the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.

Under CEQA Guidelines Section 15065, a project's effects on biotic resources are deemed significant if the project would:

- Substantially degrade the quality of the environment;
- Substantially reduce the habitat of a fish or wildlife species;

- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or
- Eliminate important examples of the major periods of California history or prehistory.

Regional

Santa Clara Valley Habitat Plan

The Cities of San José, Gilroy, and Morgan Hill; Santa Clara County (County); the Santa Clara Valley Transportation Authority (VTA); and Valley Water conducted a collaborative process to prepare and implement the Santa Clara Valley Habitat Plan (Habitat Plan) for the Santa Clara Valley. These local partners, in association with USFWS, CDFW, stakeholder groups, and the general public, developed the Habitat Plan as a long-range plan to protect and enhance ecological diversity and function in a large section of Santa Clara County, while allowing for currently planned development and growth.

The Habitat Plan is an adopted habitat conservation plan and natural community conservation plan. It provides a regulatory framework for the protection and recovery of natural resources, including nine plant species, nine species of terrestrial wildlife (fish are not covered), and natural communities such as streams, while streamlining permitting for development, construction of infrastructure, and maintenance activities. In general, all private development activities are subject to all applicable Habitat Plan conditions and fees. The Habitat Plan includes Conditions on Covered Activities, including conservation measures to avoid and minimize take of covered species, and avoidance and minimization measures to protect biological resources, such as riparian and aquatic habitat. Like the other local agencies involved in the Habitat Plan, the City of San José is a permittee under the Habitat Plan. The Habitat Plan includes 20 conditions, to which most development, both private and public, is subject. Several conditions are applicable to specific activities, including urban development, in-stream projects, in-stream operations and maintenance, rural projects, rural operations and maintenance, and implementation of the Plan's Reserve System.[70]

Certain conditions permit an applicant to request exception(s). In the case of private development, a request for an exception is submitted to the local jurisdiction—in this case, the City of San José. The City must then provide the exception request to the Habitat Agency, CDFW, and USFWS for a 30-day review and comment period, after which the City may consider the exception request, along with any comments received. Compliance with the Habitat Plan does not preclude compliance with all other applicable federal and state laws.

[70] The Reserve System is intended to protect nearly 47,000 acres for the benefit of species covered in the Habitat Plan, natural communities, biological diversity, and ecosystem function, through acquisition or other protection.

The project site is located within the Habitat Plan and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)
- Land Cover Fee Zone C: Small Vacant Sites Under 10 Acres (Land Cover Fees required)

Local

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on biological resources are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address biological resources impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC BI-1: Santa Clara Valley Habitat Plan.*** The project may be subject to applicable Santa Clara Valley Habitat Plan (Habitat Plan) 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 (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) 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 can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.
>
> ***SPC BI-2: Tree Replacement.*** Trees removed for the project shall be replaced at ratios required by the City, as stated in **Table BI-1** below, as amended:
>
> – 108 trees onsite would be removed. The total number and size of replacement trees required to be planted on-site is 338. The permittee will pay Off-Site Tree Replacement Fees to the City for 148 replacement trees that could not be planted on-site because of insufficient area.
>
> – Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for 148 off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
>
> – 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 requires the issuance of a Permit Adjustment or Permit Amendment:
>
> ▪ The size of a 15-gallon replacement tree may be increased to 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.

TABLE BI-1: TREE REPLACEMENT RATIOS

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 Multi-Family 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.

Envision San José 2040 General Plan

The City's Envision San José 2040 General Plan provides objectives and policies for protecting the County's biological resources through actions such as: maintain biological diversity through acquisition and protection of open space; identification and protection of plant habitat and wildlife corridors and habitats; mitigation for projects to reduce impacts on plant and animal life; preserve, protect and restore riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality and other benefits; and identify, preserve and restore aquatic and marine habitats.

Because the project site is already fully developed, the site does not include open space, nor does it support significant wildlife habitat, riparian habitat, or wetlands; however, the site does support mature landscape trees, which are addressed under Goal MS-21 – Community Forest, as part of the City's Measurable Environmental Sustainability goals. MS-21 aims to preserve and protect existing trees and increase planting of new trees within San José to create and maintain a thriving Community Forest that contributes to the City's quality of life, its sense of community, and its economic and environmental wellbeing. Policies to support this goal that are relevant to the project include the following:

- MS-21.1 Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
- MS-21.3 Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
- 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.
- 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 affect (sic.) 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.

- MS-21.6 As a condition of new development, require 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.
- 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.
- 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.

3.2.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a biological resources impact would be significant if implementation of the project would:

- 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;
- 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;
- 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;
- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Approach to Analysis

The impact analysis is based on the resources, references, and data collection methods identified in Section 3.2.1, *Environmental Setting*. The analysis addresses direct and indirect impacts that could result from construction and operation of the project, including the Hospital Replacement and Future Campus Improvements. Direct impacts are those that could occur at the same time and place of project implementation, such as removal of habitat due to ground disturbance. Indirect impacts are those that could occur either later in time or at a distance from the project site, but are reasonably foreseeable, such as loss of aquatic species due to upstream effects on water quality or quantity. Direct and indirect impacts may also vary in duration and result in temporary, short-term, and long-term effects on biological resources. The analysis considers the potential impacts on special status species; sensitive natural communities; wetlands; and wildlife corridors. The project's potential impacts on biological resources are analyzed below according to the above-listed CEQA criteria. Mitigation measures are recommended, as necessary, to reduce impacts to less-than-significant levels.

Criteria with No Impact or Not Applicable

There would be no impact related to the following criteria for the reasons provided below; therefore, no impact discussion is provided for these criteria.

- **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.** There is no riparian habitat or other sensitive natural communities present in the study area.[71,72] The study area is completely developed with hardscape and landscape, neither of which support sensitive natural communities; therefore, there are no potential impacts to riparian habitat or other sensitive natural communities.
- **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.** There are no state or federally protected wetlands documented in the study area.[73] The study area is completely developed with hardscape and landscape that would not support state or federally protected wetlands; therefore, there are no potential impacts to state or federally protected wetlands.

[71] U.S. Fish and Wildlife Service, National Wetlands Inventory Wetlands Mapper. Available at www.fws.gov/program/national-wetlands-inventory/wetlands-mapper. Accessed in August 2023.

[72] California Department for Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB) printout for USGS 7.5-Minute topographic quadrangles: Santa Teresa Hills and San José East, 2023. Accessed in July 2023.

[73] U.S. Fish and Wildlife Service, National Wetlands Inventory Wetlands Mapper. Available at www.fws.gov/program/national-wetlands-inventory/wetlands-mapper. Accessed in August 2023.

Impact Analysis

Impact BI-1: The project would 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. ***(Less than Significant with Mitigation)***

Although the study area does not have potential habitat for any special-status wildlife or plant species, landscape trees, shrubs, and certain building features can provide nesting habitat for bird species that are protected by the MBTA, which is discussed below.

Construction Impacts

Construction within the project site could result in direct or indirect impacts to nesting bird species protected by the MBTA that are adapted to developed landscapes, including but not limited to Cooper's hawk (*Accipiter cooperii*), American robin (*Turdus migratorius*), house finch (*Haemorhous mexicanus*), Anna's hummingbird (*Calypte anna*), and mourning dove (*Zenaida macroura*). Direct impacts to nesting birds could result from the removal of trees and vegetation on the project site and Construction Trailer Area and/or demolition of buildings while an active bird nest is present. In addition, earth moving, operation of heavy equipment, and increased human presence could result in noise, vibration, and visual disturbance. These conditions could indirectly result in nest failure (disturbance, avoidance, or abandonment that leads to unsuccessful reproduction), or could cause flight behavior that would expose an adult or its young to predators. These activities could cause birds that have established a nest before the start of construction to change their behavior or even abandon an active nest, putting their eggs and nestlings at risk for mortality.

Generally, nest failure would be a violation of California Fish and Game Code Sections 3503 through 3513. Impacts during the non-breeding season generally are not considered significant, primarily because of the birds' mobility, lower bird populations due to migration, and their ability to access other comparable foraging habitat in the region. However, impacts during the breeding season would be a potentially significant impact. The implementation of **Mitigation Measure BI-1, Avoid and Minimize Impacts on Nesting Birds**, would reduce this impact to a less-than-significant level.

Mitigation Measure

Mitigation Measure BI-1: Avoid and Minimize Impacts on Nesting Birds.

Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code when in active use. This shall be accomplished by taking the following steps.

a) If construction is proposed during the nesting season (February 1 to August 31, inclusive), prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), a survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal, building demolition, or construction, to identify any active nests (i.e., nests containing eggs and/or young) of bird species protected by the MBTA and California Fish and Game Code, on the project site and in the vicinity of proposed construction. Surveys shall be performed for the project site, vehicle and equipment

staging areas, and suitable habitat within 150 feet to locate any active passerine (e.g., songbird) nests and within 250 feet to locate any active raptor (bird of prey) nests.

b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to January 31, inclusive), construction may proceed with no restrictions.

c) If active bird nests are found, an adequate no-disturbance buffer shall be established around the nest location and construction activities shall be restricted within the buffer until a qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest, and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing, high visibility rope, or a similar visual barrier if construction is to be initiated on the remainder of the development site.

d) Any birds that begin nesting within the project site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no-disturbance zones shall not be established around active nests in these cases; however, should birds nesting within the project site and survey buffers amid construction activities begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.

e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.

f) A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.

Significance after Mitigation: Implementation of **Mitigation Measure BI-1** would reduce construction-related impacts by limiting construction to the non-nesting season when feasible or, if avoiding the nesting season is not feasible, conducting pre-construction surveys for nesting birds and establishing no-disturbance buffers around any active nests until birds have fledged and are able to leave the construction area; and reporting findings to the City prior to initiation of construction. Therefore, potential impacts on nesting birds would be **less than significant with mitigation**.

Operational Impacts

Operational activities associated with the project are unlikely to indirectly impact nesting birds due to the baseline level of human disturbance already occurring in the study area. Birds nesting in these areas are assumed to be habituated to such disturbance, and therefore, the impacts of human disturbance associated with the project would be **less than significant**.

Mitigation: None required.

Impact BI-2: The project would not 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)*

Nursery sites used by nesting birds could be impacted by construction of the project. These potential impacts are discussed under Impact BI-1 above.

Given its developed condition, the study area does not provide valuable movement pathways for terrestrial wildlife such as raccoon, striped skunk, and opossum, which likely move through the project site opportunistically. Such movement would not constitute use of a wildlife movement corridor since the project site does not link habitat patches, nor does it provide valuable or unique dispersal habitat in the context of its location.

The project site is located within the Pacific Flyway, a major north–south aerial flyway for migratory birds that includes California. Although specific migratory corridors near the project site are unknown, it can be assumed that numerous birds pass overhead or in the project vicinity during their spring and fall migrations. Potential impacts to migrating birds are discussed below.

Construction Impacts

Currently, the project site provides no important resting or foraging habitat for birds on migration. On-site habitats are limited to landscape trees, which provide perches for birds but limited foraging opportunity and the number of individual birds using them during migration is expected to be low. While temporary construction-related impacts to these species' movements through the study area could occur, construction of the project would ultimately replace the limited foraging and resting habitat for migrating birds via tree replacement (as described in more detail under Impact BI-3) and landscaping; therefore, construction-related impacts to aerial avian movement would be **less than significant**.

Mitigation: None required.

Operational Impacts

The bird collision risk associated with glass building façades and certain types of intensive night lighting is well-documented. The portion of buildings most likely to sustain bird strikes extends from ground level to 60 feet above the ground surface.[74] Daytime collisions with glass occur most often when birds fail to recognize window glass because it reflects the sky, clouds, and vegetation in the absence of protective window treatments (e.g., frit) or because the glass is transparent (e.g., in the case of skywalks, or glass corners in buildings). Other potential feature-related hazards new development can pose to birds include glass courtyards, transparent building corners, or freestanding glass walls on rooftops or balconies. Generally speaking, direct effects on migratory and resident birds moving through areas with glass building façades could include death or injury if birds collide with buildings or become disoriented by lighted structures during nocturnal migrations.[75] Indirect effects on migratory birds that become disoriented or entrapped by

[74] San Francisco Planning Department, *Standards for Bird-Safe Buildings*, adopted July 14, 2011.

[75] American Bird Conservancy, *Bird-Friendly Building Design*, 2nd ed., 2015.

nighttime lighting may include delayed arrival at breeding or wintering grounds, and reduced energy stores necessary for migration, winter survival, or subsequent reproduction.[76]

Existing buildings on the project site have a maximum height of 90 feet (7 stories). The heights of the Hospital Replacement components would have a maximum height of 110 feet (6 stories). Future Campus Improvements, including a medical office and parking are expected to be of a similar height (4 to 6 stories). The project would not substantially increase the height of the buildings at the project site relative to existing buildings; however, an increase in building surface area is expected since the existing hospital will increase from approximately 250,000 sf to approximately 685,000 sf with the Hospital Replacement, for a net increase of approximately 435,000 sf. The energy center and parking structure would add approximately 385,000 sf. Future Campus Improvements would add an additional approximately 229,800 sf of net new space as well as a larger parking garage. As shown in Figures 2-5 through 2-9, the building façades and materials would include concrete, composite metal panels, and limited areas of glazing at the lower levels of the new hospital. 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 is also 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.

Given the non-substantial difference in pre- and post-project conditions, operational impacts to migrating birds would be **less than significant**, and no mitigation would be required.

Mitigation: None required.

Impact BI-3: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. ***(Less than Significant)***

The project would remove approximately 108 existing landscape trees to support the construction of the new hospital, energy center, and parking garage. In addition, an unknown number of trees would be removed to support the construction of the Future Campus Improvements. The City of San José, under Sections 13.28.220 and 13.32.140 of the San José Municipal Code, provides protective status for trees with special significance to the community based on history, girth, height, species, or unique qualities, as well as provides a Heritage Tree List. The City has a Heritage Tree Map showing the locations of each tree on the Heritage Tree List, and neither the new hospital, energy center, and parking garage nor the site for the Future Campus Improvements contain any heritage trees.[77] In addition, the trees that would be removed and replaced would be done so in accordance with the City's Standard Permit Condition SPC BI-2, Tree Replacement, described under Section 3.2.2, which requires a minimum 1:1 and maximum 5:1 tree replacement to tree loss ratio depending on the size (measured at 54 inches above natural grade) of the tree and

[76] S.A. Gauthreaux and C.G. Belser, Effects of Artificial Night Lighting on Migrating Birds, in *Ecological Consequences of Night Lighting*, eds. C. Rich and T. Longcore, Covelo, CA: Island Press, 2006.

[77] City of San José, Heritage Tree Map, 2019. Available at www.sanjoseca.gov/your-government/departments-offices/transportation/landscaping/trees/heritage-trees. Accessed August 2023.

whether it is native or non-native. The project applicant would also pay off-site tree replacement fees for 148 replacement trees that could not be planted on-site because of insufficient area, as described in SPC BI-2 such that there is no net loss of trees. The Construction Trailer Area would require the removal of approximately 15 trees, which would be replaced at a 1:1 ratio when the area is restored to existing conditions. Therefore, the project would not conflict with the City's tree protection policy, and no mitigation is required. Any Future Campus Improvements would undergo a conformance review process to ensure that subsequent development within the project site substantially conforms with the requirements of the applicable provisions of the Municipal Code, and the other applicable standards and guidelines. There would be no conflict between the project and the policies described above that protect biological resources and the impact would be *less than significant*.

Mitigation: None required.

Impact BI-4: The project would not 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)***

As set forth in the discussion under Section 3.2.2, *Regulatory Framework*, the City is a Permittee of the *Santa Clara Valley Habitat Plan* (Habitat Plan), and the project site is within the Habitat Plan Permit Area. The project is within Area 4, Urban Development Equal to or Greater Than 2 Acres Covered and is mapped as Urban-Suburban. The majority of the project site is in the Urban Land Cover Fee Zone, which is not subject to land cover fees. A small portion (less than 5 acres) of the project site in the southwest corner is in Fee Zone C (Small Vacant Sites under 10 Acres), which is subject to fees. The project would also be subject to nitrogen deposition fees for net new vehicle trips.[78] The fees would be paid in accordance with SPC BI-1, Santa Clara Valley Habitat Plan. The project is outside of the burrowing owl, wetland, and serpentine fee zones, as well as outside of any plant or wildlife survey areas. The project would comply with the Habitat Plan as its components undergo a conformance review process; therefore, the project would not conflict with the Habitat Plan. Impacts would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with cumulative projects. Significant cumulative impacts related to biological resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects identified in Chapter 3, Section 3.0.4, *Cumulative Impacts*.

[78] According to the Habitat Agency Fee Schedule for July 1, 2023–June 30, 2024, Zone C fees are $6,414 per acre and Nitrogen Deposition fees are $6.33 per new vehicle trip. Fees are adjusted on an annual basis. Net new Hospital Replacement and Future Campus Improvement vehicle trips are included as part of the Local Transportation Analysis in Appendix I2 of this EIR.

Impact C-BI-1: The project could combine with cumulative projects to result in significant cumulative impacts on nesting birds. ***(Less than Significant with Mitigation)***

As discussed above, demolition and construction associated with the project could result in direct or indirect impacts on nesting birds due to the removal of trees and vegetation and demolition of buildings during nesting season. These conditions could directly or indirectly result in nest failure due to disturbance or abandonment of an active nest.

All of the cumulative projects identified in Table 3-1 are on parcels that are already developed, but similar to the project 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 on nesting birds. The project's impacts would be mitigated to a less-than-significant level with implementation of SPC BI-2 and Mitigation Measure BI-1. Similar to the project, the cumulative projects would be subject to the state and federal requirements of the California Fish and Wildlife Code and MBTA, respectively, the City of San José's Tree Protection Ordinance, and SPC BI-2. Therefore, with implementation of Mitigation Measure BI-1, and SPC BI-2, the project's contribution to a potential cumulative impact would not be considerable and the impact would be **less than significant with mitigation**.

Mitigation Measure

Implementation of Mitigation Measure BI-1

Significance after Mitigation: Less than Significant

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3.3 Cultural Resources and Tribal Cultural Resources

This section evaluates the impacts of the project, including the Hospital Replacement and Future Campus Improvements, on Cultural and Tribal Cultural Resources. It includes information about the physical and regulatory setting and identifies the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

3.3.1 Environmental Setting

Natural Environment

The project site is in the Santa Clara Valley, at the southern end of San Francisco Bay. The hills surrounding the Santa Clara Valley are the source of many perennial streams that run from the hills to the Bay. Major perennial waterways in the vicinity are Guadalupe River, which flows out of the Santa Cruz Mountains, and Coyote Creek, which drains from the Diablo Range on the east side of the Santa Clara Valley. The project site is within the floodplains of Coyote Creek, which is approximately 1.25 miles to the northeast. Santa Teresa Spring is located at the base of the Santa Teresa Hills, approximately 0.8 mile to the south-southeast of the project site. The general vicinity around Coyote Creek is very prone to flooding in its natural state, and engineered levees provide flood protection for vulnerable development.

The San Francisco Bay Area and the surrounding region contain abundant natural resources, which would have been taken advantage of by its indigenous and early historic-era populations. The South Bay area hosts a wide variety of natural communities, including salt marsh, scrub brush, grassland, and foothill woodlands. Deer, elk, and waterfowl were plentiful in the pre-contact period, as were marine and bay resources such as seals, otters, abalone, mussels, oysters, clams, and numerous fish species. Franciscan chert was an easily obtainable local raw material for stone tools. Obsidian could be obtained from the Annadel and Napa Glass Mountain quarries north of the Bay Area.[79]

Geological Setting

The San Francisco Bay Area, including the Santa Clara Valley, has undergone dramatic landscape changes since humans began to inhabit the region more than 13,000 years ago. Sea levels began rising about 15,000 years ago, at which time the coastline was located west of the Farallon Islands and reached the present level of the San Francisco Bay about 5,000 years ago.[80] This dramatic change in stream base level resulted in increased deposition of sediment along the lower reaches of the San Francisco Bay Area streams. Gold Rush-era sedimentation exacerbated this deposition over alluvial fans and within the bay itself. Active alluvial fan deposits are

[79] M.J. Moratto, *California Archaeology*, 1984 (reprinted in 2004). Salinas, CA: Coyote Press.

[80] E.J. Helley and R.W. Graymer, *Quaternary Geology of Alameda County, and Parts of Contra Costa, Santa Clara, San Mateo, San Francisco, Stanislaus, and San Joaquin Counties, California: A Digital Database*, 1997. U.S. Geological Survey Open-File Report 97-97. Available at pubs.usgs.gov/of/1997/0097/.

generally less than 5,000 years old and overlie older land surfaces (including stabilized/abandoned Pleistocene-age alluvial fans).

In many places, the interface between older land surfaces and later alluvial fans is marked by a well-developed buried soil profile, or paleosol. Paleosols preserve the composition and character of the earth's surface before subsequent sediment deposition; thus, paleosols have the potential to preserve archaeological resources if the area was occupied or settled by humans.[81] Landforms that pre-date the earliest estimated periods for human occupation of the region are considered to have very low potential for the presence of buried archaeological sites, while those that post-date human occupation have a higher potential for the presence of such sites. Currently, archaeological research indicates that the earliest evidence for human occupation of California dates to the Late Pleistocene, which ended approximately 11,500 years before present. Because human populations have grown since the arrival of the area's first inhabitants, younger paleosols (late Holocene) are more likely than older paleosols (early Holocene or Pleistocene) to yield archaeological resources.

The project site is located on a Holocene alluvial fan deposit between Coyote Creek and the Santa Teresa Hills. As noted above, Holocene-age alluvium has the potential to contain buried paleosols, which in turn could contain buried indigenous archaeological resources. The potential for buried archaeological resources can further be determined based on additional characteristics:

- Archaeological sites tend to be located near perennial water sources;
- Archaeological sites from successive time periods are more common because the density of human populations increased over time; and
- The longer a landform remained at the surface, the greater the probability that any one spot on that landform was occupied.

Numerous archaeological resources have been uncovered in the Holocene-age alluvial fan deposits of Santa Clara Valley, at depths varying between 1 foot and more than 10 feet below the ground surface. In fact, more than 60 percent of recorded archaeological sites in this region have been found in a buried context.[82]

A review of geoarchaeological data from the Santa Clara Valley indicates that no deeply buried archaeological resources have been previously recorded within 2 miles of the project site. The project site is approximately 1.25 miles southwest of Coyote Creek and 0.8 mile northwest of Santa Teresa Spring, the nearest water sources. Based on the results of previous archaeological testing trenching on the project site, there is no indication that a buried archaeological site exists in the project site. The project site was an orchard prior to construction of the existing facilities and tilling up to 4 feet deep would have exposed any subsurface resources to that depth. Therefore, based on these factors, the sensitivity for buried archaeological resources is significantly lessened.

[81] Meyer, J., and J. Rosenthal, 2007. *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Prepared for California Department of Transportation, District 4, Oakland.

[82] Ibid.

Pre-contact Context

Categorizing the pre-contact period into cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given timeframe, thereby creating a regional chronology. Milliken et al. provided a framework for interpreting the Bay Area in four periods: the Paleoindian Period, the Early Period, the Middle Period, and the Late Period. Economic patterns, stylistic aspects, and regional phases further subdivide these periods into shorter phases. This framework uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.[83]

The Paleoindian Period (11500–8000 B.C.) was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the Paleoindian Period has not yet been discovered in the Bay Area. Geographic mobility from the Paleoindian Period continued during the Early Period (Lower Archaic; 8000–3500 B.C.), which is characterized by the milling slab and hand stone, and by large wide-stemmed and leaf-shaped projectile points. The first cut shell beads and the mortar and pestle are documented in burials during the Early Period (Middle Archaic; 3500–500 B.C.), indicating the beginning of a shift away from mobility to a practice of remaining in one location over time.

Geographic mobility may have continued during the Middle Period, which consists of the Lower Middle Period (Initial Upper Archaic; 500 B.C.–A.D. 430) and Upper Middle Period (Late Upper Archaic; A.D. 430–1050), although groups began to establish longer term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools and obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments, suggest that the economic base was more diverse. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. Around 1370 B.C., a cultural disruption occurred, evidenced by the sudden collapse of a trade network in beads.

During the Initial Late Period (Lower Emergent; A.D. 1050–1650), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites, which are locations where archaeological sites may be discovered. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

Ethnohistorical Context

Based on a compilation of ethnographic, historic, and archaeological data, Milliken describes a group known as the Ohlone, who once occupied the area that is now Santa Clara County.[84] Traditional anthropological literature portrayed the Ohlone people as having a static culture;

[83] R. Milliken, R.T. Fitzgerald, M.G. Hylkema, R. Groza, T. Origer, D.G. Bieling, A. Leventhal, R.S. Wiberg, A. Gottsfield, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D.A. Fredrickson, Punctuated Cultural Change in the San Francisco Bay Area, in *California Prehistory: Colonization, Culture, and Complexity*, ed. T.L. Jones and K.A. Klar, 99–124, Lanham, MD: AltaMira Press, 2007.

[84] R. Milliken, *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769–1810*, Menlo Park, CA: Ballena Press, 1995.

however, today it is better understood that many variations of culture and ideology existed within and between villages. Although these static descriptions of separations between native cultures of California make it easier for ethnographers to describe past behaviors, they mask Native adaptability and self-identity. California's Native Americans never saw themselves as members of larger cultural groups, as described by some anthropologists. Instead, they saw themselves as members of specific villages, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.

Levy describes the language group spoken by the Ohlone, known as "Costanoan."[85] This term is originally derived from a Spanish word designating the coastal peoples of Central California. Today "Costanoan" is used as a linguistic term that refers to a larger language family spoken by distinct sociopolitical groups. These sociopolitical groups spoke at least eight languages from the same Penutian language group, which were as different as Spanish is from French. The Ohlone once occupied a large territory, from San Francisco Bay in the north to the Big Sur and Salinas rivers in the south. Milliken sets the project site within the greater Tamien tribal area in the Santa Clara Valley.[86]

Economically, the Ohlone engaged in hunting and gathering. Their territory encompassed both coastal, bay, and open valley environments that contained a wide variety of resources, including grass seeds, acorns, bulbs and tubers, bear, deer, elk, antelope, a variety of bird species, and rabbit and other small mammals. The Ohlone acknowledged private ownership of goods and songs, and village ownership of rights to land and/or natural resources; they appear to have aggressively protected their village territories, requiring monetary payment for access rights in the form of clamshell beads.[87]

After European contact, Ohlone society was severely disrupted by missionization, disease, and displacement. Today, Ohlone representatives, represented by several distinct Tribal groups listed on the Native American Heritage Commission contact list for Santa Clara County, still have a strong presence in the San Francisco Bay Area and are highly interested in their historic and pre-contact past.

Historic Context

Spanish explorers in the late 1760s and 1770s were the first Europeans to traverse the Santa Clara Valley. José Francisco Ortega, a soldier in the exploring party of Gaspar de Portola and Juan Crespi, made the first recorded crossing of the Guadalupe River in the vicinity of present-day Alviso during November 1769, but no clear record remains of his exact route or his impressions of the area.[88] Juan Bautista de Anza and Pedro Font led the next expedition through the area in early 1776, leaving a substantial record of their travels. The explorers commented on the level

[85] R.S. Levy, Costanoan, in *California*, ed. R.F. Heizer, *Handbook of North American Indians*, Volume 8, W.G. Sturtevant, gen. ed., 485–497, Washington, DC: Smithsonian Institution, 1978.

[86] R. Milliken, *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769–1810*, Menlo Park, CA: Ballena Press, 1995.

[87] R.S. Levy, Costanoan, in *California*, ed. R.F. Heizer, *Handbook of North American Indians*, Volume 8, W.G. Sturtevant, gen. ed., 485–497, Washington, DC: Smithsonian Institution, 1978.

[88] Warren A. Beck and Ynez D. Hasse, *Historical Atlas of California*, Norman, Oklahoma: University of Oklahoma Press, 1974.

land and good pasturage, concluding that the area would be an excellent site for settlement.[89] By early 1777, Mission Santa Clara de Asís was established on the west bank of the Guadalupe River near the present-day boundary between San José and the city of Santa Clara. By the end of 1777, 66 settlers—including nine retired Spanish soldiers and 51 women—established El Pueblo de San José de Guadalupe across the river from the mission. The Pueblo of San José de Guadalupe was California's first civilian settlement, and one of three towns founded to administer and coordinate the missions and presidios of Alta California.[90]

After the independence of Mexico and the secularization of the missions in the 1830s, the mission's property was divided into ranchos and distributed to private citizens. The hospital is located within land grant Rancho Posolmi, also known as Rancho Yñigo, and was granted to Lupe Yñigo in 1884.[91] After California became part of the United States in 1848, San José was initially (and temporarily) named the state's capital. In the 1850s, the Gold Rush led to major changes in San José, which then became a supply town for the prospectors who flooded the area. The population of the Santa Clara Valley expanded as a result of the Gold Rush, followed later by the construction of the railroad to San Francisco (1864) and the completion of the transcontinental railroad in 1869.[92] The fertile Santa Clara Valley and the region's desirable climate attracted farmers and ranchers with a variety of agricultural interests. Cattle ranching in rural areas was a major industry in the years following California's statehood. Wheat produced in Santa Clara County amounted to 30 percent of the state's total yield; barley and oats were other important crops. Stone fruit orchards—specifically plums, apricots, and cherries—replaced many grain fields by the turn of the 20th century.[93] Prior to construction of the existing facilities, the project site supported one of the vast orchards in the vicinity.

Kaiser Permanente San José Medical Center

The following historic context is summarized from the Historic Resources Evaluation Report (HRER) completed for the project by ESA in July 2023 (**Appendix D**). Additional details regarding the history of the Kaiser Permanente San José Medical Center ("SJMC campus"), Ruth and Going, and architectural styles can be found in the HRER.

Early hospital development was primarily government led, with private citizens hiring private doctors and the poorer citizens relying on government-provided care. World War II transformed health care nationwide. The Veterans Administration managed a range of care for servicemembers and veterans while a simultaneous and exponential period of growth occurred within private healthcare during and after the war. During the wage freeze of the war years, U.S. companies began offering private health insurance as a benefit, which provided coverage to

89 H.E. Bolton, Anza's California Expeditions, Berkeley: University of California Press, *Volume I: An Outpost of Empire; Volume II: Opening a Land Route to California; Volume IV: Font's Complete Diary of the Second Anza Expedition*, 1930.

90 George Hendry and Jacob Bowman, *The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Counties, 1776 to about 1850*; on file, California Historical Resources Information System, Northwest Information Center, Rohnert Park, 1940.

91 James J. Ayers, *Report of the Surveyor-General of the State of California from August 1, 1884, to August 1, 1996*, 1886. Available at www.slc.ca.gov/wp-content/uploads/2018/08/Willey_1884_1886.pdf.

92 Ibid.

93 M.B. Hoover, H.E. Rensch, E.G. Rensch, and W.N. Abeloe, *Historic Spots in California*, revised by Douglas E. Kyle, Palo Alto, California: Stanford University Press, 2002.

millions of people and reshaped the face of health care.[94] Additionally, the introduction of Medicare and Medicaid in 1965 provided money for the care of the aged and the poor, respectively. The newly available funding allowed for expansion of both government and private hospitals to provide treatment for a significantly larger population than earlier generations.[95]

The SJMC campus, originally known as the Santa Teresa Community Medical Center, was constructed in 1974 (January 1974 completion date) by American Medical International (AMI), Inc. Prior to that time the site was used for agricultural purposes. AMI. Inc. was both the developer and primary investor in the hospital. The company was founded in 1956 as a central medical laboratory in Los Angeles, and by 1966 had transitioned to investor-ownership in the hospital field. By 1974, AMI owned and operated 45 facilities (with 43 in the United States and two in Europe), with Santa Teresa Community Hospital representing the 46th hospital.[96] AMI hired Ruth and Going, an engineering, planning, and architecture firm in San José, to design the hospital complex. The main building plans were signed off by William H. Bender, a structural engineer for Ruth and Going, with F. Hazen "Skip" MacLaren acting as principal architect for the project.[97] F.A. Rossi Construction Company of Los Angeles began construction of the project in 1971, with the majority of the work completed by E.A. Hathaway Construction Company of San José at a cost $9 million of the $30 million total for the medical complex.[98]

Both the main hospital and Building 6 were completed by January 1974, with plans for future growth including emergency facilities, medical and commercial offices, employee housing, as well as a motel, drug store, bank, and other commercial stores.[99,100] The Y-shape of the tower was designed to provide efficient patient care, replacing the older, long, single corridor model with multiple shorter corridors extending out from the central core. The central core housed nursing stations, supply areas, and reception, allowing for more efficient care.[101]

In October 1976, the Kaiser Foundation Hospital announced its plans to purchase the Santa Teresa Community Hospital for an undisclosed amount. This was Kaiser's second hospital in Santa Clara County, following the construction of the Kaiser Santa Clara Hospital on Kaiser

94 Justin Barr, M.D., Ph.D., and Scott H. Podolsky, M.D. *A National Medical Response to Crisis – the Legacy of World War II*, *New England Journal of Medicine*, 2020. Available at www.nejm.org/doi/full/10.1056/NEJMp2008512#:~:text=World%20War%20II%20also%20fundamentally,now%20Veterans%20Affairs)%20hospital%20system.

95 University of Pennsylvania, *History of Hospitals*, n.d. Available at www.nursing.upenn.edu/nhhc/nurses-institutions-caring/history-of-hospitals/.

96 *Santa Teresa Community Hospital Dedication pamphlet*, n.d. Santa Teresa Community Hospital Folder at San José Library California Room.

97 Ruth & Going, Santa Teresa Community Hospital – As Built Drawings; "Groundbreaking set today for Santa Teresa Hospital, *San José Mercury News*, June 23, 1971, 17.

98 Ben Hawkins, Business Happenings, *San José Mercury News*; June 15, 1975, 91; Robert E. Mayfield, *Engineers Save Ancient Tree*, Engineers News; July 1971, 6. Available at www.oe3.org/wp-content/uploads/2017/04/7-1971-july-engineers-news.pdf; Santa Teresa Community Hospital Dedication pamphlet, n.d. Santa Teresa Community Hospital Folder at San José Library California Room.

99 *San José Mercury News*, "Hospital Target January '74," January 28, 1973.

100 *San José Mercury News*, "New Hospital to Be Started Next Week," May 31, 1971.

101 *Santa Teresa Community Hospital Dedication pamphlet*, n.d. Santa Teresa Community Hospital Folder at San José Library California Room.

Drive off Kiely Boulevard in 1964.[102] By 1979, the four medical office Buildings A-D at 280 International Circle had been constructed, and a review of aerial photographs from 1980 shows full development within International Circle.[103,104]

Over the following twenty years, the area surrounding International Circle developed similarly to the original proposed campus design, with parking lots and structures, as well as medical and commercial offices. In 1979 and 1984, the zoning was changed to allow for greater building density and flexibility for Kaiser's eventual campus build out.[105] Review of historic aerials show development extending counterclockwise from the southeast around International Circle, with medical offices and surface parking slowly filling in the campus by 1998.

In 2003, the main hospital building was expanded to the north and west to include a 17,700 sf emergency room extending westward to Building 6 (275 Hospital Parkway). The expansion consisted of a one-story, steel-brace framed building with a rectangular footprint, measuring 218 by 60 feet along the northern side of the building, with a triangular addition extending 40 feet on the western side of the building connecting to Building 6.[106]

Records Search

ESA completed a record search at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University on April 20, 2023 (File No. 22-1643). The purpose of the records search was to (1) determine whether known archaeological resources have been recorded in or within a 0.5-mile radius of the project site; (2) assess the likelihood for unrecorded archaeological resources to be present based on historical references and the distribution of nearby archaeological resources; and (3) develop a context for the identification and preliminary evaluation of archaeological resources.

The records search consisted of an examination of the following documents:

- **NWIC digitized base maps** (U.S. Geological Survey Santa Teresa Hills 7.5-minute topographic map) to identify recorded archaeological resources and studies on or within a 0.5-mile radius of the project site.
- **Resource Inventories:** *California Inventory of Historical Resources, California Historical Landmarks, Archaeological Determinations of Eligibility for Santa Clara County* (through May 2012).

The results of the record search indicate that several cultural resources studies have been completed in the vicinity of the project site. No historical built resources have been previously recorded within a 0.5-mile radius of the project site.

[102] "*Kaiser Permanente Santa Clara marks 50 years of "Thrive-ing*,"" July 8, 2014. Available at patch.com/california/losgatos/kaiser-permanente-santa-clara-marks-50-years-of-thriveing_97f3f4fe.

[103] City of San José, *Draft Environmental Impact Report – Kaiser Santa Teresa Medical Center*, June 1994.

[104] Ibid.; Western Aerial Photos, 1980.

[105] City of San José, *Draft Environmental Impact Report – Kaiser Santa Teresa Medical Center*, June 1994.

[106] Geomatrix, *Engineering Geological and Geotechnic Report Emergency Room Expansion Kaiser Santa Teresa Medical Center*, prepared for Kaiser Foundation Health Plan, Inc., May 2001.

The NWIC database includes the boundaries of an archaeological site (designated CA-SCL-197); however, based on the documentation (discussed below) cultural materials have not been identified in the project site. Site CA-SCL-197 was documented in the vicinity of the project site in 1974 as a flaked stone scatter and a fragment of a pestle.[107] [108] The project site was an orchard at the time of recordation and the area could not be further investigated due to access issues. In 1976, archaeologist Stephen Dietz completed a surface and subsurface survey for the Edenvale Redevelopment Project, which included the project site and the area near to the recorded location of site CA-SCL-197.[109] Dietz excavated twelve trenches in the project site to investigate for the possibility of buried archaeological resources. No indication of archaeological resources was identified during this survey effort. Later assessment of the site location noted that the site may have been misplotted by the NWIC or possibly destroyed by construction in the adjacent area.[110]

Testing completed on the west side of Cottle Road (outside the project site), following closure of the Oak Ridge Golf Course and prior to construction of the existing housing development, found indications of pre-contact use (baked clay, fire affected rock) in several trenches. Other possible artifacts were found, including a possible chert flake, a possible sandstone groundstone artifact fragment, and a chert core; all of these materials were identified in the upper soil layers that had been previously disturbed from construction of the golf course.[111] An archaeological monitor was recommended for all ground disturbance deeper than 3 feet from the surface; however, it is not documented whether a monitor was present during subsequent construction.

A surface survey east of the project site in 1993 identified several indicators of pre-contact use of the area, including fire cracked rock, chert flakes, and one piece of clam shell.[112] The author noted that the materials might be an extension of or related to the materials identified as CA-SCL-197.

Historic Map and Aerial Imagery Review

Historic maps and aerial imagery provide an overview of the historical development of the project site.[113] The earliest historic map of the area from 1876 shows the project site as part of a 451.22-acre parcel owned by Francisco Bernal.[114] Francisco Bernal was the grandson of José Joaquin Bernal, the original recipient of the 9,647-acre Santa Teresa land grant. One building is shown on the project site near the north side of International Circle. The earliest U.S. Geological Survey

[107] Katherine Flynn, Site Record for CA-SCL-197, on file, NWIC, 1974.

[108] Katherine Flynn, *A Cultural Resources Evaluation of the IBM Parcel, Santa Teresa Boulevard between Liska Lane and Miyuki Lane, San José, Santa Clara County*, prepared by Archaeological Resources Service. Prepared for Kaufman and Broad, on file (S-16869), NWIC, 1994.

[109] Stephen Dietz, Letter report for a preliminary archaeological reconnaissance of the Edenvale Redevelopment Project in San José. Prepared by Archaeological Consulting and Research Services, Inc., prepared for Office of Economic Development City of San José. On file (S-4277), NWIC, 1976.

[110] Basin Research Associates, Inc., *Cultural Resources Assessment, Prodigy Child Development Centers, Liska Lane, City of San José, Santa Clara County, California*, Prior Development Permit H-80-3-46 (letter report), on file (S-15764), NWIC, 1993.

[111] Matthew Clark, *Mechanical Test Trenching for Archaeological Resources at the Palmia Project Area on Cottle Road, San José*, prepared for Mindigo & Associates. On file (S-15212), NWIC, 1993.

[112] Miley Paul Holman, *Archaeological Field Inspection of the Proposed Miyuki Drive General Plan Amendment Area, San José, Santa Clara County*, prepared for Dave Powers and Associates, on file (S-15805), NWIC, 1993.

[113] Nationwide Environmental Title Research, LLC (NETR), Historic Aerials available at www.historicaerials.com. Accessed April 25, 2023.

[114] Thompson & West, *Map of Santa Clara County, California*, Thompson & West, San Francisco, 1876.

topographic map from 1916 shows a building at that same location, with a dirt road leading from Cottle Road. The alignment of Santa Teresa Boulevard is also depicted on the 1916 map.

The earliest aerial image of the project site from 1948 shows it was primarily orchard land with a large farm complex in the southeast. The building and dirt road on earlier images and maps is no longer depicted. The orchard and farm complex are also on the 1953, 1956, 1960 and 1968 aerial images.

The 1980 aerial image shows that the orchards had been cleared and the hospital complex was under development. A gas station is shown at the corner of Cottle Road and Santa Teresa Boulevard. Additional development is shown on the aerial images through the 1980s and early 1990s. By 2002, the entire SJMC had been constructed in its current configuration.

Native American Consultation

According to the requirements of Public Resources Code Section 21080.3.1(b), the City sent letters to the following Native American Tribes who have requested information on projects: Muwekma Ohlone Tribe, Tamien Nation, Indian Canyon Mutsun, and the Ohlone Tribe. Letters were sent to each Tribe via certified mail on May 22, 2023. The letters included a description of the project and a formal invitation to consult, pursuant to Public Resources Code Section 21080.3.1. The City requested a response within 30 calendar days. No responses for consultation were received within 30 days and the City determined that the consultation process was concluded, according to the provisions of Public Resources Code Section 21080.3.1(d).

Survey Methods and Results

ESA conducted a site visit and reconnaissance survey of the project site on April 27, 2023, to determine if any archaeological resources are present in the project site. The project site is entirely built up and very limited areas of ground surface are visible beyond areas that are constructed, paved, or landscaped. The vicinity to the southwest of the project site, nearest to the intersection of Cottle Road and Santa Teresa Boulevard was thoroughly inspected. The area south of the existing parking lot is currently vacant with low grasses. Visibility was poor; however, the perimeter was inspected where vegetation was sparse. Visible soils consisted of medium dark brown silty loam with gravels, likely representing artificially placed fill. No cultural materials, such as lithic fragments, or other indicators of past human use were identified.

ESA also completed an architectural pedestrian survey on April 14, 2023. The purpose of this survey was to document all exterior and publicly accessible interior spaces of the main hospital and other buildings on the project site constructed prior to 1978. Three resources, comprising six buildings including the main hospital and five ancillary buildings, were surveyed and documented as part of the evaluation:

- Main Hospital, 250 Hospital Parkway (1974)
- Building 6, 275 Hospital Parkway (1974)
- Buildings A-D, 280 Hospital Parkway (1978)

The following provides brief descriptions and evaluation summaries for each built resource identified within the project area, as well as consideration of the SJMC campus as a historic district. The properties were evaluated for potential significance under the criteria for listing in the California Register of Historical Resources (California Register) and in the San José Historic Resources Inventory as a Candidate City Landmark. None of the buildings identified, nor the campus as a historic district, were recommended to meet any of the California Register or City of San José Landmark criteria, nor would they be historic resources for the purposes of CEQA analysis. Full descriptions and evaluations of these resources can be found in the HRER in Appendix D.

Main Hospital, 250 Hospital Parkway (1974)

The 1974 main hospital building (main hospital) at 250 Hospital Parkway (APN 706-05-037) consists of a 7-story, approximately 250,000 sf hospital and emergency department. The main hospital takes up the northeastern quadrant of the campus core surrounded by International Circle and is constructed of bi-colored reinforced concrete. The main hospital is an irregularly shaped structure designed in the New Formalism style, consisting of a seven-story (approximately 95 feet tall) reinforced concrete tri-wing tower topped with a utility penthouse and surrounded by one- and two-story sections at the base.

Archival review did not provide any indication that the main hospital is significantly associated with important events (California Register Criterion 1) or people (California Register Criterion 2). While the building provided an important service meeting the medical needs of the population of South San José, it does not appear to have been historically significant for its associations with the development of San José, nor healthcare development, during the later decades of the 20th century. Additionally, no specific individual within Santa Teresa hospital administration, AMI, or Kaiser Foundation Hospitals was determined to have achieved significance for their association with the main hospital. Therefore, the main hospital at 250 Hospital Parkway is recommended not eligible for listing as an individual resource on the California Register under Criterion 1 or 2 for its association with historically significant events or persons. The main hospital at 250 Hospital Parkway is an example of New Formalism within a hospital setting, but does not embody the style, nor does it possess high artistic value. Additionally, the building does not appear to represent the work of a master. As such, the main hospital at 250 Hospital Parkway is not eligible for listing as individual resource on the California Register under Criterion 3 for its design. Finally, the building is unlikely to provide additional information on its construction methods, the history of San José, or hospital design and construction. As such, the main hospital at 250 Hospital Parkway is not eligible for listing on the California Register under Criterion 4 for its information potential. The building also does not appear to meet any of the significance criteria for listing in the San José Historic Resources Inventory as a Candidate City Landmark.

As the main hospital at 250 Hospital Parkway does not meet any of the California Register or City of San José Landmark criteria, it is not considered a historical resource for the purposes of CEQA analysis.

Building 6, 275 Hospital Parkway (1974)

The 1974 Building 6 at 275 Hospital Parkway (APN 706-05-020) is a 7-story, reinforced concrete medical office building with a square footprint measuring approximately 125 by 125 feet. Building 6 takes up the northwestern quadrant of the core of International Circle and is constructed of bi-colored reinforced concrete. The building has a flat roof with utility penthouse, and the first floor is recessed from the main (southern) façade, providing the appearance of a building floating on square concrete posts from the primary facade.

Archival review did not provide any indication that Building 6 is significantly associated with important events (California Register Criterion 1) or people (California Register Criterion 2). While the building provided an important service meeting the medical needs of the population of South San José, it does not appear to have been historically significant for its associations with the development of San José, nor healthcare development, during the later decades of the 20th century. Additionally, no specific individual within Santa Teresa hospital administration, AMI, or Kaiser Foundation Hospitals was determined to have achieved significance for their association with Building 6. Therefore, Building 6 is not eligible for listing as an individual resource on the California Register under Criterion 1 or 2 for its association with historically significant events or persons. Building 6 is an example of New Formalism within a medical office setting, but does not embody the style, nor does it possess high artistic value. The building does not appear to represent the work of a master. As such, Building 6 is not eligible for listing as individual resource on the California Register under Criterion 3 for its design. Finally, the building is unlikely to provide additional information on its construction methods, the history of San José, or hospital design and construction. As such, Building 6 is not eligible for listing on the California Register under Criterion 4 for its information potential. The building also does not appear to meet any of the significance criteria for listing on the San José Historic Resources Inventory as a Candidate City Landmark.

As Building 6 at 275 Hospital Parkway does not meet any of the California Register or City of San José Landmark criteria, it is not considered a historical resource for the purposes of CEQA analysis.

Buildings A-D, 280 Hospital Parkway (1978)

280 Hospital Parkway is a collection of four one-story medical office buildings built in 1978, located on a 2.36-acre parcel (APN 706-05-017) in the southwestern quadrant of the inner core of the hospital campus encircled by International Circle. All four buildings (A-D) are stylistically similar and are surrounded by landscaping as well as surface parking lots that are present to the south, east, and west, and a parking garage to the north. Each building measures 100 by 100 feet, with a square footprint and hipped roof with boxed overhangs supported by large concrete pillars concentrated at the building corners and more widely dispersed along the sides of the building. Buildings A-D are constructed of concrete and largely lack architectural distinction.

Archival review did not provide any indication that 280 Hospital Parkway is significantly associated with important events (California Register Criterion 1) or people (California Register Criterion 2). While the building provided an important service meeting the medical needs of the population of South San José, it does not appear to have been historically significant for its

associations with the development of San José, nor healthcare development, during the later decades of the 20th century. Additionally, no specific individual within Santa Teresa hospital administration, AMI, or Kaiser Foundation Hospitals was determined to have achieved significance for their association with 280 Hospital Parkway. Therefore, the building is not eligible for listing as an individual resource on the California Register under Criterion 1 or 2 for its association with historically significant events or persons. 280 Hospital Parkway is an example of Corporate Architecture within a medical office setting, but does not embody the style, nor does it possess high artistic value. The building does not appear to represent the work of a master. As such, 280 Hospital Parkway is not eligible for listing as individual resource on the California Register under Criterion 3 for its design. Finally, the building is unlikely to provide additional information on its construction methods, the history of San José, or hospital design and construction. As such, 280 Hospital Parkway is not eligible for listing on the California Register under Criterion 4 for its information potential. The building also does not appear to meet any of the significance criteria for listing in the San José Historic Resources Inventory as a Candidate City Landmark.

As 280 Hospital Parkway does not meet any of the California Register or City of San José Landmark criteria, it is not considered a historical resource for the purposes of CEQA analysis.

Potential Kaiser Permanente SJMC Historic District

The six buildings in the central core of International Circle at the SJMC campus (main hospital, Building 6, and Buildings A-D) are associated with the 1974 Kaiser Santa Teresa Hospital/Santa Teresa Community Hospital. As described above, the hospital was one many established in San José in the late-20th century and underwent multiple expansions and building renovations during its period of use.

Archival review did not provide any indication that the SJMC campus is significantly associated with important events (California Register Criterion 1) or people (California Register Criterion 2). While the SJMC campus provided an important service meeting the medical needs of the population of South San José, it does not appear to have been historically significant for its associations with the development of San José during the later decades of the 20th century. Additionally, no specific individual within Santa Teresa hospital administration, AMI, or Kaiser Foundation Hospitals was determined to have achieved significance for their association with the SJMC. Therefore, the SJMC campus is not eligible for listing on the California Register under Criterion 1 or 2 for its association with historically significant events or persons. Kaiser SJMC is not significant for its design, but rather reflects a variety of styles of buildings accumulated over time, namely New Formalism and Corporate Architecture. Within the context as a hospital complex, the SJMC campus does not appear to rise to a level of significance as a property that embodies distinctive characteristics of the style, nor reflect high artistic value. The complex does not appear to represent the work of a master. As such, the SJMC campus is not eligible for listing on the California Register under Criterion 3 for its design. Finally, the building is unlikely to provide additional information on its construction methods, the history of San José, or hospital design and construction. As such, the SJMC campus is not eligible for listing on the California Register under Criterion 4 for its information potential. The SJMC campus also does not appear

to meet any of the criteria for listing on the San José Historic Resources Inventory as a Candidate City Landmark District.

As Building 6 at 275 Hospital Parkway does not meet any of the California Register or City of San José Landmark District criteria, it is not considered a historical resource for the purposes of CEQA analysis.

3.3.2 Regulatory Framework

State

The State of California, through the State Historic Preservation Officer (SHPO), consults on implementation of the NHPA and also oversees statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation, as an office of the California Department of Parks and Recreation, implements these policies and also maintains the California Historical Resources Information System (CHRIS). The SHPO is an appointed official who implements historic preservation programs within the state's jurisdiction.

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1(a)). The criteria for eligibility for the California Register are based upon the criteria for listing in the National Register (Public Resources Code Section 5024.1(b)), as defined above. Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

To be eligible for the California Register, a cultural resource must be significant at the local, state, and/or federal level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
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
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must be of sufficient age and retain enough of its historic character or appearance (integrity) to convey the reason for its significance. *Integrity* is the authenticity of a historic resource's physical identity as shown by the survival of characteristics that existed during the period of significance. For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historic resource and to convey the reasons for its significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. A resource that does

not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

California Environmental Quality Act

CEQA is the principal statute governing environmental review of projects occurring in the state. CEQA requires lead agencies to determine if a project would have a significant effect on historical resources, unique archaeological resources, or tribal cultural resources.

The state facilitates the implementation of the provisions of CEQA through its statewide comprehensive cultural resource surveys and preservation programs, including the California Register of Historical Resources program, which is designed for use by state and local agencies, private groups, and citizens to identify, evaluate, register and protect California's historical resources.

Historical Resources

The CEQA Guidelines recognize that a *historical resource* includes: (1) a resource in the California Register; (2) a resource included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of Public Resources Code Section 5024.1(g); and (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 by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated in accordance with the provisions of Public Resources Code Section 21083, pertaining to unique archaeological resources. 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, or identified in a historical resources survey does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1. A resource included in a local register of historical resources or identified on a historical resource survey as being eligible for the CRHR is presumed to be historically or culturally significant unless a preponderance of evidence demonstrates otherwise.

Unique Archaeological Resources

As defined in Public Resources Code Section 21083.2 a *unique archaeological resource* is 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:

- 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 example of its type; or,
- Is directly associated with a scientifically recognized important pre-contact or historic event or person.

The CEQA Guidelines note that if an archaeological resource is not a unique archaeological, historical resource, or tribal cultural resource, the effects of the project on those cultural resources shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5(c)(4)).

California Public Resources Code Section 21074 (AB 52)

In September 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources Public Resources Code Sections 21074 and 21083.09. The law defines tribal cultural resources in a new section, Public Resources Code Section 21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (Public Resources Code Sections 21080.3.1, 21080.3.2, and 21082.3).

Public Resources Code Section 21084.3 addresses mitigation for tribal cultural resources impacts as follows:

a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

    1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

    2) Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

        A. Protecting the cultural character and integrity of the resource.

        B. Protecting the traditional use of the resource.

        C. Protecting the confidentiality of the resource.

    3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

    4) Protecting the resource.

California Public Resources Code Section 5097.99

Public Resources Code Section 5097.99, as amended, states that no person shall obtain or possess any Native American artifacts or human remains which are taken from a Native American grave or cairn. Any person who knowingly or willfully obtains or possesses any such artifacts or human remains is guilty of a felony which is punishable by imprisonment. Any person who removes, without authority of law, any such items with an intent to sell of dissect or with malice or wantonness is also guilty of a felony which is punishable by imprisonment.

California Native American Historic Resource Protection Act

This California Native American Historic Resources Protection Act of 2002 (Public Resources Code Section 5097.995 et seq.) imposes civil penalties, including imprisonment and fines up to $50,000 per violation, for persons who unlawfully and maliciously excavates upon, removes, destroys, injures, or defaces a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

California Health and Safety Code Section 7050.5

Section 7050.5 of the California Health and Safety Code protects human remains by prohibiting the disinterring, disturbing, or removing of human remains from any location other than a dedicated cemetery. Public Resources Code Section 5097.98 (and reiterated in CEQA Guidelines Section 15064.59(e)) also identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.

California Senate Bill 18

Senate Bill (SB) 18 requires local governments to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in California Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.).

Local

Envision San José 2040 General Plan

The City's Envision San José 2040 General Plan provides objectives and policies to promote reduction or avoidance of impacts on historic and cultural resources at a range of significance levels ranging from the National and California Registers, and local Landmark-level resource through those of lesser significance such as Structures of Merit and Conservation Areas. Policies applicable to the project are presented below.

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

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-13.22: Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.

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.

San José Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Municipal Code Chapter 13.48) is designed to identify, protect, and encourage the preservation of significant resources as a means to stabilize neighborhoods, enhance property values, carry out the goals of the General Plan, foster civic pride in the city's cultural resources, and celebrate the unique historical identity of San José. The protection and preservation of the City's significant resources is largely implemented through landmark and historic district designation. As outlined in Municipal Code Section 13.48.110(H), a landmark must have special historical, architectural, cultural, aesthetic, or engineering value of a historic nature. In making a recommendation to the City Council on an application for the designation of a landmark, the Historic Landmarks Commission may consider eight criteria and other relevant factors as outlined in Municipal Code Section 13.48.110(H):

> [I]ts character, interest or value as part of the local, regional, state or national history, heritage or culture; its location as a site of a significant historic event; its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history; its exemplification of the cultural, economic, social or historic heritage of the City of San José; its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style; its embodiment of distinguishing characteristics of an architectural type or specimen; its identification as the work of an

architect or master builder whose individual work has influenced the development of the City of San José; and its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship, which represents a significant architectural innovation or which is unique.

A historic district is defined as a geographically definable area of urban or rural character possessing a significant concentration or continuity of site, building, structures, or objects unified by past events or aesthetically by plan or physical development.

City Landmarks[115] and City Landmark Districts[116] (and their contributors) are highly significant historic resources. They are designated by the City Council through a formal process as defined in the Historic Preservation Ordinance. Therefore, these resources are considered historical resources under CEQA. The City of San José also considers properties that are determined to be eligible for listing in the Historic Resources Inventory as a Candidate City Landmark and Candidate City Landmark District as significant historic resources and an important part of the environment for consideration and analysis under CEQA.

Historic Resources Inventory

The City of San José Historic Resources Inventory (HRI) includes known and potential historic resources of varying significance, including individual properties and districts listed in or eligible for listing in the California and National Registers, City Landmarks, Candidate City Landmarks, City Landmark Districts (and their contributing sites/structures), and Candidate City Landmark Districts (and their contributing sites/structures). In addition, the HRI includes Structures of Merit, Identified Sites/Structures, and Conservation Areas (and their contributing sites/structures). HRI properties are classified into one of 16 categories, depending on how they were evaluated at the time they were added. The HRI serves as a resource for conducting environmental and project review related to demolition permits, as well as for land use and development approvals. It is not a definitive list of all historic resources in the City of San José, and it is continually updated as new information, project-related evaluations, and neighborhood surveys are completed. The purpose of the HRI is to promote awareness of community resources and to further preservation of historic resources and community character.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on cultural resources are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address cultural resources impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC CU-1: Subsurface Cultural Resources.*** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot

[115] The term "landmark" shall mean any of the following which have a special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature: (1) an individual structure or portion thereof; (2) an integrated group of structures on a single lot; (3) a site, or portion thereof; or (4) any combination thereof.

[116] "Historic district" shall mean a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures, or objects unified by past events or aesthetically by plan or physical development.

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 Tribal 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 in consultation with the Tribal representative 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 the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

SPC CU-2: 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 Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered 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 (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will 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:

i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.

ii. The MLD identified fails to make a recommendation; or

iii. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

3.3.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a cultural resources impact would be significant if implementation of the project would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5;

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

For the purposes of this EIR, a tribal cultural resources impact would be significant if implementation of the project would:

- 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, or in a local register of historical resources as defined in Public Resources. Code Section 5020.1(k), or
  - 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Approach to Analysis

Architectural Resources

Impacts on architectural resources are typically assessed by identifying any activities that could affect resources identified as historical resources for the purposes of CEQA. As outlined in the section above, the CEQA Guidelines recognize that a historical resource includes (1) a resource in the California Register; (2) a resource included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of Public Resources Code Section 5024.1(g); and (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 by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. In addition to those properties recognized under Guidelines 1 and 2, the City of San José considers properties not previously identified or listed in the City's Historic Resources Inventory that meet the eligibility criteria for listing in the National Register, California Register and the City's Historic Resources Inventory as a Candidate City Landmark to be historical resources under CEQA as provided by Guideline 3.

Archaeological Resources

The significance of most pre-contact and historic-era archaeological sites (i.e., whether they are "historical resources") is usually assessed under California Register Criterion 4. This criterion stresses the importance of the information potentially contained within the site, rather than its significance as a surviving example of a type or its association with an important person or event. However, archaeological resources may also be assessed under Criteria 1, 2, and 3. Archaeological resources may also be assessed under CEQA as unique archaeological resources,

defined as archaeological artifacts, objects, or sites that contain information needed to answer important scientific research questions.

CEQA and CEQA Thresholds of Significance

Once a resource has been identified as a CEQA historical resource (either architectural or archaeological), it then must be determined whether the project's impacts would "cause a substantial adverse change in the significance" of the resource (CEQA Guidelines Section 15064.5(b)). A substantial adverse change in the significance of a historical resource means "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired" (CEQA Guidelines Section 15064(b)(1)). A historical resource is materially impaired through the demolition or alteration of the resource's physical characteristics that convey its historical significance and that justify its inclusion in the California Register (CEQA Guidelines Section 15064.5(b)(2)(A)).

Human Remains

Human remains, including those buried outside of formal cemeteries, are protected under several state laws, including Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. This analysis considers impacts including intentional disturbance, mutilation, or removal of interred human remains.

Tribal Cultural Resources

Impacts on tribal cultural resources are assessed in consultation, as applicable, with the affiliated Native American tribe in accordance with Public Resources Code Section 21080.3. This analysis considers whether the project would cause damaging effects to any tribal cultural resource, including archaeological resources and human remains.

Criterion with No Impact or Not Applicable

There would be no impact related to the following criterion for the reasons provided below; therefore, no impact discussion is provided for this criterion.

- **Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.** Based on the results of the records search, background research, pedestrian survey, resource significance evaluations, and assessment of impacts, four potential historical resources were identified within the project site: the main hospital building at 250 Hospital Parkway, Building 6 at 275 Hospital Parkway, Buildings A-D at 280 Hospital Parkway, and a potential SJMC campus historic district encompassing the campus. None of these buildings qualify for listing in either the California Register or the City of San José Historic Resources Inventory as a Candidate City Landmark. As such, none are considered historical resources for the purposes of CEQA. There are no historical resources located within the project site. No further consideration of these resources is necessary, and there would be no impact related to architectural historic resources as a result of implementation of the project.

Impact Analysis

Archaeological Resources

Impact CU-TCR-1: The project would cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5. ***(Less than Significant with Mitigation)***

Based on the natural environment, including distance to perennial water sources, the pre-contact and ethnohistoric contexts, and the records search results including previous survey efforts, there are no known archaeological resources in the project site and the project site has a relatively low potential to uncover previously unrecorded archaeological resources. Site CA-SCL-197, which is plotted by the NWIC in the project site, was identified outside of the project site during pipeline installation. Further investigation within the project site in 1976 and 1993 did not find any site materials or other evidence of human use or occupation in the project site. In addition, the project site has been highly disturbed from construction of the existing SJMC buildings.

While no known archaeological resources are in the project site, if cultural materials are inadvertently identified in the project site during construction of the Hospital Replacement or Future Campus Improvements and the materials are determined to be historical resources or unique archaeological resources, the project would have a potentially significant impact on archaeological resources. Impacts to previously undiscovered archaeological resources would be reduced to a less-than-significant level by implementation of **Mitigation Measure CU-TCR-1**, along with SPC CU-1 and SPC CU-2, which would ensure that any archaeological resources identified during construction activities would be treated appropriately. Therefore, impacts would be **less than significant with mitigation**.

Mitigation Measure

Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training

Prior to the issuance of any demolition, grading, or building permits, the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that a Cultural and Tribal Cultural Resources Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

Significance after Mitigation: Less than Significant

Human Remains

Impact CU-TCR-2: The project could disturb any human remains, including those interred outside of formal cemeteries. ***(Less than Significant with Mitigation)***

Based on the natural environment, including distance to perennial water sources, the pre-contact and ethnohistoric contexts, and the records search results including previous survey efforts, there are no known archaeological resources in the project site and the project site has a relatively low potential to uncover previously unrecorded archaeological resources. Previous investigation within the project site in 1976 and 1993 did not find any site materials or other evidence of human use or occupation in the project site, and the project site has been highly disturbed from construction of the existing SJMC buildings.

While no known human remains are located in the project site, if human remains are inadvertently identified in the project site during construction of the Hospital Replacement or Future Campus Improvements, the project would have a potentially significant impact on human remains. Impacts to previously undiscovered human remains would be reduced to a less-than-significant level by implementation of Mitigation Measure CU-TCR-1, along with SPC CU-1 and SPC CU-2, which would ensure that any human remains identified during construction activities would be treated appropriately. Therefore, impacts would be **less than significant with mitigation**.

Mitigation Measure

Implementation of Mitigation Measure CU-TCR-1

Significance after Mitigation: Less than Significant

Tribal Cultural Resources

Impact CU-TCR-3: The project could cause a substantial adverse change in the significance of tribal cultural resources as defined in Public Resources Code Section 21074. ***(Less than Significant with Mitigation)***

The City sent letters to the culturally affiliated Native American Tribes that have formally requested consultation on projects (see above), and no responses were received for consultation on this project. No tribal cultural resources listed or eligible for listing in the California Register or in a local register of historical resources were identified in the vicinity of the project site. In addition, the City, in its discretion and supported by substantial evidence, did not identify any tribal cultural resources in the project site.

Based on the background research, there are no known sacred, ceremonial, or gathering places in the project site. While unlikely, the potential exists for cultural materials or human remains that may be tribal cultural resources to be uncovered during ground-disturbing activities, and a substantial adverse change in the significance of tribal cultural resources would be significant. In the event of the identification of cultural materials or human remains in the project site, impacts to tribal cultural resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CU-TCR-1, along with SPCs CU-1 and CU-2, which would ensure that

resources identified during construction activities would be treated appropriately. Therefore, impacts would be **less than significant with mitigation**.

Mitigation Measure

Implementation of Mitigation Measure CU-TCR-1

Significance after Mitigation: Less than Significant

Architectural Resources

Criterion with No Impact or Not Applicable

There would be no impact related to the following criteria for the reasons provided below; therefore, no impact discussion is provided for this criterion.

Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Based on the results of the records search, background research, pedestrian survey, resource significance evaluations, and assessment of impacts, four potential historical resources 45 years or older were identified within the project site: the main hospital building at 250 Hospital Parkway, Building 6 at 275 Hospital Parkway, Buildings A–D at 280 Hospital Parkway, and a potential historic district encompassing the SJMC campus. None of these potential resources were determined to qualify for listing in the California Register or the City of San José Historic Resources Inventory as a Candidate City Landmark. As such, none are considered historical resources for the purposes of CEQA. Since there are no historical resources located within the project site, there would be no impact on architectural historical resources as a result of implementation of the project.

Cumulative Impacts

The geographic scope for cumulative impacts on archaeological resources and tribal cultural resources comprises the immediate vicinity (within a 0.5-mile radius). 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. Based on the research and pre-contact context, the area may contain a significant archaeological record that has not been well-documented or recorded. Therefore, this analysis conservatively assumes that the land within this area could contain archaeological resources or tribal cultural resources that are not yet known.

Impact C-CU-TCR-1: The project could combine with cumulative projects to result in significant cumulative effects on archaeological resources as defined in CEQA Guidelines Section 15064.5; human remains, including those interred outside of formal cemeteries; and tribal cultural resources as defined in Public Resources Code Section 21074. ***(Less than Significant with Mitigation)***

Similar to the project, cumulative projects in the vicinity of the project site could have a significant impact on buried prehistoric and historic-era archaeological resources, including human remains interred outside of formal cemeteries, during ground-disturbing activities. The potential impacts of the project, when considered together with similar impacts from cumulative projects in the vicinity, could result in a significant cumulative impact on buried archaeological resources or human remains (including resources determined to be tribal cultural resources). However, the project would implement Mitigation Measure CU-TCR-1, as well as the required SPCs CU-1 and CU-2 regarding inadvertent discovery of archaeological resources and human remains, respectively. In addition, cumulative projects undergoing CEQA review would be required to implement similar types of inadvertent discovery mitigation measures. Therefore, with implementation of Mitigation Measure CU-TCR-1 and SPCs CU-1 and CU-2, the project's contribution to a potential significant cumulative impact would not be cumulatively considerable, and the impact would be **less than significant with mitigation**.

Mitigation Measure

Implementation of Mitigation Measure CU-TCR-1

Significance after Mitigation: Less than significant.

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3.4 Energy

This section evaluates the potential for the project, including the Hospital Replacement and Future Campus Improvements, to result in substantial adverse effects related to energy resources. Section 3.4.1, *Environmental Setting*, includes descriptions of existing conditions relevant to energy use. The existing plans and policies relevant to energy conservation associated with the project are provided in Section 3.4.2, *Regulatory Framework*. The following impact discussion evaluates potential impacts to energy resources that could result from the project in the context of existing conditions.

3.4.1 Environmental Setting

State Energy Profile

In 2020, total energy usage in California was 7,070 trillion British thermal units (BTU) (the most recent year for which these specific data are available), which equates to an average of 198 million BTU per capita per year. These figures place California second among the 50 states and the District of Columbia in total energy use and 48th in per-capita consumption. Of California's total energy usage, the breakdown by sector is roughly 34 percent transportation, 24.6 percent industrial, 19.6 percent commercial, and 21.8 percent residential.[117]

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, coal, and nuclear gas generation resources. Approximately 70 percent of the electrical power needed to meet California's demand is produced in the state; the balance, approximately 30 percent, is imported from the Pacific Northwest and the Southwest. In 2020, California's in-state electricity use was derived from natural gas (48 percent); coal (< 1 percent); large hydroelectric resources (9 percent); nuclear sources (9 percent); renewable resources that include geothermal, biomass, small hydroelectric resources, wind, and solar (33 percent).[118] **Table 3.4-1** summarizes the statewide and regional usage.

Electricity

Electricity, as a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of resources—including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources—into useable energy. The delivery of electricity involves several system components for distribution and use. Electricity is distributed through a network of transmission and distribution lines commonly called a power grid.

[117] United States Energy Information Administration (U.S. EIA), *California State Profile and Energy Estimates,* last updated April 20, 2023. Available at www.eia.gov/state/?sid=CA#tabs-1. Accessed May 1, 2023.

[118] California Energy Commission (CEC), *2021 Total System Electric Generation*. Available at www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation. Accessed September 2023.

TABLE 3.4-1
EXISTING ANNUAL STATE AND REGIONAL ENERGY USE

Energy Type	Amount
Electricity (State/PG&E service area)[1]	280,738 GWh / 78,588 GWh
Natural Gas (State/PG&E service area)[1]	1,232,858,394 MMBTU / 450,746,500 MMBTU
Gasoline (Statewide/Santa Clara County)[2]	12,572 million gallons / 599 million gallons
Diesel (Statewide/ Santa Clara County)[2]	3,559 million gallons / 99 million gallons

ABBREVIATIONS: MMBTU = million British thermal units; MWh = megawatt-hours; PG&E = Pacific Gas and Electric Company
SOURCES:
1. CEC, *California Energy Consumption Database*, 2022. Available at ecdms.energy.ca.gov/. Accessed May 15, 2023;
2. CEC, *2021 California Annual Retail Fuel Outlet Report Results (CEC-A15)*, September 15, 2022. Available at www.energy.ca.gov/media/3874. Accessed May 2, 2023.

Energy capacity, or electrical power, is generally measured in watts (W), while energy use is measured in watt-hours. For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on for 1 hour would be 100 watt-hours. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 watt-hours or 1 kilowatt-hour. On a utility scale, the capacity of a generator is typically rated in megawatts (MW), which is 1 million watts, while energy usage is measured in megawatt-hours (MWh) or gigawatt-hours, which is one billion watt-hours.

In San José, electricity is provided by San José Clean Energy (SJCE), a Community Choice Program organized under California law. SJCE purchases electricity directly from generators, which is then delivered by Pacific Gas & Electricity (PG&E) over its existing utility lines. Residents and businesses of San José are automatically enrolled in the GreenSource program, which provides 86 percent greenhouse gas (GHG) emissions–free electricity or can elect to enroll in the "TotalGreen" program, which provides 100 percent GHG emissions–free electricity from entirely renewable sources. Customers can also opt out at any time and continue purchasing electricity from PG&E.

Although SJCE procures this power, PG&E continues to deliver electricity over existing power lines, maintain the lines, send bills, and provides customer service. Customers may also opt out of enrolling in SJCE and remain on PG&E's bundled service.

PG&E's electricity distribution system consists of electric distribution lines and interconnected transmission lines. PG&E's service area stretches from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to the Sierra Nevada in the east providing service to 5.5 million electric customer accounts and 4.5 million natural gas customer accounts.[119] PG&E produces and purchases energy from a mix of conventional and renewable generating sources. Approximately 31 percent of PG&E's 2020 electricity purchases were from renewable sources, as shown in **Table 3.4-2**.[120]

[119] Pacific Gas and Electric Company (PG&E), *Company Profile.* Available at www.pge.com/en_US/about-pge/company-information/profile/profile.page. Accessed May 15, 2023.

[120] PG&E, *PG&E 2020 Power Content label*, n.d. Available at www.energy.ca.gov/filebrowser/download/3882. Accessed May 15, 2023.

TABLE 3.4-2
SJCE & PG&E 2021 POWER CONTENT LABELS

Energy Resources	SJCE TotalGreen	SJCE GreenSource	2021 CA Power Mix
Eligible Renewables[a]	100.0%	52.7%	33.6%
Biomass & Biowaste	*0.0%*	*2.5%*	*2.3%*
Geothermal	*0.0%*	*10.3%*	*4.8%*
Eligible Hydroelectric	*0.0%*	*0.0%*	*1.0%*
Solar	*100.0%*	*11.8%*	*14.2%*
Wind	*0.0%*	*28.0%*	*11.4%*
Coal	0.0%	0.0%	3.0%
Large Hydroelectric	0.0%	22.7%	9.2%
Natural Gas	0.0%	0.0%	37.9%
Nuclear	0.0%	23.2%	9.3%
Other	0.0%	0.2%	0.2%
Unspecified Power[b]	0.0%	1.2%	6.8%
TOTAL	***100.0%***	***100.0%***	***100.0%***

NOTES:

a. The eligible renewable percentage above does not reflect Renewables Portfolio Standard (RPS) compliance, which is determined using a different methodology.
b. Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

SOURCE: San José Energy (SJCE), *2021 Power Content Label*, no date. Available at sanjosecleanenergy.org/wp-content/uploads/2022/09/SJCE_2021-Power-Content-Label.pdf. Accessed June 28, 2023.

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs and delivered through high-pressure transmission pipelines. Natural gas provides almost one-third of California's total energy requirements and is measured in terms of both cubic feet and BTU.

PG&E's natural gas pipe delivery system includes distribution pipelines and transportation pipelines that deliver gas originating from gas fields in California, the U.S. Southwest, the U.S. Rocky Mountains, and Canada to storage facilities and eventually to individual businesses or residences. PG&E provides natural gas transportation services to "core" customers and to "non-core" customers (industrial, large commercial, and natural gas–fired electric generation facilities) that are connected to its gas system in its service territory. Core customers can purchase natural gas procurement service (natural gas supply) from either PG&E or non-utility third-party gas procurement service providers (referred to as "core transport agents"). When core customers purchase gas supply from a core transport agent, PG&E still provides gas delivery, metering, and billing services to those customers. When PG&E provides both transportation and procurement services, PG&E refers to the combined service as "bundled" natural gas service.

PG&E does not provide procurement service to non-core customers, who must purchase their gas supplies from third-party suppliers. PG&E offers backbone gas transmission, gas delivery (local transmission and distribution), and gas storage services as separate and distinct services to its non-core customers. Access to PG&E's backbone gas transmission system is available for all natural gas marketers and shippers, as well as non-core customers. PG&E also delivers gas to off-system customers (i.e., outside of PG&E's service territory) and to third-party natural gas storage customers. 2020 natural gas usage for the state and the PG&E service region are also shown in Table 3.4-1.

Transportation Energy

In 2022, 13.6 billion gallons of gasoline and 3.17 billion gallons of diesel fuel were consumed in California.[121,122] Petroleum-based fuels currently account for more than 85 percent of ground transportation fuel use in California.[123]

The state is now working on developing flexible strategies to reduce petroleum use. Over the last decade, California has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce vehicle miles traveled (VMT) and reduce air pollutants and GHG emissions from the transportation sector. Accordingly, total gasoline consumption in California has declined. According to fuel sales data from the California Energy Commission (CEC), fuel consumption in Santa Clara County was approximately 599 million gallons of gasoline and 99 million gallons of diesel fuel in 2021.[124] Refer to Table 3.4-1 for a summary of statewide fossil fuel consumption in 2020.

3.4.2 Regulatory Framework

Federal

Corporate Average Fuel Economy Standards

Established by the U.S. Congress in 1975, the Corporate Average Fuel Economy (CAFE) standards reduce energy consumption by increasing the fuel economy of cars and light trucks. The National Highway Traffic Safety Administration and U.S. Environmental Protection Agency (U.S. EPA) jointly administer the CAFE standards. Congress has specified that CAFE standards must be set at the "maximum feasible level" with consideration given to (1) technological feasibility; (2) economic practicality; (3) effect of other standards on fuel economy; and (4) the need for the nation to conserve energy.[125]

[121] California Department of Tax and Fee Administration (CDTFA), *MVF 10 Year Report.* Available at www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm. Accessed May 1, 2023.

[122] CDTFA, *Taxable Diesel Gallons 10 Year Report.* Available at www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm. Accessed May 1, 2023.

[123] U.S. EIA, *California State Profile and Energy Estimates,* last updated April 20, 2023. Available at www.eia.gov/state/?sid=CA#tabs-1. Accessed May 1, 2023.

[124] CEC, *2021 California Annual Retail Fuel Outlet Report Results (CEC-A15)*, September 15, 2022. Available at www.energy.ca.gov/media/3874. Accessed May 2, 2023.

[125] For more information on the CAFE standards, refer to www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy.

In August 2012, standards were adopted for model years 2017 through 2025 for passenger cars and light-duty trucks. According to U.S. EPA, a model year 2025 vehicle would emit half the greenhouse gas (GHG) emissions of a model year 2010 vehicle.[126] Notably, the State of California harmonized its vehicle efficiency standards through 2025 with the federal standards at this time (refer to Section 2.2.13, California Air Resources Board *Advanced Clean Cars Program*).

In August 2018, U.S. EPA and the National Highway Traffic Safety Administration proposed maintaining the 2020 corporate average fuel economy and carbon dioxide (CO_2) standards for model years 2021 through 2026. The estimated corporate average fuel economy and CO_2 standards for model year 2020 vehicles are 43.7 miles per gallon (mpg) and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, U.S. EPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013.[127] However, on March 9, 2022, U.S. EPA reinstated California's authority under the Clean Air Act to implement its own GHG emissions standards and mandate for zero-emission vehicle sales.[128]

State

Warren-Alquist Act

In 1974, the California Legislature enacted the Warren-Alquist Act, which led to the creation of the CEC. This law also incorporated the following three key provisions designed to address energy demand:

- The Warren-Alquist Act directed the CEC to formulate and adopt the nation's first energy conservation standards for buildings constructed and appliances sold in California.
- The law removed the responsibility for electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- The CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

[126] U.S. Environmental Protection Agency (U.S. EPA), *EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017–2025 Cars and Light Trucks,* August 2012. Available at nepis.epa.gov/Exe/ZyPDF.cgi/P100EZ7C.PDF?Dockey=P100EZ7C.PDF. Accessed May 15, 2023.

[127] U.S. EPA and National Highway Traffic Safety Administration (NHTSA), *One National Program Rule on Federal Preemption of State Fuel Economy Standards*, September 19, 2019. Available at nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100XI4W.pdf. Accessed May 3, 2023.

[128] U.S. EPA, *California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision*, March 14, 2022. Available at www.govinfo.gov/content/pkg/FR-2022-03-14/pdf/2022-05227.pdf. Accessed May 15, 2023.

California Public Utilities Commission

The California Public Utilities Commission (CPUC) is a state agency that regulates privately owned utilities providing telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation services, and in-state moving companies. CPUC is responsible for assuring that California utility customers have safe, reliable utility services at reasonable rates, while protecting customers from fraud. CPUC regulates the planning for and approval of the physical construction of electric generation, transmission, and distribution facilities, and local distribution pipelines for natural gas.

California Energy Commission

The CEC is the primary energy policy and planning agency in California. Created by the California Legislature in 1974, the CEC has five major responsibilities: (1) forecast future energy needs and keep historical energy data; (2) license thermal power plants 50 megawatts or larger; (3) promote energy efficiency through appliance and building standards; (4) develop energy technologies and support renewable energy; and (5) plan for and direct the state response to energy emergencies.

Senate Bill 1389

Senate Bill (SB) 1389 (PRC Sections 25300–25323) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the electricity, natural gas, and transportation fuel sectors in California, and to provide policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state economy; and protect public health and safety (PRC Section 25301(a)).

The 2019 Integrated Energy Policy Report provides the results of CEC assessments on a variety of energy issues facing California:

- Energy efficiency;
- Strategies related to data for improved decisions in the Existing Buildings Energy Efficiency Action Plan;
- Building energy efficiency standards;
- The impact of drought on California's energy system;
- Achieving 50 percent renewables by 2030;
- The California Energy Demand Forecast;
- The Natural Gas Outlook;
- The Transportation Energy Demand Forecast;
- Alternative and Renewable Fuel and Vehicle Technology Program benefits updates;
- An update on electricity infrastructure in Southern California;
- An update on trends in California sources of crude oil;
- An update on California nuclear plants; and
- Other energy issues.

Assembly Bill 117 and Senate Bill 790

In 2002, the State of California enacted AB 117, enabling public agencies and joint powers authorities to form Community Choice Aggregation programs. SB 790 strengthened the provisions of AB 117 by creating a "code of conduct" to which the incumbent utilities must adhere in their activities relative to these programs. A Community Choice Aggregation program allows a city, county, or group of cities and counties to pool electricity demand and purchase or generate power on behalf of customers within their jurisdictions to provide local choice. Community choice aggregators work with PG&E to deliver power to its service area. The community choice aggregator is responsible for electricity generation (procuring or developing power) while PG&E is responsible for the delivery of electricity, power line maintenance, and monthly billing.

Senate Bills 1078, 350 and 100 and the Renewable Portfolio Standard

The State of California adopted standards to increase the percentage of electricity that retail sellers, including investor-owned utilities and community choice aggregators, must provide from renewable resources. The standards are referred to as the Renewables Portfolio Standard (RPS). The standards reduce use of non-renewable energy sources, thereby reducing GHG emissions and other negative impacts that are associated with use of non-renewable, finite energy sources. California's RPS program was established in 2002 by SB 1078, with the initial requirement that 20 percent of electricity retail sales be served by renewable resources by 2017. The program was accelerated in 2015 with SB 350, which mandated a 50 percent RPS by 2030. SB 350 includes interim annual RPS targets with three-year compliance periods and requires that 65 percent of RPS procurement be derived from long-term contracts of 10 or more years.

On September 10, 2018, Governor Brown signed SB 100, which further increased the California RPS and requires retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

CPUC and the CEC jointly implement the RPS program. The responsibilities of the CPUC are to: (1) determine annual procurement targets and enforce compliance; (2) review and approve the renewable energy procurement plan of each investor-owned utility; (3) review contracts for RPS-eligible energy; and (4) establish the standard terms and conditions used in contracts for eligible renewable energy.[129]

Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

In 2004, CARB adopted the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling to reduce public exposure to emissions of diesel particulate matter

[129] California Public Utilities Commission (CPUC), *RPS Program Overview*. Available at www.cpuc.ca.gov/RPS_Overview/#:~:text=The%20CPUC's%20responsibilities%20include%3A,contracts%20for%20RPS%2Deligible%20energy. Accessed May 15, 2023.

(California Code of Regulations [CCR] title 13, section 2485 [13 CCR section 2485]). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. The primary goal of this regulation is to reduce public health impacts from diesel emissions, but compliance with the measure also results in energy savings in the form of reduced fuel consumption from unnecessary idling.

California Building Standards Code (Title 24, Parts 6 and 11)

The California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR] Title 24, Part 6) were adopted to ensure that building construction and system design and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. The current California Building Energy Efficiency Standards (Title 24 standards) are the 2022 Title 24 standards, which became effective on January 1, 2023. This update to the building code provides crucial steps in the state's progress toward 100 percent clean carbon neutrality by midcentury.[130] The 2022 Energy Code builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular on heat pumps for space heating and water heating. This set of Energy Codes also strengthens ventilation standards to improve indoor air quality and extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single family, multifamily, and nonresidential buildings. These measures will:

1. Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California;
2. Require photovoltaic (PV) and battery storage systems for newly constructed multifamily and selected nonresidential buildings;
3. Update efficiency measures for lighting, building envelope, HVAC; and
4. Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

CCR Title 24, Part 11 is commonly referred to as the CALGreen Code. The 2022 CALGreen Code that took effect on January 1, 2023, included new mandatory measures including Electric Vehicle (EV) charging requirements for residential and non-residential buildings. The 2022 CALGreen update simplifies the code and its application in several ways. It offers new

[130] CEC, *2022 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, August 2022. Available at www.energy.ca.gov/sites/default/files/2022-12/CEC-400-2022-010_CMF.pdf. Accessed April 27, 2023.

voluntary prerequisites for builders to choose from, such as battery storage system controls and heat pump space, and water heating, to encourage building electrification. While the previous 2019 CALGreen Code only requires provision of EV Capable spaces with no requirement for chargers to be installed at multifamily dwellings, the 2022 CALGreen code mandates chargers.[131]

California Air Resources Board Advanced Clean Trucks Program

On June 25, 2020, CARB adopted the Advanced Clean Trucks rule, which requires truck manufacturers to transition from diesel vehicles to electric zero-emission vehicles beginning in 2024, with the goal of reaching 100 percent zero-emission vehicles by 2045. The goal of the legislation is to help California meet its climate targets of a 40 percent reduction in GHG emissions and a 50 percent reduction in petroleum use by 2030, and an 80 percent reduction in GHG emissions by 2050.

Truck manufacturers will be required to sell zero-emission vehicles as an increasing percentage of their annual sales from 2024 through 2035. Companies with large distribution fleets (50 or more trucks) will be required to report information about their existing fleet operations to identify future strategies for increasing zero-emission fleets statewide.[132]

Zero-emission vehicles are two to five times more energy efficient than diesel vehicles, and the Advanced Clean Trucks rule will reduce GHG emissions with the co-benefit of reducing dependence on petroleum fuels.

California Air Resources Board Advanced Clean Car Program

The Advanced Clean Cars emissions-control program, approved by CARB in 2012, is closely associated with the Pavley regulations. The program requires the production of a greater number of zero-emissions vehicle models for years 2015 through 2025, to control smog, soot, and GHG emissions. This program includes the Low-Emissions Vehicle regulations, intended to reduce emissions of criteria air pollutants and GHGs from light- and medium-duty vehicles; and the Zero-Emissions Vehicle regulations, which require manufacturers to produce an increasing number of pure zero-emissions vehicles (battery and fuel cell electric vehicles) and include the provision to produce plug-in hybrid electric vehicles between 2018 and 2025. The increase in low- and zero-emissions vehicles will result in a decrease in the consumption of non-renewable fuels such as gasoline and diesel. The Advanced Clean Cars II regulations were adopted in 2022, imposing the next level of low-emission and zero-emission vehicle standards for model years 2026–2035 that contribute to meeting federal ambient air quality ozone standards and California's carbon neutrality targets. By 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions.[133]

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131 California Building Standards Commission (CBSC), *2022 California Green Building Standards Code, Title 24, Part 11 (CALGreen)*, July 2022. Available at codes.iccsafe.org/content/CAGBC2022P1. Accessed May 8, 2023.

132 California Air Resources Board (CARB), *Advanced Clean Trucks Fact Sheet – Accelerating Zero-Emissions Truck Markets*, last updated August 20, 2021. Available at ww2.arb.ca.gov/sites/default/files/2021-08/200625factsheet_ADA.pdf. Accessed May 3, 2023.

133 CARB, *Advanced Clean Cars Program*. Available at ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about. Accessed May 15, 2023.

California Environmental Quality Act

Under CEQA (PRC Section 21100(b)(3)), EIRs are required to discuss the potential significant energy impacts of projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. If the analysis of a project shows that the project may result in significant environmental effects due to the wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, then the EIR must identify any feasible mitigation measures to address that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include project size, location, orientation, equipment use, and any renewable energy features that could be incorporated into the project (CEQA Guidelines Section 15126.2(b)).

CEQA Guidelines Appendix F lists the energy-related topics that should be analyzed in an EIR, and more specifically identifies the following topics for consideration in the evaluation of energy impacts in an EIR, to the extent the topics are applicable or relevant to the project:

- 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.[134]

The effects of the project relevant to each of these issues are addressed later in this section of this EIR.

Regional

Plan Bay Area

The Metropolitan Transportation Commission (MTC) is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes Santa Clara County. On July 18, 2013, *Plan Bay Area* was jointly approved by ABAG's Executive Board and the MTC.[135] On July 26, 2017, the MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original *Plan Bay Area*, but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original

[134] CEQA Guidelines Appendix F(II)(C).

[135] Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), *Bay Area Plan – Strategy for a Sustainable Region*, July 13, 2013. Available at files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf. Accessed April 27, 2023.

plan was adopted.[136] In October 2021, MTC and ABAG adopted *Plan Bay Area 2050*, which is now the official long-range plan that addresses housing, the economy, transportation, and the environment in the Bay Area through the implementation of 35 strategies, including those that address energy use both directly and indirectly through the promotion of greener buildings and use of alternative modes of transportation.[137]

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan (General Plan)[138] contains goals and policies related to the City's commitment to sustainability. The City's sustainability goals include improvements to energy efficiency, renewable energy generation, and building design aimed at overall energy reduction. The following policies are directly related to energy and are relevant to the project:

> **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-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-2.7:** Encourage the installation of solar panels or other clean energy power generation sources over parking areas.
>
> **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).
>
> **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 or other area functions.

[136] MTC & ABAG, *Plan Bay Area 2040*, adopted July 26, 2017. Available at mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf. Accessed April 27, 2023.

[137] MTC & ABAG, *Plan Bay Area 2050*, adopted October 21, 2021. Available at planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed April 27, 2023.

[138] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (last amended May 12, 2023). Available at www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed September 2023.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

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.

Policy TR-1.4: Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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.

Climate Smart San José

The City of San José adopted its Climate Smart San José plan in 2018.[139] The General Plan's goals and policies serve as a foundation for the plan, which provides additional analysis, recommendations, and corresponding metrics. The plan creates a measurable pathway to meeting the City's GHG emission reduction targets and has the co-benefit of reducing energy consumption. Listed below are the plan's nine key strategies:

1.1: Transitioning to a renewable energy future and providing clean electricity that supplies the entire city.

1.2: Embracing our Californian climate means creating an urban landscape, in our homes and public places, that is not just low water use, but attractive and enjoyable.

2.1: Densifying our city in focused growth areas increases walkability and cycling and also makes our neighborhoods more vibrant, distinctive, and enjoyable.

2.2: Making our homes energy efficient and fully electric can make them affordable for our families and more comfortable to live in.

[139] City of San José, *Climate Smart San José: A People-Centered Plan for a Low-Carbon City*, 2018. Available at www.sanjoseca.gov/home/showpublisheddocument/32171/636705720690400000. Accessed September 2023.

2.3: New technology can enable clean, electric, and personalized mobility choices that make it convenient to move between any two points in the city.

2.4: Developing integrated, accessible public and active transport infrastructure reduces the dependency on the car to move within the city.

3.1: 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.

3.2: Making our commercial buildings high-performance and siting them close to transit lowers water and energy use.

3.3: Moving commercial goods through our city efficiently with new technology and practices.

City of San José Reach Codes

The City of San José has adopted a Reach Code, which is a building code that is more advanced than those required by the state. Reach Codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building Reach Code ordinance adopting provisions of the California Green Building Code and California Building Energy Efficiency Standards to increase building efficiency, mandate solar readiness on non-residential buildings, and increasing EV readiness and installation of EV charging stations.[140]

In October 2019, the City Council approved an ordinance (Ordinance No. 30330) prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multifamily buildings.[141] On December 1, 2020, City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021.[142] However, hospitals are exempt from this all-electric requirement.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on energy are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address energy impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC GR-1: 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 San José Clean Energy (SJCE) GreenSource program (approximately 95 percent carbon free power) or TotalGreen (approximately 100 percent carbon free

[140] City of San José, *Ordinance No. 30311*, adopted September 2019. Available at www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed September 2023.

[141] City of San José, *Ordinance No. 30330*, November 20, 2019. Available at records.sanjoseca.gov/Ordinances/ORD30330.pdf. Accessed September 2023.

[142] City of San José, *Ordinance No. 30502*, adopted December 2020. Available at www.sanjoseca.gov/home/showpublisheddocument/69230/637485403354170000. Accessed May 2023.

power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (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.

3.4.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, an energy impact would be significant if implementation of the project would:

- Result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Approach to Analysis

This analysis considers whether implementation of the project, including the Hospital Replacement and Future Campus Improvements, would result in the inefficient, wasteful, or unnecessary use of energy. The evaluation highlights project design features that would reduce energy use as well as applicable regulations applicable to the project aimed at increasing energy conservation. As discussed earlier, there are several plans and policies at the federal, state, and local levels to increase energy conservation and the use of renewable energy. Consistency with these regulations would help ensure that the project would not result in the inefficient, wasteful, or unnecessary use of energy.

Impact Analysis

Impact EN-1: The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. ***(Less than Significant)***

Construction

Energy use during construction activities would primarily occur in association with fossil fuel use in construction equipment and vehicles. Energy use would vary throughout the construction period based on the construction activities being performed and would cease upon the completion of construction. Fuels used for construction would typically include diesel and gasoline; use of natural gas and electricity would be minimal.

Heavy-duty equipment associated with construction of the project would most likely rely on diesel fuel, as would vendor trucks involved in delivery of equipment and materials to the project site and haul trucks exporting demolition material or other materials off site. Construction worker trips to and from the project site would primarily be gasoline powered. All equipment used in project construction would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation imposes limits on idling so as to reduce unnecessary use of energy.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. Though the intent of these regulations is to reduce construction emissions, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

Over the duration of Hospital Replacement construction, it is estimated that approximately 251,000 gallons of diesel and 1,680 gallons of gasoline would be used. The diesel and gasoline use for construction activities would be temporary and constitute a small fraction of the regional usage; therefore, the construction energy demand of the project would be within the infrastructure service capabilities of regional suppliers and would not require additional local or regional capacity.

In addition, Mitigation Measure AQ-3a, presented in Section 3.1, *Air Quality*, would require the use of cleaner construction equipment meeting the U.S. EPA's Tier 4 Final standards to reduce health risk impacts to less than significant levels. Though the intent of using Tier 4 Final equipment is to reduce emissions and not improve energy efficiency, equipment meeting the Tier 4 Final standards would be newer and more energy efficient when compared to older equipment, which would further reduce energy use during construction. Mitigation Measure AQ-3a would reduce the allowed idling time for off-road and on-road equipment beyond limits in 13 CCR Sections 2485 and 2449 and further reduce energy consumption during construction.

Overall, construction activities associated with development of the project would not be unusual compared to overall local and regional demand for energy resources and project construction would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Given that and in light of required compliance with rules and regulations in place, the project would not result in the inefficient, wasteful, or unnecessary consumption of energy during construction. Therefore, impacts would be **less than significant**, and no mitigation is required.

Operation

The project would meet current (2022 or later) Title 24 requirements as required by state regulations through the plan review process. Title 24 reduces energy use in residential and commercial buildings through progressive updates to both the Green Building Standards Code (Title 24, Part 11) and the Energy Efficiency Standards (Title 24, Part 6). Title 24 standards are updated periodically (every 3 years). Provisions added to Title 24 over the years have included consideration and incorporation of new energy efficiency technologies and methods for building features such as space conditioning, water heating, and lighting, as well as construction waste diversion goals. Additionally, some standards focus on larger energy-saving concepts such as reducing loads at peak periods and seasons, improving the quality of energy-saving installations, and performing energy system inspections. The 2022 Energy Code builds on past updates

encouraging energy efficient approaches to building decarbonization, with particular emphasis on heat pumps for space heating and water heating. This set of Energy Codes also extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combination with heat pumps to advance energy efficiency and the use of renewable energy while enabling California buildings to be responsive to climate change.

The new hospital would include building design measures to meet LEED Gold performance standards including use of high-performance glazing and sun shading at windows to reduce solar heat gain, high performance building roof and envelope to maximize energy performance as well as using thermal energy storage tanks to supplement heating and cooling loads to further reduce energy usage. The project would also incorporate renewable energy through onsite solar generation which would offset part of the electricity demand from the grid. In addition, electricity to the new hospital and parking structure would be provided by SJCE which as of 2021 provides zero-carbon electricity sourced from 100 percent renewable sources.[143]

As discussed in Section 3.4.2, *Regulatory Framework*, the City adopted Reach Codes that would apply to all new development, which would reduce natural gas use and increase on-site solar energy production. Though exempt from the all-electric requirements of City Ordinance 30502, the project would be constructed as all-electric with no natural gas usage as a project design feature. Electricity would be used for operational building energy uses, including but not limited to lighting, appliances, air conditioning, space heating, and water heating. Future Campus Improvements would be designed in accordance with these and any future requirements applicable at the time of project review. Replacement of the existing older hospital with a new state-of-the-art hospital that meets the most recent energy standards would reduce inefficient and wasteful use of energy.

With respect to vehicle usage, vehicle trips generated by the project would increase the use of transportation fuels, primarily gasoline and diesel. Enhanced fuel economies realized pursuant to federal and state regulatory actions such as increasingly stringent CAFE/Pavley standards for vehicle fuel efficiency, and transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would decrease future fossil fuel demands per VMT. Additionally, the project site is within a half-mile of a high-quality transit stop. Bicycle facilities would be provided on the project site, including long-term bicycle parking spaces for employees and short-term bicycle parking spaces for visitors. The new hospital would include employee showers and other amenities, which would encourage the use of bicycles for commuting purposes. The location of the project in proximity to regional and local transit and bicycle facilities could reduce VMT within the region, acting to also reduce regional vehicle energy demands. In addition, as detailed in Section 3.13, *Transportation*, the project would require a TDM program and hardscape multimodal improvements to achieve a no net increase in VMT over existing conditions. Therefore, transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

[143] CEC, *2021 Power Content Label – San José Clean Energy*, n.d. Available at www.energy.ca.gov/filebrowser/download/4667. Accessed December 2023.

Conclusion

Overall, the purpose of the project is to provide high quality medical care to Kaiser members and their families with a new state-of-the-art hospital that complies with updated building codes and regulations, improves patient services and amenities, and maximizes operational efficiency. Therefore, energy use associated with the project would not be considered unnecessary. Through project design features and compliance with the regulatory requirements in place and cited above and also discussed under Impact EN-2 below, energy use associated with the construction and operation of the project and projected Future Campus Improvements would not be considered inefficient and wasteful. Therefore, the impact would be **less than significant**.

Mitigation: None required.

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. ***(Less than Significant)***

Construction

Construction equipment used for the project would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

Construction activities would use fuel-efficient equipment consistent with federal and state regulations, such as fuel efficiency regulations in CARB's Pavley Phase II standards; the anti-idling regulation in 13 CCR Section 2485; and fuel requirements for stationary equipment in 17 CCR Section 93115 (concerning the Airborne Toxic Control Measures). In accordance with 13 CCR Sections 2485 and 2449, idling by commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of five minutes. The intent of these regulations is to reduce construction emissions; however, compliance with the anti-idling and emission reduction regulations discussed above would also result in fuel savings from the more efficient use of equipment.

Operation

The project would be designed in a manner that would be consistent with relevant energy conservation plans designed to encourage development resulting in the efficient use of energy resources. The project would comply with CALGreen Code and Title 24 requirements to reduce energy consumption by implementing energy-efficient building designs, reducing indoor and outdoor water demands, and installing energy-efficient appliances and equipment. The project would include building design measures to meet LEED Gold performance standards which would exceed the City's New Construction Green Building Requirement of LEED Silver certification

for commercial buildings. The LEED scorecards would be key components of the project's Basis of Design documentation required for compliance with the Title 24 commissioning requirements and the LEED collaborative design requirements. Compliance with LEED requirements would be demonstrated in a two-step process; a first submittal would occur at the completion of design and the second would occur when construction is complete. The credit strategies identified on the LEED scorecard would be monitored and approved through each design submittal. The project would implement LEED efficiency strategies and incorporate water conservation, energy conservation, and other features consistent with the CALGreen Code, Title 24, and City sustainability goals. As a result, the project would not conflict with or obstruct a state plan for renewable energy or energy efficiency. In addition, the Hospital Replacement would include on-site renewable electric generation via a solar PV system on the top level of the garage and Future Campus Improvements could also include non-combustion energy generation facilities such as fuel cells or linear generators that would improve local energy security and reduce the amount of energy wasted in transmitting electricity over long distances.

The project would comply with goals and policies adopted by the City, including those set forth in the General Plan, as well as the City's Reach Codes, which support increased energy conservation in new development, such as that which would occur under the project. These requirements would increase on-site energy generation and decrease the amount of energy required for building operation.

In addition, as part of the RPS program detailed earlier, electric utilities including investor-owned utilities and community choice aggregators are required to increase the percentage of electricity provided from renewable resources. Though the RPS program does not necessarily increase energy efficiency, implementation of this program reduces use of non-renewable energy sources. The legislation requires utilities to increase the percentage of electricity obtained from renewable sources to 33 percent by 2020 and 50 percent by 2030. SB 100 furthered these standards to require electric utilities to procure eligible renewable electricity for 44 percent of retail sales by 2024, 52 percent by 2027, and 60 percent by December 2030. SB 100 also specifies that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045. CPUC and the CEC jointly implement the RPS program and PG&E and SJCE, the electric utility providers to Santa Clara County, are required to adhere to these standards and deadlines. As electric utilities, both PG&E and SJCE are subject to and are currently ahead of RPS goals. As such, the project would be consistent with these regulations.

Conclusion

As the project would be required to implement the regulatory requirements discussed above, construction and operation of the project would be consistent with all applicable plans, policies and regulations developed to encourage energy conservation and renewable energy use. The impact would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects that could combine with the project to result in a significant cumulative impact. Significant cumulative impacts related to energy resources could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects or cumulative development projections included in the project description and described in Chapter 3, Section 3.0.4, *Cumulative Impacts*.

Impact C-EN-1: The project, when combined with cumulative projects, would not result in cumulative impacts on energy. ***(Less than Significant)***

The project, combined with cumulative projects, would result in increased energy consumption. However, potential impacts to energy resources from cumulative projects would be site-specific and would require applications for development permits that would be evaluated on a case-by-case basis. Additionally, as with the project, all cumulative projects would be subject to compliance with federal, state, and local requirements for energy efficiency, including the California Energy Code Building Energy Efficiency Standards (CCR Title 24, Part 6), the CALGreen Code (CCR Title 24, Part 11), the City's Reach Codes, and SB 743. Consequently, cumulative projects when combined with the project would not result in significant cumulative impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation, and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the cumulative energy impact would be **less than significant**.

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3.5 Geology, Soils, and Paleontological Resources

This section identifies and evaluates issues related to Geology, Soils, and Paleontological Resources. It includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

3.5.1 Environmental Setting

Unless otherwise cited, the information provided in the environmental setting below is based on the geotechnical investigation prepared for the project (see **Appendix E, Geotechnical Report**).[144]

Geology and Soils

Study Area

As discussed in Chapter 2, Section 2.2, *SJMC Campus Site Location*, and shown on Figures 2-1 and 2-2, the SJMC campus consists of an approximately 40-acre site at 250 Hospital Parkway in City of San José. The majority of the campus is developed and includes the existing hospital and emergency department, medical office buildings, one administrative building, two parking structures, surface parking, and support uses. The campus is surrounded by urban uses, including a gas station at the northeast corner of Cottle Road and Santa Teresa Boulevard adjacent to the campus; commercial uses to the south; the Oakridge Palmia residential neighborhood and daycare and pre-school to the west; and the Santa Teresa Branch Library, daycare, and residential uses to the east. The study area for this *Geology, Soils, and Paleontological Resources* section extends 45 kilometers (28 miles) beyond the campus to account for seismic shaking the campus may experience due to earthquake faults in the region.

Regional Geology

The project area lies within the geologically-complex Coast Ranges Geomorphic Province[145] of California. The Coast Ranges are characterized by northwest-trending structural and topographic valleys and ridges, which formed initially by folding and thrust faulting in a subduction zone environment approximately 120 to 80 million years ago, and later by right-lateral shear within the San Andreas Fault Zone system starting approximately 28 million years ago. The Bay Area lies within the diffuse transform plate boundary between the Pacific Plate and North American Plate. It is a seismically active region that encompasses several Holocene and historically active faults.[146]

Topographically, the SJMC campus lies on a low-relief alluvial surface called the Santa Teresa-San José Plain, which borders San Francisco Bay on the southeast. Regional geologic maps by

[144] Langan Engineering and Environmental Services, *Geologic Hazard Evaluation and Geotechnical Investigation, Kaiser Permanente San José Replacement Hospital, Hospital, Energy Center, and Service Yard, San José, California,* May 5, 2023.

[145] A geomorphic province is a regional area that possesses similar bedrock, structure, history, and age.

[146] Holocene time is from the present to 11,700 years ago. Historic events include those seismic events recorded by people.

the U.S. Geological Survey (USGS) show the campus and surrounding area are underlain by Holocene basin and levee deposits. The Holocene levee deposits are described as loose and moderately- to well-sorted sandy and clayey silt and sandy and silty clay that were deposited adjacent to streams where spreading, slowing floodwaters occurred. The Holocene basin deposits are described as organic rich, dark-colored clay and very fine silty clay that were deposited in flood basins beyond the adjacent levees and floodplains. Given the regional topographic gradients, both map units were likely sourced from Coyote Creek and/or Santa Teresa Ridge to the east and south, respectively.

Site and Local Geology and Soils

The results of the geotechnical exploration indicate the existing pavement consists of about 2 to 6 inches of asphalt concrete. Beneath the asphaltic concrete, the geotechnical investigation encountered about 6 to 10 inches of aggregate base.

The existing pavement and landscaping areas at the campus are generally underlain by recent (Holocene) alluvial basin deposits consisting of clay and silt interbedded with sand and gravel layers. The soil encountered in the upper 70 to 75 feet of the borings drilled for this project generally consisted of medium stiff to hard clay and silt with varying amounts of sand, silt, and gravel. The upper clay is moderately compressible and is interbedded with medium dense to dense sand and gravel layers with varying amounts of fines. The upper clay is generally slightly overconsolidated,[147] with overconsolidation ratio[148] greater than 1.1. The upper clay and silt are underlain by about 25 feet of dense to very dense sand and gravel extending to depths of about 95 to 100 feet below ground surface. Below the sand and gravel are stiff to hard silt and clay (moderately compressible to relatively incompressible) interbedded with layers of dense to very dense sand and gravel to the maximum depth explored of 150 feet below ground surface.

Expansive Soils

Expansive soils are soils that possess a “shrink-swell” characteristic, also referred to as linear extensibility. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying; the volume change is reported as a percent change for the whole soil. Changes in soil moisture can result from rainfall, landscape irrigation, utility leakage, roof drainage, or perched groundwater.[149] Expansive soils are typically very fine-grained and have a high to very high percentage of clay. Structural damage may occur incrementally over a long period of time, usually as a result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

Linear extensibility is used to determine the shrink-swell potential of soils. If the linear extensibility is more than 3 percent, shrinking and swelling may cause damage to building, roads, and other

[147] An underconsolidated clay has not yet achieved equilibrium under the existing load; an overconsolidated clay has experienced a pressure greater than its current load.

[148] The overconsolidation ratio for a soil is defined as the ratio between the maximum sustained pressure the soil has experienced and the present effective vertical pressure.

[149] Perched groundwater is a local saturated zone above the water table that typically exists above an impervious layer (such as clay) of limited extent.

structures.[150] According to the geotechnical investigations performed for the campus, the soils underlying the project site are considered to be moderately expansive. As noted in Chapter 2, Section 2.6.3, *Demolition and Excavation*, the maximum depth of excavation would be to about 30 feet below the ground surface and thus would encounter the upper clay. Where tested, the plasticity index of the top five feet of clay ranges between about 16 and 21, indicating it has moderate expansion potential.

Faults and Seismicity

This section characterizes the region's existing faults, describes historical earthquakes, estimates the likelihood of future earthquakes, and describes probable ground shaking effects. The existing hospital was constructed in 1974 and has a Seismic Performance Category rating of 2 (SPC-2).[151]

Earthquake Terminology and Concepts

Earthquake Mechanisms and Fault Activity

Faults are planar features within the earth's crust that have formed to release strain caused by the dynamic movements of the earth's major tectonic plates. An earthquake on a fault is produced when these strains overcome the inherent strength of the earth's crust, and the rock ruptures. The rupture causes seismic waves that propagate through the earth's crust, producing the ground-shaking effect known as an earthquake. The rupture also causes variable amounts of slip along the fault, which may or may not be visible at the earth's surface. Geologists commonly use the age of offset rocks as evidence of fault activity: The younger the displaced rocks, the more recently earthquakes have occurred. To evaluate the likelihood that a fault would produce an earthquake, geologists examine the magnitude and frequency of recorded earthquakes and evidence of past displacement along a fault.

The California Geological Survey (CGS) defines an active fault as one that has had surface displacement within Holocene time (within the last 11,700 years). A Quaternary fault is defined as a fault that has shown evidence of surface displacement during the Quaternary period (the last 2.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer.

This definition does not mean that a fault lacking evidence of surface displacement is necessarily inactive. For the purpose of delineating fault rupture zones, CGS historically sought to zone faults defined as potentially active, meaning that they have shown evidence of surface displacement during the Quaternary period. In late 1975, the State Geologist made a policy decision to zone only those faults that had a relatively high potential for ground rupture, determining that a fault should be considered for zoning only if it was sufficiently active and "well defined."[152] Faults that are

[150] Natural Resources Conservation Service, *National Soil Survey Handbook*, 2023. Title 430-VI; Part 618, Soil Properties and Qualities; Subpart B, Exhibits; Section 618.42, Linear Extensibility Percent, p. 618-A.49.

[151] California Department of Health Care Access and Information, SPC/NPC Ratings of Acute Care Hospital Buildings as of February 8, 2024.

[152] A fault is well-defined if its trace is clearly detectable by a trained geologist as a physical feature at or just below the ground surface.

confined to pre-Quaternary rocks are considered inactive and incapable of generating an earthquake.

Earthquake Magnitude

When an earthquake occurs along a fault, its size can be determined by measuring the energy released during the event. A network of seismographs records the amplitude and frequency of the seismic waves that an earthquake generates. Richter magnitude was historically the primary measure of earthquake magnitude; however, seismologists now use Moment Magnitude (M_w) as the preferred way to express the size of an earthquake. The M_w scale is related to the physical characteristics of a fault, including the rigidity of the rock, the size of fault rupture, and the style of movement or displacement across the fault. Although the formulae of the scales are different, they both contain a similar continuum of magnitude values, except that M_w can reliably measure larger earthquakes and do so from greater distances. The M_w scale, like the Richter scale, is a logarithmic scale with a theoretical maximum value of M_w 10.0, although the largest recorded earthquake was M_w 9.5 in Chile in 1960.[153]

Faults

The magnitude and nature of fault rupture can vary for different faults or even along different strands of the same fault. Future faulting is generally expected along different segments of faults with recent activity.[154] Structures, transportation facilities, and utility systems crossing fault traces are at risk during a major earthquake due to ground rupture caused by differential lateral and vertical movement on opposite sides of the active fault trace. This region of California is seismically active, but no known active faults cross the SJMC campus. **Table 3.5-1** lists the nearest active faults.

The closest active fault to the project site is the Monte Vista – Shannon Fault Zone. This fault zone is located approximately 2.6 miles south of the campus, which has the potential to produce an earthquake with an estimated M_w of 7.0. The Hayward, San Andreas, and Calaveras fault zones have been identified as Earthquake Fault Zones (Alquist-Priolo Zones) by CGS. Given the distances from the campus, any surface rupture of these faults would not affect the campus.

Ground Shaking

The Working Group on California Earthquake Probabilities (WGCEP) is a collaboration between the USGS, CGS, and the Southern California Earthquake Center. The WGCEP recently evaluated the probability of one or more earthquakes of M_w 6.7 or higher occurring in California over the next 30 years. The WGCEP estimated that the San Francisco Bay Area as a whole has a 72 percent chance of experiencing an earthquake of M_w 6.7 or higher over the next 30 years, with the Hayward and San Andreas Faults being the most likely to cause such an event.[155]

[153] U.S. Geological Survey, *20 Largest Earthquakes in the World Since 1900*, 2019.

[154] California Geological Survey, *Guidelines for Evaluating and Mitigation Seismic Hazards*, CGS Special Publication 117A, 2008.

[155] Working Group for California Earthquake Probabilities. *Long-Term Time-Dependent Probabilities for the Third Uniform California Earthquake Rupture Forecast (UCERF3), Bulletin of the Seismological Society of America* 105(2A):511–543, April 2015.

TABLE 3.5-1
FAULTS NEAR THE PROJECT SITE

Fault Name	Approximate Distance (miles) and direction from SJMC Campus	Mean Moment Magnitude[a]
Mon–e Vista - Shannon	2.6 south	7.0
Silver Creek	3.7 northeast	6.7
Hayward (South Extension)	4.3 east	6.1
Hayward-Rodgers	4.2 east	7.6
Calaveras (Central)	7.4 east	6.75
Sargent	9.3 southwest	6.8
San Andreas (Santa Cruz Mtns)	11.2 southwest	7.0
San Andreas (1906 Event)	10.6 southwest	8.1
Butano	10.6 southwest	6.7
Hayward (South)	11.2 north	6.9
San Andreas (peninsula)	11.8 west	7.2
Zayante-Vergales 2011	13.7 southwest	7.1
Zayanta-Vergalas	14.3 southwest	6.9
Calaveras	14.9 north	6.8
Mission	14.9 north	6.1
Greenville (South)	18 east	6.5
Calaveras (South)	19.9 southeast	6.4
Pilarcitos	20.5 west	6.7
Greenville (North)	23.6 northeast	6.9
Las Positas	25.5 north	6.3
Reliz	27.3 southwest	7.3
Ortigalita (North)	28.0 east	6.6
San Gregorio (North)	28.0 west	7.3
Monterey Bay-Tularcitos	28.0 southwest	7.2

NOTES:

a. Moment magnitude is an energy-based scale and provides a physically meaningful measure of the size of a faulting event. Moment magnitude is directly related to average slip and fault rupture area.

SOURCE: Langan 2023b

Liquefaction and Lateral Spreading

Liquefaction is a phenomenon in which unconsolidated, water-saturated sediments become unstable as a result of the effects of strong seismic shaking. During an earthquake, these sediments can behave like a liquid, potentially causing severe damage to overlying structures.

Lateral spreading is a variety of minor landslide that occurs when unconsolidated liquefiable material breaks and spreads due to the effects of gravity, usually down gentle slopes. Liquefaction-induced lateral spreading is defined as the finite, lateral displacement of gently sloping ground as a result of pore-pressure buildup or liquefaction in a shallow underlying deposit

during an earthquake. The occurrence of this phenomenon is dependent on many complex factors, including the intensity and duration of ground shaking, particle-size distribution, and density of the soil.

The potential damaging effects of liquefaction include differential settlement, loss of ground support for foundations, ground cracking, heaving, and cracking of structure slabs due to sand boiling, and buckling of deep foundations due to ground settlement. Dynamic settlement (pronounced consolidation and settlement from seismic shaking) may also occur in loose, dry sands above the water table, resulting in settlement of and possible damage to overlying structures. In general, a relatively high potential for liquefaction exists in loose, sandy soils that are within 50 feet of the ground surface and are saturated (below the groundwater table). Lateral spreading can move blocks of soil, placing strain on buried pipelines that can lead to leaks or pipe failure.

According to geotechnical investigation, the campus is located within an area that the CGS has designated as having the potential for liquefaction. However, testing conducted for the geotechnical investigation indicated that the potential for surface liquefaction (e.g., sand boils or ejecta and ground fissures) to manifest at the ground surface is low. For deeper soils, the soils have a significant amount of plastic fines that are considered too cohesive and too dense to liquefy.

The geotechnical investigation noted that layers of medium dense saturated sand, silty sand, and sandy silt varying in thickness from less than approximately 0.25 to 0.5 foot were encountered below the historic high groundwater level of approximately 12 feet below ground surface. The geotechnical investigation concluded that several of these layers could potentially liquefy during a major earthquake and may experience liquefaction-induced settlement. However, the layers are 0.1 to 0.5 foot thick, and discontinuous.

The 22- to 26-foot-deep excavation for the basement of the Hospital Replacement components would remove some of the layers with liquefaction potential. The geotechnical investigation concluded that less than ¼ inch of liquefaction-induced settlement should occur beneath the basement. In the areas of the campus surrounding the proposed excavation, the geotechnical investigation similarly concluded less than ¼ inch of liquefaction induced-settlement could occur. The geotechnical investigation concluded up to ¼ inch of differential settlement over a horizontal distance of 30 feet could occur at the site.

Subsidence

Subsidence is the gradual lowering of the land surface due to compaction of underlying materials. Subsidence can result from extraction of groundwater and/or crude oil, which can cause subsurface clay layers to compress and lower the overlying land surface. Subsidence occurs because the presence of water and/or crude oil in the pore spaces in between grains helps to support the skeletal structure of the geologic unit. If the water and/or oil is removed, the structure becomes weaker and can subside. Long-term, post-construction dewatering is not anticipated at the project site. Subsidence should be minimal and only occur during dewatering for construction.

Landslides

Landslides are one of the various types of downslope movements in which rock, soil, and other debris are displaced by the effects of gravity. The potential for material to detach and move down slope depends on a variety of factors including the type of material, water content, steepness of terrain, and more. Given its relatively flat topography, the project site is not susceptible to landslides.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals: vertebrates (animals with backbones; e.g., mammals, birds, fish), invertebrates (animals without backbones; e.g., starfish, clams, coral), and microscopic plants and animals (microfossils). Paleontological resources can include mineralized body parts, body impressions, or footprints and burrows. They are valuable, non-renewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the area in which they are exposed. The geologic environments within which plants or animals became fossilized usually were quite different from the present environments in which the geologic formations exist.

The Society of Vertebrate Paleontology (SVP) established guidelines for the identification, assessment, and mitigation of adverse impacts on non-renewable paleontological resources.[156] Most practicing paleontologists in the United States adhere closely to the SVP's assessment, mitigation, and monitoring requirements as outlined in these guidelines, which were approved through a consensus of professional paleontologists. Many federal, state, county, and city agencies have either formally or informally adopted the SVP's standard guidelines for the mitigation of adverse construction-related impacts on paleontological resources. The SVP has helped define the value of paleontological resources. In particular, the SVP indicates that geologic units of high paleontological potential are those from which vertebrate or significant invertebrate or plant fossils have been recovered in the past (i.e., are represented in institutional collections). Geologic units of low paleontological potential are those that are not known to have produced a substantial body of significant paleontological material. As such, the sensitivity of an area with respect to paleontological resources hinges on its geologic setting and whether significant fossils have been discovered in the area or in similar geologic units.

Paleontological sensitivity is defined as the potential for a geologic formation to produce scientifically important fossils. This is determined by the rock type, the past history of the geologic unit in producing significant fossils, and the fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey. In its *Standard Procedures for the Assessment and*

[156] Society of Vertebrate Paleontology, *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*, prepared by SVP Impact Mitigation Guidelines Revision Committee, 2010.

Mitigation of Adverse Impacts to Paleontological Resources, the SVP[157] defines four categories of paleontological sensitivity for rock units, reflecting their potential for containing additional significant paleontological resources:

1. *High Potential:* Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered;
2. *Low Potential:* Rock units that are poorly represented by fossil specimens in institutional collections, or that based on general scientific consensus only preserve fossils in rare circumstances, with the presence of fossils being the exception, not the rule;
3. *Undetermined Potential:* Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment; and
4. *No Potential:* Rock units such as high-grade metamorphic rocks (e.g., gneisses and schists) and plutonic igneous rocks (e.g., granites and diorites) that will not preserve fossil resources.

As discussed above, the geotechnical investigation indicates that geology within the campus consists of Holocene-age deposits that do not encounter older Pleistocene-age deposits for at least 75 feet in depth. Because of the relatively young age of these deposits, they have low paleontological sensitivity.

3.5.2 Regulatory Framework

Federal

Clean Water Act

In 1972, the Clean Water Act (CWA) established the basic structure for regulating discharges of pollutants (which includes sediment) into the waters of the U.S. and gave the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs. The CWA sets water quality standards for contaminants in surface waters. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, to finance municipal wastewater treatment facilities, and to manage polluted runoff. U.S. EPA has delegated responsibility for implementation of portions of the CWA, including water quality control planning and programs, in California to the State Water Resources Control Board and the nine Regional Water Quality Control Boards (Regional Water Boards).

Section 402 of the CWA authorizes U.S. EPA to establish a nationwide surface water discharge permit program for municipal and industrial point sources known as the National Pollutant Discharge Elimination System (NPDES) program. Under Section 402, the Regional Water Board has set standard conditions for each permittee including construction requirements, as discussed in the section on the *Construction General Permit* further below in the *State* subsection.

National Earthquake Hazards Reduction Program

The National Earthquake Hazards Reduction Program (NEHRP) was established in 1977 by the United States Congress as part of the Earthquake Hazards Reduction Act of 1977. The original

[157] Society of Vertebrate Paleontology, *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*, prepared by SVP Impact Mitigation Guidelines Revision Committee, 2010.

stated purpose for NEHRP was "to reduce the risks of life and property from future Earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program." Congress periodically reviews and reauthorizes NEHRP, with the most recent review happening in 2018. NEHRP supports basic research that expands our knowledge of earthquakes and their impacts.

The four basic earthquake hazard reduction goals of NEHRP have remained the same since its creation:

- Develop effective practices/policies and accelerate their implementation.
- Improve techniques for reducing vulnerabilities of facilities and systems.
- Improve earthquake hazards identification and risk assessment methods and their use.
- Improve the understanding of earthquakes and their effects.

To accomplish these goals, NEHRP developed the Advisory Committee on Earthquake Hazards Reduction to advise Congress on the programs progress in relation to:

- Improved design and construction methods and best practices
- Land use controls and redevelopment
- Prediction and early-warning systems
- Coordinated emergency preparedness plans
- Public education/involvement programs

NEHRP implementation activities are primarily conducted through FEMA, the National Institute of Standards and Technology, the National Science Foundation, and the USGS.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) was enacted in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with the Alquist-Priolo Act, the State Geologist established regulatory zones, called “Earthquake Fault Zones,” around the surface traces of active faults and published maps showing the earthquake fault zones. Within the fault zones, buildings for human occupancy cannot be constructed across the surface trace of active faults. Each earthquake fault zone extends approximately 200 to 500 feet on either side of the mapped fault trace because many active faults are complex and consist of more than one branch that may experience ground surface rupture. California Code of Regulations (CCR) Title 14, Section 3601(e) defines buildings intended for human occupancy as those that would be inhabited for more than 2,000 hours per year. The campus is not mapped within an active earthquake fault zone under the Alquist-Priolo Special Studies Zone Act.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act was enacted in 1990 after the Loma Prieta earthquake to reduce threats to public health and safety and minimize property damage caused by earthquakes.

This act requires the State Geologist to delineate various seismic hazard zones, and cities, counties, and other local permitting agencies to regulate certain development projects within these zones. For projects that would locate structures for human occupancy within designated Zones of Required Investigation, the Seismic Hazards Mapping Act requires project applicants to perform a site-specific geotechnical investigation to identify the potential site-specific seismic hazards and corrective measures, as appropriate, before receiving building permits. The *CGS Guidelines for Evaluating and Mitigating Seismic Hazards* (Special Publication 117A) provides guidance for evaluating and mitigating seismic hazards.[158] The campus is not located within an active earthquake fault zone or a landslide zone but is designated as within the seismic hazard zone for liquefaction.

California Building Standards Code

The California Building Standards Code (CBSC) (Title 24 California Code of Regulations) is the building code for California. The CBSC is maintained by the California Building Standards Commission, which is granted the authority to oversee processes and regulations related to the California building codes by California Building Standards Law. The CBSC is based on several criteria: standards adopted by states based on national model codes, national model codes adapted to meet California conditions, and standards passed by the California legislature that address concerns specific to California. The purpose of the CBSC is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within its jurisdiction. Relative to geologic and seismic hazards, the following parts of the CBSC would apply to the project:

- **Part 2 - California Building Code (CBC):** The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. The 2022 version of the CBC is effective as of January 1, 2023. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. The provisions of the CBC apply to the construction, alteration, movement, replacement, location, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

CBC Chapter 18 covers the requirements of geotechnical investigations (section 1803), excavation, grading, and fills (section 1804), load bearing of soils (section 1806) and foundations (section 1808), shallow foundations (section 1809), and deep foundations (section 1810).

Requirements for geotechnical investigations are included in CBC Appendix J, section J104, *Engineered Grading Requirements*. As outlined in section J104, applications for a grading permit must be accompanied by plans, specifications, and supporting data consisting of a soils engineering report and engineering geology report. Additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in California Health and Safety Code sections 17953–17955 and in 2022 CBC section 1802. Samples from subsurface investigations, such as from borings or test pits, must undergo testing. Studies must be

[158] California Geological Survey, *Guidelines for Evaluating and Mitigation Seismic Hazards*, CGS Special Publication 117A, 2008.

done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

The CBC also contains amendments based on the American Society of Civil Engineers Minimum Design Standard (ASCE/SEI 7-22), *Minimum Design Loads for Buildings and Other Structures*. The CBC provides requirements for general structural design and includes means for determining earthquake loads, as well as other loads (such as wind), for inclusion in building codes.

Hospital Facilities Seismic Safety Act

The Hospital Facilities Seismic Safety Act was introduced as Senate Bill 1953 on February 25, 1994. It was signed into law on September 21, 1994. The bill establishes a seismic safety building standards program under Office of Statewide Health Planning and Development (OSHPD's) jurisdiction for California hospitals built after March 7, 1973. The OSHPD became the Department of Health Care Access and Information (HCAI). The project design of all hospitals are required meet to the requirements, which include and exceed those of the CBC. The requirements are codified in Health And Safety Code, Division 107 - Statewide Health Planning and Development, Part 7 – Facilities Design Review and Construction, Chapter 1 – Health Facilities, Sections 129675 to 130079. Highlights of the requirements are listed below:

- Requiring hospital buildings that contain acute care operations, including all urgent care facilities, to be able to survive earthquakes without collapsing.
- Mandating that all existing hospitals be seismically evaluated and, if needed, retrofitted by 2030.
- Directing the Office of Statewide Health Planning and Development (OSHPD, now the HCAI) to consult with the Hospital Building Safety Board in developing emergency regulations including performance categories for measuring risks to buildings and life in the event of an earthquake.

California Occupational Safety and Health Administration

Occupational safety standards exist in federal and state laws to minimize worker safety risks from both physical and chemical hazards in the workplace. In California, the California Division of Occupational Safety and Health (Cal/OSHA) and the federal Occupational Safety and Health Administration (OSHA) are the agencies responsible for ensuring worker safety in the workplace.

The OSHA Excavation and Trenching standard (Code of Federal Regulations Title 29, Section 1926.650) covers requirements for excavation and trenching operations, which are among the most hazardous construction activities. OSHA requires protecting all excavations in which employees could potentially be exposed to cave-ins, by sloping or benching the sides of the excavation, supporting the sides of the excavation, or placing a shield between the side of the excavation and the work area. Cal/OSHA is the implementing agency for both federal and state OSHA standards. All contractors must comply with OSHA regulations, which would make the project consistent with OSHA.

National Pollutant Discharge Elimination System Construction General Permit

Construction for the project, including the Hospital Replacement and Future Campus Improvements, would disturb more than 1 acre of land surface, potentially affecting the quality of stormwater discharges into waters of the United States. The project would therefore be subject to the National Pollutant Discharge Elimination System (NPDES) *General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Order 2022-0057-DWQ, NPDES No. CAS000002, Construction General Permit).

The Construction General Permit regulates discharges of pollutants in stormwater associated with construction activity to waters of the United States from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than 1 acre of land surface. The permit regulates stormwater discharges from construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground projects, including installation of water pipelines and other utility lines.

The Construction General Permit requires that construction sites be assigned a risk level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the risk to receiving waters during periods of soil exposure (e.g., grading and site stabilization). The sediment risk level reflects the relative amount of sediment that could be discharged to receiving water bodies, and is based on the nature of the construction activities and the location of the site relative to receiving water bodies. The receiving-waters risk level reflects the risk to receiving waters from the sediment discharge. Depending on the risk level, the construction projects could be subject to the following requirements:

- Effluent standards
- Good site management "housekeeping"
- Non-stormwater management
- Erosion and sediment controls
- Run-on and runoff controls
- Inspection, maintenance, and repair
- Monitoring and reporting requirements

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that includes specific best management practices (BMPs) designed to prevent sediment and pollutants from coming into contact with stormwater and moving off-site into receiving waters. The BMPs fall into several categories, including erosion control, sediment control, waste management, and good housekeeping. They are intended to protect surface water quality by preventing eroded soil and construction-related pollutants from migrating off-site from the construction area. Routine inspection of all BMPs is required under the Construction General Permit. In addition, the SWPPP must contain a visual monitoring program, a chemical monitoring program for non-visible pollutants, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

The SWPPP must be prepared before construction begins. The SWPPP must contain a site map(s) that delineates the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs and the placement of those BMPs that the applicant would use to protect stormwater runoff.

Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving operations, and washing and fueling of vehicles and equipment. The Construction General Permit also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site after construction).

In the project area, the Construction General Permit is implemented and enforced by the San Francisco Bay Regional Water Quality Control Board, which administers the stormwater permitting program. Dischargers must electronically submit a notice of intent and permit registration documents to obtain coverage under this Construction General Permit. Dischargers are to notify the San Francisco Bay Regional Water Quality Control Board of violations or incidents of non-compliance and submit annual reports identifying deficiencies in the BMPs and explaining how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a State Qualified SWPPP Developer, and implementation of the SWPPP must be overseen by a State Qualified SWPPP Practitioner. A legally responsible person, who is legally authorized to sign and certify permit registration documents, is responsible for obtaining coverage under the permit.

Public Resources Code Sections 5097.5 and 30244

California Public Resources Code (PRC) Sections 5097.5 and 30244 specify state requirements for paleontological resource management. These statutes prohibit the removal of any paleontological site or feature from public lands without permission of the jurisdictional agency, defining their removal as a misdemeanor. PRC Sections 5097.5 and 30244 require reasonable mitigation of adverse impacts on paleontological resources from developments on public (state, county, city, district) lands.

Regional and Local

Envision San José 2040 General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the project are presented below.

> ***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-3.10.*** Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazards zones related to seismic hazards.
>
> ***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. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]

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.

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.

Action EC-4.12. Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.

City of San José Geological Hazard Review

For development sites located within a State of California Seismic Hazard Zone of Required Investigation for Liquefaction, a Geologic Clearance approval must be obtained from the City Geologist prior issuance of a grading or building permit. Because the campus is within City Geologic Hazard Zones for ground shaking and liquefaction, these geologic clearances would apply.

City of San José Grading Ordinance

All construction and/or demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The ordinance applies to any project that would involve excavation, grading, or installation of on-site storm drainage or construction retaining walls within the City of San José. Before the issuance of a permit for grading activity slated to occur during the rainy season (October 15–April 15), an Erosion Control Plan must be submitted to the San José Department of Public Works detailing BMPs that would prevent the discharge of stormwater pollutants. The City of San José inspects construction sites regularly.

City of San José Municipal Code

San José Municipal Code Title 24 adopts the current California Building Code (CBC). The CBC include requirements for building foundations, walls, and seismic resistant design. Requirements for building safety and earthquake hazard reduction are also addressed in City Municipal Code

Chapter 17.40, Dangerous Buildings, and Chapter 17.10, Geologic Hazards Regulations. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6, Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance before the issuance of grading and building permits within defined geologic hazard zones.

San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on noise are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address noise impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

SPC GE-1: Seismic Hazards

- The project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works clearance. The report should also include, but not limited to foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- 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.
- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

SPC GE-2: Paleontological Resources. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement (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 Permittee 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.

3.5.3 Impacts and Mitigation Measures

Significance Criteria

Geology, Soils, and Paleontological Resources

For the purposes of this EIR, a geology and soils impact would be significant if implementation of the project would:

- 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? Refer to Division of Mines and Geology Special Publication 42;
  - Strong seismic ground shaking;
  - Seismic-related ground failure, including liquefaction; or
  - Landslides;
- Result in substantial soil erosion or the loss of topsoil;
- 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;
- Be located on expansive soil[159] creating substantial direct or indirect risks to life or property;
- 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
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Approach to Analysis

General

The analysis in this section is based on the conditions described in the geotechnical investigation conducted for the campus and on a review of literature research (geologic, seismic, soils, and paleontological resources reports and maps), and the General Plan.

The project would be regulated by the various laws, regulations, and policies summarized in Section 3.5.2, *Regulatory Framework*. This analysis assumes compliance by the project with applicable federal, state, and local laws and regulations; state and local agencies would be

[159] The CBC no longer includes a Table 18-1-B. Instead, Section 1803.5.3 of the CBC describes the criteria for analyzing expansive soils.

expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the laws and regulations is a condition of permit approval.

After considering the implementation of the project described in Chapter 2, *Project Description*, and compliance with the required regulatory requirements, the environmental analysis below identifies if the defined significance thresholds are exceeded and, therefore, a significant impact would occur. For those impacts considered to be significant, mitigation measures are proposed to the extent feasible to reduce the identified impacts.

The structural elements of the project would undergo appropriate design-level geotechnical evaluations prior to final design and construction. Implementing the regulatory requirements in the CBC and City ordinances and ensuring that all buildings and structures constructed in compliance with the law is the responsibility of the project engineers and building officials. The geotechnical engineer, as a registered professional with the State of California, is required to comply with the CBC and local codes while applying standard engineering practice and the appropriate standard of care for the particular region in California, which, in the case of the project, is the city of San José.[160] The California Professional Engineers Act (Building and Professions Code Sections 6700–6799), and the Codes of Professional Conduct, as administered by the California Board of Professional Engineers and Land Surveyors, provides the basis for regulating and enforcing engineering practice in California. The local Building Officials are typically with the local jurisdiction (i.e., City of San José) and are responsible for inspections and ensuring CBC compliance prior to approval of the building permit.

Criteria with No Impact or Not Applicable

There would be no impact related to the following criteria for the reasons provided below; therefore, no impact discussion is provided for these criteria.

- ***Risk of loss, injury, or death involving fault rupture.*** The project would not directly or indirectly cause or expose people or structures to injury, death, or damage from fault rupture because none of the components intersect any active faults, as determined by CGS mapping performed in accordance with the Alquist-Priolo Earthquake Fault Zoning Act. Therefore, this significance criterion is not applicable to the project and is not discussed further.
- ***Risk of loss from landslides or subsidence.*** As discussed in Section 3.5.1, *Environmental Setting*, the project site is not located in an area susceptible to landslides and would not include activities that would result in subsidence. Therefore, these significance criteria are not applicable to the project and are not discussed further.
- ***Risk of loss of topsoil.*** The campus has been developed for many years and does not have topsoil. Therefore, this significance criterion is not applicable to the project and is not discussed further.
- ***Have soils incapable of adequately supporting use of septic tanks or alternative wastewater disposal systems.*** The project would not use septic tanks or other on-site wastewater disposal systems. Therefore, there would be no impact related to the

[160] A geotechnical engineer (GE) specializes in structural behavior of soil and rocks. GEs conduct soil investigations, determine soil and rock characteristics, provide input to structural engineers, and provide recommendations to address problematic soils.

adequacy of soils to support such systems. This significance criterion is not applicable to the project and is not discussed further.

- ***Directly or indirectly destroy unique paleontological or unique geological resources.*** As discussed in Section 3.5.1, *Environmental Setting*, the campus is not located in an area with paleontological resources. The Holocene alluvium is not old enough to contain significant paleontological resources and would not be considered a unique geological resource. Therefore, there would be no impact related to paleontological or unique geological resources. This significance criterion is not applicable to the project and is not discussed further.

Impact Analysis

Geology and Soils

Impact GE-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, including liquefaction or lateral spreading. ***(Less than Significant)***

Strong Seismic Ground Shaking

Strong seismic ground shaking could occur at the campus because there are active fault zones near the campus. As discussed in the CBC and Hospital Facilities Seismic Safety Act subsections identified in Section 3.5.2, *Regulatory Framework*, the project would be required to comply with the requirements of SPC GE-1 and the CBC, which would require the preparation of final, design-level geotechnical investigations and accompanying reports. The Hospital Replacement would also be required to comply with the Hospital Facilities Seismic Safety Act. The design-level geotechnical investigations would provide seismic design requirements consistent with the most updated version of the CBC and Hospital Facilities Seismic Safety Act. These seismic design requirements would be implemented during construction and would significantly reduce the damage to structures caused by strong seismic ground shaking. Therefore, the impact of the project related to strong seismic ground shaking would be **less than significant**.

Seismic-Related Ground Failure, including Liquefaction and Lateral Spreading

As discussed in Section 3.5.1, *Environmental Setting*, the geotechnical investigation concluded that the soils underlying the campus could experience ¼ inch of liquefaction induced-settlement and up to ¼ inch of differential settlement over a horizontal distance of 30 feet from the excavation could occur. The geotechnical investigation concluded the campus has a low susceptibility to liquefaction and settlement. In addition, and as previously discussed, development on the project site would be subject to the SPC GE-1, CBC, and Hospital Facilities Seismic Safety Act, and therefore would be required to prepare final design-level geotechnical reports. The final reports would evaluate all identified geotechnical hazards, including liquefaction and lateral spreading, and provide design recommendations to address the liquefaction and lateral spreading risks. Therefore, the impact of the project related to strong seismic-induced ground failure would be **less than significant**.

Mitigation: None required.

Impact GE-2: The project would not result in substantial soil erosion. ***(Less than Significant)***

Construction

The project would include ground-disturbing construction activities that could increase the risk of erosion or sediment transport. Total ground disturbance would be more than 1 acre for the Hospital Replacement and Future Campus Improvements. Construction would have the potential to result in soil erosion during excavation, grading, trenching, and soil stockpiling. Because construction activities would exceed 1 acre, the project would be required to comply with the Construction General Permit, described in Section 3.5.2, *Regulatory Framework*, *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.

Through compliance with these independently enforceable existing requirements, the potential impacts of the project associated with soil erosion and loss of topsoil during construction would be **less than significant**.

Operation

Once constructed, surface stormwater would be routed to the City municipal stormwater system, as it is now. As discussed in Chapter 3, Section 3.8, *Hydrology and Water Quality*, discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit (Municipal Regional Stormwater NPDES Permit Order Number R2-2022-0018, NPDES Permit Number CAS612008). Multiple municipalities including the City of San José along with Santa Clara County and the Santa Clara County Water District (now referred to as Valley Water) are co-permittees and have formulated the Santa Clara Valley Urban Runoff Pollution Prevention Program to collectively address waste discharge requirements and manage stormwater runoff from storm drains and watercourses within their jurisdictions.

As discussed in Chapter 3, Section 3.8, *Hydrology and Water Quality*, all stormwater on the campus will be captured and routed to bioretention areas, tree filters, and/or flow-through planters. With capture and treatment of all on-site stormwater, no erosion would occur and impacts during operations would be **less than significant**.

Mitigation: None required.

Impact GE-3: The project would not 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. ***(Less than Significant)***

As discussed above in the *Approach to Analysis*, the project site would not be susceptible to landslides or subsidence, resulting in no impact. As discussed above in Impact GE-1, impacts relative to liquefaction and lateral spreading would be less than significant.

As noted in **Table 2-2** in Chapter 2, *Project Description*, excavations would include the use of shoring to keep the excavation stable during construction. The use of shoring would prevent the collapse of sidewalls and the impacts relative to collapse would be **less than significant**.

Mitigation: None required.

Impact GE-4: The project would not be located on expansive soil creating substantial direct or indirect risks to life or property. ***(Less than Significant)***

As discussed in Section 3.5.1, *Environmental Setting*, the geotechnical investigation concluded that the existing near-surface soil has moderate expansion potential. Moisture fluctuations in near-surface expansive soil could cause the soil to expand or contract, resulting in movement and potential damage to improvements that overlie them. Potential causes of moisture fluctuations include drying during construction, subsequent wetting from rain, capillary rise, landscape irrigation, and type of plant selection. For at-grade improvements, the volume changes from expansive soil can cause cracking of foundations, floor slabs, and exterior flatwork.

The geotechnical investigation recommended that these effects can be addressed by moisture conditioning the expansive soil and providing select, non-expansive fill below interior and exterior slabs and deepening shallow foundations to gain support below the zone of severe moisture change. An alternative to importing select fill includes lime treatment of the near-surface soil. Lime stabilization beneath at-grade equipment pads and the subgrade of exterior flatwork may be a cost-effective means of improving on-site soils and mitigating expansion potential.

The CBC and Hospital Facilities Seismic Safety Act require the incorporation of the geotechnical recommendations into the project design to address soils issues. With adherence to the recommendations provided in the design-level geotechnical investigations, the impact related to expansive soils would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects. The geographic scope of analysis for cumulative geologic impacts encompasses and is limited to the project site and its immediately adjacent area. This is

because impacts relative to geologic hazards are generally site-specific. For example, the effect of erosion would tend to be limited to the localized area of a project and could only be cumulative if erosion were to occur as the result of two or more adjacent projects that spatially overlapped. Cumulative projects considered in this analysis (past, approved, pending, under construction) are identified on Table 3-1 and Figure 3-1 in Chapter 3 under *Cumulative Impacts*.

The timeframe during which the project could contribute to cumulative geologic hazards includes the construction and operations phases. For the project, the operational phase is permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts related to geologic hazards are generally time specific. Geologic hazards could only be cumulative if two or more geologic hazards were to occur at the same time and overlap at the same location.

As discussed above in *Approach to Analysis* in Section 3.5.3, *Impacts and Mitigation Measures*, the project would have no cumulative impact with respect to fault rupture, landslides, subsidence, loss of topsoil, the use of septic tanks or alternative waste disposal systems, or paleontological resources, and they are not discussed further below.

Significant cumulative impacts related to geologic hazards could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to geologic hazards.

Impact C-GE-1: The project, when combined with cumulative projects, would not result in a significant cumulative impact on geology and soils. *(Less than Significant)*

Construction

Seismically induced ground shaking, liquefaction and lateral spreading, and expansive soils could cause structural damage during the construction and operational phases of the project. However, as discussed under Section 3.5.2, *Regulatory Framework*, state and local building regulations and standards have been established to address and reduce the potential for such impacts. The project and cumulative projects would be required to comply with applicable provisions of these laws and regulations, consisting of the CBC and local building codes.

If the project and cumulative projects are constructed at the same time, the erosion effects could result in a significant cumulative impact if stormwater runoff from the sites were not controlled. However, the state Construction General Permit would require each project to prepare and implement a SWPPP. The SWPPPs would describe BMPs to control runoff and prevent erosion for each project. The potential for erosion impacts would be prevented through compliance with this requirement. The Construction General Permit has been developed to address cumulative conditions arising from construction throughout the state and is intended to ensure cumulative effects of projects subject to this requirement would remain below levels that would be considered significant. For example, two adjacent construction sites would be required to implement BMPs to reduce and control the release of sediment and/or other pollutants in any runoff leaving their respective sites. The runoff water from both sites would be required to achieve the same action levels, measured as a maximum amount of sediment or pollutant allowed per unit volume of runoff water. Thus, even if the runoff waters were to combine after leaving the

sites, the sediments and/or pollutants in the combined runoff would still be at concentrations (amount of sediment or pollutants per volume of runoff water) below action levels.

Compliance with these requirements would reduce the potential for a significant cumulative impact to occur. The purpose of the CBC, Construction General Permit, and local ordinances is to regulate and control the design, construction, quality of materials, use/occupancy, location, and maintenance of all buildings and structures within their respective jurisdictions. By design, they are intended to reduce the cumulative risks from buildings and structures. Therefore, based on compliance with these requirements, the project would not combine with cumulative projects in the vicinity to result in a significant cumulative impact related to seismic ground shaking, seismic-induced ground failures, expansive soils, or erosion. Therefore, cumulative impacts related to geology and soils would be **less than significant**.

Mitigation: None required.

Operations

Seismically induced ground shaking, liquefaction and lateral spreading, and expansive soils could cause structural damage during the construction and operational phases. However, as discussed under Section 3.5.2, *Regulatory Framework*, state and local building regulations and standards have been established to address and reduce the potential for such impacts. The project and cumulative projects would be required to comply with applicable provisions of these laws and regulations, consisting of the CBC and local building codes.

As discussed under Impact GE-2, once constructed, surface stormwater would be routed to the City municipal stormwater system as it is now, compliant with the regulations of the Municipal Regional Stormwater NPDES permit (Municipal Regional Stormwater NPDES Permit Order Number R2-2022-0018, NPDES Permit Number CAS612008). Similarly, cumulative projects would also be required to be designed to comply with the Municipal Regional Permit. Stormwater on the cumulative projects would be required to be captured and treated through the use of bioretention areas, infiltration basins, flow-through treatment systems, and other capture and treatment methods. With capture and treatment of on-site stormwater, no erosion would occur during operations.

Therefore, based on compliance with existing requirements, the project would not combine with cumulative projects in the area to result in a significant cumulative impact and this impact would be **less than significant**.

Mitigation: None required.

3.6 Greenhouse Gas Emissions

3.6.1 Environmental Setting

The following section summarizes the environmental setting including an introduction to the science behind climate change, the various greenhouse gases (GHGs) that contribute to climate change, and the impacts of climate change specifically to California. It also provides GHG inventories for the U.S., California, San Francisco Bay Area, and the City of San José.

Climate Science

"Global warming" and "climate change" are common terms used to describe the increase in the average temperature of the earth's near-surface air and oceans since the mid-20th century. Natural processes and human actions have been identified as affecting the climate. The Intergovernmental Panel on Climate Change (IPCC) has concluded that variations in natural phenomena such as solar radiation and volcanoes produced most of the warming from pre-industrial times to 1950. However, increasing GHG concentrations resulting from human activity since the 19th century, such as fossil fuel combustion, deforestation, and other activities, are believed to be a major factor in climate change. GHGs in the atmosphere naturally trap heat by impeding the exit of solar radiation that has hit the earth and is reflected back into space—a phenomenon sometimes referred to as the "greenhouse effect." Some GHGs occur naturally and are necessary for keeping the Earth's surface inhabitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have trapped solar radiation and decreased the amount that is reflected into space, intensifying the natural greenhouse effect, and resulting in the increase of global average temperature.

Carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are the principal GHGs. When concentrations of these gases exceed historical concentrations in the atmosphere, the greenhouse effect is intensified. CO_2, methane, and nitrous oxide occur naturally and are also generated through human activity. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas methane results from off-gassing, natural gas leaks from pipelines and industrial processes, and incomplete combustion associated with agricultural practices, landfills, energy providers, and other industrial facilities. Nitrous oxide emissions are also largely attributable to agricultural practices and soil management. CO_2 sinks include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, and are two of the largest reservoirs of CO_2 sequestration. Other human-generated GHGs include fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, which have much higher heat-absorption potential than CO_2 and are byproducts of certain industrial processes.

CO_2 is the reference gas for climate change, as it is the GHG emitted in the highest volume. The effect that each of the GHGs have on global warming is the product of the mass of their emissions and their global warming potential (GWP). GWP indicates how much a gas is predicted to contribute to global warming relative to how much warming would be predicted to be caused by

the same mass of CO_2. For example, methane and nitrous oxide are substantially more potent GHGs than CO_2, with GWPs of 25 and 298 times that of CO_2 respectively, which has a GWP of 1.[161]

In emissions inventories, GHG emissions are typically reported as metric tons (MT) of CO_2 equivalent (CO_2e). CO_2e is calculated as the product of the mass emitted of a given GHG and its specific GWP. While methane and nitrous oxide have much higher GWPs than CO_2, CO_2 is emitted in higher quantities and it accounts for the majority of GHG emissions in CO_2e, both from commercial developments and human activity in general.

Effects of Global Climate Change

The scientific community's understanding of the fundamental processes responsible for global climate change has improved over the past decade, and its predictive capabilities are advancing. However, there remain scientific uncertainties in, for example, predictions of local effects of climate change, occurrence, frequency, and magnitude of extreme weather events, effects of aerosols, changes in clouds, shifts in the intensity and distribution of precipitation, and changes in oceanic circulation. Due to the complexity of and inability to accurately model Earth's climate system, the uncertainty surrounding climate change may never be eliminated completely. Nonetheless, the IPCC's Fifth Assessment Report (AR5) states that is extremely likely that the dominant cause of the observed warming since the mid-20th century is the anthropogenic increase in GHG concentrations.[162] The National Academies of Science from 80 countries have issued statements endorsing the consensus position that humans are the dominant cause for global warming since the mid-20th century.[163]

The Fourth California Climate Change Assessment (Fourth Assessment), published in 2018, found that the potential impacts in California due to global climate change include: loss in snow pack; sea-level rise; more extreme heat days per year; more high ozone days; more extreme forest fires; more severe droughts punctuated by extreme precipitation events; increased erosion of California's coastlines and sea water intrusion into the Sacramento and San Joaquin Deltas and associated levee systems; and increased pest infestation.[164] The Fourth Assessment's findings are consistent with climate change studies published by the California Natural Resources Agency (CNRA) since 2009, starting with the *California Climate Adaptation Strategy*[165] as a response to the Governor's Executive Order S-13-08. In 2014, the CNRA rebranded the first update of the

[161] California Air Resources Board (CARB), *GHG Global Warming Potentials*. Available at ww2.arb.ca.gov/ghg-gwps. Accessed May 8, 2023.

[162] Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2014: Synthesis Report, Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 2015. Available at www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf. Accessed May 8, 2023.

[163] Cook et al., *Consensus on consensus: a synthesis of consensus estimates on human-caused global warming*, Environmental Research Letters Vol. 11 No. 4, DOI:10.1088/1748-9326/11/4/048002, 2016. Available at iopscience.iop.org/article/10.1088/1748-9326/11/4/048002/pdf. Accessed May 8, 2023.

[164] Office of Planning & Research (OPR), California Energy Commission (CEC), California Natural Resources Agency (CNRA), *California's Fourth Climate Change Assessment: Statewide Summary Report*, published January 16, 2019. Available at www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf. Accessed May 8, 2023.

[165] CNRA, *2009 California Climate Adaptation Strategy – A Report to the Governor of the State of California in Response to Executive Order S-13-2008*, 2009. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/Statewide_Adaptation_Strategy.pdf. Accessed May 8, 2023.

2009 adaptation strategy as the *Safeguarding California Plan*.[166] The 2018 update to *Safeguarding California Plan* identifies hundreds of ongoing actions and next steps state agencies are taking to safeguard Californians from climate impacts within a framework of 81 policy principles and recommendations.[167]

In 2016, the CNRA released *Safeguarding California: Implementation Action Plans* in accordance with Executive Order B-30-15, identifying a lead agency to lead adaptation efforts in each sector.[168] In accordance with the 2009 *California Climate Adaptation Strategy*, the CEC was directed to develop a website on climate change scenarios and impacts that would be beneficial for local decision makers. The website, known as Cal-Adapt, became operational in 2011. The information provided on the Cal-Adapt website represents a projection of potential future climate scenarios comprised of local average values for temperature, sea-level rise, snowpack, and other data representative of a variety of models and scenarios, including potential social and economic factors. Below is a summary of some of the potential effects that could be experienced in California as a result of global warming and climate change.

Temperature Increase

The primary effect of adding GHGs to the atmosphere has been a rise in the average global temperature. The impact of human activities on global temperature is readily apparent in the observational record. Since 1895, the contiguous US has observed an average temperature increase of 1.5°F per century.[169] The 5-year period from 2014–2018 was the warmest on record for the contiguous U.S.; of the top 10 hottest years on record in the U.S., seven have occurred since the year 2000, with the top six years all occurring since 2012.[170] The Fourth Assessment indicates that average temperatures in California could rise 5.6°F to 8.8°F by the end of the century, depending on the global trajectory of GHG emissions.[171]

With climate change, extreme heat conditions and heat waves are predicted to impact larger areas, last longer, and have higher temperatures. Heat waves, defined as three or more days with temperatures above 90°F, are projected to occur more frequently by the end of the century. Extreme heat days and heat waves can negatively impact human health. Heat-related illness

166 CNRA, *Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy*, July 2014. Available at resources.ca.gov/CNRA LegacyFiles/docs/climate/Final_Safeguarding_CA_Plan_July_31_2014.pdf. Accessed May 8, 2023.

167 CNRA, *Safeguarding California Plan: 2018 Update*, January 2018. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf. Accessed May 8, 2023.

168 CNRA, *Safeguarding California: Implementation Action Plans*, March 2016. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/Safeguarding%20California-Implementation%20Action%20Plans.pdf. Accessed May 8, 2023.

169 National Oceanic and Atmospheric Association (NOAA), *Assessing the U.S. Climate in 2018*, February 6, 2019. Available at www.ncei.noaa.gov/news/national-climate-201812. Accessed May 8, 2023.

170 Climate Central, *U.S. Temperatures and Billion-Dollar Disasters,* January 10, 2022. Available at medialibrary.climatecentral.org/resources/us-temps-billion-dollar-disasters. Accessed May 8, 2023.

171 OPR, CEC, & CNRA, *California's Fourth Climate Change Assessment: Statewide Summary Report*, published January 16, 2019. Available at www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf. Accessed May 8, 2023.

includes a spectrum of illnesses ranging from heat cramps to severe heat exhaustion and life-threatening heat stroke.[172]

Wildfires

The hotter and dryer conditions expected with climate change will make forests more susceptible to extreme wildfires. A recent study found that, if GHG emissions continue to rise, the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and the average area burned statewide each year would increase by 77 percent, by the year 2100. In the areas that have the highest fire risk, the cost of wildfire insurance is anticipated to rise by 18 percent by 2055 and the fraction of property insured would decrease.[173]

Air Quality

Higher temperatures, conducive to air pollution formation, could worsen air quality in California and make it more difficult for the state to achieve air quality standards. Climate change may increase the concentration of ground-level ozone, which can cause breathing problems, aggravate lung diseases such as asthma, emphysema, chronic bronchitis, and cause chronic obstructive pulmonary disease (COPD) but the magnitude of the effect, and therefore, its indirect effects, are uncertain. Emissions from wildfires can lead to excessive levels of particulate matter, ozone, and volatile organic compounds.[174] Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state.[175]

Precipitation and Water Supply

There is a high degree of uncertainty with respect to the overall impact of global climate change on future water supplies in California. Studies indicate considerable variability in predicting precise impacts of climate change on California hydrology and water resources. Increasing uncertainty in the timing and intensity of precipitation will challenge the operational flexibility of California's water management systems. Warmer and wetter winters would increase the amount of runoff available for groundwater recharge; however, this additional runoff could occur at a time when some basins are either being recharged at their maximum capacity or are already full. Conversely, reductions in spring runoff and higher evapotranspiration because of higher temperatures could reduce the amount of water available for recharge.[176]

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[172] Red Cross Red Crescent Climate Centre (RCCC), *Heatwave Guide for Cities,* 2019. Available at www.climatecentre.org/downloads/files/IFRCGeneva/RCCC%20Heatwave%20Guide%202019%20A4%20RR%20ONLINE%20copy.pdf. Accessed May 8, 2023.

[173] Anthony LeRoy Westerling, *Wildfire Simulations for the Fourth California Climate Assessment: Projecting Changes in Extreme Wildfire Events with a Warming Climate*, Publication no. CCCA4-CEC-2018-014, August 2018. Available at www.energy.ca.gov/sites/default/files/2019-11/Projections_CCCA4-CEC-2018-014_ADA.pdf. Accessed May 8, 2023.

[174] NOAA, *NOAA Wildfires/ FIREX Fact Sheet – The Impact of Wildfires on Climate and Air Quality*, n.d. Available at csl.noaa.gov/factsheets/csdWildfiresFIREX.pdf. Accessed May 8, 2023.

[175] RCCC, *Heatwave Guide for Cities,* 2019. Available at www.climatecentre.org/downloads/files/IFRCGeneva/RCCC%20Heatwave%20Guide%202019%20A4%20RR%20ONLINE%20copy.pdf. Accessed May 8, 2023.

[176] CNRA, *Safeguarding California Plan: 2018 Update, January 2018*. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf. Accessed May 8, 2023.

Climate change could alter water quality in a variety of ways, including through higher winter flows that reduce pollutant concentrations (through dilution) or increase erosion of land surfaces and stream channels, leading to higher sediment, chemical, and nutrient loads in rivers. Water temperature increases and decreased water flows can result in increasing concentrations of pollutants and salinity. Increases in water temperature alone can lead to adverse changes in water quality, even in the absence of changes in precipitation.

Hydrology and Sea Level Rise

As discussed above, climate changes could potentially affect: the amount of snowfall, rainfall, and snowpack; the intensity and frequency of storms; flood hydrographs (flash floods, rain or snow events, coincidental high tide, and high runoff events); sea-level rise and coastal flooding; coastal erosion; and the potential for saltwater intrusion. Sea-level rise can be a product of global warming through two main processes: expansion of seawater as the oceans warm and melting of ice over land. A rise in sea levels could result in coastal flooding and erosion and could jeopardize California's water supply. Sea level has risen eight to nine inches (21–24 centimeters) since 1880. In 2021, global sea level set a new record high of 97 mm (3.8 inches) above 1993 levels. The rate of sea level rise is accelerating; it has more than doubled from 0.06 inches (1.4 millimeters) per year throughout most of the twentieth century to 0.14 inches (3.6 millimeters) per year from 2006–2015. In many locations along the U.S. coastline, high-tide flooding is now 300 percent to more than 900 percent more frequent than it was 50 years ago. Models project that average sea level rise for the contiguous United States could be 2.2 meters (7.2 feet) by 2100 and 3.9 meters (13 feet) by 2150.[177] Rising seas could impact transportation infrastructure, utilities, and regional industries.

Agriculture

California has a massive agricultural industry that represents over 13 percent of total US agricultural revenue.[178] Higher CO_2 levels can stimulate plant production and increase plant water-use efficiency. However, a changing climate presents significant risks to agriculture due to changes in maximum and minimum temperatures, reduction of winter chill hours, extreme heat leading to additional costs for livestock cooling and losses in production, and declines in water quality, groundwater security, soil health, and pollinator species, and increased pest pressures.[179]

Ecosystems and Wildlife

Increases in global temperatures and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increased concentrations of GHGs are likely to accelerate the rate of climate change. As stated in the *Safeguarding California Plan*, "species and ecosystems in California are valued both for their intrinsic worth and for the services they provide to society. Air purification, water filtration, flood attenuation, food provision, recreational

[177] NOAA, *Climate Change: Global Sea Level*, published April 19, 2022. Available at www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level. Accessed May 8, 2023.

[178] California Department of Food and Agriculture (CDFA), *California Agricultural Statistics Review 2019 – 2020*, n.d. Available at www.cdfa.ca.gov/Statistics/PDFs/2020_Ag_Stats_Review.pdf. Accessed May 8, 2023.

[179] CNRA, *Safeguarding California Plan: 2018 Update*, January 2018. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf. Accessed May 8, 2023.

opportunities such as fishing, hunting, wildlife viewing, and more are all services provided by ecosystems. These services can only be maintained if ecosystems are healthy and robust and continue to function properly under the impacts of climate change. A recent study examined the vulnerability of all vegetation communities statewide in California and found that 16 of 29 were highly or nearly highly vulnerable to climate change, including Western North American freshwater marsh, Rocky Mountain subalpine and high montane conifer forest, North American Pacific coastal salt marsh, and more." Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. With climate change, ecosystems and wildlife will be challenged by the spread of invasive species, barriers to species migration or movement in response to changing climatic conditions, direct impacts to species health, and mismatches in timing between seasonal life-cycle events such as species migration and food availability.[180]

Public Health

Global climate change is also anticipated to result in more extreme heat events. These extreme heat events increase the risk of death from dehydration, heart attack, stroke, and respiratory distress, especially with people who are ill, children, the elderly, and the poor, who may lack access to air conditioning and medical assistance. A warming planet is expected to bring more severe weather events, worsening wildfires and droughts, a decline in air quality, rising sea levels, increases in allergens and in vector-borne diseases, all of which present significant health and wellbeing risks for California populations.[181]

While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great. All of these impacts will have either direct or indirect negative effects for residents and businesses in the City.

Emissions Inventories

United States GHG Emissions

In 2021, the United States emitted about 6,340 $MMTCO_2e$, or 5,586 $MMTCO_2e$ after accounting for sequestration from the land use sector. Emissions increased by 6 percent from 2020 to 2021 (after accounting for sequestration from the land sector). The increase was driven largely by an increase in CO_2 emissions from fossil fuel combustion, which increased by 7 percent relative to 2020. This increase in fossil fuel consumption emissions was due primarily to economic activity rebounding after the height of the COVID-19 pandemic. GHG emissions in 2021 (after accounting for sequestration from the land sector) were 17 percent below 2005 levels. Of the major sectors nationwide, transportation accounts for the highest volume of GHG emissions

[180] CNRA, *Safeguarding California Plan: 2018 Update*, January 2018. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf. Accessed May 8, 2023.

[181] CNRA, *Safeguarding California Plan: 2018 Update*, January 2018. Available at resources.ca.gov/CNRALegacyFiles/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf. Accessed May 8, 2023.

(approximately 28 percent), followed by electricity (25 percent), industry (23 percent), commercial and residential (13 percent), and agriculture (11 percent).[182]

California GHG Emissions

CARB compiles GHG inventories for the state. Based on the 2020 GHG inventory data (the latest year for which data is available from CARB), emissions from GHG emitting activities statewide were 369.2 $MMTCO_2e$.[183] Between 1990 and 2021, the population of California grew by approximately 10 million from 29.6 to 39.5 million.[184] This represents an increase of approximately 34 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from $773 billion in 1990 to $3.6 trillion in 2022, representing an increase of approximately 466 percent (more than four times the 1990 gross state product) in today's dollars.[185]

Despite the population and economic growth, CARB's 2020 statewide inventory indicated that California's net GHG emissions in 2020 were 35.3 $MMTCO_2e$ lower than 2019 levels and 61.8 $MMTCO_2e$ below the 2020 GHG Limit of 431 $MMTCO_2e$ codified in California Health and Safety Code Division 25.5, also known as the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32). **Table 3.6-1** identifies and quantifies statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 2020. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at approximately 38 percent in 2020.

[182] United States Environmental Protection Agency (U.S. EPA), *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2021*, n.d. Available at www.epa.gov/system/files/documents/2023-04/US-GHG-Inventory-2023-Main-Text.pdf. Accessed April 27, 2023.

[183] CARB, *California Greenhouse Gas Emissions for 2000–2020 – Trends of Emissions and Other Indicators*, October 26, 2022. Available at ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000-2020_ghg_inventory_trends.pdf. Accessed April 27, 2023.

[184] California Department of Finance (CDF), *E-4 Historical Population Estimates for Cities, Counties*. Available at www.dof.ca.gov/Forecasting/Demographics/Estimates/. Accessed January 30, 2022.

[185] CDF, *Gross State Product*. Available at dof.ca.gov/forecasting/economics/economic-indicators/gross-state-product/. Accessed October 2023.

TABLE 3.6-1
CALIFORNIA GHG EMISSIONS INVENTORY

Category	Total 1990 Emissions Using IPCC SAR ($MMTCO_2e$)	Percent of Total 1990 Emissions	Total 2020 Emissions Using IPCC AR4 ($MMTCO_2e$)	Percent of Total 2020 Emissions
Transportation	150.7	35%	135.8	37%
Electric Power	110.6	26%	59.5	16%
Commercial & Residential Fuel Use	44.1	10%	38.7	11%
Industrial	103.0	24%	73.3	20%
Recycling and Waste[a]	—	—	8.9	2%
High GWP/Non-Specified[b]	1.3	<1%	21.3	6%
Agriculture/Forestry	23.6	6%	31.6	9%
Forestry Sinks	-6.7	-2%	—[c]	—
Net Total (IPCC SAR)	**426.6**	**100%e**	**—**	**—**
Net Total (IPCC AR4)d	**431**	**100%e**	**369.2**	**100%e**

ABBREVIATIONS: AR4 = Fourth Assessment Report; GWP = global warming potential; IPCC = Intergovernmental Panel on Climate Change; $MMTCO_2e$ = million metric tons of carbon dioxide equivalents; SAR = Second Assessment Report

NOTES:

a. Included in other categories for the 1990 emissions inventory.
b. High GWP gases are not specifically called out in the 1990 emissions inventory.
c. Revised methods under development (not reported for 2020).
d. CARB revised the state's 1990-level GHG emissions using GWPs from the IPCC AR4.
e. Total of individual percentages may not add up to 100% due to rounding

SOURCES: CARB, *California Greenhouse Gas Inventory - By IPCC Category*, November 19, 2007. Available at ww2.arb.ca.gov/sites/default/files/classic/cc/ghg_inventory_ipcc_all_90-04_AR4.pdf. Accessed May 8, 2023; CARB, *California Greenhouse Gas Emissions for 2000–2020 – Trends of Emissions and Other Indicators*, October 26, 2022. Available at ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000-2020_ghg_inventory_trends.pdf. Accessed April 27, 2023.

City of San José GHG Emissions

In July 2023, the City of San José published its community-wide inventory of 2021 GHG emissions. San José communitywide emissions in 2021 totaled 4,957,644 MT CO_2e and sequestration by trees and forests totaled 78,540 MT CO_2e, leading to net emissions of 4,879,104 MT CO_2e. This is 10 percent lower than net emissions in 2019.[186] This inventory follows an updated methodology compared to the 2008, 2014, and 2017 inventories in order to meet the guidelines of the Global Covenant of Mayors Common Reporting Framework (CRF) 2, released in 2018, and the updated U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions (USCP), released in 2019. As a result, it includes multiple emissions sources that were not considered previously such as electricity transmission and distribution losses; aviation; freight rail; industrial process emissions; fugitive natural gas; fugitive sulfur hexafluoride (SF_6); and fugitive hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). It also includes carbon sequestration by trees, which was not considered in the Climate Smart plan. When including only sectors that were considered in the Climate Smart plan, San José communitywide emissions totaled 4,239,801 MT CO_2e in 2021. The transportation sector remained the greatest contributor

[186] City of San José, *2021 Inventory of Communitywide Greenhouse Gas Emissions,* July 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/99755/638237416350200000. Accessed September 2023.

of GHG emissions, as is typical statewide. For a sector-by-sector summary of community-wide GHG emissions, see **Table 3.6-2**. Target areas for GHG emission reduction identified by the City include energy efficiency, renewable energy and electrification, vehicle fuel efficiency, alternative transportation, vehicle trip reduction, and land use and transit planning.

TABLE 3.6-2
CITY OF SAN JOSÉ 2021 COMMUNITY-WIDE GREENHOUSE GAS EMISSIONS BY SECTOR

Sector	GHG Emissions ($MTCO_2e$)
Building Energy	1,631,082
Transportation	2,419,090
Solid Waste	289,527
Water & Wastewater	20,166
Process & Fugitive	597,779
Total	**4,957,644**

ABBREVIATION: $MTCO_2e$ = metric tons of carbon dioxide equivalent

SOURCE: City of San José, *2021 Inventory of Communitywide Greenhouse Gas Emissions*, July 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/99755/638237416350200000. Accessed September 2023.

3.6.2 Regulatory Framework

Federal

U.S. Environmental Protection Agency "Endangerment" and "Cause or Contribute" Findings

The U.S. Supreme Court held that the United States Environmental Protection Agency (U.S. EPA) must consider regulation of motor vehicle GHG emissions. In *Massachusetts v. Environmental Protection Agency et al.*, twelve states and cities, including California, together with several environmental organizations sued to require the U.S. EPA to regulate GHGs as pollutants under the Clean Air Act (127 S. Ct. 1438 (2007)). The Supreme Court ruled that GHGs fit within the CAA's definition of a pollutant and the U.S. EPA had the authority to regulate GHGs.

On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- **Endangerment Finding:** The current and projected concentrations of the six key GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The combined emissions of these GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

These findings did not, in themselves, impose any requirements on industry or other entities. However, these actions were a prerequisite for implementing GHG emissions standards for vehicles.

Vehicle Emissions Standards

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, USEPA and the National Highway Traffic Safety Administration (NHTSA) are responsible for establishing additional vehicle standards. In August 2012, standards were adopted for model years 2017 through 2025 for passenger cars and light-duty trucks. According to these standards, a model year 2025 vehicle would emit half the GHG emissions of a model year 2010 vehicle.[187] Notably, the State of California harmonized its vehicle efficiency standards through 2025 with the federal standards at this time (see *Advanced Clean Cars Program* below).

In August 2018, U.S. EPA and the NHTSA proposed maintaining the 2020 corporate average fuel economy (CAFE) and CO_2 standards for model years 2021 through 2026. The estimated CAFE and CO_2 standards for model year 2020 are 43.7 miles per gallon (mpg) and 204 grams of CO_2 per mile for passenger cars and 31.3 mpg and 284 grams of CO_2 per mile for light trucks, projecting an overall industry average of 37 mpg, as compared to 46.7 mpg under the standards issued in 2012. In September 2019, U.S. EPA finalized the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program and announced its decision to withdraw the Clean Air Act preemption waiver granted to the State of California in 2013.[188] In March 2022, the U.S. EPA reinstated California's waiver restoring the state's authority to set and enforce more stringent standards than the federal government, including California's GHG emission standards and zero emission vehicle (ZEV) mandate.[189]

State

California has promulgated a series of executive orders, laws, and regulations aimed at reducing both the level of GHGs in the atmosphere and emissions of GHGs within the state. The major components of California's climate protection initiative are reviewed below. CARB is the agency with regulatory authority over air quality issues in California. CARB adopts regulations designed to reduce criteria pollutants, toxic air contaminants, and GHG emissions; and establishes vehicle emission standards. As discussed earlier, CARB is responsible for preparing, adopting, and updating California's GHG inventory. Additional responsibilities of CARB with respect to specific state mandates are discussed below.

CEQA Guidelines

The CEQA Guidelines are embodied in the California Code of Regulations (CCR), Title 14, beginning with Section 15000. CEQA Guidelines Section 15064.4 states that "a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe,

[187] U.S. EPA and NHTSA, *Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule*, May 7, 2010. Available at www.govinfo.gov/content/pkg/FR-2010-05-07/pdf/2010-8159.pdf. Accessed April 30, 2023.

[188] U.S. EPA and NHTSA, *One National Program Rule on Federal Preemption of State Fuel Economy Standards*, September 19, 2019. Available at nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100XI4W.pdf. Accessed April 27, 2023.

[189] U.S. EPA, *California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision, 87 Fed. Reg. 14,332* (Mar. 14, 2022). Available at www.federalregister.gov/documents/2022/03/14/2022-05227/california-state-motor-vehicle-pollution-control-standards-advanced-clean-car-program. Accessed September 2023.

calculate, or estimate the amount of GHG emissions resulting from a project." Section 15064.4 further states:

> *A lead agency should consider the following factors, when determining the significance of impacts from greenhouse gas emissions on the environment:*
>
> *(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.*
>
> *(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
>
> *(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see e.g., section 15183.5(b)).*

The CEQA Guidelines also state that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of GHG emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CEQA Guidelines Section 15064(h)(3)).

The CEQA Guidelines do not require or recommend a specific analytical method or provide quantitative criteria for determining the significance of GHG emissions, nor do they set a numerical threshold of significance for GHG emissions. Section 15064.7(c) clarifies that "when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

When GHG emissions are found to be significant, CEQA Guidelines Section 15126.4(c) includes the following direction on measures to mitigate GHG emissions:

> *Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:*
>
> *(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision.*
>
> *(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures.*
>
> *(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions.*
>
> *(4) Measures that sequester greenhouse gases.*
>
> *(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions,*

mitigation may include the identification of specific measures that may be implemented on a project-by project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

State of California Executive Orders

Executive Order S-1-07 and Update to the Low Carbon Fuel Standard

EO S-1-07, signed by Governor Schwarzenegger in 2007, established a low carbon fuel standard (LCFS) with a goal to reduce the carbon intensity of transportation fuels sold in California by at least 10 percent by 2020. In September 2018, CARB extended the LCFS program to 2030, making significant changes to the design and implementation of the program, including a doubling of the carbon intensity reduction to 20 percent by 2030.

Executive Order B-16-12

In March 2012, Governor Brown issued an executive order establishing a goal of 1.5 million ZEVs on California roads by 2025. In addition to the ZEV goal, EO B-16-12 stipulated that by 2015 all major cities in California would have adequate infrastructure and be "zero-emission vehicle ready"; that by 2020 the state would have established adequate infrastructure to support one million ZEVs; that by 2050, virtually all personal transportation in the state will be based on ZEVs; and that GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

Executive Order B-30-15

Governor Brown signed Executive Order B-30-15 on April 29, 2015, which:

- Established a new interim statewide reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030;
- Ordered all state agencies with jurisdiction over sources of GHG emissions to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 reduction targets; and
- Directed CARB to update the Climate Change Scoping Plan (Scoping Plan) to express the 2030 target in terms of $MMTCO_2e$.

Executive Order B-48-18

On January 26, 2018, Governor Brown issued an executive order establishing a goal of 5 million ZEVs on California roads by 2030.

Executive Order B-55-18

On September 10, 2018, Governor Brown signed EO B-55-18, committing California to total, economy-wide carbon neutrality by 2045. EO B-55-18 directs CARB to work with relevant state agencies to develop a framework to implement an accounting to track progress toward this goal. AB 1395 would codify this carbon neutral target.

Executive Order N-79-20

On September 23, 2020, Governor Newsom signed EO N-79-20, which sets new statewide goals for phasing out gasoline-powered cars and trucks in California. EO N-79-20 requires that 100

percent of in-state sales of new passenger cars and trucks are to be zero-emission by 2035; 100 percent of in-state sales of medium- and heavy-duty trucks and busses are to be zero-emission by 2045 where feasible; and 100 percent of off-road vehicles and equipment sales are to be zero-emission by 2035 where feasible.

State of California Policy and Legislation

Assembly Bill 117 and Senate Bill 790

In 2002, the state of California passed AB 117, enabling public agencies and joint power authorities to form a Community Choice Aggregation (CCA). SB 790 strengthened it by creating a "code of conduct" that the incumbent utilities must adhere to in their activities relative to CCAs. CCAs allow a city, county, or group of cities and counties to pool electricity demand and purchase/generate power on behalf of customers within their jurisdictions to provide local choice. CCAs work with PG&E to deliver power to its service area. The CCA is responsible for the electric generation (procure or develop power) while PG&E is responsible for electric delivery, power line maintenance, and monthly billing.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Assembly Bill 32 and Senate Bill 32

The California Global Warming Solutions Act of 2006 (AB 32) required that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction was to be accomplished by enforcing a statewide cap on GHG emissions that would be phased in starting in 2012. California surpassed the AB 32 target in 2014, six years ahead of schedule.

In 2016, SB 32 and its companion bill AB 197 amended Health and Safety Code Division 25.5, establishing a new climate pollution reduction target of 40 percent below 1990 levels by 2030, and included provisions to ensure that the benefits of state climate policies reach disadvantaged communities.

Assembly Bill 1279 (California Climate Crisis Act)

In August 2022, the California Legislature passed a package of significant climate legislation that includes a codification of the state's goal to reach net-zero by 2045. With the passage of AB 1279, California has locked in a pathway for it to reach net-zero by no later than 2045. Critically, this goal requires California to cut GHG emissions by 85 percent compared to 1990 levels, ensuring the state uses all available solutions to sharply cut pollution from industrial facilities, vehicles, power plants and more. The Governor signed AB 1279 into law on September 16, 2022.

Climate Change Scoping Plan

A specific requirement of AB 32 was to prepare a Climate Change Scoping Plan for achieving the maximum technologically feasible and cost-effective GHG emission reduction by 2020. CARB developed and approved the initial scoping plan in 2008, outlining the regulations, market-based

approaches, voluntary measures, policies, and other emission reduction programs that would be needed to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state's long-range climate objectives.[190]

CARB approved the 2017 Climate Change Scoping Plan Update (2017 Scoping Plan Update) in December 2017. The 2017 Scoping Plan Update outlines the proposed framework of action for achieving the 2030 GHG target of 40 percent reduction in GHG emissions relative to 1990 levels.[191] Through a combination of data synthesis and modeling, CARB determined that the target statewide 2030 emissions limit is 260 $MMTCO_2e$, and that further commitments will need to be made to achieve an additional reduction of 50 $MMTCO_2e$ beyond current policies and programs. The cornerstone of the 2017 Scoping Plan Update is an expansion of the cap-and-trade program to meet the aggressive 2030 GHG emissions goal and ensure achievement of the 2030 limit set forth by EO B-30-15.

In the 2017 Scoping Plan Update, CARB recommends statewide targets of no more than 6 $MTCO_2e$ per capita by 2030 and no more than 2 $MTCO_2e$ per capita by 2050. CARB acknowledges that because the statewide per-capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the state, it is appropriate for local jurisdictions to derive evidence-based local per-capita goals based on local emissions sectors and growth projections.

To demonstrate how a local jurisdiction can achieve its long-term GHG goals at the community plan level, CARB recommends developing a geographically specific GHG reduction plan (i.e., climate action plan) consistent with the requirements of CEQA Section 15183.5(b). A so-called "CEQA-qualified" GHG reduction plan, once adopted, can provide local governments with a streamlining tool for project-level environmental review of GHG emissions, provided there are adequate performance metrics for determining project consistency with the plan. Absent conformity with such a plan, CARB recommends "that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." While acknowledging that recent land use development projects in California have demonstrated the feasibility to achieve zero net additional GHG emissions (e.g., Newhall Ranch Resource Management and Development Plan), the 2017 Scoping Plan Update states that:

> *Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping*

[190] CARB, *Climate Change Scoping Plan: A Framework for Change*, December 2008. Available at ww3.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed May 8, 2023.

[191] CARB, *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*, November 2017. Available at ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 8, 2023.

> *Plan, the state's long-term GHG goals, and climate change science…To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT [vehicle miles traveled], and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally.*

In May 2022, CARB adopted the 2022 update to the Scoping Plan. The 2022 Scoping Plan Update assesses progress toward the statutory 2030 GHG reduction target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the state's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.[192]

Cap-and-Trade Program

Initially authorized by the California Global Warming Solutions Act of 2006 (AB 32) and extended through the year 2030 with the passage of AB 398 (2017), the California Cap-and-Trade Program is a core strategy that the state is using to meet its GHG reduction targets for 2020 and 2030, and ultimately achieve an 80 percent reduction from 1990 levels by 2050. CARB designed and adopted the California Cap-and-Trade Program to reduce GHG emissions from "covered entities"[193] (e.g., electricity generation, petroleum refining, cement production, and large industrial facilities that emit more than 25,000 $MTCO_2e$ per year), setting a firm cap on statewide GHG emissions and employing market mechanisms to achieve reductions.[194] Under the Cap-and-Trade Program, an overall limit is established for GHG emissions from capped sectors. The statewide cap for GHG emissions from the capped sectors commenced in 2013. The cap declines over time, and facilities subject to the cap can trade permits to emit GHGs.[195]

Senate Bill 375

Signed into law on October 1, 2008, SB 375 supplements GHG reductions from new vehicle technology and fuel standards with reductions from more efficient land use patterns and improved transportation. Under the law, CARB approved GHG reduction targets in February 2011 for California's 18 federally designated regional planning bodies, known as Metropolitan Planning Organizations. The target reductions for the Bay Area are a regional reduction of per-capita GHG emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035, compared to a 2005 baseline.

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192 CARB, *2022 Scoping Plan for Achieving Carbon Neutrality*, November 16, 2022. Available at ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf. Accessed April 27, 2023.

193 "Covered entity" means an entity in California that has one or more of the processes or operations and has a compliance obligation as specified in Sub-article 7 of the Cap-and-Trade Regulation; and that has emitted, produced, imported, manufactured, or delivered in 2008 or any subsequent year more than the applicable threshold level specified in section 95812(a) of the Regulation.

194 17 CCR 95800–96023.

195 See generally 17 CCR 95811 and 95812.

Senate Bill 743

In 2013, Governor Brown signed SB 743, which added Public Resources Code Section 21099 to CEQA. SB 743 changed the way that transportation impacts are analyzed in Transit Priority Areas (TPAs)[196] under CEQA, better aligning local environmental review with statewide objectives to reduce GHG emissions, encourage infill mixed-use development in designated Priority Development Areas (PDAs),[197] reduce regional sprawl development, and reduce VMT in California.

As required under SB 743, OPR developed potential metrics to measure transportation impacts that may include, but are not limited to, VMT, VMT per capita, automobile trip generation rates, or automobile trips generated. The new VMT metric is intended to replace the use of automobile delay and level of service as the metric to analyze transportation impacts under CEQA.

In its 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR recommends different thresholds of significance for projects depending on land use types.[198] For example, residential and office space projects must demonstrate a VMT level that is 15 percent less than that of existing development to determine whether the mobile-source GHG emissions associated with the project are consistent with statewide GHG reduction targets. With respect to retail land uses, any net increase of VMT may be sufficient to indicate a significant transportation impact.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) required retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill X 1-2

SB X 1-2, signed by Governor Brown in April 2011, enacted the California Renewable Energy Resources Act. The law obligated all California electricity providers, including investor-owned and publicly owned utilities, to obtain at least 33 percent of their energy from renewable resources by the year 2020.

Senate Bill 350

SB 350, the Clean Energy and Pollution Reduction Act of 2015 (Chapter 547, Statutes of 2015), was approved by Governor Brown on October 7, 2015. SB 350 increased the standards of the California RPS program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased from 33 percent to

[196] A Transit Priority Area is defined in California Public Resource Code, Section 21099 as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

[197] Priority Development Areas are locally designated areas within existing communities that have been identified and approved by local cities or counties for future growth. These areas are typically accessible to transit, jobs, shopping, and other services. Over 70 local governments have voluntarily designated some 170 PDAs, which are proposed to absorb about 80 percent of new housing and over 60 percent of new jobs on less than five percent of the Bay Area's land. The result is a locally supported, compact and efficient growth pattern that meets CARB's GHG reduction targets and provides adequate housing for the Bay Area's growing population.

[198] Office of Planning and Research (OPR), *Technical Advisory on Evaluating Transportation Impacts in CEQA*, December 2018. Available at opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed May 8, 2023.

50 percent by December 31, 2030. The act requires the State Energy Resources Conservation and Development Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in existing electricity and natural gas final end uses of retail customers by January 1, 2030.

Senate Bill 100

On September 10, 2018, Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045. SB 100 also creates new standards for the RPS goals that were established by SB 350 in 2015. Specifically, the law increases the percentage of energy that both investor-owned utilities and publicly owned utilities must obtain from renewable sources from 50 percent to 60 percent by 2030. Incrementally, these energy providers must also have a renewable energy supply of 33 percent by 2020, 44 percent by 2024, and 52 percent by 2027. The updated RPS goals are considered achievable, because many California energy providers are already meeting or exceeding the RPS goals established by SB 350.

Senate Bill 1020

On September 16, 2022, Governor Newsom signed SB 1020, which establishes interim targets to the policy framework originally established in SB 100 to require renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all retail electricity sales by 2040. This will help ensure that the state makes steady and accountable progress towards decarbonizing the entire statewide electricity grid. The bill also requires all state agencies to rely on 100 percent renewable energy and zero-carbon resources to serve their own facilities by 2035.

Advanced Clean Cars Program

In January 2012, pursuant to Recommended Measures T-1 and T-4 of the 2008 Scoping Plan, CARB approved the Advanced Clean Cars Program, a new emissions-control program for model years 2017 through 2025. In response to a midterm review of the standards in March 2017, CARB directed staff to begin working on post-2025 model year vehicle regulations (Advanced Clean Cars II) to research additional measures to reduce air pollution from light-duty and medium-duty vehicles. Additionally, as described earlier, in September 2020, Governor Newsom signed EO N-79-20 that established a goal that 100 percent of California sales of new passenger car and trucks be zero-emission by 2035 and directed CARB to develop and propose regulations toward this goal. The primary mechanism for achieving these targets for passenger cars and light trucks is the Advanced Clean Cars II Program. CARB adopted the Advanced Clean Cars II regulations on August 25, 2022.

Mobile Source Strategy

In May 2016, CARB released the updated Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next 15 years. The strategy promotes a transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of VMT. The Mobile Source Strategy calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) by 2025

and 4.2 million ZEVs by 2030. The strategy also calls for more-stringent GHG requirements for light-duty vehicles beyond 2025 as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero emission trucks primarily for class 3 through 7 "last mile" delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45 percent reduction in GHG emissions from mobile sources and a 50 percent reduction in the consumption of petroleum-based fuels.[199]

Similar to the 2016 Mobile Source Strategy, the 2020 Strategy is a framework that identifies the levels of cleaner technologies necessary to meet the many goals and high-level regulatory concepts that would allow the state to achieve the levels of cleaner technology. The 2020 Strategy will inform the development of other planning efforts including the State Implementation Plan (SIP) which will translate the concepts included into concrete measures and commitments for specific levels of emissions reductions, the 2022 Climate Change Scoping Plan (2022 Scoping Plan Update), and Community Emissions Reduction Plans (CERPs) required for communities selected as a part of CARB's Community Air Protection Program. Central to all of these planning efforts, and CARB actions on mobile sources going forward, will be environmental justice as CARB strives to address longstanding environmental and health inequities from elevated levels of toxics, criteria pollutants, and secondary impacts of climate change.[200] The 2020 Mobile Source Strategy illustrates that an aggressive deployment of ZEVs will be needed for the state to meet federal air quality requirements and the state's climate change targets.

Advanced Clean Trucks Regulation

The Advanced Clean Truck (ACT) Regulation is part of a holistic approach to accelerate a large-scale transition of zero-emission medium-and heavy-duty vehicles.

Starting with the 2024 model year, the ACT Regulation requires manufacturers to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. In addition, large employers including retailers, manufacturers, brokers, and others are required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, are required to report about their existing fleet operations.

The goal of this regulation is to achieve NOx and GHG emission reductions through advanced clean technology, and to increase the penetration of the first wave of zero-emission heavy-duty technology into applications that are well suited to its use.

Advanced Clean Fleets Regulation

The Advanced Clean Fleets (ACF) Regulation requires fleets that are well suited for electrification to transition to ZEVs through requirements to both phase-in pf the use of ZEVs for targeted fleets and requirements that manufacturers only manufacture ZEV trucks starting in the 2036 model year.

[199] CARB, *Mobile Source Strategy*, May 2016. Available at ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf. Accessed May 8, 2023.

[200] CARB, *2020 Mobile Source Strategy*, October 28, 2021. Available at ww2.arb.ca.gov/sites/default/files/2021-12/2020_Mobile_Source_Strategy.pdf. Accessed May 8, 2023.

Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

In 2004, CARB adopted the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling to reduce public exposure to diesel particulate matter emissions (13 CCR Section 2485). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure prohibits diesel-fueled commercial vehicles from idling for more than five minutes at any given location. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation also results in GHG reduction and energy savings in the form of reduced fuel consumption from unnecessary idling.

Airborne Toxic Control Measure for Stationary Compression Ignition Engines

In 2004, CARB adopted an Airborne Toxic Control Measure to reduce public exposure to emissions of diesel particulate matter and criteria pollutants from stationary diesel-fueled compression ignition engines (17 CCR Section 93115). The measure applies to any person who owns or operates a stationary compression ignition engine in California with a rated brake horsepower greater than 50, or to anyone who either sells, offers for sale, leases, or purchases a stationary compression ignition engine. This measure outlines fuel and fuel additive requirements; emissions standards; recordkeeping, reporting and monitoring requirements; and compliance schedules for compression ignition engines.

Truck and Bus Regulation

In addition to limiting exhaust from idling trucks, in 2008 CARB approved the Truck and Bus Regulation to reduce the emissions of oxides of nitrogen and particulate matter from existing diesel vehicles operating in California (13 CCR Section 2025). The phased regulation aims to reduce emissions by requiring installation of diesel soot filters and encouraging the retirement, replacement, or retrofit of older engines with newer emission-controlled models. This regulation will be implemented in phases, with full implementation by 2023.

CARB also promulgated emissions standards for off-road diesel construction equipment of greater than 25 horsepower such as bulldozers, loaders, backhoes, and forklifts, as well as many other self-propelled off-road diesel vehicles. The In-Use Off-Road Diesel-Fueled Fleets regulation adopted by CARB on July 26, 2007, aims to reduce emissions by installing diesel soot filters and encouraging the retirement, replacement, or repowering of older, dirtier engines with newer emissions-controlled models (13 CCR Section 2449). The compliance schedule requires full implementation by 2023 in all equipment for large and medium fleets and by 2028 for small fleets.

Senate Bill 1383 (Short-Lived Climate Pollutants)

SB 1383, enacted in 2016, requires statewide reductions in short-lived climate pollutants across various industry sectors. The climate pollutants covered under SB 1383 include methane, fluorinated gases, and black carbon—all GHGs with a much higher warming impact than CO_2 and with the potential to have detrimental effects on human health. SB 1383 requires CARB to adopt a strategy to reduce methane by 40 percent, hydrofluorocarbon gases by 40 percent, and

anthropogenic black carbon by 50 percent below 2013 levels by 2030. The methane emissions reduction goals include a 75 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2025 and requires that clean streams of organic material be collected and recycled into new end-products like compost or biofuel as well as edible food waste recovery.

Assembly Bill 341

AB 341, which became law in 2011, established a new statewide goal of 75 percent recycling through source reduction, recycling, and composting by 2020. The new law changed the way that the state measures progress toward the 75 percent recycling goal, focusing on source reduction, recycling, and composting. AB 341 also requires all businesses and public entities that generate four cubic yards or more of waste per week and multifamily residential dwellings with five units or more to have a recycling program in place.[201] The purpose of the law is to reduce GHG emissions by diverting commercial solid waste to recycling efforts and expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

Assembly Bill 1826

AB 1826, known as the Commercial Organic Waste Recycling Law, became effective on January 1, 2016, and requires businesses and multi-family complexes (with five units or more) that generate specified amounts of organic waste (compost) to arrange for organics collection services. The law phases in the requirements on businesses with full implementation realized in 2019:

- **First Tier:** Commenced in April 2016, the first tier of affected businesses included those that generate eight or more cubic yards of organic materials per week.
- **Second Tier:** In January 2017, the affected businesses expanded to include those that generate four or more cubic yards of organic materials per week.
- **Third Tier:** In January 2019, the affected businesses expanded further to include those that generate four or more cubic yards of commercial solid waste per week.

State of California Building Codes

California Building and Energy Efficiency Standards (Title 24)

The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although the standards were not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and non-residential buildings subject to the standard. The standards are updated periodically (typically every three years) to allow for the consideration and inclusion of new energy efficiency technologies and methods.

In 2021, the 2022 Energy Code was approved by the California Building Standards Commission (CBSC) for inclusion into the California Building Standards Code. This update to the building

[201] California Legislative Information, *Assembly Bill No. 341: Solid Waste Diversion*, approved October 5, 2011. Available at leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB341. Accessed May 8, 2023.

code provides crucial steps in the state's progress toward 100 percent clean carbon neutrality by midcentury.[202] The 2022 Energy Code builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, with particular emphasis on heat pumps for space heating and water heating. This set of Energy Codes also strengthens ventilation standards to improve indoor air quality and extends the benefits of photovoltaic and battery storage systems and other demand flexible technology to work in combinations with heat pumps to enable California buildings to be responsive to climate change. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code. The Energy Code includes measures that will reduce energy use in single family, multifamily, and nonresidential buildings. These measures will:

1. Affect newly constructed buildings by adding new prescriptive and performance standards for electric heat pumps for space conditioning and water heating, as appropriate for the various climate zones in California;
2. Require photovoltaic (PV) and battery storage systems for newly constructed multifamily and selected nonresidential buildings;
3. Update efficiency measures for lighting, building envelope, HVAC; and
4. Make improvements to reduce the energy loads of certain equipment covered by (i.e., subject to the requirements of) the Energy Code that perform a commercial process that is not related to the occupant needs in the building (such as refrigeration equipment in refrigerated warehouses, or air conditioning for computer equipment in data processing centers).

California Green Buildings Standards Code

The California Green Building Standards Code, Part 11, Title 24, California Code of Regulations, known as CALGreen, is the first-in-the-nation mandatory green building standards code. In 2007, CBSC developed green building standards in an effort to meet the goals of California's AB 32. The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, require low-pollution-emitting substances that cause less harm to the environment, conserve natural resources, and promote the use of energy-efficient materials and equipment. CALGreen covers a number of fields, with regulations encompassing energy efficiency, water conservation, sustainable building materials, site design, and air quality.

Since 2011, the CALGreen Code has been mandatory for all new residential and non-residential buildings constructed in the state. Such mandatory measures include energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The CALGreen Code is reviewed and updated on a three-year cycle.

The 2022 CALGreen Code that took effect on January 1, 2023, includes new mandatory measures including Electric Vehicle (EV) charging requirements for residential and non-residential buildings. The 2022 CALGreen update simplifies the code and its application in several ways. It offers new voluntary prerequisites for builders to choose from, such as battery storage system

[202] California Energy Commission, *2022 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, August 2022. Available at www.energy.ca.gov/sites/default/files/2022-12/CEC-400-2022-010_CMF.pdf. Accessed April 27, 2023.

controls and heat pump space, and water heating, to encourage building electrification. While the previous 2019 CALGreen Code only requires provision of EV Capable spaces with no requirement for chargers to be installed at commercial uses, the 2022 CALGreen code mandates installation of chargers.[203]

Regional

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that regulates stationary sources of air pollution in the nine San Francisco Bay Area counties. Additionally, BAAQMD regulates GHG emissions through the following plans, programs, and guidelines.

Clean Air Plan

BAAQMD and other air districts prepare clean air plans in accordance with the federal and state Clean Air Acts. On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 *Clean Air Plan: Spare the Air, Cool the Climate*, an update to the 2010 Clean Air Plan.[204] The Clean Air Plan is a comprehensive plan that focuses on the closely related goals of protecting public health and protecting the climate. Consistent with the state's GHG reduction targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

BAAQMD Climate Protection Program

BAAQMD established a climate protection program (Program) to reduce pollutants that contribute to global climate change and affect air quality in the San Francisco Bay Area Air Basin. The Program is focused on meeting the 2050 target, as the Clean Air Plan discussed above is focused on the interim 2030 target. The Program includes measures that promote energy efficiency, reduce VMT, and develop alternative sources of energy, all of which assist in reducing GHG emissions and reducing air pollutants that affect the health of residents. BAAQMD also seeks to support other climate protection programs in the region and to stimulate additional efforts through public education and outreach, technical assistance to local governments and other interested parties, and promotion of collaborative efforts among stakeholders.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed in the Bay Area. The guidelines also include recommended assessment methods for air toxics, odors, and GHG emissions. The 2017 update to the BAAQMD CEQA Guidelines[205] included significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. In

[203] California Building Standards Commission (CBSC), *2022 California Green Building Standards Code, Title 24, Part 11 (CALGreen)*, July 2022. Available at codes.iccsafe.org/content/CAGBC2022P1. Accessed May 8, 2023.

[204] BAAQMD, *2017 Final Clean Air Plan*, April 19, 2017. Available at www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed May 8, 2023.

[205] BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2017. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 22, 2023.

April 2022, in response to SB 32 and 2017 Scoping Plan Update targets for 2030 and EO B-15 target for carbon neutrality no later than 2045, the BAAQMD adopted updated CEQA significance thresholds for GHGs[206] and included them in the 2023 update to the BAAQMD CEQA Guidelines.[207]

For land use development projects, the BAAQMD recommends using the approach endorsed by the *California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the state's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223). Applying this approach, the BAAQMD recommends that new land use development projects incorporate the BAAQMD-identified design elements to do their "fair share" of implementing the goal of carbon neutrality by 2045 (discussed more under *Significance Thresholds* below).

Alternately, a local government may prepare a qualified GHG reduction strategy that is consistent with SB 32 goals. If a project is consistent with an adopted qualified GHG reduction strategy that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA.[208]

Metropolitan Transportation Commission/Association of Bay Area Governments

Sustainable Communities Strategy—Plan Bay Area

MTC is the federally recognized Metropolitan Planning Organization for the nine-county Bay Area, which includes the city of San José. On July 18, 2013, Plan Bay Area was jointly approved by ABAG's Executive Board and by MTC.[209]

The plan includes the region's Sustainable Communities Strategy, as required under SB 375, and the 2040 Regional Transportation Plan. The Sustainable Communities Strategy lays out how the region will meet GHG reduction targets set by CARB. CARB's current targets call for the region to reduce per-capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.

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206 BAAQMD, *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*, April 2022. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en. Accessed May 1, 2023.

207 BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

208 BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

209 Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), *Bay Area Plan – Strategy for a Sustainable Region*, July 13, 2013. Available at files.mtc.ca.gov/pdf/Plan_Bay_Area_FINAL/Plan_Bay_Area.pdf. Accessed May 2, 2023.

A central GHG reduction strategy of Plan Bay Area is the concentration of future growth in PDAs and TPAs. To be eligible for PDA designation, an area must be within an existing community, near existing or planned fixed transit or served by comparable bus service and planned for more housing. A TPA is an area within 0.5 miles of an existing or planned major transit stop such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes. The project site is located within both a PDA and a TPA.

On July 26, 2017, MTC adopted *Plan Bay Area 2040*, a focused update that builds upon the growth pattern and strategies developed in the original Plan Bay Area but with updated planning assumptions that incorporate key economic, demographic, and financial trends since the original plan was adopted.[210]

On October 21, 2021, the MTC and the Executive Board of the ABAG jointly adopted Plan Bay Area 2050 and its related supplemental reports. Plan Bay Area 2050 connects the elements of housing, the economy, transportation, and the environment through 35 strategies aimed at making the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. In the short-term, the plan's Implementation Plan identifies more than 80 specific actions for MTC, ABAG and partner organizations to take over the next five years to make headway on each of the 35 strategies.[211] It will be several years before the regional transportation model (and therefore county and local transportation models) is updated to reflect Plan Bay Area 2050; the models currently incorporate data from Plan Bay Area 2040.

Local

City of San José

Envision San José 2040 General Plan

The City of San José adopted the *Envision San José 2040 General Plan* in 2011.[212] Many of the goals and policies identified in the General Plan reflect the City's commitment to sustainability and the General Plan goals listed below are directly related to reduction of GHG emissions.

> **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.
>
> **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.

[210] MTC & ABAG, *Plan Bay Area 2040*, adopted July 26, 2017. Available at mtc.ca.gov/sites/default/files/Final_Plan_Bay_Area_2040.pdf. Accessed May 2, 2023.

[211] MTC & ABAG, *Plan Bay Area 2050*, adopted October 21, 2021. Available at planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed May 2, 2023.

[212] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended on May 12, 2023). Available at www.sanjoseca.gov/home/showpublisheddocument/22359/638197407493730000. Accessed September 2023.

Goal MS-5: Waste Diversion. Divert 100% of waste from landfills by 2022 and maintain 100% diversion through 2040.

Goal MS-6: Waste Reduction. Reduce generation of solid and hazardous waste.

Goal MS-7: Environmental Leadership and Innovation. Establish San José as a nationally recognized leader in reducing the amount of materials entering the solid waste stream.

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.

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.

Goal MS-16: Energy Security. Provide access to clean, renewable, and reliable energy for all San José residents and businesses.

Goal MS-18: Water Conservation. Continuously improve water conservation efforts in order to achieve best in class performance. Double the City's annual water conservation savings by 2040 and achieve half of the Water District's goal for Santa Clara County on an annual basis.

Goal IN-5: Solid Waste-Materials Recovery/Landfill. Develop and maintain materials recovery and landfill facilities to meet community needs, advance the City's Zero Waste goals and to comply with applicable regulatory requirements.

Goal CD-3: Connections. Maintain a network of publicly accessible streets and pathways that are safe and convenient for walking and bicycling and minimize automobile use; that encourage social interaction; and that increase pedestrian activity, multi-modal transit use, environmental sustainability, economic growth, and public health.

Goal TR-1: Balanced Transportation System. Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

Goal TR-2: Walking and Bicycling. Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

Goal TR-7: Transportation Demand Management. Implement effective Transportation Demand Management (TDM) strategies that minimize vehicle trips and vehicle miles traveled.

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

Goal TR-9: Tier I Reduction of Vehicle Miles Traveled. Reduce Vehicle Miles Traveled (VMT) by 10% per service population, from 2009 levels, as an interim goal.

Goal TR-10: Tier II Reduction of Vehicle Miles Traveled. Reduce vehicle miles traveled by an additional 10% per service population above Goal TR-9 (a 20% reduction as measured from 2009), at a later date to be determined by the City Council, based on staff analysis of the City's achieved and anticipated success in reducing VMT.

Goal TR-11: Regional and State VMT Reduction Efforts. Reduce VMT by an additional 20% per service population above Goals TR-9 and TR-10 (a total reduction of 40% as measure from 2009) by participating and taking a leadership role in on-going regional and statewide efforts to reduce VMT.

Climate Smart San José and the Pathway to Carbon Neutrality by 2030

The City adopted its *Climate Smart San José* plan in 2018.[213] The plan builds upon the foundational goals and policies identified in the General Plan, and provides additional analysis, recommendations, and corresponding metrics. The plan creates a measurable pathway to meeting the targets of the international Paris Agreement. To get there, Climate Smart sets ambitious goals for energy, water, transportation, and local jobs. In November 2021, City Council set an aspirational goal of community-wide carbon neutrality by 2030, thereby accelerating Climate Smart, and approved the City's Pathway to Carbon Neutrality by 2030[214] in June 2022. The City's Pathway to Carbon Neutrality focuses on GHG reductions in three key areas: building, transportation, and power source and identifies the following four strategies to achieve these reductions:

1. Move to zero-emission vehicles.
2. Reduce vehicle miles traveled by at least 20 percent.
3. Switch appliances from fossil fuel to electric.
4. Power the community with 100 percent carbon neutral electricity.

City of San José Greenhouse Gas Reduction Strategy (2030 GHGRS)

The City of San José prepared its initial Greenhouse Gas Reduction Strategy in 2011 in conjunction with the General Plan; the strategy was updated in 2015.[215] The original strategy was prepared in accordance with AB 32 and CEQA Guidelines Section 15183.5. One of the strategy's five purposes is to "achieve General Plan–level environmental clearance for future development activities (through the year 2020)."

[213] City of San José, *Climate Smart San José: A People-Centered Plan for a Low-Carbon City*, 2018. Available at www.sanjoseca.gov/home/showpublisheddocument/32171/636705720690400000. Accessed September 2023.

[214] City of San José, *Pathway to Carbon Neutrality by 2030*, updated December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93082/638065452005070000. Accessed September 2023.

[215] City of San José, *Greenhouse Gas Reduction Strategy for the City of San José*, June 2011 (updated December 2015). Available at www.sanjoseca.gov/home/showpublisheddocument/28213/636691886183370000. Accessed September 2023

The City of San José has prepared an updated Greenhouse Gas Reduction Strategy in response to SB 32 that establishes an interim GHG reduction goal for 2030 and proposes strategies designed to reduce the City's GHG emissions levels to 40 percent below 1990 levels by the year 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18 and AB 1279). The 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS)[216] builds on Envision San José 2040 General Plan and Climate Smart San José, which expanded the City's Green Vision to advance the city towards urban sustainability. The 2030 GHGRS provides a development checklist identifying clear strategies for GHG reductions that new projects in the city must implement to demonstrate consistency with the 2030 GHGRS and to achieve the city's 2030 interim GHG reduction target and show progress towards the 2045 target.

The City's 2030 GHGRS establishes an interim reduction target for 2030 based on the regional growth assumptions including institutional growth such as that associated with the project. Additionally, as the 2030 GHGRS is in alignment with the state SB 32 reduction targets, these reduction trajectories offer a streamlining opportunity to examine the project's GHG emissions in relation to the state's reduction targets for 2030.

City of San José Municipal Code

The City's Municipal Code includes regulations to reduce GHG emissions from both construction and operation of development projects. The regulations with potential applicability to the project include:

- Chapter 17.84.220—Green Building Regulations for Private Development;
- Chapter 15.11—Water Efficient Landscape Standards for New and Rehabilitated Landscaping;
- Chapter 11.105—Transportation Demand Management; and
- Chapter 9.10, Part 15—Construction and Demolition Diversion Deposit Program.

City of San José Reach Codes

The City of San José has adopted Reach Codes, which are building codes that are more advanced than those required by the state. Reach Codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building Reach Code ordinance adopting provisions of the California Green Building Code and California Building Energy Efficiency Standards to increase building efficiency, mandate solar readiness on non-residential buildings, and increasing EV readiness and installation of EV charging stations.[217]

In October 2019, the City Council approved an ordinance (Ordinance No. 30330) prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise

[216] City of San José, *2030 Greenhouse Gas Reduction Strategy*, August 2020. Available at www.sanjoseca.gov/home/showpublisheddocument/63605/637345707563600000. Accessed September 2023.

[217] City of San José, *Ordinance No. 30311*, adopted September 2019. Available at www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed September 2023.

multifamily buildings.[218] On December 1, 2020, City Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021.[219] However, hospitals are exempt from this all-electric requirement.

City of San José Private Sector Green Building Policy

The City's Private Sector Green Building Policy (Council Policy 6-32) was adopted on October 7, 2008, and sets minimum standards for green building performance levels.[220] The requirements of this policy are summarized in **Table 3.6-3**. The project would be subject to the green building standards required by this policy.

TABLE 3.6-3
CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING REQUIREMENTS

Project	Requirement
Commercial/Industrial—Tier 1 (<25,000 sf)	LEED Applicable NC Checklist
Commercial/Industrial—Tier 2 (≥25,000 sf)	LEED Silver
Residential—Tier 1 (<10 units)	GreenPoint or LEED Checklist
Residential—Tier 2 (≥20 units)	GreenPoint Rated 50 Points or LEED Certified
High-Rise Residential (75 feet or higher)	LEED Certified

ABBREVIATIONS: LEED = Leadership in Energy and Environmental Design; sf = square feet

SOURCE: City of San José, Policy 6-32, *City of San José Private Sector Green Building Policy*, October 2008. Available online at openei.org/wiki/City_of_San_José_-_Private_Sector_Green_Building_Policy_(California). Accessed September 2023.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on GHGs are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during construction and operation of the project to address GHG impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC GR-1: 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 San José Clean Energy (SJCE) GreenSource program (approximately 95 percent carbon free power) or TotalGreen (approximately 100 percent carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (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.

[218] City of San José, *Ordinance No. 30330*, November 20, 2019. Available at records.sanjoseca.gov/Ordinances/ORD30330.pdf. Accessed September 2023.

[219] City of San José, *Ordinance No. 30502*, adopted December 2020. Available at www.sanjoseca.gov/home/showpublisheddocument/69230/637485403354170000. Accessed May 2023.

[220] City of San José, *Policy 6-32: City of San José Private Sector Green Building Policy*, October 2008. Available at www.sanjoseca.gov/home/showpublisheddocument/37865/636825445000370000. Accessed September 2023.

3.6.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a greenhouse gas emissions impact would be significant if implementation of the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The CEQA Guidelines do not prescribe specific methods for performing an assessment, do not establish specific thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency's discretion to determine the appropriate methods and thresholds of significance consistent with various factors prescribed by CEQA Guidelines section 15064.4. The State of California has not adopted emissions-based thresholds for GHG emissions under CEQA. The OPR technical advisory titled *Discussion Draft CEQA and Climate Change Advisory* (OPR, 2018b) states that:

> *[N]either the CEQA statute nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for perming an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable. Even in the absence of clearly defined thresholds for GHG emissions, such emissions must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.*

Furthermore, the advisory document indicates that "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact,' individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice." Section 15064.7(c) of the CEQA Guidelines specifies that "when adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

The City of San José, as the CEQA lead agency, has discretion to choose thresholds of significance, including thresholds adopted or recommended by other agencies or recommended by experts, such as those recommended by BAAQMD, provided that the lead agency's decision to use such thresholds is supported by substantial evidence. As discussed previously, in April 2022, BAAQMD adopted new significance thresholds that address the state's SB 32 GHG emissions reduction goals and carbon neutrality goal for 2045, as stipulated in Executive Order

B-55-18 and AB 1279. BAAQMD also published a Justification Report that provides the substantial evidence that lead agencies need to support their use of these thresholds.[221]

The project-level GHG thresholds adopted by BAAQMD are as follows:

> Projects must include, at a minimum, the following project design elements:
>
> 1. Buildings
>
>   a. The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).
>
>   b. The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the CEQA Guidelines.
>
> 2. Transportation
>
>   a. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen [California Green Building Standards Code] Tier 2.
>
>   b. Achieve a reduction in project-generated 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 Senate Bill 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.

Alternately, a project would be considered to result in a less-than-significant impact if it is consistent with a local GHG Reduction Strategy that meets the criteria under the CEQA Guidelines section 15183.5(b). The analysis presented in this section relies on the project's consistency with the local GHG Reduction Strategy as the criterion to evaluate impacts.

Because construction emissions are temporary and variable, BAAQMD has not developed a quantitative threshold of significance for construction related GHG emissions. Project construction emissions are therefore evaluated qualitatively.

Approach to Analysis

GHG Emissions

Section 15183.5 of the CEQA Guidelines allows tiering and streamlining the analysis of GHG emissions by lead agencies to analyze and mitigate the significant effects of GHG emissions at a programmatic level, such as in a general plan, a long-range development plan, or a separate plan

[221] BAAQMD, *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*, April 2022. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en. Accessed May 1, 2023.

to reduce GHG emissions. Later project-specific environmental documents may tier from and/or incorporate by reference the existing programmatic review. Compliance with a qualified GHG Reduction Strategy would provide the evidentiary basis for making CEQA findings that development consistent with the GHG Reduction Strategy would result in feasible, measurable, and verifiable GHG reductions. It would also maintain consistency with broader state goals and ensure that projects approved under qualified GHG Reduction Strategies would achieve their fair share of GHG emission reductions. Therefore, if a project is located in a community with an adopted qualified GHG Reduction Strategy and is consistent with the Qualified GHG Reduction Strategy, it can be presumed that the project will not have significant GHG emission impacts.

As discussed earlier, the City has adopted the 2030 GHGRS, which presents the City's comprehensive path to reduce GHG emissions to achieve the state's SB 32 GHG reduction goal for 2030 and the long-term target of carbon neutrality by 2045 (Executive Order B-55-18 and AB 1279). Consistent with CEQA Guidelines Section 15183.5, the City's 2030 GHGRS serves as the Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City has prepared a GHGRS Compliance Checklist (Checklist) to apply the relevant General Plan policies and implement GHG reduction strategies from the 2030 GHGRS to provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

The analysis below presents a qualitative evaluation of the project's compliance with the 2030 GHGRS using the Checklist to evaluate impacts. Consequently, for purposes of this EIR, a significant impact is identified if the project is not consistent with the GHG reduction strategies identified in the 2030 GHGRS and included in the Checklist and hence would be inconsistent with the 2030 GHGRS.

Consistency with Plans, Policies, and Regulations for GHG Reduction

GHG impacts are also evaluated by assessing if the project would conflict with other applicable GHG reduction plans and actions approved or adopted by CARB, ABAG, and the City. As discussed in the Regulatory Setting, in addition to the 2030 GHGRS, several plans and policies are in place to help the city, the Bay Area, and the state reduce GHG emissions consistent with the state's emission reduction targets for 2030 and 2045. Thus, the significance of the project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the project would conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions, including: CARB's 2022 Scoping Plan, ABAG's Plan Bay Area 2040, Climate Smart San José, CALGreen, the City's General Plan strategies and policies, and City Reach Codes.

Cumulative Impacts

This evaluation presented in this section is considered in a cumulative context, and because the analysis of GHG emissions is only relevant in a cumulative context, a project-specific impact assessment is not required. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG impact may be determined not to be cumulatively considerable if it is consistent with the requirements of the GHGRS and if

it is consistent with other plans adopted for the purposes of reducing GHG emissions at the state and local levels.

Impact Analysis

Impact GR-1: The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. ***(Less than Significant)***

As described earlier, the 2030 GHGRS is a roadmap for the City to meet the state's GHG reduction goals through a combination of City initiatives in various plans and policies that will provide reductions from both existing and new developments. The Checklist specifically applies to proposed discretionary projects that require environmental review pursuant to CEQA. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS.

The project applicant has completed the compliance checklist (included as **Appendix F**) showing consistency with all applicable General Plan policies and GHGRS strategies. Therefore, the Hospital Replacement and Future Campus Improvements would be consistent with the 2030 GHGRS and would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. This impact would be **less than significant**.

Mitigation: None required.

Impact GR-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. ***(Less than Significant)***

CARB 2017 Scoping Plan Update, SB 32 and EO S-3-05

The 2017 Scoping Plan Update adopted by CARB establishes the framework for achieving the 2030 statewide GHG reduction target of 40 percent below 1990 levels. The 2017 Scoping Plan Update includes local actions that land use development projects and municipalities can implement to support the statewide goal. The 2017 Scoping Plan Update also illustrates that achieving the 2030 target is consistent with progress toward achieving the 2050 level included in EO S-3-05 and that, depending on the success in achieving the 2030 target, it may be possible to achieve the 2050 target earlier than EO S-3-05.[222]

The 2017 Scoping Plan Update incorporates a broad array of regulations, policies, and state plans designed to reduce GHG emissions. Those that are applicable to the construction and operation of

[222] CARB, *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*, November 2017. Available at ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 8, 2023.

the project are listed in **Table 3.6-4**. Actions, plans, and programs that are not under the control or influence of local jurisdictions, such as the Cap-and-Trade program, are not included in the table.

TABLE 3.6-4
CONSISTENCY WITH APPLICABLE GHG REDUCTION ACTIONS IN 2017 SCOPING PLAN UPDATE

Sector/Source	Category/Description	Consistency Analysis
Energy and Water		
California Renewables Portfolio Standard (RPS) and SB 100	SB 100 requires that the proportion of electricity from renewable sources be 60 percent renewable power by 2030 and 100 percent renewable power by 2045.	**Consistent.** As a condition of approval (SPC GR-1), electricity supplied to the project would be provided by San José Clean Energy (SJCE). SJCE is required to comply with SB 100 and the RPS.
California Renewables Portfolio Standard and SB 3 50	SB 350 requires that the proportion of electricity from renewable sources be 50 percent renewable power by 2030 (superseded by SB 100). It also requires the state to double the energy efficiency savings in existing final end uses of electricity and natural gas by retail customers through energy efficiency and conservation.	**Consistent.** As a condition of approval (SPC GR-1), electricity supplied to the project would be provided by SJCE. SJCE is required to comply with both the RPS and SB 350 and will meet these standards.
California Building Efficiency Standards	Energy Efficiency Standards for Residential and Nonresidential Buildings	**Consistent.** Buildings constructed as part of the project would be designed to comply with the most recent version of Title 24 Building Energy Efficiency Standards.
California Green Building Standards Code (CCR, Title 24, Part 11, CALGreen)	California's Green Building Standards (CALGreen) Code includes energy and water efficiency requirements, as well as waste management and other design regulations that apply to residential and nonresidential buildings.	**Consistent.** Buildings constructed as part of the project would comply with mandatory CALGreen standards as well as City of San José Private Sector Green Building Policy requirements that exceed CALGreen requirements.
Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	**Consistent.** The potable and irrigation water demands of the project would be met by the existing service provider, Great Oaks, which is required to comply with SB X7-7 standards.
Mobile Sources		
Advanced Clean Cars Program (ACC) and Mobile Source Strategy (MSS)	In 2012, CARB adopted the ACC program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC requires the reduction of criteria pollutants and GHG emissions from light- and medium-duty vehicles. ACC also includes the ZEV regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles (PHEV) in the 2018 through 2025 model years. The Mobile Source Strategy (2016) calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) on the road by 2025, and 4.2 million ZEVs by 2030.	**Consistent.** These standards would apply to all vehicles used by future users (employees, patients, and visitors) of the project, and to the vehicles of construction workers traveling to and from the project site.

Sector/Source	Category/Description	Consistency Analysis
SB 375	SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the state's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. CARB's current targets call for the Bay Area to reduce per-capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.	**Consistent.** The project would be consistent with MTC and ABAG Plan Bay Area 2040 goals and objectives under SB 375 to implement "smart growth." The project alters an existing use in a location with access to public transportation, which would reduce reliance on automobiles, thereby reducing VMT and associated GHG emissions. With implementation of the Transportation Demand Management program, the project would not result in any increase in VMT over existing conditions.
Solid Waste		
California Integrated Waste Management Act (IWMA) of 1989 and AB 341	IWMA requires all California cities to divert 50-percent of all solid waste from landfill disposal through source reduction, recycling, and composting activities. AB 341 directs CalRecycle to develop and adopt regulations for mandatory commercial recycling and sets a statewide goal for 75 percent disposal reduction by the year 2020.	**Consistent.** The City's Environmental Services Division (ESD) provides recycling and garbage services to residential households, businesses, large events, public areas, and City facilities through contracted service providers. The Department manages agreements for commercial collection and recyclables processing, organics processing, and residential and construction waste collection services. 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's services through contracted service providers yield waste diversion results consistent with citywide recycling targets. These services would be available to the project. Consistent with AB 341 - Commercial Recycling and AB 1826 - Commercial Organics, the project would be required to have a recycling and/or organics program.

As shown above, the project would implement all applicable actions identified in the 2017 Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel consistent with statewide strategies and regulations. The project would align with the 2017 Scoping Plan Update and would therefore not conflict with achieving the SB 32 target or with making progress toward achieving the 2050 reductions included in EO S-3-05.

CARB 2022 Scoping Plan and AB 1279

Appendix D of the 2022 Scoping Plan identifies the most effective GHG reduction actions at the local level to help ensure that local climate efforts align with the state's climate goals. It identifies three priority areas that address the state's largest sources of emissions that local governments have authority or influence over. These include:

1. Transportation electrification
2. VMT reduction
3. Building decarbonization

By prioritizing climate action in these three priority areas, local governments can address the largest sources of GHGs within their jurisdiction. Local governments that prepare CEQA qualified CAPs that include strategies in these areas are considered to be in alignment with the state's climate goals. Even in the absence of a CEQA-qualified CAP, the State considers local government actions such as preparing a non-CEQA-qualified CAP or implementation of individual measures to be aligned with the state's climate goals when these three priority areas are addressed.[223]

Table 3.6-5 presents a list of core GHG reduction strategies from the 2022 Scoping Plan that can be implemented by local governments in California to reduce GHG emissions in alignment with state climate goals.

TABLE 3.6-5
CONSISTENCY WITH PRIORITY GHG REDUCTION STRATEGIES IN 2022 SCOPING PLAN

Priority Area	Priority GHG Reduction Strategies	Consistency Analysis
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	**Not Applicable.** The project is not a local government project and hence this strategy would not apply. The project would provide EV charging infrastructure consistent with CALGreen and City Ordinance 30311 requirements.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	**Consistent.** Though several aspects of this strategy will be implementable at the City level, the project would be consistent with the EV charging requirements of City ordinance 30311. Provision of EV charging infrastructure will further the City's and the state's goals for a ZEV ecosystem.
VMT Reduction	Reduce or eliminate minimum parking standards.	**Consistent.** This strategy is applicable at the City level. The project would be consistent with the City's parking requirements.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.	**Consistent.** The class II bikeways on Santa Teresa Boulevard and on Cottle Road along the project frontages would be upgraded to a class IV bikeway These improvements would contribute to the complete streets network.

[223] CARB, *2022 Scoping Plan for Achieving Carbon Neutrality*, November 16, 2022. Available at ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf. Accessed April 27, 2023.

Priority Area	Priority GHG Reduction Strategies	Consistency Analysis
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.	**Consistent.** As detailed in Section 3.13, *Transportation*, the project site is well served by existing transit bicycle and pedestrian facilities which provide public access to clean mobility options.
	Implement parking pricing or transportation demand management pricing strategies.	**Consistent.** As required by Mitigation Measure TR-2 in Section 3.13, *Transportation*, the project would include a TDM program to reduce VMT impacts of the project.
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	**Consistent.** Though hospitals are exempt from the all-electric requirements of City ordinance 30502, project buildings would be constructed as all-electric with no natural gas infrastructure as a project design feature.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).	**Not Applicable.** The project does not include any renovations to existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances.	**Not Applicable.** The project does not include any changes to existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing).	**Consistent.** The project would include on-site renewable electric generation via solar electric PV panels on the top level of the parking garage. This would improve local energy security and reduce the amount of energy wasted in transmitting electricity over long distances.
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings).	**Not Applicable.** The project is not a public project.

Plan Bay Area 2050

The project would be consistent with *Plan Bay Area 2050*, which includes the regional transportation plan and was adopted as the Bay Area's sustainable communities strategy pursuant to SB 375. Implementation of *Plan Bay Area 2050* is expected to reduce transportation-related GHG emissions as a result of transportation and land use changes that support active and shared modes of transportation. With all strategies of the plan implemented, the Bay Area would meet the state mandate of a 19 percent per-capita emissions reduction by 2035.

Plan Bay Area 2050 has identified focus areas for future housing and job growth in the Bay Area, which are classified as "growth geographies." These growth geographies are geographic areas used to guide where future growth in housing and jobs would be focused under the plan's strategies over the next 30 years. These growth geographies are categorized into four types: PDAs, priority production areas, transit-rich areas, and high-resource areas.

The project comprises changes to an existing medical campus located in proximity to a mix of land uses including residential, office, and retail uses in close proximity to existing transit services, thereby reducing the number of vehicle trips and VMT. The project site is located within a half-mile radius of VTA's Blue Line light rail stop and is easily accessible via several bus routes on stops internal to the site on International Circle, as well as along the project site perimeter along Santa Teresa Boulevard and Cottle Road. As detailed under Impact TR-2 of Section 3.13, *Transportation*, of this EIR, with the implementation of Mitigation Measure TR-2, Transportation Demand Management Plan and Hardscape Multimodal Improvements, the project would not result in an increase in regional employee and patient/visitor VMT over existing conditions. As the project is an existing use that would concentrate growth in an area that has been designated as a PDA by *Plan Bay Area 2050*, it would be consistent with the types of development patterns envisioned by *Plan Bay Area 2050*. As noted in the analysis in Section 3.13, *Transportation*, the transportation features of the project would generally be consistent with regional plans and policies. Consequently, the project would not conflict with or obstruct implementation of *Plan Bay Area 2050*.

Climate Smart San José and Pathway to Carbon Neutrality by 2030

Table 3.6-6 presents the project's consistency with Climate Smart San José. Strategies that are not applicable to the project are not included in the table below. As shown in the table, the project would be consistent with Climate Smart San José, resulting in a less than-significant impact.

Title 24, CALGreen Code and City of San José Reach Codes

The Hospital Replacement and any Future Campus Improvements proposed would be required to comply with the most recent update to Title 24 and CALGreen Codes 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.

Mitigation: None required.

TABLE 3.6-6
CONSISTENCY WITH APPLICABLE CLIMATE SMART SAN JOSÉ STRATEGIES

Strategy	Consistency Analysis
Pillar 1: A sustainable & Climate Smart City	
Transition to a renewable energy future	**Consistent.** The project would incorporate solar PV systems.
Embrace the Californian climate by adopting sustainable patterns of water use.	**Consistent.** The project would be consistent with indoor and outdoor water use requirements of CALGreen to reduce water consumption and use of recycled water for landscaping, where feasible. To accommodate this, the project would construct a separate lateral for irrigation water. Furthermore, the project would incorporate water efficient landscaping to reduce water use. The project would include drought tolerant plant materials. Selected plants will conform to the low to very low water requirements as delineated by Water Use Classification of Landscape Species (WUCOLS), developed by UC Davis. Though the plants will require irrigation, watering limits are anticipated. Plants selected are low to very low water plants that survive well under these conditions while maintaining a vegetated landscape. The project would include building design measures to meet LEED Gold performance standards. Plumbing fixtures and fittings in the new hospital building would comply with updated green building standards in CALGreen which would reduce indoor water use.
Pillar 2: A Vibrant City of Connected & Focused Growth	
Densify our city to proactively manage growth, increase active transportation, and reduce vehicle miles traveled.	**Consistent.** The Kaiser medical campus is an existing use located in proximity to a mix of land uses including residential, commercial, and retail. The project site location in an area well served by transit, bicycle and pedestrian facilities would reduce VMT generated by employees of the project. With implementation of the Transportation Demand Management program and hardscape multimodal improvements, the project would not result in any increase in VMT over existing conditions.
Make homes efficient and affordable by increasing the number of zero net energy and all-electric homes.	Not Applicable.
Create clean, personalized mobility choices with vehicle electrification, ridesharing, and autonomous vehicles. Develop integrated, accessible public transport infrastructure.	**Consistent.** While the project would not develop public transit directly, it would include a TDM plan, which would reduce single-occupancy vehicle use to and from the project site, promote car-sharing, and promote the use of nearby transit, bicycle, and pedestrian facilities that would provide access to the project site. The project site is also located in a PDA and TPA within one half mile from a high-quality transit stop. With implementation of the Transportation Demand Management program, the project would not result in any increase in VMT over existing conditions. The project would provide EV charging infrastructure consistent with CALGreen and City Ordinance 30311 requirements.
Pillar 3: An Economically Inclusive City of Opportunity	
Create local jobs in our city to reduce vehicle miles traveled.	**Consistent.** The Kaiser medical campus is an existing use located in proximity to a mix of land uses including residential, commercial, and retail. The project site location in an area well served by transit, bicycle and pedestrian facilities would reduce VMT generated by employees of the project. With implementation of the Transportation Demand Management program, the project would not result in any increase in VMT over existing conditions.
Improve our commercial building stock.	**Consistent.** The project would replace an existing, older hospital building with a new energy-efficient all-electric building that meets the Title 24 energy standards, CALGreen, and the City's green building requirements.
Make commercial goods movement clean and efficient.	Not Applicable.

Cumulative Impacts

Impact C-GR-1: The project, when combined with cumulative projects, would not contribute considerably to cumulative impacts on GHG emissions or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. ***(Less than Significant)***

Climate change is the cumulative effect of all natural and anthropogenic sources of GHGs accumulated on a global scale. The GHG emissions from an individual project, even a very large development project, would not individually generate sufficient GHG emissions to measurably influence global climate change, and thus the assessment of GHG emissions impacts is inherently cumulative. Consideration of a project's climate change impact, therefore, is essentially an analysis of a project's contribution to a cumulatively significant global impact through its emission of GHGs. While it is possible to examine the quantity of GHGs that would be emitted from individual project sources, it is not currently possible to link these GHGs emitted from a specific source or location to particular global climate changes.

Both BAAQMD and the CAPCOA consider GHG impacts to be exclusively cumulative impacts, in that no single project could, by itself, result in a substantial change in climate.[224,225] Therefore, the evaluation of the project's GHG impacts presented above under Impacts GR-1 and GR-2 evaluate whether the project would make a considerable contribution to cumulative climate change effects.

As detailed above, the project would result in less-than-significant impacts with respect to both CEQA Guidelines Appendix G criteria for the evaluation of GHG impacts. As such, the project's contribution to the cumulative GHG impact would not be cumulatively considerable and the cumulative GHG impact would be **less than significant**.

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[224] BAAQMD, *2022 California Environmental Quality Act Air Quality Guidelines*, April 2023. Available at www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?la=en. Accessed May 5, 2023.

[225] California Air Pollution Control Officers Association (CAPCOA), *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, January 2008. Available at www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf. Accessed June 30, 2022

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3.7 Hazards and Hazardous Materials

This section identifies and evaluates issues related to hazards and hazardous materials. It includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. The information in this section is based primarily on the Phase I Environmental Site Assessments prepared for the project by Langan in January 2024. The Phase I Environmental Site Assessments for the project site and the Construction Trailer Area are provided in **Appendix G1** and **Appendix G2** of this EIR, respectively.

3.7.1 Environmental Setting

Study Area

The study area for evaluation of hazards and hazardous materials impacts includes the project site and surrounding areas. The evaluation considers the project site and the surrounding area of approximately 0.25 mile from the project site. However, the analysis focuses on the project site and the immediately adjacent area. Sites beyond the immediately adjacent area would have a remote chance of affecting or being affected by the project site since releases of hazardous materials tend to be localized. In addition, a radius of up to 2 miles is similarly considered relative to proximity to airports in accordance with the CEQA Guidelines.

Definitions and Background

Definitions of Hazardous Materials

A hazardous material is defined as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment (California Health and Safety Code Section 25260(d). The term “hazardous materials” refers to both hazardous substances and hazardous wastes. Under federal and state laws, any material, including wastes, may be considered hazardous if it is specifically listed by statute as such or if it is toxic (causes adverse human health effects), ignitable (has the ability to burn), corrosive (causes severe burns or damage to materials), or reactive (causes explosions or generates toxic gases).

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been spent, discarded, discharged, spilled, contaminated, or are being stored until they can be disposed of properly (Title 22 California Code of Regulations [CCR] Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific criteria established in Sections 66261.20 through 66261.24 of the CCR Title 22. Hazardous substances are regulated by multiple agencies, as described in the Regulatory Framework below, and cleanup requirements of hazardous material releases are determined on a case-by-case basis according to the regulatory agency (e.g., Department of Toxic Substances Control [DTSC] or Regional Water Quality Control Board [RWQCB]) with lead jurisdiction over a contaminated site.

San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels

The San Francisco Bay RWQCB Environmental Screening Levels (ESLs) are used to screen sites and evaluate whether further action (investigation or remediation) is needed.[226] ESLs provide conservative screening levels for over 100 chemicals commonly found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. ESLs address a range of media (soil, groundwater, soil gas, and indoor air) and a range of concerns (e.g., impacts to drinking water, vapor intrusion, and impacts to aquatic life).

The development of Soil ESLs takes into consideration human health, leaching to groundwater, gross contamination, and odor nuisance, and sets the lowest of the various levels as the Soil ESL. The leaching to groundwater input criteria include non-drinking water criteria that include aquatic receptors, specifically for discharges to surface water using toxicity criteria for both freshwater and saltwater receptors. Thus, the Soil ESLs include ecological risk input.

Existing Hazardous Building Materials

The existing hospital was constructed in the early 1970s,[227] which predates the late 1970s nationwide bans on the use of asbestos-containing materials (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCBs) in transformers, and mercury in electrical switches in building construction materials (see Section 3.7.2, *Regulatory Framework*). Although testing for hazardous materials building materials has not been conducted on the hospital building, it is assumed that some of the building materials may contain ACM, LBP, PBCs, and/or mercury.

Hazardous Materials in Hospital and Medical Office Operations

The existing hospital uses chemicals and pharmaceuticals consistent with typical hospital and medical office use, that consist of, but are not limited to, acids and bases, flammable liquids, organic and inorganic reagents, stains and dyes, compressed gases, pharmaceuticals, and radioactive materials. Many of the hospital's diagnostic laboratory procedures involve the use of small quantities of chemicals. The pathology laboratory and morgue may use aqueous solutions containing formaldehyde as a preservative. In addition, the proposed energy center would include three emergency diesel generators that would include above-ground fuel storage tanks to store diesel fuel.

Listing on Government Code Section 65962.5

The Cortese List, compiled pursuant to Government Code Section 65962.5 and referenced in Public Resources Code Section 21092.6, includes listings of hazardous materials release sites from the California Department of Toxic Substances Control (DTSC) EnviroStor database, leaking underground storage tank sites from the State Water Resources Control Board (SWRCB) GeoTracker database, solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit, active cleanup and desist orders and cleanup and

[226] Regional Water Quality Control Board (RWQCB), *Environmental Screening Levels, Revision 2*, 2029.

[227] Langan Engineering and Environmental Services, Inc., *Phase I Environmental Site Assessment, San José Campus Master Planning, Kaiser Permanente Medical Center, San José, California*. February 2, 2024.

abatement orders from the San Francisco RWQCB, and hazardous waste facilities subject to corrective action by DTSC. No known active hazardous materials release sites are located within the project site.[228]

Phase I Environmental Site Assessment – San José Medical Center Campus

A Phase I environmental site assessment was prepared for the San José Campus project site (excluding the interior operations of the existing hospital building), in accordance with the ASTM International Standards organization Standard Practice E1527-21, which includes searching regulatory records for hazardous materials sites on and within certain radii around the project site.[229] The Campus has one 10,000-gallon diesel underground storage tank (UST) on the eastern side of the current main hospital building that supplies three emergency generators. The regulatory records search did not identify any hazardous materials issues related to spills or releases on the project site. However, the review of historical aerial photographs indicated that the project site and surrounding area was previously in agricultural land use, which may have included the use of pesticides. However, as discussed below, the project applicant conducted soil testing and determined that pesticides are not present in soil at concentrations above regulatory action levels. The results of the soil testing are discussed below.

Soil Management Plan

In preparation for excavation activities, the project applicant prepared and implemented a Soil Management Plan (SMP) to describe procedures for testing soil at the project site to determine the appropriate management and disposal procedures.[230] To test soil at the Hospital Replacement area prior to excavation activities, soil samples were collected from the southwest quadrant portion of the project site that is mostly composed of parking lots and landscaping; much of the rest of the project site is covered with buildings. The soil samples were tested for the following constituents:

- Total petroleum hydrocarbons as gasoline, diesel, and motor oil
- Volatile organic compounds
- Semi-volatile organic compounds
- Organochlorine pesticides
- Polychlorinated biphenyls (PCBs)
- California Assessment Manual (CAM) 17 metals (antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc)
- Leaking Underground Fuel Tanks (LUFT) (cadmium, chromium, lead, nickel, and zinc)
- Asbestos

[228] Ibid.

[229] Ibid.

[230] Langan, *Soil Management Plan, Kaiser Permanente San Jose Replacement Hospital, Hospital, Energy Center, and Service Yard, San Jose, California*. February 21, 2024.

Although low concentrations of some chemicals were detected in some samples, almost all of the reported concentrations were below their respective residential and commercial/industrial ESLs, except as discussed below.

The reported concentrations of arsenic in some samples were at concentrations above residential and commercial/industrial ESLs. However, the reported concentrations were all within naturally occurring regional background levels.

Cobalt was detected in only one sample (B-3 at 2 feet and located under the western portion of the proposed new hospital building shown on Figure 2-3) at a concentration above residential ESLs but below hazardous waste acceptance criteria for non-hazardous waste landfills. This means that the soil is not considered hazardous waste. The concentrations of cobalt and chromium in that same sample were at concentrations above Bay Area background levels but below hazardous waste acceptance criteria for non-hazardous waste landfills.

The SMP concluded that soil at the Location B-3 should be disposed of at a non-hazardous waste landfill permitted to accept the waste. All other soil has no restrictions on its use.

Phase I Environmental Site Assessment – Construction Trailer Area

A Phase I environmental site assessment was prepared for the Construction Trailer Area (6120 Liska Lane), in accordance with the ASTM International Standards organization Standard Practice E1527-21, which includes searching regulatory records for hazardous materials sites on and within certain radii around the parcel.[231] As discussed in Section 2.4.3, *Construction Trailer Area*, this parcel would be used for temporary construction trailer offices and parking spaces. The regulatory records search did not identify any hazardous materials issues on the Construction Trailer Area. However, the review of historical aerial photographs indicated that the project site and surrounding area was previously in agricultural land use, which may have included the use of pesticides. As previously discussed, the project applicant conducted soil testing on the campus and determined that pesticides are not present in soil at concentrations above regulatory action levels.

Nearby Hazardous Materials Sites

The Phase I assessment identified two former hazardous materials release sites located just southwest of the project site, as summarized below.

Chevron Service Station

The Chevron service station at 6096 Cottle Road, is located at the northeast corner of Cottle Road and Santa Teresa Boulevard, just southwest of the project site. The Chevron station is a former leaking underground storage tank (LUST) Cleanup Site. In March 1986, a 1,000-gallon waste oil underground storage tank (UST) failed a tank pressure test and was emptied. The UST was removed in May 1988. Three additional gasoline USTs, associated piping and pump islands, and approximately 1,200 cubic yards of soil were removed and disposed offsite at a regulated landfill

[231] Langan Engineering and Environmental Services, Inc., *Phase I Environmental Site Assessment, 6120 Liska Lane, San José, California*, January 29, 2024.

in November 1994. In November 1997, methyl tert-butyl ether (MTBE) was detected in a water supply well located approximately 407 feet northwest of this location. The well was removed from operation in December 1997.

Following additional sampling at this location, a soil vapor extraction and treatment system (SVET) was installed in May 2001 to extract and treat vapors via vapor-phase granular carbon vessels. A groundwater extraction and treatment system (GWET) system was installed at this location to treat groundwater.

The Santa Clara County Department of Environmental Health granted case closure on September 25, 2007. Case closure means the regulatory agency concluded that residual soil and groundwater contamination at this location did not pose a continuing significant threat to groundwater resources, human health, or the environment due to the remedial activity performed.

Former Unocal Service Station

The former Unocal service station at 6211 Santa Teresa Boulevard, is located at the northeast corner of Cottle Road and Santa Teresa Boulevard, southwest of the project site. The Unocal station is a former LUST Cleanup Site. In May 2000, two 10,000-gallon USTs were removed from this location, along with approximately 250 cubic yards of soil. In November 1997, MTBE was detected at 1.5 parts per billion in a supply well approximately 750 feet downgradient of this site. Monitoring wells and exploratory borings were drilled for groundwater plume delineation. A SVET and GWET system were installed at this location. The SVET system stopped operation in March 2002 and the GWET system stopped operation in September 2002. The last groundwater monitoring event was conducted in May 2011.

The Santa Clara County Department of Environmental Health granted case closure on November 2, 2015. Case closure means the regulatory agency concluded that residual soil and groundwater contamination at this location did not pose a continuing significant threat to groundwater resources, human health, or the environment due to the remedial activity performed.

Proximity to Schools

There are no schools located within a 0.25-mile radius of the project site. The nearest school is the Santa Teresa Elementary School located at 6200 Encinal Drive, approximately 0.3 miles southeast of the project site.

Proximity to Airports

There are no airports within two miles of the project site. The nearest airport is the project site is the Reid-Hillview Airport, located approximately 6.2 miles south of the project site.

Wildland Fires

A wildland fire is any non-structure fire that occurs in vegetation or natural fuels. The project site is in a highly urbanized setting with no nearby wildlands. According to the California Department

of Forestry and Fire Protection (CALFIRE) Fire Hazard Severity Zone Maps of Santa Clara County, the project site is not located within or near a very high fire hazard severity zone.[232,233]

3.7.2 Regulatory Framework

Federal

The primary federal agencies with responsibility for managing hazardous materials are U.S. EPA, the U.S. Occupational Safety and Health Administration (OSHA), and the U.S. Department of Transportation (USDOT). **Table 3.7-1** summarizes relevant federal laws, regulations, and responsible agencies. State and local agencies often have either parallel or more stringent rules than federal agencies. In most cases, state law mirrors or overlaps federal law and enforcement of these laws is the responsibility of the state or of a local agency to which enforcement powers are delegated. For these reasons, the requirements of the law and its enforcement are discussed under either the state or local agency section.

TABLE 3.7-1
FEDERAL LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible Federal Agency	Description
Hazardous Materials Management	Community Right-to-Know Act of 1986 (also known as Title III of the Superfund Amendments and Reauthorization Act [SARA])	Imposes requirements to ensure that hazardous materials are properly handled, used, stored, and disposed of and to prevent or mitigate injury to human health or the environment in the event that such materials are accidentally released.
Hazardous Waste Handling	Resource Conservation and Recovery Act of 1976	Under the RCRA, U.S. EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous waste from “cradle to grave.”
	Hazardous and Solid Waste Act	Amended the RCRA in 1984, affirming and extending the “cradle-to-grave” system of regulating hazardous wastes. The amendments specifically prohibit the use of certain techniques for the disposal of some hazardous wastes.
Hazardous Materials Transportation	U.S. Department of Transportation	USDOT has the regulatory responsibility for the safe transportation of hazardous materials. USDOT regulations govern all means of transportation except packages shipped by mail (49 CFR).
	U.S. Postal Service	U.S. Postal Service regulations govern the transportation of hazardous materials shipped by mail.
Occupational Safety	Occupational Safety and Health Act of 1970	OSHA sets standards for safe workplaces and work practices, including the reporting of accidents and occupational injuries (29 CFR 1910).

[232] CAL FIRE, *Santa Clara County, Fire Hazard Severity Zones in SRA*. November 7, 2007.
[233] CAL FIRE, *Santa Clara County, Very High Fire Hazard Severity Zones in LRA*. October 8, 2008.

TABLE 3.7-1
FEDERAL LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible Federal Agency	Description
Radiation Control Law	Radiological Health Branch of the California Department of Public Health	Pursuant to the federal Atomic Energy Act, requiring states to assume responsibility for the use, transport, and disposal of low-level radioactive material and for the protection of the public from radiation hazards, the Radiological Health Branch of the California Department of Public Health administers the Radiation Control Law, which governs the use, transportation, and disposal of radioactive material and radiation-producing equipment. Radioactive material regulations require registration of sources of ionizing radiation, licensing of radioactive material, and protection against radiation exposures. The Radiological Health Branch also regulates the transport of radioactive materials and disposal of radioactive wastes. The regulations specify appropriate use and disposal methods for radioactive substances, as well as worker safety precautions and health monitoring programs. The Radiation Control Law applies to electronic product radiation generated by medical equipment such as diagnostic x-ray or ultrasound imaging devices, microwave or ultrasound diathermy devices, microwave blood warmers or sterilizers, laser coagulators, ultrasound phacoemulsifiers, and x-ray or electron accelerators.
Biosafety Standards	National Institutes of Health and Centers for Disease Control and Prevention, U.S. Department of Health and Human Services	A hazardous biologic material is any potentially harmful biologic material (including infectious agents, oncogenic viruses, and recombinant DNA) or any material contaminated with a potentially harmful biologic material. This includes medical waste generated at hospitals and other medical facilities. The National Institutes of Health and the Centers for Disease Control and Prevention operate under the U.S. Department of Health and Human Services and establish standards for working with biohazardous materials.

ABBREVIATIONS: CFR = Code of Federal Regulations; FAA = Federal Aviation Administration; OSHA = U.S. Occupational Safety and Health Administration; RCRA = Resource Conservation and Recovery Act; USDOT = U.S. Department of Transportation; U.S. EPA = U.S. Environmental Protection Agency

State

The primary state agencies with responsibility for hazardous materials management in the region are DTSC and the San Francisco Bay RWQCB within the California Environmental Protection Agency, as well as the California Occupational Safety and Health Administration (Cal/OSHA), California Department of Public Health, California Highway Patrol (CHP), and California Department of Transportation (Caltrans). **Table 3.7-2** summarizes relevant state laws, regulations, and responsible agencies.

TABLE 3.7-2
STATE LAWS AND REGULATIONS RELATED TO HAZARDOUS MATERIALS MANAGEMENT

Classification	Law or Responsible State Agency	Description
Hazardous Materials Management	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program); CUPA (Health and Safety Code Section 25404 et seq.)	In January 1996, the California Environmental Protection Agency adopted regulations that implemented a Unified Program at the local level. The agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA), which for this location is the Santa Clara County Department of Environmental Health (SCCDEH).
	California Fire Code	The California Fire Code regulates the storage and handling of hazardous materials, including the requirement for secondary containment, separation of incompatible materials, and preparation of spill response procedures.
Hazardous Waste Handling	California Hazardous Materials Release Response Plan and Inventory Law of 1985; CUPA	The California Hazardous Materials Release Response Plan and Inventory Law of 1985 (Business Plan Act) requires that businesses that store hazardous materials on-site prepare a hazardous materials business plan (HMBP) and submit it to the local CUPA, which in this case is the SCCDEH.
	California Hazardous Waste Control Act; DTSC	Under the California Hazardous Waste Control Act, California Health and Safety Code Section 25100 et seq., DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in California. The hazardous waste regulations establish criteria for identifying, packaging, and labeling hazardous wastes; dictate the management of hazardous waste; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous wastes that cannot be disposed of in landfills. DTSC is also the administering agency for the California Hazardous Substance Account Act. California Health and Safety Code Section 25300 et seq., also known as the State Superfund law, provides for the investigation and remediation of hazardous substances pursuant to state law.
Hazardous Materials Transportation	CCR Titles 13, 22, and 26	Regulates the transportation of hazardous waste originating in and passing through the state, including requirements for shipping, containers, and labeling.
	CHP and Caltrans	These two state agencies have primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies.
Occupational Safety	Cal/OSHA	Cal/OSHA has primary responsibility for developing and enforcing workplace safety regulations in California. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those found in Title 29 of the Code of Federal Regulations. Cal/OSHA standards are generally more stringent than federal regulations.
	Cal/OSHA Regulations (CCR Title 8)	These regulations concerning the use of hazardous materials in the workplace require employee safety training, safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.

Classification	Law or Responsible State Agency	Description
California Accidental Release Prevention Program	CCR Title 19, Division 2, Chapter 4.5	The goal of the California Accidental Release Prevention Program is to reduce the likelihood and severity of consequences of any releases of extremely hazardous materials. Any business that handles regulated substances (chemicals that pose a major threat to public health and safety or the environment because they are highly toxic, flammable, or explosive, including ammonia, chlorine gas, hydrogen, nitric acid, and propane) must prepare a risk management plan. The risk management plan is a detailed engineering analysis of the potential accident factors present at a business and the measures that can be implemented to reduce this accident potential. The plan must provide safety information, hazard data, operating procedures, and training and maintenance requirements. The list of regulated substances is found in Article 8, Section 2770.5 of the program regulations.
Construction Storm Water General Permit (Construction General Permit; Order 2022-0057-DWQ, NPDES No. CAS000002)	San Francisco Regional Water Quality Control Board	Dischargers whose project disturbs 1 or more acres of soil or where projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 of more acres, are required to obtain coverage under the NPDES Construction General Permit. Construction activity subject to this permit includes clearing, grading, grubbing, and other disturbances to the ground such as excavation and stockpiling, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of a facility. The Construction General Permit requires the development and implementation of a storm water pollution prevention plan that includes specific best management practices designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The best management practices fall into several categories, including erosion control, sediment control, waste management, and good housekeeping, and are intended to protect surface water quality by preventing the off-site migration of eroded soil and construction-related pollutants from the construction area.
Municipal Separate Storm Sewer System (MS4) Permit NPDES No. CAS612008 and Order No. R2-2022-0018	San Francisco Regional Water Quality Control Board	The Municipal Separate Storm Sewer System permit requires permittees (in this case, the Santa Clara County and participating cities including the City of San José) to reduce pollutants and runoff flows from new development and redevelopment using best management practices to the maximum extent practical. The MS4 permittees developed the stormwater quality design best management practices that describes planning tools and requirements to reduce urban runoff pollution to the maximum extent practicable from new development and redevelopment projects, intended to satisfy the regulatory requirements of the MS4 permit.
Underground Infrastructure	California Code of Regulations Sections 4216–4216.9	Sections 4216–4216.9, “Protection of Underground Infrastructure,” require an excavator to contact a regional notification center (e.g., Underground Services Alert or Dig Alert) at least two days prior to excavation of any subsurface installations. Any utility provider seeking to begin a project that could damage underground infrastructure can call Underground Service Alert, the regional notification center for Northern California. Underground Service Alert will notify the utilities that may have buried lines within 1,000 feet of the project. Representatives of the utilities are then notified and are required to mark the specific location of their facilities within the work area prior to the start of project activities in the area.

Classification	Law or Responsible State Agency	Description
Medical Waste	Medical Waste Management Act	The Medical Waste Management Act (Health and Safety Code Sections 117600–118360) regulates the generation, handling, storage, treatment, and disposal of medical waste. It requires that all hospitals develop and implement a medical waste management plan. The purpose of the plan is to successfully guide the proper handling of medical waste throughout the facility, including storage, transport, and disposal. The law imposes cradle-to-grave tracking and a calibration and monitoring system for on-site treatment. Facilities that treat medical waste must obtain permits to do so and are subject to annual audits.
Health Care Facility Licensing	California Department of Public Health Services Licensing	The Centralized Applications Branch of California Department of Environmental Health (CDPH) provides standardization and consistency of state licensing and federal certification through the application process. Health care facilities and providers submit an application, an analyst validates that all required forms and supporting documents are received, and fees are paid; then the Central Applications Branch makes a determination to approve or deny the application based on the information contained in the application and its compliance with state and federal requirements. Among these requirements, the applicant is required to prepare facility-specific emergency evacuation and shelter in place procedures. Within CDPH, the Radiological Health Branch administers federal and state radiation safety laws that govern the storage, use, and transportation of radioactive materials and the disposal of radioactive waste, including the Radiation Control Law, Radiologic Technology Act, and Nuclear Medicine Technology Certification, through the implementing regulations contained in CCR Title 17. To obtain a California radioactive material license, an applicant must complete a detailed application that requires a description of plans for decontamination and decommissioning, including identification of transfer or disposal procedures taken before decommissioning and any necessary surveys. To maintain a radioactive materials license, an institution must meet training and radiation safety requirements and be subject to routine inspections.

Regional and Local

Certified Unified Program Agency Program

The Certified Unified Program Agency (CUPA) program was created by Senate Bill 1082 (1993) to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for several environmental and emergency management programs. The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The following six programs are administered locally under the state's Unified Program:

- Hazardous Waste Generator Program and Hazardous Waste On-Site Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers—Health and Safety Code Division 20, Chapter 6.5, and 22 CCR Division 4.5.
- Aboveground Storage Tank Program Spill Prevention Control and Countermeasure Plan requirements—Health and Safety Code Section 25270.5(c).

- UST Program—Health and Safety Code Division 20, Chapter 6.7, and 23 CCR Chapters 16 and 17.
- Hazardous Materials Release Response Plans and Inventory Program—Health and Safety Code Division 20, Chapter 6.95, Article 1, and 19 CCR Sections 2620–2734.
- California Accidental Release Prevention (CalARP) program—Health and Safety Code Division 20, Chapter 6.95, Article 2, and 19 CCR Sections 2735.1 through 2785.1.
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement requirements—California Fire Code, Sections 2701.5.1 and 2701.5.2.

The SCCDEH is the CUPA for the City of San José. Although not included in the CUPA program, San José Fire Department (SJFD) also administers a local Hazardous Materials Storage Ordinance (San José Municipal Code Chapter 17.68), which is discussed further below.

County of Santa Clara Hazardous Materials Compliance Division

The County of Santa Clara Hazardous Materials Compliance Division (CSCHMCD) 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.

City of San José Emergency Operations Plan (Municipal Code Section 8.08.030)

The Office of Emergency Management is the lead agency for the City of San José under the Standardized Emergency Management System, the purpose of which is to prepare the City to respond efficiently and effectively to emergencies that threaten life, property, or the environment. The Office of Emergency Management administers and operates the Emergency Operations Center (EOC), from which centralized emergency management can be conducted. The EOC is

activated by an on-call City OES coordinator in the event of an emergency. Under such conditions, the EOC supports and coordinates emergency response and recovery operations; coordinates and works with other appropriate federal, state, and other local government agencies; and prepares and disseminates emergency public information, among other responsibilities.

The City of San José adopted the current Emergency Operations Plan in 2019.[234] The plan is an extension of the state's California Emergency Plan, and provides tasks, policies, and procedures for managing multi-agency and multi-jurisdictional emergency operations, public information functions, and resource management. The Emergency Operations Plan identifies a number of potential threats based on a hazard analysis, including earthquakes, wildland urban/interface fire, extreme weather, public health emergency, technological and resource emergency, hazardous material incident, terrorism, floods, and landslides.

The SJFD Hazardous Incident Team's emergency response unit responds to emergency calls related to hazardous materials in the city. The San José Police Department and San José Public Works Department also provide support. Along with the City's response capabilities, other responders or responsible agencies may include the CHP, Caltrans, the San Francisco Bay Regional Water Quality Control Board, Valley Water, BAAQMD, DTSC, and the California Department of Fish and Wildlife. The California Governor's Office of Emergency Services' California State Warning Center also must be notified of all significant releases or threatened releases of a hazardous material, including oil and radioactive materials.

Regulations Applicable to Hazardous Building Materials

From the above-listed regulations, the use and removal of hazardous building materials is subject to the following regulations specific to the demolition and renovation of structures.

Asbestos-Containing Material (ACM)

Asbestos, a naturally occurring fibrous material, was used as a fireproofing and insulating agent in building construction before such uses were terminated due to liability concerns in the late 1970s. State-level agencies, in conjunction with the U.S. EPA and OSHA, regulate removal, abatement, and transport procedures for ACM. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, the Bay Area Air Quality Management District (BAAQMD) must be notified prior to the onset of demolition or construction activities with the potential to release asbestos. The following regulations apply to the removal and disposal of ACM: Code of Federal Regulations (CFR) Title 40, Part 61, Subpart M (Asbestos National Emission Standards for Hazardous Air Pollutants [NESHAP]); California Code of Regulations (CCR) Title 8, Sections 1529 and 5208; and BAAQMD Regulation 11, Rule 2. BAAQMD Rule 2 provides detailed requirements for the definition of materials that qualify as ACM, qualifications for ACM contractors, and procedures for testing, containment, removal, and disposal.

[234] City of San José, *Emergency Operations Plan, Base Plan*. February 2019.

Lead-Based Paint (LBP)

Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils around buildings and structures painted with LBP. Old peeling paint can contaminate near surface soil, and exposure to residual lead can have adverse health effects, especially in children. Cal/OSHA's Lead in Construction Standard is contained in CCR Title 8, Section 1532.1. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection; employee information, training, and certification; signage; record keeping; monitoring; and agency notification. The following regulations apply to the removal and disposal of LBP: Title IV, Toxic Substances Control Act, Sections 402, 403, and 404; Title 8 CCR Section 1532.1; and BAAQMD Regulation 11, Rule 1. In addition, the California Department of Public Health (CDPH) requires that LBP removal actions prepare and submit CDPH Form 8551: Abatement of Lead Hazards Notification and CDPH Form 8552: Lead Hazard Evaluation Report to the CDPH.

Polychlorinated Biphenyls

PCBs are mixtures of 200-plus individual chlorinated compounds (known as congeners).[235] PCBs were used in many applications such as coolants and lubricants in transformers, capacitors, and other electrical equipment. The manufacture of PCBs ended in the U.S. in the late 1970s because they can cause harmful effects to human health and the environment. PCBs can be found in sources such as electrical transformers, fluorescent light ballasts and electrical devices with PCB capacitors, hydraulic oils, and building materials. PCBs are toxic, highly persistent in the environment, and bioaccumulate. There are no known natural sources of PCBs.

The U.S. EPA prohibited the use of PCBs in the majority of new electrical equipment and fluorescent light ballasts starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment.[236] The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed of accordingly. At lower concentrations for non-liquids, the RWQCB may exercise discretion over the classification of such wastes. The following regulations apply to the removal and disposal of PCBs: Resource Conservation and Recovery Act: 4 CFR 761; Toxic Substances Control Act: U.S. Code Title 15, Section 2695; and 22 CCR Section 66261.24. In addition, Burlingame Municipal Code, Chapter 15.15 regulates the management of PCBs during building demolition.

[235] Department of Toxic Substance Control (DTSC), 2022. *Polychlorinated Biphenyl (PCB) Evaluation Quick Reference Guide*.

[236] U.S. EPA, 2023. *Policy and Guidance for Polychlorinated Biphenyl (PCBs).* December 23, 2023.

Mercury

Mercury may be present in mercury switches and compact fluorescent light bulbs (CFLs) and other tubes.[237,238] A mercury switch is an electrical switch that opens and closes a circuit when a small amount of the liquid metal mercury connects metal electrodes to close the circuit. Since mercury is a toxic heavy metal, devices containing mercury switches must be treated as hazardous waste for disposal. Because of current regulations, most modern applications have eliminated mercury in switches. In the United States, the U.S. EPA regulates the disposition and release of mercury. Individual states and localities may enact further regulations on the use or disposition of mercury. The following regulations apply to the removal and disposal of mercury switches: 22 CCR Sections 66262.11, 66273 et seq., and 67426.1 through 67428.1.

Universal Waste

Universal waste is hazardous waste that has less stringent requirements for management and disposal. Common examples of universal waste include televisions, computers, computer monitors, batteries, and fluorescent lamps. Universal wastes are hazardous upon disposal but pose a lower risk to people and the environment than other hazardous wastes. State and federal regulations identify which unwanted products are universal wastes and provide simple rules for handling and recycling of them. Universal waste must be disposed of in accordance with the DTSC Universal Waste Rule.[239] These regulations are found in the CCR, Title 22, Division 4.5, Chapter 23. Universal wastes, including those that contain mercury, must either be sent directly to an authorized recycling facility or to a universal waste consolidator for shipment to an authorized recycling facility. If the wastes are not to be recycled, then the waste must be managed as hazardous waste rather than as universal waste. This includes notifying DTSC, using a manifest and a registered hazardous waste hauler, complying with shorter accumulation times, and shipping only to an authorized hazardous waste disposal facility.

Envision San José 2040 General Plan Policies

The City has adopted various policies in the *Envision San José 2040 General Plan* to reduce or avoid impacts related to hazards and hazardous materials. The following goals, policies, and actions are relevant to the project:

Hazardous Materials

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,

[237] DTSC, 2005. *DTSC - How to Handle Mercury Switches in Major Appliances Fact Sheet*. March.
[238] DTSC, 2010. *DTSC Universal Waste Fact Sheet*. January.
[239] Ibid.

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.

Environmental Contamination

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-7.3: Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

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-paint and asbestos containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5: On 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: Where 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 hazardous 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: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Emergency Management

Goal ES-4—Emergency Management. Promote community safety through planning, preparedness, and emergency response to natural and human-made disasters. Strive to protect the community from injury and damage resulting from natural catastrophes and other hazard conditions. Use emergency management planning to mitigate the effects of emergency situations.

Policy ES-4.2: Provide for continued essential emergency public services during and following natural or human-made disasters to mitigate their impacts and to help prevent

major problems during post-disaster response such as evacuations, rescues, large numbers of injuries, and major cleanup operations.

City of San José Municipal Code

Chapter 17.68: Hazardous Materials Storage Permit

This code describes the requirements for the storage of hazardous materials, which include acquiring a storage permit, developing and submitting a Hazardous Materials Management Plan, and complying with requirements for storage, transportation, monitoring and inspection, and secondary containment. The plan must contain information on responsible parties, a facility description, a facility storage map, a description of the name and quantity of all hazardous materials, and a description of separation and protection methods for stored hazardous materials, monitoring methods, and recordkeeping procedures. The Hazardous Materials Management Plan must include an emergency response plan that describes emergency equipment availability, testing, and maintenance.

City of San José Building Codes

The California Building Standards Commission updates the state building codes (CCR Title 24) every three years. The 2022 codes became applicable to all building permit applications made on or after July 1, 2023. The City of San José has adopted the 2022 California Building Codes. The updated codes adopted by the City are:

- 2022 California Building Code—CCR Title 24, Part 2
- 2022 California Electrical Code—CCR Title 24, Part 3
- 2022 California Mechanical Code—CCR Title 24, Part 4
- 2022 California Plumbing Code—CCR Title 24, Part 5

City of San José Fire Code

The San José Fire Code adopted the 2022 California Fire Code, subject to certain deletions, amendments, exceptions, and additions that are specified in the City code. The revisions focus mostly on adding details to building and fire access requirements, and to the storage, dispensing, handling, and use of regulated materials. Possible hazards involving toxic air contaminants are discussed in Section 3.1, *Air Quality*, of this EIR.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's hazards and hazardous materials impacts are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address impacts related to hazards and hazardous materials. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

SPC HA-1: Asbestos and Lead-Based Paint.

– 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 asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- 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), Section 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.
- 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, Section 1529, to protect workers from asbestos exposure.
- 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.
- 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.

3.7.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a hazardous and hazardous materials impact would be significant if implementation of the project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 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;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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;
- 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;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Approach to Analysis

The analysis of hazards and hazardous materials impacts is based on the project, including the Hospital Replacement and Future Campus Improvements, as described in Chapter 2, *Project Description*. Information about hazards and hazardous materials affecting the project site was derived from various sources and compiled in this section to develop a comprehensive understanding of the potential constraints and hazards of construction (including demolition of existing on-site structures) and long-term operation of the project. Information sources include the cited assessment, investigation, and cleanup reports provided by the project applicant and the results of regulatory agency database searches.

The project would be extensively regulated with respect to hazards and hazardous materials by the various laws, regulations, and policies summarized in Section 3.7.2, *Regulatory Framework*. This analysis assumes that the project would comply with applicable federal, state, and local laws and regulations. State and local agencies would be expected to continue to enforce applicable requirements to the extent that they do so now. Note that compliance with many of the regulations is a standard condition of permit approval.

A significant impact would be determined to occur if, based on the features described in Chapter 2, *Project Description*, and after compliance with regulatory requirements, the project would still meet any of the criteria for a significant impact. For impacts considered to be significant, mitigation measures are proposed to reduce the identified impacts.

Possible hazards involving toxic air contaminants are discussed in Chapter 3, Section 3.1, *Air Quality*, of this EIR. Possible hazards relative to water quality are also discussed in Chapter 3, Section 3.8, *Hydrology and Water Quality*.

Criteria with No Impact or Not Applicable

There would be no impact related to the following criteria for the reasons provided below; therefore, no impact discussion is provided for these criteria.

- **Hazardous materials in proximity to schools:** There are no schools located within one-quarter mile of the project site. As discussed in Chapter 3, Section 3.7.1, *Environmental Setting*, *Proximity to Schools*, the nearest school is Santa Teresa Elementary School located at 6200 Encinal Drive, approximately one-third mile southeast of the project site. Therefore, there would be no impact relative to the project emitting hazardous emission handling hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school and this topic will not be evaluated further in this section.
- **Location on a hazardous materials release site:** The project is not located on a hazardous materials release site, as discussed in Chapter 3, Section 3.7.1, *Environmental Setting, Cortese List*. Therefore, there would be no impact relative to the project being located on a hazardous materials release site and this topic will not be evaluated further in this section.
- **Hazardous materials in proximity to airports:** There are no airports located within 2 miles of the project site. As discussed in Chapter 3, Section 3.7.1, *Environmental Setting*, *Proximity to Airports*, the nearest airport is the Reid-Hillview Airport, located approximately 6.2 miles south of the project site. Therefore, there would be no impact

relative to the project being located within 2 miles of an airport and this topic will not be evaluated further in this section.

- **Risk involving wildland fire:** The project site is in a highly urbanized setting and is not located within or near a fire hazard severity zone, as discussed in Chapter 3, Section 3.7.1, *Environmental Setting, Wildland Fires*. Therefore, there would be no impact relative to the project exposing people or structures to risks involving wildland fires, and this topic will not be evaluated further in this section.

Impact Analysis

Hazardous and Hazardous Materials

Impact HA-1: The project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or the reasonably foreseeable upset and accident conditions involving hazardous materials. ***(Less than Significant with Mitigation)***

Demolition

The proposed project includes the demolition and removal of certain existing buildings on the project site. As discussed in Section 3.7.1, *Environmental Setting*, the existing buildings predate the late 1970s regulatory bans on the use of hazardous building materials, such as ACM, LBP, PCBs, and mercury. Although testing for hazardous materials building materials has not yet been conducted, it is assumed that some of the building materials may contain ACM, LBP, PBCs, and/or mercury. In addition, the project would also remove the existing diesel UST that supplies the emergency generators. Demolition and removal of the existing buildings and structures could expose construction workers and the environment to hazardous building materials if not managed appropriately.

As described in Section 3.7.2, *Regulatory Framework*, the testing, handling, removal, and disposal of hazardous building materials would be conducted in accordance with existing federal, State, and local regulations. Demolition activities that may disturb or require the removal of hazardous building materials must be inspected and/or tested for the presence of hazardous building materials. If present at concentrations above regulatory action levels, hazardous building materials must be managed and disposed of in accordance with the existing laws and regulations described in Section 3.7.2, *Regulatory Framework*. The project would be required to comply with the SPC HA-1 regarding the abatement of ACM and/or LBP. Compliance with SPC HA-1 would require testing of suspect materials prior to demolition activities, removal by state-certified ACM and/or LBP removal contractors, containerization of ACM and/or LBP to prevent exposure of workers or the public, and compliance with BAAQMD requirements. For further information see Section 3.1, *Air Quality*.

As described in Section 3.7.2, *Regulatory Framework, Certified Unified Program Agency Program, the CSCHMCD regulates the closure and removal of* storage of USTs. The proposed project would remove the existing diesel UST that supplies the emergency generators. This removal would require a UST removal permit from the CSCHMCD, and removal conducted in compliance with applicable CSCHMCD regulations. For removal, the contents of the UST would be removed, the interior space of the UST would be rendered inert with a non-flammable gas (e.g., nitrogen or carbon dioxide), the UST would be removed and cut into pieces, sent to a

recycling facility permitted to recycle USTs. In the event that a leak is discovered, the site would undergo required investigation and, if needed, cleanup under the jurisdiction of the CSCHMCD and Regional Water Quality Control Board (RWQCB). Cleanup would continue until regulatory action levels have been achieved and the overseeing regulatory agency concludes that the site no longer poses a risk to people or the environment.

The required compliance with the numerous laws and regulations that govern the transportation, use, handling, and disposal of hazardous building materials and the closure of USTs would reduce the potential to create hazardous conditions due to the use or accidental release of hazardous materials and would render this impact **less than significant**.

Excavation

As discussed above in Section 3.7.1, *Environmental Setting*, the project site and surrounding area were previously in agricultural use. The previous agricultural land use may have included the use of pesticides. The soil testing conducted for the SMP described above in Section 3.7.1, *Environment Setting, Soil Management Plan*, revealed that the project site does not have pesticides or any other chemicals at concentrations above ESLs except for one location. The soil testing identified one location that would be under the western portion of the proposed hospital building at 2 feet below grade where the concentration of cobalt exceeds the residential ESL. Soil at this location would be disposed of at an offsite licensed landfill permitted to accept this non-hazardous waste. All other soils in the southwestern quadrant of the project site (Hospital Replacement area) would have unrestricted use.

Given the documented agricultural land use and the detection of some chemicals at low levels, excavation activities on other portions of the project site may encounter soil with residual levels of pesticides or metals at concentrations above regulatory action levels, which could adversely affect construction workers, the public, and the environment, and would be a significant impact. The SMP also describes that additional soil testing would be conducted during excavation activities in other areas of the project site to characterize soil and determine the appropriate soil management and, if necessary, disposal procedures. Implementation of the SMP as **Mitigation Measure HA-1, Soil Management Plan**, would reduce the impact to a less-than-significant level.

Construction

During the construction phase, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Construction activities would be required to comply with numerous hazardous materials regulations described in in Section 3.7.2, *Regulatory Framework*, designed to ensure that hazardous materials would be transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving

water bodies. Contractors would be required to prepare and implement HMBPs that would require that hazardous materials used for construction would be used properly and stored in appropriate containers with secondary containment to contain a potential release. The California Fire Code also requires measures for the safe storage and handling of hazardous materials.

As indicated above, and as summarized in Section 4.8.2, and described in more detail in in Section 3.5, *Geology and Soils*, construction contractors would be required to prepare a SWPPP for construction activities that would list the hazardous materials proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe BMPs for controlling site runoff.

In addition, the transportation of hazardous materials would be regulated by the USDOT, Caltrans, and the CHP. Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

Finally, in the event of an accidental spill that could release hazardous materials, a coordinated response would occur at the federal, state, and local levels, including, but not limited to, the local fire department, to respond to and assess the situation, as needed.

The required compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials and would render this impact **less than significant**.

Operation

The operation of hospitals and medical facilities that use, create, or dispose of hazardous materials is regulated and monitored under various federal, state, and local regulations that provide protection to the public and the environment from hazardous materials. The California Environmental Protection Agency oversees the regulation and management of hazardous materials on a statewide level through the DTSC. The use of hazardous materials requires permits and monitoring through the local CUPA to avoid a hazardous waste release. The HMBP required by the CUPA would describe the chemicals stored and used at the facility, along with a written spill response plan. The RCRA, CCR Title 22, and the Hazardous Waste Control Act regulate the generation, transport, treatment, storage, and disposal of hazardous waste. The SCCDEH medical waste programs ensure health and safety protection for health care facility personnel and the public by minimizing or eliminating exposure to biohazardous wastes that contain pathogenic organisms and sharps. These laws impose regulatory systems for handling hazardous waste in a manner that protects human health and the environment, including requirements for the classification of materials, packaging, and hazard communication.

The project applicant would be required to prepare and submit a HMBP pursuant to the Hazardous Materials Release Response and Inventory Law. The facility would prepare a risk management plan consistent with the California Accidental Release Prevention Program. Plans

for materials storage would be consistent with California Fire Code regulations for hazardous materials management and would be subject to review by SCCDEH. Materials would be handled in accordance with Cal/OSHA regulations.

In addition, the storage and transport of hazardous materials would be regulated by General Plan Goals EC-6 and EC-7, and Municipal Code Chapter 17.68, *Hazardous Materials Storage Permit*. The hospital would also be listed in U.S. EPA's database of facilities that generate, store, or transport hazardous waste pursuant to the RCRA. SCCDEH would monitor the proper use, storage, and transport of potentially hazardous materials. Materials storage would follow appropriate regulations for labeling and secondary containment. Hazardous wastes would be collected in designated accumulation areas.

The transport and disposal of medical wastes generated at the hospital and medical offices would be regulated under the California Medical Waste Management Program, which includes requirements for facilities that generate large quantities of medical waste, waste haulers, containment and storage of medical waste, and enforcement. These requirements include establishing separate waste collection areas and following labeling requirements. Radioactive materials at the medical center campus would be managed under a radioactive-material license issued by the Radiologic Health Branch of California Department of Public Health. The hospital and medical offices would obtain a medical waste permit as a large-quantity medical waste generator with on-site treatment as part of the regulated medical waste management program overseen by SCCDEH. The hospital and medical offices would also be subject to California licensing requirements under the Radiation Control Law and Bio Safety Standards. In addition, the City would enforce the General Plan and City Code through conditions of approval for the project.

Compliance with these regulations would reduce the potential for exposure during routine use and an accidental release of hazardous materials during future operation and would minimize both the frequency and the magnitude if such a release occurs. With enforcement of existing hazardous materials regulations and the application of relevant regulatory policies and code requirements as conditions of approval, the project would be constructed and operated with proper transport, storage, use, and disposal of hazardous materials and the impact would be **less than significant**.

Mitigation Measures:

Mitigation Measure HA-1: Soil Management Plan

Prior to excavation activities outside of the southwest quadrant of the project site (Hospital Replacement area), the project applicant shall implement the soil management plan (SMP). The SMP provides procedures for identifying the number of required samples, laboratory testing procedures, and procedures for disposal of soil with concentrations of chemicals above regulatory action levels. The samples shall be analyzed for the following parameters using the cited test methods:

- Total petroleum hydrocarbons as gasoline, diesel, and motor oil by EPA Method 8021/8015
- Volatile organic compounds (VOCs) by EPA Method 8260
- Semi-volatile organic compounds (SVOCs) by EPA Method 8270

- Organochlorine pesticides (OCPs) by EPA Method 8081
- Polychlorinated biphenyls (PCBs) by EPA Method 8082
- California Assessment Manual (CAM) 17 metals by EPA Method 6020
- Leaking Underground Fuel Tanks (LUFT) 5 heavy metals by EPA Method 6020
- Percent moisture by EPA Method 8000
- Asbestos by California Air Resource Board (CARB) by Method 435

Results of the SMP testing shall be provided to the City of San José Planning, Building, and Code Enforcement Supervising Planner, and the Environmental Services Department Municipal Compliance Officer.

If the SMP results indicate soil contamination above the applicable regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or Santa Clara County Department of Environment Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.

Significance after Mitigation: Implementation of Mitigation Measure HA-1 would reduce impacts related excavated soils by requiring implementation of the SMP and implementing remedial measures and/or soil management practices if the tested soils contain residual levels of chemicals at concentrations above regulatory levels. This impact would be **less than significant with mitigation**.

Impact HA-2: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. ***(Less than Significant)***

Construction

Project construction activities would occur mostly within the footprint of the project site, with the exception of the transportation of workers, equipment, and materials; and utility improvements on adjacent streets (described in Chapter 2, Section 2.4, *Utilities and Infrastructure*). Construction equipment and materials would enter and exit the project site via existing public roads. The temporary increases in construction traffic and potential temporary closures of nearby roads could interfere with emergency services traffic in the project vicinity.

The City of San José would require the preparation and implementation of construction traffic plan as condition of construction and building permits, including the encroachment permit (refer to Chapter 3, Section 3.13, *Transportation*, for further discussion). The construction traffic plan would manage the movement of vehicles, including those transporting hazardous materials, on roads. Although construction activities may result in temporary single-lane closures, these activities would not require the complete closure of streets. Therefore, emergency access would be maintained.

With implementation of the required construction traffic plan, the volume and timing of construction traffic would be managed to avoid adversely affecting the level of service on nearby

roads. The impact of the project relative to emergency response or evacuation plans would be **less than significant**.

Mitigation: None required.

Operation

The project's increase of the size of the hospital would increase the daily population at the project site, including from increases of employees and hospital patients. Adequate emergency response and evacuation plans would be needed to serve the project in the event of a large natural or man-made emergency.

As discussed in Section 3.7.2, *Regulatory Framework, City of San José Emergency Operations Plan*, the City of San José adopted the Emergency Operations Plan, an extension of the state's California Emergency Plan. Under this plan, the City has established policies and procedures to respond to a variety of emergencies. In addition, the City participates in the Association of Bay Area Governments' Local Hazard Mitigation Plan, *Taming Natural Disasters*. These plans have established policies and procedures for responding to earthquakes, fires, extreme weather, public health emergencies, technological and resource emergencies, hazardous materials incidents, terrorism, floods, and landslides.

As discussed in Chapter 3, Section 3.12, *Public Services and Recreation*, new development on the project site would be reviewed by the SJFD to ensure that the street system serving the proposed land uses would accommodate emergency response and evacuation. In addition, as discussed in Section 3.13, *Transportation*, the project would include a program for managing traffic and minimizing congestion on and surrounding the project site during construction activities.

As discussed in Impact TR-4 in Chapter 3, Section 3.13, *Transportation*, street access to the hospital would need to comply with the City of San José's *Complete Streets Design & Guidelines*, which include design specifications that consider emergency vehicle access requirements. All street access would be designed in accordance with City policies, would provide adequate emergency vehicle access, and would not impede emergency vehicle access to the project site and surrounding area.

Finally, California Fire Code Chapter 10, *Means of Egress*, requires that all habitable structures—hospitals—comply with all relevant sections of the Fire Code, which includes designing structures to enable ingress and egress during fires and other emergencies. The code includes design for ingress and egress, emergency escape routes, exit design requirements, and lighting.

The project and existing emergency response requirements are sufficient to ensure that the impact of the project related to possible impairment or implementation of any emergency response or evacuation plans would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

Hazardous and Hazardous Materials

This section analyzes the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts.

As discussed previously, the project would have no impact with respect to being listed on the Cortese List of hazardous materials release sites, being located near schools, being located within 2 miles of an airport or airstrip or being located in a fire hazard severity zone or area susceptible to wildland fires. Accordingly, the project could not contribute to cumulative impacts related to these topics, which are not discussed further.

The geographic area affected by the project and its potential to contribute to cumulative impacts vary based on the environmental resource under consideration. The geographic scope of the analysis for cumulative hazardous materials impacts encompasses and is limited to the project site and its immediately adjacent area. Impacts related to hazardous materials are generally site-specific and depend on the nature and extent of the hazardous materials release, and on existing and future soil and groundwater conditions. For example, most hazardous materials incidents tend to be limited to a smaller, more localized area surrounding the immediate spill location and extent of the release and could be cumulative only if two or more hazardous materials releases were to spatially overlap.

The timeframe during which the project could contribute to cumulative hazards and hazardous materials effects includes the construction and operational phases. For the project, the operational phase is relatively permanent. However, similar to the geographic limitations discussed above, it should be noted that impacts related to hazardous materials are generally time-specific. Hazardous materials events could be cumulative only if two or more hazardous materials releases were to occur at the same time and overlap at the same location.

A significant cumulative impact related to hazards and hazardous materials could occur if the incremental impacts of the project were to combine with the incremental impacts of one or more of the cumulative projects identified in Table 3-1 and Figure 3-1 in Chapter 3, *Environmental Setting, Impacts, and Mitigation, Cumulative Impacts*, to substantially increase cumulative impacts.

Impact C-HA-1: The project, when combined with cumulative projects, would not result in significant cumulative impacts on hazards and hazardous materials. ***(Less than Significant)***

Cumulative Impacts during Project Construction

Significant cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the project combined with the incremental impacts of one or more of the cumulative projects to substantially increase risk that people or the environment would be exposed to hazardous materials. As listed and shown, the only cumulative project adjacent to the project site (located approximately 35 feet to the north) would be the Cottle Road VTA Tiny

Homes project (Cumulative Project 2 on Table 3-1 and Figure 3-1). All other cumulative projects are more than 0.25 mile away.

The construction activities for all cumulative projects would be subject to the same regulatory requirements discussed for the project for compliance with existing hazardous materials regulations, including spill response during construction and being located on sites with residual contamination from previous land uses. Cumulative projects that have spills of hazardous materials and/or residual contamination from previous land uses would be required to remediate their respective sites to the same established regulatory standards as the project. This would be the case regardless of the number, frequency, or size of the release(s). The responsible party associated with each spill would be required to remediate site conditions to the same established regulatory standards. The residual less-than-significant effects of the project that would remain after mitigation would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific, would not spatially overlap, and would be below regulatory standards. Accordingly, the project in combination with cumulative projects would not result in a significant cumulative impact; therefore, the cumulative impact with respect to hazardous materials would be less than significant.

Construction for two or more projects that occur at the same time and use the same roads could cause interference with emergency access. However, all construction sites (i.e., the project site and cumulative project sites) that could cause lane closures would be required to apply for a City Encroachment Permit, which would require the preparation and implementation of a Traffic Control Plan that would manage the movement of vehicles to maintain traffic flow and prevent interference with emergency access. With the implementation of traffic control plans, the project in combination with cumulative projects would not result in a cumulative impact with respect to emergency response or evacuation; therefore, the cumulative impact would be **less than significant**.

Mitigation: None required.

Cumulative Impacts during Project Operations

Significant cumulative impacts related to operational hazards could occur if the incremental impacts of the project combined with those of one or more of the cumulative projects were to cause a substantial increase in risk that people or the environment would be exposed to hazardous materials used or encountered during the operations phase.

Similar to the project, it is assumed that operations for some cumulative projects would store, use, and dispose of variable quantities of hazardous materials. Similar to the project, cumulative projects would also be required to comply with all of the same hazardous materials regulatory requirements as detailed under Section 3.7.2, *Regulatory Framework*, which includes the storage, use, and disposal of hazardous materials and waste. Cumulative projects would be required to comply with existing federal and state regulations, which would minimize the potential for adverse health effects related to hazardous materials and waste. Therefore, the project in combination with cumulative projects would not result in a significant cumulative impact with respect to the use of hazardous materials; therefore, the cumulative impact would be less than significant.

As with the project, cumulative projects would also be required to comply with transportation and traffic requirements that require the operations of projects do not interfere with emergency access and emergency vehicles Therefore, the project in combination with cumulative projects would not result in a significant cumulative impact with respect to emergency response or evacuation; therefore, the cumulative impact would be **less than significant**.

Mitigation: None required.

3.8 Hydrology and Water Quality

This section describes existing hydrology and water quality in the project area, including wastewater and stormwater management, existing and future flooding, groundwater conditions, and the existing regulatory framework governing these topics. The impact assessment includes an evaluation of water quality issues related to construction activities as well as operation of the project, including the Hospital Replacement and Future Campus Improvements.

3.8.1 Environmental Setting

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. Santa Clara County's climate is temperate, with mean annual precipitation of 11.8 inches and mean annual temperatures ranging from a high of 82 degrees to a low of 42 degrees Fahrenheit.[240]

The project site drains to Canoas Creek, tributary to the Guadalupe River within the Guadalupe Watershed in southern San José. 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.[241]

Canoas Creek drains an approximately 18.6 square mile area within the Guadalupe Watershed. Peak flows in Canoas Creek near the confluence with the Guadalupe River generally range from 1,990 to 2,500 cubic feet per second.[242]

Groundwater Hydrology

The project site is located within the Santa Clara Groundwater Basin, Santa Clara subbasin (2.9-02), which is identified as a high priority basin under the Sustainable Groundwater Management Act (SGMA). Recharge within the Santa Clara subbasin generally occurs along the valley

[240] National Oceanic and Atmospheric Association (NOAA), AgACIS for Santa Clara County, 2023. Available: agacis.rcc-acis.org/. Accessed March 24, 2023.

[241] Santa Clara Valley Urban Runoff Pollution Prevention Program, *Santa Clara Basin Stormwater Resource Plan*. Final, August 2019.

[242] Federal Emergency Management Agency (FEMA), *Flood Insurance Study Santa Clara County, California and Incorporated Areas, Volume 2 of 4*. Revised February 19, 2014. Flood Insurance Study Number 06085CV002B.

margins and southern edge of the basin, such as the project area, where coarse-grained sediments predominate the subsurface geology.[243]

Annual countywide water use in Santa Clara County averaged about 315,600 acre-feet between 2010 and 2019, of which approximately 45 percent is provided from local groundwater.[244] Shallow aquifer zones, within approximately 150 feet of the ground surface, generally are not used for water supply. The primary confined aquifers exist at depths between 200 and 1,000 feet.[245] The depth to first groundwater in the project area is likely between 20 and 50 feet below ground surface.[246] Groundwater movement generally follows topographical and surface water patterns, flowing to the north/northwest toward the interior of the subbasin and San Francisco Bay.[247]

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. Additional discussion of water quality is provided in Section 3.8.2, *Regulatory Framework*.

Flooding

According to flood zone mapping compiled by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), the project area is mapped Zone D, classified as an area of undetermined but possible flood hazard that is outside the 100-year flood plain.[248] There are no City floodplain requirements for Zone D.

Dam Inundation

Based on the Valley Water dam failure inundation maps, the project site is located within the Leroy Anderson Reservoir failure inundation hazard zone.[249]

3.8.2 Regulatory Framework

Federal and State

Clean Water Act

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (U.S. EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation's waters by implementing water quality regulations. Multiple sections of the CWA apply to activities near or within surface or groundwater.

[243] Santa Clara Valley Water District (Valley Water), *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, November 2021.

[244] Ibid.

[245] Ibid.

[246] Ibid.

[247] Ibid.

[248] Federal Emergency Management Agency, National Flood Hazard Layer FIRMette generated showing data from Flood Insurance Rate Map 06085C0406H, effective May 18, 2009.

[249] Valley Water, *Leroy Anderson Dam Flood Inundation Maps*, April 2016. Available at www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf.

Section 402(p) of the CWA regulates discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) Program, a nationwide surface water discharge permit program for municipal and industrial point sources. In California, NPDES permitting authority is delegated to and administered by the nine RWQCBs. Under Section 402, the San Francisco Bay RWQCB has set standard conditions for each permittee in the Bay Area, including effluent limitation and monitoring programs. In addition to their responsibility to issue and enforce compliance with NPDES permits, the RWQCBs are responsible for preparation and revision of the relevant regional Water Quality Control Plan, also known as the Basin Plan (discussed further below).

Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are "impaired" (i.e., do not meet one or more of the water quality standards established by the State, even after point sources of pollution have been equipped with the minimum required levels of pollution control technology). U.S. EPA must approve the 303(d) List before it is considered final. Inclusion of a water body on the Section 303(d) List of Impaired Water Bodies triggers development of a Total Maximum Daily Load (TMDL) for that water body and a plan to control the associated pollutant/stressor on the list. The TMDL is the maximum amount of a pollutant/stressor that a water body can assimilate and still meet the water quality standards. Typically, a TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources.

Once a water body is placed on the 303(d) List of Water Quality Limited Segments, it remains on the list until a TMDL is adopted and the water quality standards are attained or there are sufficient data to demonstrate that water quality standards have been met and delisting should take place.

Federal Antidegradation Policy

The federal Antidegradation Policy, established in 1968 under Section 303 of the Clean Water Act, is designed to protect existing uses, water quality, and national water resources. Implementation of antidegradation by the states is based on a set of procedures to be followed when evaluating activities that may impact the quality of the waters of the U.S. Antidegradation implementation is an integral component of a comprehensive approach to protecting and enhancing water quality of both surface water and groundwater.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) provides the basis for water quality regulation within California and defines water quality objectives as the limits or levels of water constituents that are established for reasonable protection of beneficial uses. The State Water Resources control board administers water rights, water pollution control, and water quality functions throughout California, while the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB) conducts planning, permitting and enforcement activities. The Porter-Cologne Act requires the RWQCB to establish a regional basin plan with objectives for achieving and maintaining water quality, while acknowledging that water quality changes to some degree without unreasonably affecting beneficial uses. Changes in water quality are allowed if the change is consistent with the maximum beneficial use of the state, does not unreasonably affect the present or anticipated beneficial uses, and does not result in water quality less than that prescribed in the water quality

control plans. Beneficial uses, together with the corresponding water quality objectives, are defined as standards, per federal regulations. Therefore, the regional basin plans form the regulatory references for meeting state and federal requirements for water quality control.

San Francisco Bay Basin Water Quality Control Plan

The Basin Plan is the master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulation in the San Francisco Bay region. The Basin Plan includes a statement of beneficial water uses that the San Francisco Bay Regional Water Board will protect, the water quality objectives needed to protect the designated beneficial water uses, and the strategies and time schedules for achieving the water quality objectives. The Basin Plan provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses in a manner that will result in maximum benefit to the people of California.

The Basin Plan is amended to legally establish the TMDL and to specify regulatory compliance, including specification of waste load allocations for entities that have permitted discharges. **Table 3.8-1** lists the beneficial uses and impairment status of water bodies in the project area, including the pollutants that cause the impairments.

National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Construction Activities

Because initial project construction activities would disturb more than 1 acre of land surface, construction activities that are not within waters of the United States or waters of the state would be subject to the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2022-0057-DWQ, NPDES No. CAS000002), also referred to as the Construction General Permit (CGP). The CGP regulates discharges of pollutants in stormwater associated with construction activity[250] to waters of the United States and state from construction sites that disturb 1 acre or more of land surface, or that are part of a common plan of development that disturbs more than one acre of land surface.

[250] *Construction activity* is defined as construction or demolition activities, such as clearing and excavation; construction of buildings; and linear underground/overhead projects, including installation of water pipelines and other utility lines.

TABLE 3.8-1
BENEFICIAL USES AND IMPAIRMENT STATUS

Water Body	Beneficial Use(s)	Impairment Status	Pollutants
Guadalupe River	Groundwater Recharge (GWR), Cold Freshwater Habitat (COLD), Migratory (MIGR), Fish Spawning (SPWN), Wildlife Habitat (WILD), Preservation of Rare and Endangered Species (RARE), Water Contact Recreation (REC-1), Noncontact Water Recreation (REC-2), Warm Freshwater Habitat (WARM)	At least one beneficial use is not supported Diazinon and mercury being addressed with U.S. EPA TMDLs Trash being addressed by implementing Water Quality Control Plan and NPDES MS4 permit	Diazinon *Source: Pesticides in urban runoff* Mercury *Source: Mercury mining waste, reservoirs and lakes, stormwater runoff, atmospheric deposition* Trash *Source: Urban runoff*
Canoas Creek	Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Water Contact Recreation (REC-1), Noncontact Water Recreation (REC-2)	At least one beneficial use is not supported Diazinon and mercury being addressed with U.S. EPA TMDLs	Diazinon *Source: Pesticides in urban runoff*
Santa Clara Valley (Coyote Valley) Groundwater Sub-Basin	Municipal and Domestic Water Supply (MUN), Industrial Process Water Supply (PROC), Industrial Water Service Supply (IND), Agricultural Water Supply (AGR)	N/A	N/A
San Francisco Bay, South	Industrial Service Supply (IND), Shellfish Harvesting (SHELL), Fish Migration (MIGR), Estuarine Habitat (EST), Sport and Commercial Fishing (COMM), Preservation of Rare and Endangered Species (RARE), Water Contact Recreation (REC-1), Noncontact Water Recreation (REC-2),Fish Spawning (SPWN), Wildlife Habitat (WILD), Navigation (NAV)	At least one beneficial use is not supported and a TMDL is needed	Chlordane, DDT, Dieldrin, Dioxin compounds, Furan compounds, Invasive species, Mercury, Polychlorinated biphenyls (PCBs), Selenium.

SOURCE: California 2018 Integrated Report; RWQCB, *Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin*, with amendments adopted through May 4, 2017.

The CGP requires that construction sites be assigned a Risk Level of 1 (low), 2 (medium), or 3 (high), based both on the sediment transport risk at the site and the receiving-waters risk. The sediment risk level reflects the relative amount of sediment that could potentially be discharged to receiving water bodies and is based on the site location (soil types and slope length) and the project duration. The receiving-waters risk level reflects sensitivity of the receiving waters to the sediment discharge. Receiving waters with sediment impairments or specific beneficial uses are defined as sediment sensitive. Higher risk projects are subject to additional pollutant control and monitoring requirements. Construction projects regulated by the CGP are subject to the following requirements:

1. Effluent standards
2. Good site management "housekeeping"
3. Non-stormwater management
4. Erosion and sediment controls
5. Run-on and runoff controls
6. Inspection, maintenance, and repair
7. Monitoring and reporting requirements
8. Post-construction requirements
9. Dewatering requirements

The CGP requires the development and implementation of a storm water pollution prevention plan (SWPPP) that includes specific construction best management practices (BMPs) designed to prevent sediment and pollutants from contacting stormwater from moving offsite into receiving waters. The BMPs fall into several categories—erosion control, sediment control, waste management, and good housekeeping—and are intended to protect surface water quality by preventing the offsite migration of eroded soil and construction-related pollutants from the construction area. Routine inspection of all BMPs is required under the provisions of the CGP. In addition, the SWPPP is required to contain visual monitoring, chemical monitoring for non-visible pollutants, and turbidity monitoring for Risk Level 2 and 3 sites. Risk Level 3 sites may also be required to conduct pre- and post-project bioassessment monitoring and may be required to conduct suspended sediment concentration and receiving water monitoring if specified receiving water monitoring triggers are exceeded.

The SWPPP must be prepared before construction begins and must contain a site map(s) delineating the construction work area, existing and proposed buildings, parcel boundaries, roadways, stormwater collection and discharge points, general topography before and after construction, and drainage patterns across the project area. The SWPPP must provide a pollutant source assessment and identify BMPs planned to control identified pollutants and map showing placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and if a Risk Level 2 or 3 project, a turbidity monitoring program.

Examples of typical construction BMPs include scheduling or limiting certain activities to dry periods, using erosion controls such as hydroseeding or erosion control blankets, installing sediment barriers such as silt fence and fiber rolls, and maintaining equipment and vehicles used for construction. Non-stormwater management measures include installing specific discharge controls during certain activities, such as paving and concrete operations, vehicle and equipment washing and fueling. The CGP also sets post-construction standards (i.e., implementation of BMPs to reduce pollutants in stormwater discharges from the site following construction). Projects conducted within a municipality regulated by a municipal stormwater permit must follow the post-construction stormwater standards established by the municipal stormwater permit and program.

In addition to stormwater discharges, the CGP covers other non-stormwater discharges including irrigation of vegetative erosion control measures, water to control dust, uncontaminated groundwater from dewatering, and other discharges not subject to a separate general NPDES permit adopted by the regional water board. The discharge of non-stormwater is authorized under specified conditions, such as: The discharge does not violate any other provision of the CGP, is not prohibited by the applicable basin plan, would not cause or contribute to a violation of any water quality standard, meets the applicable numeric action limits, and is subject to certain BMPs.

In the project area, the CGP is implemented and enforced by the San Francisco Bay Regional Water Board. Dischargers are required to submit a notice of intent and permit registration documents to obtain coverage under the CGP. Dischargers are responsible for notifying the Regional Water Board of violations or incidents of non-compliance and submitting annual reports identifying deficiencies of the BMPs and how the deficiencies were corrected. The risk

assessment and SWPPP must be prepared and overseen by qualified personnel meeting the requirements set forth in the CGP.

National Pollutant Discharge Elimination System Municipal Regional Stormwater Permit Order Number R2-2022-0018, NPDES Permit Number CAS612008

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit (MRP). Multiple municipalities including the city of San José along with Santa Clara County and the Santa Clara Valley Water District are co-permittees and have formulated the Santa Clara Valley Urban Runoff Pollution Prevention Program to collectively address waste discharge requirements and manage stormwater runoff from storm drains and watercourses within their jurisdictions.[251]

Provision C.3 of the Municipal Regional Permit specifies stormwater management requirements for new development and redevelopment. Provision C.3 requires the permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and significant redevelopment projects to address stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects, primarily through implementation of low impact development techniques. Low Impact Development–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for 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. Regulated projects include redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, collectively over the entire project site. The project would be considered a "regulated project" under the MRP.

In addition, the MRP requires new development and redevelopment projects that create or replace 1 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, generate silt pollutants, or cause other impacts on local rivers, streams, and creeks (also called "hydromodification projects"). The project would be considered a "hydromodification project" under the MRP.

National Flood Insurance Program

The FEMA determines flood elevations and floodplain boundaries based on USACE studies. FEMA also distributes the flood insurance rate maps used in the NFIP. These maps identify the locations of special flood hazard areas, including 100-year floodplains.

Federal regulations governing development in a floodplain are set forth in Title 44, Part 60 of the Code of Federal Regulations. Those regulations enable FEMA to require municipalities

[251] San Francisco Regional Water Quality Control Board, *California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*, May 11, 2022. Available at www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf.

participating in the NFIP to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains. These standards are included below in Local Regulations.

The NFIP sometimes further divides the one percent annual chance floodplain on a river into a floodway and floodway fringe.[252] The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the 100-year flood can be carried without substantial increases in flood heights.[253] The area between the floodway and the 100-year floodplain boundaries is termed the floodway fringe, which encompasses the portion of the floodplain that could be completely obstructed without increasing the water surface elevation of the 100-year flood by more than 1.0 foot at any point.[254]

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) establishes a framework for local agencies to develop and implement plans to sustainably manage high- and medium-priority basins by 2040.[255] The SGMA provides groundwater sustainability agencies with the legal authority to regulate groundwater pumping and assess groundwater charges as tools to support continued groundwater sustainability.[256] The SGMA allows a groundwater sustainability agency with an adopted groundwater sustainability plan to, among other things, impose reasonable operating regulations on existing wells to minimize interference; regulate, limit, or suspend groundwater extraction, construction of new wells, enlargement of existing wells, or reactivation of abandoned wells; and establish groundwater extraction allocations.

Santa Clara Valley Water District (Valley Water) has been managing groundwater in the Santa Clara Valley since 1929 and became the groundwater sustainability agency for the basin for purposes of the SGMA in 2016.[257]

2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins

Valley Water's *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins* (2021 Groundwater Management Plan) is the adopted groundwater management plan for the basin.[258] Valley Water does not manage to a particular value for sustainable yield, but instead manages groundwater to maintain sustainable conditions through annual operations and long-term

252 Federal Emergency Management Agency (FEMA), *Unit 5: The NFIP Floodplain Management Requirements in National Flood Insurance Program Floodplain Management Requirements, A Study Guide and Desk Reference for Local Officials*, February 2005, FEMA 480.

253 Ibid.

254 Ibid.

255 California Department of Water Resources, Basin Prioritization, 2022. Available at water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization. Accessed April 5, 2022. The California Department of Water Resources categorizes groundwater basins as high, medium, low, or very low priority by considering eight factors listed in California Water Code section 10933(b), including the population overlying the basin, the number of public supply wells that draw from the basin, the degree to which persons overlying the basin rely on groundwater as their primary source of water, and documented impacts on the groundwater within the basin.

256 California Water Code sections 10725 and 10726.4.

257 Santa Clara Valley Water District (Valley Water), *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, November 2021.

258 Santa Clara Valley Water District, Board Agenda Memorandum Re: Public Hearing on the 2016 Groundwater Management Plan for the Santa Clara and Llagas Subbasins, adopted November 22, 2016.

water supply planning. The Santa Clara Subbasin is not in a condition of chronic overdraft.[259] The 2021 Groundwater Management Plan identifies the following sustainable management criteria for the Santa Clara Subbasin:

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

The 2021 Groundwater Management Plan lists a variety of basin management programs and activities designed to achieve sustainable groundwater resources, such as managed recharge, reservoirs and diversions, in-stream managed recharge, groundwater banking and supplemental water supplies, and levying of groundwater charges that can be used to protect and augment the water supplies for users within certain groundwater zones.

Continued coordination with and partnerships with major pumpers and other local agencies are Valley Water's preferred ways to address challenges to groundwater sustainability. The regulation of pumping would be needed should the risks to ongoing sustainability produce, or threaten to produce, undesirable results like chronic overdraft, land subsidence, or groundwater quality impacts. Valley Water has indicated that regulation of pumping will be considered only if there is no viable alternative.

Local

Envision San José 2040 General Plan Policies

In the *Envision San José 2040 General Plan*, the City has adopted numerous goals, policies, and outlined actions with the objective of reducing and/or avoiding impacts on the city's water resources. The following goals and policies are relevant to the project:

> **Goal MS-3: Water Conservation and Quality.** 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.

[259] Santa Clara Valley Water District (Valley Water), *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, November 2021.

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.

Policy MS-3.5: Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

Goal MS-20: Water Quality. Ensure that all water in San José is of the highest quality appropriate for its intended use.

Policy MS-20.2: Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.

Policy MS-20.3: Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.

Policy MS-20.4: Work with local, regional, and state agencies to protect and enhance the watershed, including the protection of surface water and ground water supplies from pollution and degradation.

Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

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-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.

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 on site.

Policy ER-8.6: Eliminate barriers to and enact policies in support of the reuse of stormwater runoff for beneficial uses in existing infrastructure and future development in San José.

Policy ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.

Policy ER-8.8: Consider the characteristics and condition of the local watershed and identify opportunities for water quality improvement when developing new or updating existing development plans or policies including, but not limited to, specific or area land use plans.

Goal ER-9: Water Resources. Protect water resources because they are vital to the ecological and economic health of the region and its residents.

Policy ER-9.2: In consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.

Policy ER-9.3: Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

City of San José Municipal Code and City Council Policies

All development projects are required to secure a grading permit from the city prior to grading. Consistent with San José Municipal Code Section 17.04.430, cut and fill slopes must be treated with approved erosion control measures during the wet season, and other devices or methods such as check dams, sedimentation basins, cribbing, and riprap to control erosion and sediments shall be employed when necessary to provide safety and protect water quality.

Consistent with San José Municipal Code Sections 20.95.110 and 20.100.465, any proposed development of real property that will create, on or above ground through installation, construction, or replacement, five thousand (5,000) square feet or more of impervious surface including within the public right of way shall be designed, comply, and be maintained in conformance with City Council Policy 6- 29, Post Construction Urban Runoff Management, City Council Policy 8-14 Post- Construction Hydromodification Management, and the provisions of the Municipal Code. Planning and Zoning City Council Policy 6-28, Management of Pollutants During Demolition of Applicable Projects, may also apply to the project.

City Council Policy 6-28, Management of Pollutants During Demolition of Applicable Projects

Policy 6-28 requires the management of PCB-containing materials during building demolition activities, consistent with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. Applicable structures are buildings constructed or remodeled between January 1, 1950, and December 31, 1980, inclusive. A PCBs screening assessment must be completed before city permits are issued. If building materials contain PCB concentrations equal to or greater than 50 parts per million, effective construction pollutant controls must be implemented to prevent discharge of building materials into the storm sewer system. Construction pollutant controls must be inspected by the City.

City Council Policy 6-29, Post Construction Urban Runoff Management

Policy 6-29 requires development project on vacant and previously developed properties and road projects to manage stormwater based on the proposed land use and amount of impervious surface area being created and/or replaced by the project. “Regulated projects” as defined in the Municipal Regional Stormwater Permit (discussed above) are required to implement strategies

that minimize runoff through site design, prevent polluted runoff with source control, and treat stormwater with low impact development. As noted above, 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

Consistent with the Municipal Stormwater NPDES Permit and San José Municipal Code, City Policy 8-14 implements a framework for incorporating measures to control impacts associated with hydromodification from new development or redevelopment projects, where such activity is likely to increase erosion, generate silt or otherwise adversely affect local rivers and creeks. In the context of the policy, "hydromodification projects" are projects that create and/or replace one or more acres of impervious surface, and are located in subwatersheds or catchment areas that are less than 65 percent impervious, and do not fall into the following categories of exemptions:

- 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 subwatershed that is less than 65 percent impervious and would increase the impervious surface over existing conditions.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on hydrology and water quality are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address hydrology and water quality impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

SPC HY-1: 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.

3.8.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a hydrology and water quality impact would be significant if implementation of the project would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- 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;
  - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
  - 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;
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Approach to Analysis

The following analysis discusses the potential significant impacts of the project related to changes in hydrology and water quality or other hydrology-related impacts in the project area. This section includes an analysis of potential short-term (construction) and long-term (operation and maintenance) impacts of the project, including the Hospital Replacement and Future Campus Improvements. Impacts are assessed based on changes to the existing conditions described earlier in this section. Mitigation measures are recommended, as necessary, to reduce impacts to a less-than-significant level.

Impact Analysis

Impact HY-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. ***(Less than Significant)***

Construction

Construction activities on-site may result in temporary impacts on surface water quality. Implementation of the project would temporarily increase the amount of debris on-site and could increase erosion and sedimentation in downstream water bodies. The project would be required to obtain coverage under the NPDES General Construction Permit and prepare a SWPPP because more than 1 acre of land would be disturbed during both the Hospital Replacement and Future Campus Improvements.

In addition, the project would be required to comply with Section 17.04.430 of the municipal code, which requires cut and fill slopes to be treated with approved erosion control measures during the wet season and the use of other methods to control erosion and sediments (such as best management practices identified in the SWPPP). SPC HY-1 would also be adopted as a condition of approval for the project.

Building demolition would be required to comply with City Council Policy 6-28 by implementing construction controls to avoid the release of PCBs into stormwater, if the screening process determines PCBs concentrations in applicable buildings would be equal to or greater than 50 parts per million.

With implementation of best management practices identified in the project-specific SWPPPs, in SPC HY-1, and City Council policies, and compliance with requirements of the municipal code, project construction would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality and the impact would be **less than significant**.

Mitigation: None required.

Operation

The Hospital Replacement would increase the impervious area of the site by approximately 103,500 square feet (from approximately 339,500 square feet to 443,000 square feet), and therefore is a "regulated project" under the Municipal Regional Permit and City Council Policy 6-29.Consistent with these requirements, the Hospital Replacement includes the following site design, source control, and treatment measures to minimize the volume of runoff from the site and reduce pollutant load in stormwater: directing runoff to landscaped areas; use water efficient irrigation systems; connect covered trash/recycling enclosures and interior parking structures to the sanitary sewer system; and treat stormwater using bioretention areas and flow through planters.[260] The Hospital Replacement's stormwater treatment measures were also selected to

[260] City of San José, *Stormwater Evaluation Form,* December 9, 2022.

provide sufficient stormwater retention and infiltration such that the stormwater runoff rates do not exceed existing runoff rates, in order to comply with City Council Policy 8-14.[261]

Future Campus Improvements would replace 5,000 square feet or more of impervious surface and would also be a "regulated project" under the Municipal Regional Permit and City Council Policy 6-29 and subject to the same requirements as described above for the Hospital Replacement to implement hydromodification controls.

With inclusion of stormwater treatment and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality and the impact would be **less than significant**.

Mitigation: None required.

Impact HY-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. ***(Less than Significant)***

The depth to first groundwater in the project area is likely between 20 and 50 feet below ground surface. The project site is located within the mapped recharge area for the Santa Clara groundwater subbasin. The Hospital Replacement would increase the site's impervious area by approximately 103,500 square feet. Future Campus Improvements are also anticipated to increase the site's impervious area, although the extent to which is currently unknown.

Most of the groundwater pumped from the Santa Clara subbasin is sustained by Valley Water's managed recharge programs, although the subbasin provides some groundwater supply resulting from the percolation of rainfall in the recharge areas and natural seepage through local creeks and streams (natural groundwater recharge).[262] The project would not affect Valley Water's managed recharge programs and would not require groundwater pumping during operations.

The Hospital Replacement includes site design measures that result in infiltration to shallow groundwater, such as directing runoff to landscaped areas. In addition, approximately 70 percent of the bioretention area created by the Hospital Replacement would be unlined, allowing infiltration into the shallow groundwater. Future Campus Improvements are anticipated to similarly include site design measures that result in infiltration to shallow groundwater.

While the project would increase impervious area, with implementation of site design and stormwater treatment measures that encourage stormwater infiltration discussed under Impact HY-1, the project would not substantially decrease groundwater supplies or interfere substantially

[261] SANDIS, *Stormwater Hydromodification Management Report,* October 2023.

[262] Santa Clara Valley Water District (Valley Water), *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*, November 2021.

with groundwater recharge such that the project may impede sustainable groundwater management of the basin and the impact would be **less than significant**.

Mitigation: None required.

Impact HY-3: The project would not 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; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 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. ***(Less than Significant)***

The project would not alter the course of a stream or river. While the project site is currently developed, the Hospital Replacement would increase the impervious area by approximately 103,500 square feet, and Future Campus Improvements beyond 2030 are similarly anticipated to increase the site's impervious area. The project is required to implement hydromodification controls consistent with City Council Policy 8-14 and the Municipal Regional Permit. In accordance with those requirements, the Hospital Replacement has been designed to include stormwater treatment features (bioretention areas and flow through planter) that capture and store stormwater and Future Campus Improvements would be designed such that the volume of runoff from the project's impervious areas is the same as the volume of runoff generated by the project site under current conditions. Therefore, the project would not increase the rate or amount of surface runoff from the site, and consequently would not result in substantial erosion, siltation, or flooding on- or offsite. In addition, runoff from the site would not exceed the capacity of existing or planned stormwater drainage systems because the volume of runoff would remain the same as existing conditions. The stormwater pollutant source control and treatment measures (connect covered trash/recycling enclosures and interior parking structures to the sanitary sewer system; and treat stormwater using bioretention areas and flow through planters) would reduce the project's potential to generate additional polluted runoff. The project site is not located within a floodway or 100-year flood plain, and therefore is unlikely to impede or redirect flood flows.

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**.

Mitigation: None required.

Impact HY-4: The project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. ***(Less than Significant)***

The project site is located in Flood Zone D, which is an area of undetermined but possible flood hazard that is outside the 100-year floodplain. There are no floodplain requirements for Zone D. The project site is located in the Anderson Dam inundation zone. The California Division of Safety of Dams (DSOD) inspects dams on an annual basis and Valley Water is currently operating the Anderson Dam in accordance with requirements of the DSOD and the Federal Energy Regulatory Commission. Anderson Dam is currently undergoing retrofit to rebuild the dam in compliance with current seismic safety standards and regulations, including replacement of the existing dam. The retrofit of Anderson Dam will increase the dam's spillway and outlet capacities to allow a rapid, controlled drawdown in an emergency and enhance flood protection.[263] Therefore, the likelihood of flooding from dam failure is low and the project would not release pollutants due to dam inundation. The impact would be **less than significant**.

Mitigation: None required.

Impact HY-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. ***(Less than Significant)***

As indicated in Section 3.8.2, the Basin Plan and 2021 Groundwater Management Plan are the key water quality control and sustainable groundwater management plans for the project location. Section 3.8.2 presents descriptions of the Basin Plan and the 2021 Groundwater Management Plan. The evaluation of the potential for the project to conflict with or obstruct implementation of either the Basin Plan or the 2021 Groundwater Management Plan is based on the evaluation of the project's impacts on water quality (presented in Impact HY-1) or groundwater (presented in Impact HY-2), respectively, and summarized below.

As discussed in Impact HY-1, for construction work the project applicant would obtain coverage under the CGP and require contractors to comply with permit and SWPPP conditions, which would avoid or reduce stormwater and water quality effects caused by runoff from the construction site. The project would incorporate site design, source control, and treatment measures that would reduce pollutant loading in stormwater and avoid increasing the volume of stormwater runoff from the site, consistent with City Council policies and the Municipal Regional Permit. Therefore, project construction and operations would not conflict with or obstruct implementation of the Basin Plan.

As discussed in Impact HY-2, the project would not affect Valley Water's managed recharge programs, which provide most of the groundwater pumped from the Santa Clara groundwater subbasin. While the project would increase impervious area in a location where natural groundwater recharge can occur, site design and stormwater treatment measures included in the project would result in infiltration of stormwater to the shallow groundwater. The project would

[263] Santa Clara Valley Water District (Valley Water), *Anderson Dam Seismic Retrofit Project – Frequently Asked Questions*, January 2022.

not obviously conflict with or obstruct implementation of the 2021 Groundwater Management Plan and the impact would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

The geographic scope of cumulative surface water quality impacts is the Guadalupe River watershed. The geographic scope of cumulative groundwater quality impacts is the Santa Clara groundwater subbasin. The projects listed in Table 3-1 and shown on Figure 3-1 in Chapter 3, *Environmental Setting, Impacts, and Mitigation*, *Cumulative Impacts*, are all within the Guadalupe River watershed and overlie the Santa Clara groundwater subbasin. The geographic scope for cumulative hydrology impacts is the same as identified above for water quality impacts.

Impact C-HY-1: The project, when combined with cumulative projects, would not result in cumulative impacts to water quality. ***(Less than Significant)***

Construction

Similar to the project, the cumulative projects would be required to obtain a grading permit from the City prior to grading, and to implement erosion control measures during the wet season. Cumulative projects that are greater than 1 acre would also be required to comply with the CGP, same as the project. Implementation of stormwater control measures consistent with these requirements during construction would reduce the risk of releasing pollutants to water bodies in the Guadalupe River watershed or groundwater. Therefore, the project would not combine with cumulative projects to result in a significant cumulative impact, and the cumulative construction impact on water quality would be **less than significant**.

Mitigation: None required.

Operation

During operation, the project and cumulative projects could increase total impervious area in the Guadalupe River watershed, potentially increasing the volume of polluted runoff entering Guadalupe River and its tributaries. However, the project and cumulative projects are required to comply with the Municipal Regional Permit and City Council policies designed to reduce the impacts of development on stormwater and groundwater quality. In addition, the project would be designed to avoid increasing the volume of stormwater runoff from the site compared to existing conditions. Therefore, with compliance with existing regulations, the project when combined with cumulative projects would not result in a significant cumulative impact on water quality during operations, and the cumulative impact would be **less than significant**.

Mitigation: None required.

Impact C-HY-2: The project, when combined with cumulative projects, would not result in cumulative impacts to surface water or groundwater hydrology. ***(Less than Significant)***

Construction

During construction, the project and cumulative projects could temporarily alter drainage patterns. As discussed under Impact HY-1, the project and cumulative projects would be required to comply with the CGP and, as relevant, City Council policies that require implementation of stormwater control measures to avoid and reduce adverse effects of construction activities on hydrology. Therefore, with compliance with existing regulations, construction of the project and cumulative projects would not combine to result in a significant cumulative impact on hydrology, and the cumulative impact would be **less than significant**.

Mitigation: None required.

Operation

During operation, the project and cumulative projects could increase total impervious area in the Guadalupe River watershed, potentially increasing the volume of runoff entering Guadalupe River and its tributaries and decreasing groundwater recharge. However, the project and cumulative projects are required to comply with the Municipal Regional Permit and City Council policies designed to reduce the impacts of development on hydrology, including by reducing potential hydromodification. Consistent with City Council Policies 8-14 and 6-29, the project would be designed to avoid increasing the volume of stormwater runoff from the site compared to existing conditions, including by encouraging infiltration of stormwater, as discussed in Impact HY-2. Cumulative projects in San José would also be required to comply with Policies 8-14, 6-29, and the Municipal Regional Permit. With compliance with existing regulations, the project and cumulative projects would not combine to result in a significant cumulative impact on surface water or groundwater hydrology during operations and the cumulative impact would be **less than significant**.

Mitigation: None required.

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3.9 Land Use and Planning

This section describes and evaluates potential impacts related to land use and planning that could result from implementation of the project, including the Hospital Replacement and Future Campus Improvements. The section contains: (1) a description of the existing environmental setting for land use and planning; (2) a summary of the regional and local regulations related to land use and planning; and (3) an analysis of potential impacts to land use and planning associated with the implementation of the project.

CEQA Guidelines section 15125 states that the EIR shall discuss "any inconsistencies between the project and applicable general plans, specific plans and regional plans," and accordingly, the regulatory framework discussion includes consideration of potential inconsistencies between the project and relevant local and regional plans and policies. The relevant regional and local plans addressed within this section include the Plan Bay Area, the Envision San José 2040 General Plan, and the City of San José Zoning Ordinance (Title 20 – Zoning).

3.9.1 Environmental Setting

Project Site

The existing approximately 40-acre SJMC campus is developed and includes the existing hospital and emergency department, medical office buildings, one administrative building, two parking structures, surface parking, and support uses (refer to Figure 2-2). The portion of the SJMC campus located south of Hospital Way and International Circle where the Hospital Replacement would be located is currently developed with surface parking lots, portions of which are currently occupied by temporary portable buildings and tents associated with the COVID-19 testing and vaccine distribution.

Surrounding Land Uses

The SJMC campus is bounded by SR 85 and the Valley Transit Authority (VTA) Cottle Light Rail Station and parking lot to the north; Cottle Road to the west; Santa Teresa Boulevard to the south; and Liska Lane to the east. The campus is surrounded by urban uses, including a gas station at the northeast corner of Cottle Road and Santa Teresa Boulevard adjacent to the campus; commercial uses to the south; the Oakridge Palmia residential neighborhood and daycare and pre-school to the west; and the Santa Teresa Branch Library, daycare, and residential uses to the east.

3.9.2 Regulatory Framework

Regional

Plan Bay Area 2050

SB 375 requires all metropolitan regions in California to complete a sustainable communities strategy (SCS) as part of a regional transportation plan. In the Bay Area, the MTC and ABAG are jointly responsible for developing and adopting an SCS that integrates transportation, land use, and housing to meet greenhouse gas (GHG) reduction targets set by the California Air Resources Board.

Plan Bay Area 2050, adopted in October 2021, serves as the SCS for the Bay Area, in accordance with SB 375.[264] *Plan Bay Area 2050* is comprises 35 strategies across the elements of housing, the economy, transportation, and the environment. A core household and employment growth strategy of Plan Bay Area is "focused growth" in existing communities along the existing transportation network. Key to implementing this focused growth strategy are Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs), as recommended and approved by local governments. As defined by the plan, PDAs are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. Plan Bay Area also recommends increasing non-auto travel mode share and reducing vehicle miles traveled per capita and per employee by promoting transit-oriented development, transit improvements, and active transportation modes such as walking and bicycling.

Prior to *Plan Bay Area 2050*, *Plan Bay Area 2040*, adopted in 2017, was the most recent regional transportation plan and sustainable communities strategy for the Bay Area region.[265] *Plan Bay Area 2050* updates *Plan Bay Area 2040* and is consistent with the current Regional Housing Needs Allocation cycle. However, since *Plan Bay Area 2050* was adopted in late 2021, *Plan Bay Area 2040* continues to serve as the basis for regional and county-wide transportation models until the models are updated. Updates to the models are anticipated within the next several years.

For a discussion of the project's consistency with Plan Bay Area as it relates to GHG, see Chapter 3, Section 3.7, *Greenhouse Gas Emissions*, of this Draft EIR. For a discussion of the project's consistency with Plan Bay Area as it relates to population growth, see Chapter 3, Section 3.11, *Population and Housing*.

Local

Envision San José 2040 General Plan

To implement the goals and policies of the *Envision San José 2040 General Plan*, land use designations are included on the Land Use/Transportation Diagram that identify locations, types, and intensities of employment, residential, and mixed-use growth throughout San José. The land use designations that apply to the project site as follows:[266]

Public/Quasi-Public: This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports. Joint development projects which include public and private participation—such as a jointly administered public/private research institute or an integrated convention center/hotel/restaurant complex—are allowed. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and the facilities of

[264] Association of Bay Area Governments, *Plan Bay Area 2050*, Final, adopted October 21, 2021. Available at www.planbayarea.org/finalplan2050. Accessed August 18, 2023.

[265] Association of Bay Area Governments, *Plan Bay Area 2040*, Final, adopted July 26, 2017. Available at 2040.planbayarea.org/reports. Accessed August 18, 2023.

[266] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended May 12, 2023). Available at www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 18, 2023.

any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on the site.

Neighborhood/Community Commercial: This 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. Neighborhood/Community Commercial uses 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 are also allowed in this designation. Density: FAR Up to 3.5 (1 to 5 stories).

The General Plan also establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Preparation of an Urban Village Plan for each Urban Village area will provide for continued community involvement in the implementation of the General Plan and for land use and urban design issues to be addressed at a finer level of detail. The project site is located partially within the Santa Teresa Boulevard/Cottle Road Urban Village growth area. No Urban Village Plan has been prepared for this area to date.[267]

The General Plan contains the following relevant policies related to land use and planning:[268]

> ***Policy IE-1.5:*** Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.
>
> ***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-1.17:*** 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

[267] City of San José, Urban Villages. Available at www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/urban-villages. Accessed August 21, 2023.

[268] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended May 12, 2023). Available at www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 18, 2023.

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-4.5: For new development in transition areas between identified growth areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.

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-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.

Policy IP-1.7: 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 which require special consideration due to those constraints.

Policy IP-1.8: 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.

Policy ES-6.1: Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet all the needs of the entire San José community.

Policy ES-6.2: Maintain and update the Envision General Plan Land Use Transportation/Diagram as necessary to provide sufficient opportunities for hospitals and medical care facilities to locate in San José. Consider locating health care and medical service facilities, including hospitals, in residential, commercial, Urban Village, mixed use, Downtown, Transit Employment Center, Combined Industrial/Commercial, Industrial Park, and Public/Quasi-Public designations.

Policy ES-6.5: Encourage new health care facilities to locate in proximity to existing or planned public transit services. Coordinate with local transit providers as part of the development review process for new health care facilities, and encourage transit providers to provide new or enhance existing public transit services to the health care facility.

Policy ES-6.7: Discourage health care facilities or hospitals in areas where their operations can have adverse impacts on surrounding uses or where surrounding uses can have adverse impacts on health care facility patients, workers, or visitors.

Policy ES-6.10: Encourage potential hospital facilities to consider the impacts of a new facility on existing hospitals' service areas, demands, and capacities.

The project site is also identified as a supported hospital site in the General Plan consistent with Policy ES-6.2.

San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:[269]

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

The project site is currently located within a Planned Development Agriculture Base (A[PD]) Zoning District. Per Section 20.10.070 of the Zoning Ordinance, PD districts are individually designed to meet the needs of the territory so zoned. It shall be adopted by a zoning ordinance which incorporates by reference a general development plan for the entirety of the subject property. The general development plan shall include drawings and text as specified in Section 20.120.510. Development of the subject property could occur only pursuant to an effective PD permit issued in strict conformity with the adopted general development plan or, alternatively, in accordance with requirements for the base district if one exists. Any use or combination of uses provided for by the permit are allowed in compliance with the PD Permit. Each permitted use is confined and limited to the particular location designated in the PD Permit.[270]

3.9.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a land use and planning impact would be significant if implementation of the project would:

- Physically divide an established community; or

[269] City of San José, Zoning Code – Municipal Code Title 20. www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/ordinances-proposed-updates/zoning-code-title-20. Accessed August 21, 2023.

[270] City of San José, Municipal Code Chapter 20.60 - PD - Planned Development District. Available at library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO. Accessed August 21, 2023.

- 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.

Approach to Analysis

This EIR analysis evaluates the development under the project in terms of its potential to physically divide an existing community. This EIR analysis also evaluates the general consistency of development of the project with applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect to determine the potential for significant environmental impacts.

CEQA Guidelines Appendix G (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would "conflict with any applicable land use plan, policy, or regulation … *adopted for the purpose of avoiding or mitigating an environmental effect*." (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would result in a significant impact pursuant to CEQA, unless a physical change would occur. To be an impact under CEQA, the conflict must result in a direct or indirect physical impact on the environment (as determined by application of the significance criteria in this EIR for the affected resource). To the extent that physical impacts may result from such conflicts, such physical impacts are typically analyzed elsewhere in this document, with a few exceptions where the discussion of such impacts is provided in this section below as they relate to land use.

Conflicts with a General Plan also do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the CEQA Guidelines, "[e]ffects analyzed under CEQA must be related to a physical change." Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the project and applicable General Plans.

Consistent with CEQA, not every policy that *could* apply to the project is analyzed. The policies analyzed below are those that most directly pertain to the project. To the extent this section discusses potential conflicts with plans, policies or regulations not adopted for the purpose of mitigating or avoiding an environmental impact, it is for informational purposes. The lead agency and responsible agencies will ultimately determine the project's overall consistency on balance with the applicable goals and policies, as part of the decision to approve or reject the project.

The question of the environmental compatibility of the project with adjacent and nearby land uses is not addressed in this section. Rather, the reader is referred to the various environmental resource evaluations presented in Chapter 3, *Environmental Setting, Impacts, and Mitigation*, for a discussion of potential physical/environmental effects and potential incompatibilities that may be considered in the determination of physical environmental impacts.

Criterion with No Impact or Not Applicable

There would be no impact related to the following criterion for the reasons provided below; therefore, no impact discussion is provided for this criterion.

- **Physically divide an established community.** The project would include demolition of the existing hospital, construction of a Hospital Replacement, and Future Campus Improvements within the footprint of the existing SJMC campus. Since the project would be limited to construction and operation within a previously developed site, the project would not divide an established community. Therefore, there would be no impact.

Impact Analysis

Land Use and Planning

Impact LU-1: The project would not 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)***

Plan Bay Area 2050

Plan Bay Area 2050 integrates transportation, land use, and housing to meet greenhouse gas reduction targets for the San Francisco Bay Area region. With regard to land use, Plan Bay Area focuses growth and development in PDAs, which are served by public transit and have been identified as appropriate for additional, compact development.[271] The project site is located partially within the Plan Bay Area's VTA City Cores, Corridors & Station Areas PDA.[272] The project would intensify development and remove surface parking on the SJMC campus with the Hospital Replacement and Future Campus Improvements. As such, the project would not conflict with land uses envisioned for the VTA City Cores, Corridors & Station Areas PDA and Plan Bay Area.

Envision San José 2040 General Plan

The project site is located within the Public/Quasi-Public and Neighborhood/Community Commercial General Plan land use designations. The project would include demolition of the existing hospital and construction of a new hospital, an energy center, and a parking structure and Future Campus Improvements within the footprint of the existing SJMC campus. None of the changes as a result of the project would lead to a change in overall land use at the SJMC campus. As such, the project would remain consistent with the Public/Quasi-Public and Neighborhood/Community Commercial General Plan land use designations, which allow hospital and healthcare related uses and uses related to the provision of services to the community. Additionally, while no Urban Village Plan has been created for the Santa Teresa Bl/Cottle Rd Urban Village growth area, the project would intensify uses and increase employment within this area consistent with the *Envision San José 2040 General Plan* major growth strategy.

[271] Association of Bay Area Governments, *Plan Bay Area 2050*, Final, adopted October 21, 2021. Available at www.planbayarea.org/finalplan2050. Accessed August 18, 2023.

[272] Association of Bay Area Governments & Metropolitan Transportation Commission, Priority Development Areas (Plan Bay Area 2050), updated March 22, 2023. Available at opendata.mtc.ca.gov/datasets/MTC::priority-development-areas-plan-bay-area-2050/explore?location=37.196718%2C-121.742925%2C12.31. Accessed August 21, 2023.

The project would be generally consistent with the applicable policies in the *Envision San José 2040 General Plan*, as the project would expand and retain existing hospital and medical care facilities on the project site. In particular, the project would intensify employment activities on sites in close proximity to transit facilities and other existing infrastructure consistent with Policy IE-1.5. The project would also promote the preservation and enhancement of existing health care facilities consistent with Policy ES-6.1. Since the project would be consistent with land use designations and applicable policies, the project would not conflict with the City's General Plan.

San José Zoning Ordinance

The project site is currently located within a Planned Development Agriculture Base (A[PD]) Zoning District. The project applicant is seeking a revised Planned Development (PD) zoning and PD permit for the project. As described in Chapter 2, the revised PD zoning would increase the maximum square footage permitted at the SJMC center to (1) conform with the 3.5 Floor Area Ratio (FAR) for the Neighborhood/Community Commercial District on the west side of the site; and (2) apply a 3.5 FAR to the eastern and central portion of the campus, which are designated Public/Quasi-Public and do not have a specified FAR standard. The 3.5 FAR would allow for 400,000 net new sf associated with the new hospital and approximately 250,000 sf of future outpatient facilities. The revised PD zoning would also include maps delineating permitted land uses; landscape and open space areas; public and private streets and driveways, both on and adjacent to the site; and public and private easements for parking, access, utilities, and pedestrian use. The proposed revised PD zoning would codify zoning regulations that specify setting forth required setbacks, maximum building heights, landscaping concepts; environmental mitigation pursuant to CEQA; and any other appropriate conditions of approval.

PD districts are individually designed to meet the needs of the site. The PD zoning district would be adopted by a zoning ordinance which incorporates by reference a general development plan for the entirety of the site. Development of the project could hereafter occur only pursuant to an effective PD permit issued in strict conformity with the adopted general development plan. Future Campus Improvements would require a separate PD permit that would ensure the Future Campus Improvements are consistent with the zoning ordinance and adopted general development plan. With the project's amendments to the City of San José Zoning Ordinance and approval of a PD permit, the project would not conflict with the City of San José Zoning Ordinance.

Conclusion

As discussed above, the project would not conflict with Plan Bay Area, the City's General Plan, and the City's Zoning Ordinance; therefore, the impacts of the project related to conflicts with regional and local land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

Land Use and Planning

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to land use and planning could occur if the incremental impacts of the project combined with the incremental impacts of one or more cumulative projects.

As previously discussed, the project would have no impact with respect to physically dividing an established community. Accordingly, the project could not contribute to cumulative impacts related to this topic and is not discussed further.

The cumulative geographic context for land use, plans and policy considerations for the development of the project includes the City of San José.

Impact C-LU-1: The project, when combined with cumulative projects, would not result in a cumulative impact related to land use and planning. ***(Less than Significant)***

Cumulative development within a 1-mile radius of the project site includes projects that have a project application on file, have been approved, or are under construction. Cumulative projects in the project vicinity (see Table 3-1 and Figure 3-1) include residential, industrial, and office uses. A cumulative land use impact would occur if the project, in combination with the cumulative projects, would result in the physical division of an established community or result in a significant physical environmental impact due to conflicts with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The project would not physically divide an existing community, and therefore would not combine with cumulative projects to result in a significant physical environmental impact related to dividing an established community. The cumulative projects would result in an intensification of land uses in the project vicinity, similar to the subject project. However, they would likely be infill projects and would be consistent with the City's objectives for increasing the supply of housing and development in the vicinity of major transit stops and therefore would not result in conflicts with land use plans or policies adopted for the purpose of avoiding or mitigating environmental impacts. As discussed under Impact LU-1, with approval of the proposed revised PD zoning and PD permit, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The cumulative projects are also subject to development guidance contained within the General Plan, prescribed by zoning, and other applicable land use plans and specific plans to ensure consistency. Therefore, the project, in combination with cumulative projects, would not result in cumulative land use impacts and the impact would be **less than significant**.

Mitigation: None required.

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3.10 Noise and Vibration

This section assesses the potential for the project, including the Hospital Replacement and Future Campus Improvements, to result in significant adverse noise impacts or expose people or structures to vibration impacts and identifies feasible mitigation measures to avoid or reduce potential adverse impacts. Potential impacts are discussed and evaluated, and appropriate mitigation measures or standard permit conditions (SPCs) are identified, as necessary. Project-related noise and vibration effects on biological resources are discussed in Chapter 3, Section 3.2, *Biological Resources*, and potential vibration-related impacts on historic structures are considered in Chapter 3, Section 3.3, *Cultural Resources and Tribal Cultural Resources*. Chapter 3, Section 3.9, *Land Use and Planning*, addresses impacts related to land use compatibility. **Appendix H, Noise and Vibration Supporting Information**, includes additional details supporting the analysis of noise and vibration impacts.

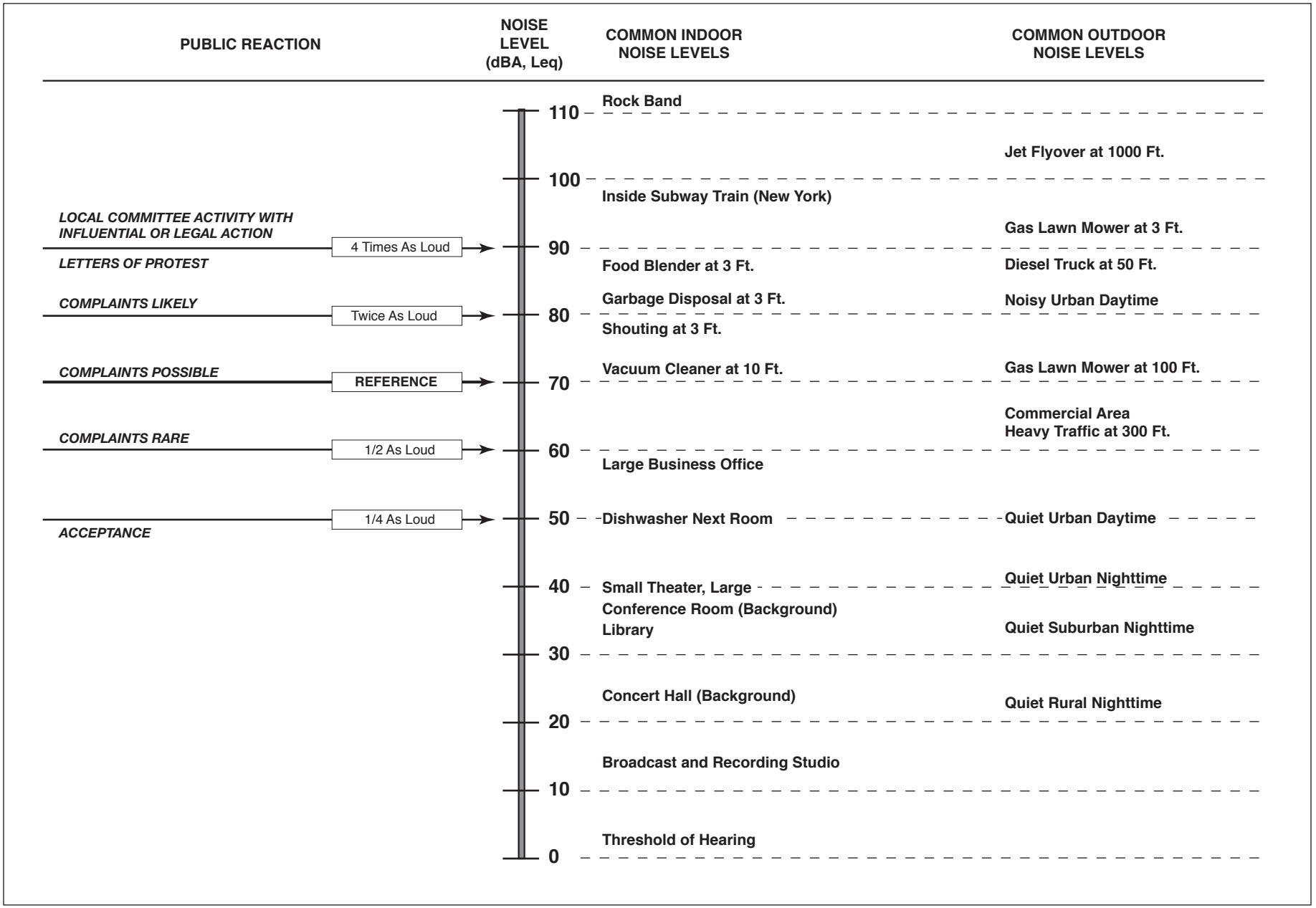
3.10.1 Environmental Setting

Noise Principles and Descriptors

Noise is generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), the standard unit of sound amplitude measurement. The dB scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound, with 0 dB corresponding roughly to the threshold of human hearing and 120 and 140 dB corresponding to the thresholds of feeling and pain, respectively. Pressure waves traveling through air exert a force registered by the human ear as sound.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude. When all audible frequencies of a sound are measured, a sound spectrum is plotted, consisting of a range of frequencies spanning 20 to 20,000 Hz. The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the sound frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, during the assessment of potential noise impacts, sound is measured using an electronic filter that deemphasizes frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to extremely low and extremely high frequencies. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). A-weighting follows an international standard methodology for frequency de-emphasis and is typically applied to community noise measurements. **Figure 3.10-1** shows some representative noise sources and their corresponding A-weighted noise levels. All noise levels presented in this report are A-weighted unless otherwise stated.



SOURCE: Caltrans Transportation Laboratory Noise Manual, 1982; and modification by ESA

Kaiser Permanente San José Medical Center

Figure 3.10-1
Effects of Noise on People

Noise Exposure and Community Noise

An individual's noise exposure is a measure of noise over a period of time. A noise level is a measure of noise at a given instant in time. The noise levels presented on Figure 3.10-1 are representative of measured noise at a given instant in time; however, they rarely persist consistently over a long period of time. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic. What makes community noise variable throughout a day, besides the slowly changing background noise, is the addition of short-duration, single-event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual.

These successive additions of sound to the community noise environment change the community noise level from instant to instant. Thus, noise exposure must be measured over a period of time to legitimately characterize a community's noise environment and evaluate cumulative noise impacts. This time-varying characteristic of environmental noise is described using statistical noise descriptors. The following are the most frequently used noise descriptors:

- **L_{eq}:** The equivalent-continuous sound level, used to describe noise over a specified period of time in terms of a single numerical value. The L_{eq} of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. Also referred to as the "average sound level."
- **L_{max}:** The maximum, instantaneous noise level experienced during a given period of time.
- **L_{min}:** The minimum, instantaneous noise level experienced during a given period of time.
- **L_{dn}:** The average A-weighted noise level during a 24-hour day that is obtained after 10 dBA are added to noise levels measured between 10:00 p.m. and 7:00 a.m. to account for nighttime noise sensitivity. Also referred to as the "day-night average noise level" (DNL). The L_{dn} is the metric used by the Noise Element of the *Envision San José General Plan* (General Plan) for assessing the land use compatibility of non-aviation sources.
- **CNEL:** The community noise equivalent level. This is the average A-weighted noise level during a 24-hour day that is obtained after 5 dBA are added to noise levels measured between 7:00 and 10:00 p.m. and 10 dBA are added to noise levels between 10:00 p.m. and 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The CNEL metric is reported as a number and is generally understood to be in terms of A-weighted decibels. The CNEL is the metric generally used for assessment of aircraft noise. The result is normally about 0.5 dBA higher than L_{dn} using the same 24-hour data.[273]

Noise Attenuation

Stationary "point" sources of noise, including stationary mobile sources such as idling vehicles, attenuate (lessen) at a rate of 6 to 7.5 dBA per doubling of distance from the source, depending on the topography of the area and environmental conditions (e.g., atmospheric conditions and noise barriers, vegetative or manufactured). Widely distributed noise, such as that generated by a large industrial facility spread over many acres, or by a street with moving vehicles (known as a "line"

[273] California Department of Transportation, *Technical Noise Supplement*, September 2013.

source) would typically attenuate at a lower rate—approximately 3 to 4.5 dBA each time the distance doubles from the source, which also depends on environmental conditions.[274] Noise from large construction sites exhibits characteristics of both "point" and "line" sources, and attenuation will therefore generally range between 4.5 and 7.5 dBA each time the distance doubles.

Effects of Noise on People

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. The effects of noise on people can be placed into four general categories:

- Subjective effects (e.g., dissatisfaction, annoyance)
- Interference effects (e.g., communication, sleep, and learning interference)
- Physiological effects (e.g., startle response)
- Physical effects (e.g., hearing loss)

Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. Interference effects of environmental noise refer to those effects that interrupt daily activities and include interference with human communication activities, such as normal conversations, watching television, telephone conversations, and interference with sleep. Sleep interference effects can include both awakening and arousal to a lesser state of sleep. With regard to the subjective effects, the responses of individuals to similar noise events are diverse and are influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity.

Overall, there is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction on people. A wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual's past experiences with noise. Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted (i.e., comparison to the ambient noise environment). In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships generally occur:[275]

- Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived.
- Outside of the laboratory, a 3 dB change in noise levels is considered barely perceivable.

[274] California Department of Transportation, *Technical Noise Supplement*, September 2013.

[275] California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

- A change in noise levels of 5 dB is considered readily perceivable.
- A change in noise levels of 10 dB is subjectively heard as doubling of the perceived loudness.

These relationships occur in part because of the logarithmic nature of sound and the decibel system. The human ear perceives sound in a non-linear fashion; hence the decibel scale was developed. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, but rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dB, the combined sound level would be 53 dB, not 100 dB.

Fundamentals of Vibration

As described by the Federal Transit Administration (FTA) in the *Transit Noise and Vibration Impact Assessment*,[276] groundborne vibration can be a serious concern for the neighbors of a transit system route or maintenance facility, which can cause buildings to shake and rumbling sounds to be heard. In contrast with airborne noise, groundborne vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. Some common sources of groundborne vibration are trains, buses on rough roads, and construction activities such as blasting, pile driving, and operation of heavy earth-moving equipment.

Several different methods are used to quantify vibration. Peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. PPV is most frequently used to describe the impacts of vibration on buildings. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (in vibration decibels [VdB]) is commonly used to measure RMS.

The relationship of PPV to RMS velocity is expressed in terms of the "crest factor," defined as the ratio of the PPV amplitude to the RMS amplitude. Peak particle velocity is typically a factor of 1.7 to 6 times greater than RMS vibration velocity.[277] The decibel notation acts to compress the range of numbers required to describe vibration.

Typically, groundborne vibration generated by human activity attenuates rapidly with distance from the source of the vibration. Sensitive receptors for vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment.

The effects of groundborne vibration include movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, vibration can damage buildings. Building damage is not a factor for most projects, with the occasional exception of blasting and pile driving during construction. Annoyance from vibration often occurs when the vibration levels exceed the threshold of perception by only a small margin. A vibration level that causes annoyance will be well below the damage threshold for normal

[276] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.
[277] Ibid.

buildings. FTA's measure of the threshold of architectural damage for conventional sensitive structures is 0.2 inches per second (in/sec) PPV.[278]

In residential areas, the background vibration velocity level is usually around 50 VdB (approximately 0.0013 in/sec PPV, with a crest factor of 4). This level is well below the vibration-velocity-level threshold of perception for humans, which is approximately 65 VdB. A vibration velocity level of 75 VdB is considered to be the approximate dividing line between barely perceptible and distinctly perceptible levels for many people.[279]

Existing Ambient Noise Levels

Long-term environmental noise in urbanized areas is primarily dependent on vehicle traffic volumes and the mix of vehicle types. The existing ambient noise environment at the project site is dominated by vehicular traffic on adjacent and nearby streets, including Cottle Road, Santa Teresa Boulevard, Camino Verde Drive, International Circle, and Liska Lane. Notably, vehicular traffic on State Road (SR) 85, located approximately 35 feet north of the project site is a predominant noise source. Valley Transit Authority (VTA) Cottle Light Rail Station approximately 350 feet northwest of the project site; and vehicles within the site's surface parking facilities also contribute to the noise environment.

Ambient Noise Measurements

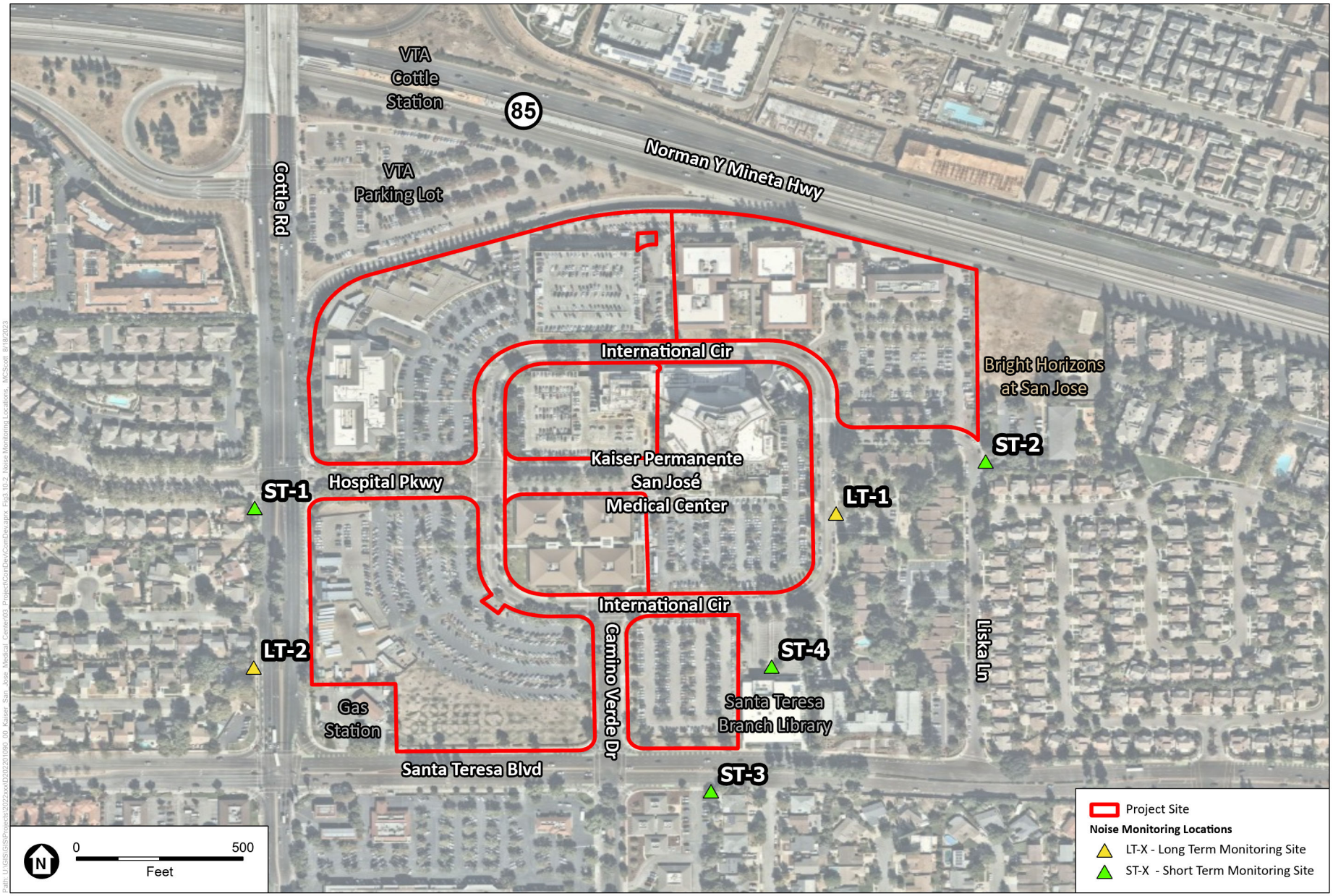
Ambient long-term (24-hour) and short-term (15-minute) noise measurement data were collected in June 2023. These noise measurement locations are shown on **Figure 3.10-2**, and noise results for the short-term and long-term monitoring locations are summarized in **Table 3.10-1** and **Table 3.10-2**, respectively.

TABLE 3.10-1
SHORT-TERM AMBIENT NOISE LEVELS IN THE PROJECT SITE VICINITY

Measurement Location		Time	Noise Levels in dBA	
			L_{eq}	L_{max}
ST-1	Northeast side 114 Coffeeberry Drive where Cottle Road meets Palmia Drive	12:47 p.m.	72.1	89.8
ST-2	Bright Horizons at San José on Liska Lane	11:40 a.m.	60.7	79.7
ST-3	Northwest side of 6107 Del Canto Drive on Santa Teresa Blvd	12:19 p.m.	67.3	84.7
ST-4	North of Santa Teresa Branch Library	11:59 a.m.	58.7	71.7

NOTE: See Figure 3.10-2 for noise measurement locations. L_{eq} represents the constant sound level; L_{max} is the maximum noise level.
SOURCE: Environmental Science Associates, 2023

[278] Ibid.
[279] Ibid.



SOURCE: ESA, 2023

Kaiser Permanente San José Medical Center

Figure 3.10-2
Noise Monitoring Locations

TABLE 3.10-2
LONG-TERM AMBIENT NOISE LEVELS IN THE PROJECT SITE VICINITY

Measurement Location	Day-Night Noise level (Ldn)	Noise Levels in dBA	
		Daytime hourly average, L_{eq}	Nighttime hourly average, L_{eq}
LT-1 East side of 6054 Larchmont Drive on Cottle Road	64	62	57
LT-2 West side parking lot of Santa Teresa Apartments	70	69	62

NOTE: See Figure 3.10-2 for noise measurement locations.
SOURCE: Environmental Science Associates, 2023

Short-term monitoring locations were selected to represent existing noise levels at receptors that could be impacted by construction noise, which generally occurs during daytime hours. Short-term monitoring location ST-1 is located off-site at 114 Coffeeberry Drive where Cottle Road meets Palmia Drive. Short-term monitoring location ST-2 is located off-site at the entrance of the Bright Horizons daycare center at San José on Liska Lane. Short-term monitoring location ST-3 is located at the northwest side of 6107 Del Canto Drive on Santa Teresa Blvd. Short-term monitoring location ST-4 is located at the south side of the parking lot at Santa Teresa Branch Library.

Long-term monitoring locations were selected at the nearest sensitive land use locations that could be affected by any operational noise during both daytime and nighttime hours. Long-term monitoring location LT-1 is located at the east side of 6054 Larchmont Drive. As discussed above, the noise environment at the project site is dominated by noise generated by vehicle traffic on Cottle Road, although transportation noise is largely reduced after 10:00 p.m. Long-term monitoring location LT-2 is located at the west side parking lot of Santa Teresa Apartments on International Circle. Noise levels at the LT-1 and LT-2 monitoring locations were 64 and 70 dBA, Ldn, respectively.

In addition, existing roadside noise levels along roadway segments near the project site were modeled to provide estimates of existing weekday noise levels along the roadway segments near the project site. **Table 3.10-3** presents existing roadside noise levels during the weekday peak commute hour. These modeled noise levels reflect only the noise generated by traffic on the identified roadway segments; they do not include other sources in the area, such as rail and highway noise where these other sources are nearby.

TABLE 3.10-3
EXISTING TRAFFIC NOISE ALONG ROADS IN THE PROJECT VICINITY

Roadway Segment	Existing Hourly (dBA)
Weekday Peak-Hour Noise Levels	
Cottle Road from Beswick Drive to SR 85 NB On/Off-Ramp	72.0
Cottle Road from SR 85 NB On/Off-Ramp to SR 85 SB Off-Ramp	72.5
Cottle Road from SR 85 SB Off-Ramp to Hospital Pkwy/Palmia Drive	72.5
Palmia Drive from Cottle Road o Primrose Drive	63.2
Hospital Parkway from Cottle Road to International Circle	65.1
Cottle Road from Hospital Parkway/Palmia Drive	71.1
Cottle Road from Santa Teresa Boulevard to El Portal Way	68.1
Santa Teresa Boulevard from Lean Avenue to Cottle Road	72.0
Santa Teresa Boulevard from Camino Verde Drive to Cottle Road	72.5
Camino Verde Drive from Santa Teresa Boulevard to International Circle	61.5
Camino Verde Drive from El Portal Way to Santa Teresa Boulevard	61.2
Santa Teresa Boulevard from Camino Verde Drive to Lissow Drive/Encinal Drive	71.5

ABBREVIATION: dBA = A-weighted decibels
SOURCES: Traffic data compiled by Fehr & Peers in 2023, and noise modeling performed by Environmental Science Associates in 2023

Existing Groundborne Vibration Levels

Sources of vibration in the project vicinity include VTA light rail operations. FTA has published generalized ground-surface vibration curves for rapid transit light-rail vehicles (**Table 3.10-4**). All VTA operations stop at Cottle Station; hence, train speeds along the northern project boundary are generally in the range of 5–20 miles per hour.

The only other source of groundborne vibration in the project vicinity is travel by heavy-duty vehicles (e.g., refuse trucks, haul trucks) on local roadways. Trucks traveling typically generate groundborne vibration velocity levels of around 63 VdB (approximately 0.006 in/sec PPV) at a distance of 50 feet; these levels could reach 72 VdB (approximately 0.016 in/sec PPV) where trucks pass over discontinuities in the roadway.[280]

[280] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

TABLE 3.10-4
GENERALIZED VIBRATION LEVELS FROM RAPID TRANSIT LIGHT RAIL VEHICLES
(VIBRATION DECIBELS AND PEAK PARTICLE VELOCITY)

Train Speed	Distance from Tracks				
	30 Feet	50 Feet	100 Feet	150 Feet	200 Feet
10 mph	62 VdB/0.005 PPV	59 VdB/0.004 PPV	54 VdB/0.002 PPV	50 VdB/0.001 PPV	47 VdB/0.001 PPV
20 mph	68 VdB/0.01 PPV	65 VdB/0.008 PPV	60 VdB/0.004 PPV	56 VdB/0.003 PPV	53 VdB/0.002 PPV
30 mph	72 VdB/0.16 PPV	69 VdB/0.011 PPV	63 VdB/0.006 PPV	59 VdB/0.004 PPV	56 VdB/0.003 PPV
50 mph	76 VdB/0.026 PPV	73 VdB/0.018 PPV	68 VdB/0.009 PPV	64 VdB/0.006 PPV	61 VdB/0.004 PPV

ABBREVIATIONS: mph = miles per hour; PPV = peak particle velocity; VdB = vibration decibels
SOURCE: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

Sensitive Receptors

Some land uses are considered more sensitive to ambient noise levels than others because of the amount of noise exposure (in terms of both the duration of exposure and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, and auditoriums generally are more sensitive to noise than commercial and industrial land uses.

Working from north to south along the project area, the northernmost sensitive receptors to the project site consist of apartment complexes along the south side of Sunstone Drive. North-northeast of the project site are single-family residences on the south side of Sunstone Drive. All of these receptors are located on the north side of SR 85.

On the west side of the project site across Cottle Road, is the Oakridge Palmia residential neighborhood with single-family residences on Coffeeberry Drive and Larchmont Drive.

On the east side of the project site, adjacent to the eastern boundary across International Circle are the Santa Teresa Apartments and the Santa Teresa Branch Library. Also, east of the project area, east of Liska Lane is Bright Horizons at San José day care center and single-family residences.

There are also single-family residences along the southern boundary of the project site on the south side of Santa Teresa Boulevard

Vibration sensitive receptors can include not only residences and other places where people would be expected to sleep, such as a nursing home, or hospital, but also locations where vibration-sensitive equipment may be in use such as microscopes and magnetic resonance imagery (MRI) equipment and recording studios. Vibration-sensitive receptors in the project site vicinity consist of the noise-sensitive receptors identified above. Patients and existing MRI equipment in the existing hospital would also be sensitive to vibration. Older structures, especially those constructed of masonry, are also sensitive to vibration.

3.10.2 Regulatory Framework

Federal

Federal Noise Standards

The primary federal noise standards that directly regulate noise related to the operation of the project pertain to noise exposure and workers. The U.S. Occupational Safety and Health Administration enforces regulations to safeguard the hearing of workers exposed to occupational noise. The Occupational Safety and Health Administration has established worker noise exposure limits that vary with the duration of the exposure and require that a hearing conservation program be implemented if employees are exposed to noise levels in excess of 85 dBA.

Federal regulations also establish noise limits for medium and heavy trucks (more than 4.5 tons, gross vehicle weight rating) under Code of Federal Regulations Title 40, Part 205, Subpart B. The federal truck pass-by noise standard is 80 dBA at 15 meters from the vehicle pathway centerline. These controls are implemented through regulatory controls on truck manufacturers.

Federal Transit Authority Vibration Standards

FTA has adopted vibration standards that are used to evaluate potential building damage impacts from construction activities. **Table 3.10-5** shows FTA's vibration damage criteria.

TABLE 3.10-5
CONSTRUCTION VIBRATION DAMAGE CRITERIA

Building Category	PPV (in/sec)
I. Reinforced concrete, steel, or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Non-engineered timber and masonry buildings	0.2
IV. Buildings extremely susceptible to vibration damage	0.12

ABBREVIATIONS: in/sec = inches per second; PPV = peak particle velocity
SOURCE: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

In addition, FTA has adopted standards related to human annoyance for groundborne vibration impacts for the following three land use categories: Vibration Category 1, High Sensitivity; Vibration Category 2, Residential; and Vibration Category 3, Institutional. FTA defines these categories as follows:

- *Category 1:* Buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes.
- *Category 2:* All residential land uses and any buildings where people sleep, such as hotels and hospitals.
- *Category 3:* Institutional land uses such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment, but still have the potential for activity interference.

Under conditions where there is an infrequent number of events per day, FTA has established thresholds of 65 VdB for Category 1 buildings, 80 VdB for Category 2 buildings, and 83 VdB for Category 3 buildings.[281] Under conditions where there is an occasional number of events per day, FTA has established thresholds of 65 VdB for Category 1 buildings, 75 VdB for Category 2 buildings, and 78 VdB for Category 3 buildings.[282] No thresholds have been adopted or recommended for commercial and office uses.

State

California Department of Public Health Noise Standards

The California Department of Public Health has established guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. **Table 3.10-6** shows these guidelines for land use and noise exposure compatibility. In addition, California Government Code Section 65302(f) requires each county and city in the state to prepare and adopt a comprehensive long-range general plan for its physical development. Section 65302(g) requires the general plan to include a noise element. The noise element must:

- Identify and appraise noise problems in the community;
- Recognize Office of Noise Control guidelines; and
- Analyze and quantify current and projected noise levels.

The State of California also establishes noise limits for vehicles licensed to operate on public roads. For heavy trucks, the state pass-by standard is consistent with the federal limit of 80 dBA. The state pass-by standard for light trucks and passenger cars (less than 4.5 tons, gross vehicle rating) is also 80 dBA at 15 meters from the centerline. These standards are implemented through controls on vehicle manufacturers and by legal sanction of vehicle operators by state and local law enforcement officials.

California Building Code

The California Building Code requires that walls and floor/ceiling assemblies separating dwelling units from each other, or from public or service areas, have a sound transmission class[283] of 50 dB for all common interior walls and floor/ceiling assemblies between adjacent dwelling units, or between dwelling units and adjacent public areas for multifamily units and transient lodging. The code specifies a maximum interior performance standard of 45 dBA.

[281] FTA defines “infrequent events” as fewer than 30 vibration events of the same kind per day.

[282] FTA defines “occasional events” as between 30 and 70 vibration events of the same source per day.

[283] The sound transmission class is used as a measure of a material’s ability to reduce sound. The sound transmission class is equal to the number of decibels a sound is reduced as it passes through a material.

TABLE 3.10-6
COMMUNITY NOISE EXPOSURE (DNL OR CNEL)

Land Use	Normally Acceptable[a]	Conditionally Acceptable[b]	Normally Unacceptable[c]	Clearly Unacceptable[d]
Single-Family Homes, Duplexes, Mobile Homes	50–60	55–70	70–75	above 75
Multifamily Homes	50–65	60–70	70–75	above 75
Schools, Libraries, Churches, Hospitals, Nursing Homes	50–70	60–70	70–80	above 80
Transient Lodging—Motels, Hotels	50–65	60–70	70–80	above 75
Auditoriums, Concert Halls, Amphitheaters	—	50–70	—	above 70
Sports Arenas, Outdoor Spectator Sports	—	50–75	—	above 75
Playgrounds, Neighborhood Parks	50–70	—	67–75	above 75
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50–75	—	70–80	above 80
Office Buildings, Business and Professional, Commercial	50–70	67–77	above 75	—
Industrial, Manufacturing, Utilities, Agriculture	50–75	70–80	above 75	—

ABBREVIATIONS: CNEL = community noise equivalent level; DNL = day-night average noise level

NOTES:

a. **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.
b. **Conditionally Acceptable:** New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
c. **Normally Unacceptable:** New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
d. **Clearly Unacceptable:** New construction or development should generally not be undertaken.

SOURCE: Governor's Office of Planning and Research, *State of California General Plan Guidelines*, Appendix D, 2017.

The State of California has also established noise insulation standards for new multifamily residential units, hotels, and motels that would be subject to relatively high levels of transportation-related noise. These requirements are collectively known as the California Noise Insulation Standards (California Code of Regulations, Title 24). The noise insulation standards set forth an interior standard of 45 dBA CNEL in any habitable room. They require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard where such units are proposed in areas subject to noise levels greater than 60 dBA CNEL. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

State Vibration Standards

No state vibration standards are applicable to the project. Moreover, according to the California Department of Transportation's (Caltrans's) *Transportation and Construction Vibration Guidance Manual*,[284] there are no official Caltrans standards for vibration. However, this manual provides guidelines for assessing the potential for vibration damage to various types of buildings,

[284] California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, September 2013.

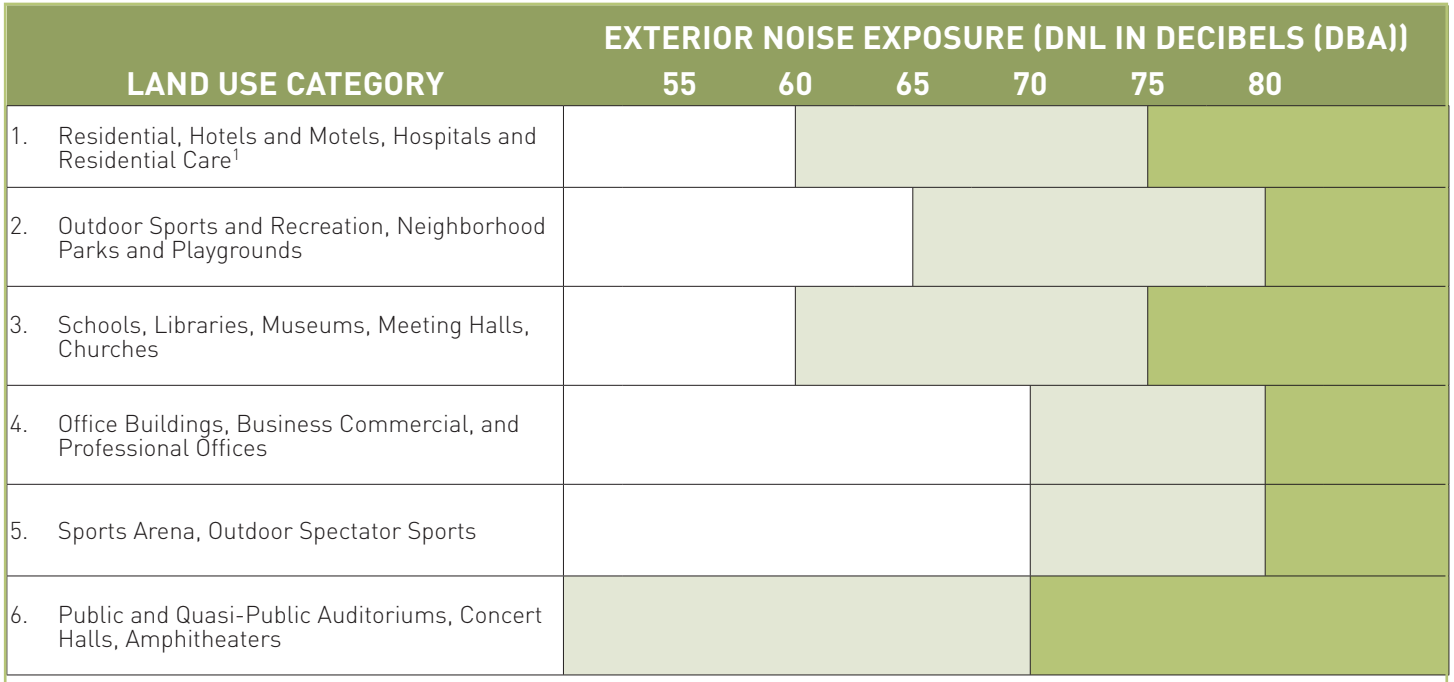
ranging from 0.08 to 0.12 in/sec PPV for extremely fragile historic buildings, ruins, and ancient monuments to 0.50 to 2.0 in/sec PPV for modern industrial/commercial buildings.

Regional

Envision San José 2040 General Plan

The Environmental Considerations/Hazards chapter of the General Plan contains the following policies and actions regarding noise and vibration that are relevant to the project:

> ***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 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 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan 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 [refer to **Figure 3.10-3**]. The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport, Downtown, and adjacent to elevated roadways. For the remaining areas of the City, the following standards apply:
> >
> > - For new multifamily 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. There will be common use areas available to all residents that meet the 60 dBA exterior standard. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas.
> > - For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.
>
> ***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 [residential, hotel, hospital, and residential care uses, parks and playgrounds, schools, libraries, museums, meeting halls, houses of worship, auditoriums and similar facilities]) 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 5 dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
>
> – Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.



SOURCE: San José, Envision San Jose 2040 General Plan Update, 2018

Kaiser Permanente San José Medical Center

Figure 3.10-3
Land Use Compatibility Guidelines for Community Noise in San José

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-2.1: Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

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 (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.

City of San José Municipal Code

City of San José Municipal Code Section 20.100.450 establishes noise exposure limits for stationary noise sources (non-transportation sources) and specifies hours for project construction. The Municipal Code restricts construction within 500 feet of a residential unit to 7 a.m. to 7 p.m.

Monday through Friday, with no construction on weekends; however, overnight and weekend construction is permitted if expressly allowed in a development permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the city.

Municipal Code Sections 20.20.300, 20.30.700, 20.40,600, and 20.50.300 establish performance standards for noise exposure associated with stationary/non-transportation sources at the property line of noise-sensitive uses. Specifically, noise exposure is limited to 55 dBA, 60 dBA, and 70 dBA at the property line of residential, commercial, and industrial receivers, respectively. Although the code is not explicit with respect to the acoustical descriptor assigned to these noise levels, it is a reasonable interpretation that these levels may be applied to the DNL based on Policy EC-1.3 of the General Plan.

Municipal Code Section 13.44.150 establishes restrictions on amplified sound in San José. Specifically, operation of loudspeakers or sound amplifiers in parks is prohibited unless approved under a lease or contract entered into by the City or authorized through issuance of a special event permit under Municipal Code Chapter 13.14, which may establish additional operational conditions.

City of San José Standard Permit Conditions

The Standard Permit Conditions (SPCs) relevant to the project's impacts on noise are presented below. If the City approves the project, all applicable SPCs would be adopted as conditions of approval and required, as applicable, to be implemented during project construction and operation to address noise impacts. The SPCs are incorporated and required as part of the project. Therefore, they are not listed as mitigation measures.

> ***SPC NO-1: Construction-Related Noise:*** The project applicant shall implement noise minimization measures that include, but are not limited to, the following:
>
> – Pile Driving is prohibited.
>
> – 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.
>
> – Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
>
> – Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
>
> – Prohibit unnecessary idling of internal combustion engines.
>
> – 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.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- 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.
- 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.
- 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.

3.10.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a noise and vibration impact would be significant if implementation of the project would:

- 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;
- Generation of excessive groundborne vibration or groundborne noise levels; or
- 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.

Approach to Analysis

The following is a description of the methodology used to evaluate the impacts of project site development relative to each of the significance thresholds cited above.

Criterion 1: Substantial Increase in Noise

The first threshold of significance examines whether project construction and/or operations would generate noise in excess of established noise standards, which are different for stationary, mobile, and construction noise sources.

Evaluation of the project relative to this threshold focuses first on increases in ambient noise levels from stationary sources during project operation (Impact NO-1) and their relationship to the General Plan policies and Municipal Code noise limits (see Section 3.10.2, *Regulatory Framework*). The contribution of the project to localized increases in traffic-generated noise

along roadways was considered relative to published measures of substantial increase in transportation noise, as discussed below. Finally, construction-related noise generated by the project was evaluated based on the distance to sensitive receptors established in General Plan Policy EC-1.7 and in consideration of implementation of SPC NO-1: Construction-Related Noise.

Each of these approaches is described further below.

Stationary-Source Noise

Development of the project would substantially increase noise levels at noise-sensitive land uses if they would expose sensitive receptors to noise levels exceeding standards established by General Plan Policies EC-1.2, EC-1.3, and EC-1.6. Policy EC-1.6 requires compliance with noise standards in the City's Municipal Code, specifically Sections 20.20.300, 20.30.700, 20.40,600, and 20.50.300.

Operations at proposed noise-producing land uses would be dependent on many variables. The following analysis considers the potential for noise from sources such as mechanical equipment, truck loading docks and delivery activities, and parking lots by describing reference noise levels that are documented to be associated with these sources. Existing General Plan policies and applicable restrictions in the City's Municipal Code that address such sources are identified. Finally, mitigation measures with performance standards to address the potential impacts are identified, as warranted.

Project-Generated Traffic Noise

Policy EC-1.2 of the General Plan establishes criteria to minimize the noise impacts of new development on land uses sensitive to increased noise levels to noise-sensitive land uses which include residential, hotel, hospital, and residential care uses, parks and playgrounds, schools, libraries, museums, meeting halls, houses of worship, auditoriums, and similar facilities. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Existing and Hospital Replacement traffic noise levels were determined based on roadway volumes estimated in the transportation analysis,[285] and assessed for the following scenarios:

1. Existing traffic conditions during the weekday peak commute hour, based on average daily traffic generated for the transportation analysis; and
2. Existing plus Hospital Replacement during the weekday peak commute hour.

Traffic noise levels were modeled using the algorithms of the Federal Highway Administration's Traffic Noise Model for the existing and existing plus project and cumulative plus project scenarios. The resulting noise levels were then compared to existing modeled (see Table 3.10-3). Traffic volumes are provided in the transportation analysis (**Appendix I2**).

[285] Fehr & Peers, Volume Summary, July 28, 2023.

Construction Noise

The City of San José Municipal Code does not establish quantitative noise standards for construction noise. However, according to General Plan Policy EC-1.7, 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) that would continue for more than 12 months.

For such large or complex projects, the policy requires that the project implement a construction-noise logistics plan before the start of construction. The plan must specify hours of construction, identify noise and vibration minimization measures, include the posting or notification of construction schedules, and designate a noise disturbance coordinator who would respond to neighborhood complaints. The construction-noise logistics plan must be implemented during construction to reduce noise impacts on neighboring residents and other uses.

For the following analysis, construction noise levels were estimated for standard construction equipment and for high-impact construction equipment for informational purposes. However, the level of significance was determined based on the duration and intensity of construction activities with the application of the City's Standard Permit Condition.

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by 5 dBA Leq or more and exceed the normally acceptable levels of 60 dBA Leq at the nearest noise-sensitive land uses or 70 dBA Leq at office or commercial land uses for a period of more than 12 months.[286]

Criterion 2: Groundborne Vibration

Impacts from groundborne vibration during project site construction are assessed in Impact NO-2 using vibration-damage threshold criteria expressed in PPV for architectural damage. Equipment or activities that typically generate continuous vibration include but are not limited to excavation equipment, static compaction equipment, vibratory pile drivers, pile-extraction equipment, and vibratory compaction equipment. General Plan Policy EC-2.3 requires new development to minimize the impacts of continuous vibration on 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 is the standard applied to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV is applied to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Policy EC-2.3 also discourages the 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

[286] City of San José, *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*, SCH# 2009072096, September 2011. Page 324.

qualified professional who verifies that there would 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 who verifies that there would be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Caltrans's measure of the threshold for architectural damage to conventional sensitive structures is 0.5 in/sec PPV for new residential structures and modern commercial buildings and 0.25 in/sec PPV for historic and older buildings.[287] However, because the General Plan's standards are more restrictive, the City's thresholds were applied in the analysis.

Vibration impacts were estimated using reference vibration levels for construction equipment in concert with the vibration propagation equations published by FTA, and estimating the potential for resultant vibration levels in excess of the General Plan standards.

Cumulative Traffic Impacts

The significance of cumulative impacts related to traffic noise levels is determined using a two-step process. First, similar to the project-level assessment of traffic impacts, the increase in noise levels between cumulative conditions with the project and existing background conditions is compared to an incremental 3 dBA or 5 dBA threshold, as applicable based on the existing noise level. If the roadside noise levels would exceed this incremental threshold, a significant cumulative noise impact would be identified.

The second step of the analysis of cumulative roadside noise impacts (if a significant cumulative noise impact is predicted based on the above methodology) is to evaluate whether the contribution of the project to roadside noise levels would be cumulatively considerable. This second step (if necessary) involves assessing whether the project's contribution to roadside noise levels (i.e., the difference between cumulative conditions and cumulative plus project conditions) would exceed a 1.5 dBA incremental contribution; this is a threshold that is considered to be cumulatively considerable. The 1.5 dBA increase used to represent a cumulatively considerable contribution is conservatively based on the minimum increase identified as potentially significant by FICAN.[288] As stated above, except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived. Consequently, a cumulatively considerable contribution would reasonably be more than 1 dBA.

Cumulative traffic noise levels were determined based on the transportation analysis.[289] The cumulative scenario includes the existing plus Hospital Replacement plus future campus

[287] California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, April 2020.

[288] Federal Interagency Committee on Aviation Noise (FICAN). *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992.

[289] Fehr & Peers, Volume Summary, July 28, 2023.

improvements during the weekday peak commute hour. The future campus improvements are therefore analyzed under Impact C-NO-1.

Criterion with No Impact or Not Applicable

There would be no impact related to the following criteria for the reasons provided below; therefore, no impact discussion is provided for these criteria.

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, the project would not expose people residing or working in the project area to excessive noise levels. The project site is approximately 9.9 miles southeast of the Norman Y. Mineta San José International Airport. Given the distance, the project area is well outside of the 60 CNEL noise contours of the airport. Therefore, the project would not result in exposure of people residing or working in the project area to excessive noise levels, and there would be no impact.

Impact Analysis

Impact NO-1: The project would result in a 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 with Mitigation)***

Construction Noise

Construction of the project's buildings, street network changes, and infrastructure would occur in three primary phases. Construction would begin in late 2024 with the preparation of the Bright Horizons Day Care center rear yard for the construction trailer installation. Construction of the new hospital, energy center, and parking garage would be completed before 2030. The future campus improvements would be completed after 2030. Construction activities would include but not be limited to demolition; site preparation, excavation, and grading activities; new building construction; paving; installation of utilities; building interior finishing; exterior hardscaping and landscaping; and improvements within the City of San José right-of-way.

Construction, though typically temporary, short-term, and/or intermittent, can be a substantial source of noise. Construction noise is of greatest concern where it takes place near noise-sensitive land uses, or if it occurs at night or in the early morning hours; however, it can also affect commercial uses and other receptors. Local governments typically regulate noise from construction equipment and activities by enforcing noise ordinance standards, implementing general plan policies, and/or imposing conditions of approval for building or grading permits. The following analysis addresses potential construction impacts on off-site receptors with respect to standards established in applicable noise ordinances and General Plan policies identified in Section 3.10.2, *Regulatory Framework*. Noise-sensitive land uses proposed by the project are also considered potentially affected uses.

Major noise-generating construction activities associated with the project would include demolition of existing pavement; site grading and excavation; installation of utilities; construction of building foundations; and paving. Noise levels would be loudest during site preparation, which would require the use of impact tools (e.g., jackhammers, hoe rams) and concrete saws. Site

grading and excavation would also generate high noise levels, as these phases often require the simultaneous use of multiple pieces of heavy equipment such as dozers, excavators, scrapers, and loaders. Piles to support the service yard tanks would be installed using drill and cast-in-place methods and would not involve impact or vibratory pile driving. Vertical construction would involve the operation of cranes, man lifts, gradall/forklifts, and pneumatic hand tools. Noise levels are lower when building construction activities move indoors and require less heavy equipment to complete tasks. Construction equipment would typically include but not be limited to earth-moving equipment and trucks; mobile cranes; compressors; pumps; generators; paving equipment; and pneumatic, hydraulic, and electric tools.

Table 3.10-7 shows typical noise levels associated with various types of construction equipment that would occur at a reference distance of 50 feet from the source. Noise levels at and near the project construction site would fluctuate depending on the particular type, number and duration of uses of various pieces of construction equipment at any given time.

TABLE 3.10-7
TYPICAL MAXIMUM NOISE LEVELS FROM CONSTRUCTION EQUIPMENT

Construction Equipment	Noise Level (dBA, L_{max} at 50 feet)
Backhoe	78
Excavator	81
Compactor	83
Scraper	84
Air Compressor	78
Pneumatic Tools	85
Pumps	77
Dozer	82
Crane	81
Grader	85
Paver	77
Roller	80
Front-End Loader	79
Truck	76
Concrete Crusher	79
Drill Rig	85
Off-highway Truck	85
Forklift (gradall)	83
Concrete Saw	90
Tractor	84
Welder	74

ABBREVIATIONS: dBA = A-weighted decibels; L_{max} = maximum, instantaneous noise level experienced during a given period of time

NOTE:

These are maximum field measured values at 50 feet as reported from multiple samples.

SOURCE: Federal Highway Administration, *Roadway Construction Noise Model User Guide*, 2006.

Table 3.10-8 presents the results of the RCNM modelling of project construction stages showing the predicted noise levels at the nearest off-site sensitive land use. Construction noise levels are calculated using the general assessment methodology of the FTA which calculates the noise generated by the two noisiest pieces of equipment operating simultaneously at the center of a given work site. The nearest residential sensitive receptor to the project site is the Santa Teresa Apartment complex on International Circle, approximately 290 feet east as measured from the center of the existing hospital demolition area; and residences on Del Canto Drive are located as close as 320 feet south of the new hospital as measured from the center of the construction area. The Oakridge Palmia residential neighborhood Residential areas west of Cottle road are 380 feet west of the new hospital as measured from the center of the construction area. Predicted noise values in Table 3.10-8 represent a worst-case analysis when equipment is in operation at the point of the construction site closest to the sensitive receptors, as this would occur only for a relatively short percentage of the overall construction period. As can be seen in Table 3.10-8, construction-related noise would increase noise levels at the nearest noise sensitive land uses by as much as 19 dBA, which would exceed the 5 dBA over ambient noise levels.

As described in Chapter 2, *Project Description*, all construction staging laydown and worker parking would occur within the existing surface parking areas at the campus. Construction haul trucks traveling to and from the project site and staging areas would typically access regional transportation facilities at the nearby SR 85 ramps on Cottle Road, and consequently, would not increase noise levels along local roadways near noise-sensitive receptors. Therefore, project haul trucks are not expected to generate noise impacts to noise-sensitive land uses.

The City of San José does not establish quantitative noise limits for demolition or construction activities occurring in the city. According to the San José Municipal Code, the legal hours of construction within 500 feet of a residential unit are limited to 7 a.m. to 7 p.m., Monday through Friday.

The potential for temporary construction noise impacts under the project is addressed by General Plan Policy EC-1.7. The policy states that the City considers a significant construction noise impact 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) that would continue for more than 12 months. As shown in Table 3.10-8, there are residential uses within 500 feet of all phases of construction. In addition, as indicated in Table 2-2, construction of the New Hospital and Energy Center would each occur over 4 years while construction of the parking garage would occur over 15 months. Therefore, both duration of construction and the proximity to sensitive receptors exceed the criteria of Policy EC-1.7 and indicate that the project would result in a significant construction noise impact.

TABLE 3.10-8
DAYTIME NOISE LEVELS FROM CONSTRUCTION FOR PROJECT

Representative Receptor	Existing Daytime Noise Level (dBA L_{eq})	Loudest Two Noise Sources	Reference Noise Level (dBA)[a]	Distance to Receptor (feet)[b]	Usage Factor (%)	Adjusted L_{eq} Level (dBA)[c]	Resultant Noise Level (dBA)[d]	Increase over Noise Level (dBA)
Demolition								
Santa Teresa Apartment[e]	62	Mounted Impact Hammer (Hoe Ram), Concrete/Industrial Saw	90.3	290	20 / 20	70.7	71.2	**9.2**
Bright Horizons at San José[f]	61	Mounted Impact Hammer (Hoe Ram), Concrete/Industrial Saw	90.3	180	20 / 20	73.1	74.9	**13.9**
Site Preparation – Construction Trailer Area								
Santa Teresa Apartment[e]	62	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	285	20 / 20	70.4	71.0	**8.1**
Bright Horizons at San José[f]	61	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	100	20 / 20	77.4	77.5	**16.5**
Site Preparation (Project Site)								
Santa Teresa Apartment[e]	62	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	290	20 / 20	70.3	70.9	**8.9**
Bright Horizons at San José[f]	61	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	220	20 / 20	72.7	73	**12**
Del Canto Drive Residences[g]	67	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	320	20 / 20	69.5	71.4	4.4
Santa Teresa Branch Library	59	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	120	20 / 20	78.0	78.1	**19.1**
Coffeeberry Drive Residences	72	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	390	20 / 20	67.8	73.4	1.4
Larchmont Drive/Brian Court Residences	69	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	380	20 / 20	68.0	71.5	2.5
Grading (Parking Structure)								
Santa Teresa Apartment	62	Grader, Tractors/Loaders/Backhoes	85.0	310	40 / 40	67.7	68.7	**6.7**
Santa Teresa Branch Library	59	Grader, Tractors/Loaders/Backhoes	85.0	120	40 / 40	76.0	76.1	**17.1**
Del Canto Drive Residences[g]	67	Grader, Tractors/Loaders/Backhoes	85.0	320	40 / 40	67.4	70.2	3.2
Grading (Hospital)								
Del Canto Drive Residences[g]	67	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	700	20 / 40	61.6	68.1	1.1
Coffeeberry Drive Residences	72	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	390	20 / 40	66.7	73.1	1.1
Larchmont Drive/Brian Court Residences	69	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	380	20 / 40	66.9	71.1	2.1

Representative Receptor	Existing Daytime Noise Level (dBA L_{eq})	Loudest Two Noise Sources	Reference Noise Level (dBA)[a]	Distance to Receptor (feet)[b]	Usage Factor (%)	Adjusted L_{eq} Level (dBA)[c]	Resultant Noise Level (dBA)[d]	Increase over Noise Level (dBA)
Trenching (Parking Structure)								
Santa Teresa Apartment	62	Tractors/Loaders/Backhoes, Tractors/Loaders/Backhoes	84.0	310	40 / 40	67.2	68.3	**6.3**
Santa Teresa Branch Library	59	Tractors/Loaders/Backhoes, Tractors/Loaders/Backhoes	84.0	120	40 / 40	75.4	75.5	**16.5**
Del Canto Drive Residences[g]	67	Tractors/Loaders/Backhoes, Tractors/Loaders/Backhoes	84.0	320	40 / 40	66.9	70	3
Trenching (Hospital)								
Del Canto Drive Residences[g]	67	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	700	20 / 40	61.6	68.1	1.1
Coffeeberry Drive Residences	72	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	390	20 / 40	66.7	73.1	1.1
Larchmont Drive/Brian Court Residences	69	Concrete/Industrial Saws, Tractors/Loaders/Backhoes	89.6	380	20 / 40	66.9	71.1	2.1
Building Construction (Hospital & Energy Center)								
Del Canto Drive Residences[g]	67	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	500	20 / 20	65.6	69.4	2.4
Coffeeberry Drive Residences[h]	72	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	390	20 / 20	67.8	73.4	1.4
Larchmont Drive/Brian Court Residences[h]	69	Concrete/Industrial Saw, Concrete/Industrial Saw	89.6	380	20 / 20	68.0	71.5	2.5
Building Construction (Parking Structure)								
Santa Teresa Apartment[i]	62	Rough Terrain Forklifts, Rough Terrain Forklifts	83.4	310	40 / 40	66.6	67.9	**5.9**
Santa Teresa Branch Library[i]	59	Rough Terrain Forklifts, Rough Terrain Forklifts	83.4	120	40 / 40	74.8	74.9	**15.9**
Del Canto Residences[i]	67	Rough Terrain Forklifts, Rough Terrain Forklifts	83.4	320	40 / 40	66.3	69.8	2.8
Paving Phase								
Santa Teresa Apartment	62	Graders, Tractors/Loaders/Backhoes	85.0	310	40 / 40	67.7	68.7	**6.7**
Bright Horizons at San José	61	Graders, Tractors/Loaders/Backhoes	85.0	220	40 / 40	70.7	71.1	**10.1**
Del Canto Drive Residences	67	Graders, Tractors/Loaders/Backhoes	85.0	320	40 / 40	67.4	70.2	3.2
Santa Teresa Branch Library	59	Graders, Tractors/Loaders/Backhoes	85.0	120	40 / 40	76.0	76.1	**17.1**
Coffeeberry Drive Residences	72	Graders, Tractors/Loaders/Backhoes	85.0	390	40 / 40	65.7	72.9	0.9
Larchmont Drive/Brian Court Residences	69	Graders, Tractors/Loaders/Backhoes	85.0	380	40 / 40	65.9	70.7	1.7

Representative Receptor	Existing Daytime Noise Level (dBA L_{eq})	Loudest Two Noise Sources	Reference Noise Level (dBA)[a]	Distance to Receptor (feet)[b]	Usage Factor (%)	Adjusted L_{eq} Level (dBA)[c]	Resultant Noise Level (dBA)[d]	Increase over Noise Level (dBA)

ABBREVIATIONS: dBA = A-weighted decibels; L_{eq} = equivalent sound level; NA = not applicable

NOTES:

Bold indicates exceedances over 5 dBA from ambient noise levels.

a. The instantaneous maximum noise level (L_{max}) at 50 feet.
b. Distance between the approximate location of construction equipment at the work site center and the property line of the sensitive receptor.
c. The L_{eq} level is adjusted for distance and percentage of usage.
d. The resultant noise level is the logarithmic sum of the existing noise level and the contribution (adjusted) noise level from construction.
e. Measured from center of existing hospital to the property line of the sensitive receptor.
f. Measured from center of existing surface parking lot to be demolished to the property line of the sensitive receptor.
g. Measured from center of energy center to the property line of the sensitive receptor.
h. Measured from center of new hospital to the property line of the sensitive receptor.
i. Measured from center of new parking structure to the property line of the sensitive receptor.

SOURCES: FHWA, *Roadway Construction Noise Model User Guide*, 2006; data compiled by Environmental Science Associates, 2023

Additionally, as indicated in Table 3.10-8, project construction activities would temporarily exceed the normally acceptable levels of 60 dBA Leq at residential land uses or 70 dBA Leq at commercial land uses by 5 dBA Leq or more at various times throughout construction for over a year. The standard provided by General Plan Policy EC-1, and the impact with respect to daytime construction noise resulting in a substantial increase in ambient noise is considered to be potentially significant.

The project would require construction activities that would extend beyond normal hours (i.e., between 7:00 a.m. and 7:00 p.m.). Construction would occur between 6:00 a.m. and 7:00 p.m., five days a week, and on Saturdays between 8:00 a.m. and 5:00 p.m. In addition, some project elements may require nighttime concrete pours or other nighttime work to achieve satisfactory results or to avoid traffic impacts. If such work were to occur within 500 feet of a residence or 200 feet of a commercial use, the project could conflict with the City ordinance limiting the hours and days allowed for construction work unless overnight or weekend construction is expressly allowed in a development permit or other planning approval. Such construction activities would be subject to review, permitting, and approval by the Director of Planning, Building and Code Enforcement, or the Director's designee. Therefore, construction of the project would result in a potentially significant impact with respect to exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, specific plan, or other land use plan. SPC NO-1, Construction-Related Noise and **Mitigation Measure NO-1a, Construction Noise Reduction Plan**, would be implemented to reduce this impact.

Mitigation Measures

Mitigation Measure NO-1a: Construction Noise Reduction Plan

The project applicant shall prepare a Construction Noise Reduction Plan. The plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval required as a condition of the permit. This Construction Noise Reduction Plan shall include, at a minimum, the following noise reduction measures:

1. **Noise Monitoring:** The Construction Noise Reduction Plan shall include a requirement for noise monitoring of construction activity throughout the duration of project construction, at times and locations determined appropriate by the qualified consultant and approved by the City of San José Planning, Building and Code Enforcement Department.
2. **Schedule:** Any proposed nighttime construction activities such as nighttime concrete pours or other nighttime work necessary to achieve satisfactory results or to avoid traffic impacts shall undergo review, permitting, and approval by the City of San José Planning, Building, and Code Enforcement Department.
3. **Site Perimeter Barrier:** To reduce noise levels for work occurring adjacent to residences, daycare facilities, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the 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 barrier shall achieve a performance standard of a 10 dBA noise reduction.

4. **Stationary-Source Equipment Placement:** Stationary noise sources, such as generators and air compressors, shall be located as far from adjacent properties as possible. These noise sources shall be muffled and enclosed within temporary sheds, shall incorporate insulation barriers, or shall use other measures as determined by the City of San José Planning, Building, and Code Enforcement Department to provide equivalent noise reduction.
5. **Stationary-Source and Small Equipment Local Barriers:** For stationary equipment, such as generators and air compressors, and small equipment such as concrete saws that will operate for more than one week within 500 feet of a noise-sensitive land use, the project contractor shall provide additional localized barriers around such stationary equipment that break the line of sight to neighboring properties and achieve a performance standard of a 10 dBA noise reduction.
6. **Construction Equipment:** Exhaust mufflers shall be provided on pneumatic tools when in operation for more than one week within 500 feet of a noise-sensitive land use. All equipment shall be properly maintained.
7. **Truck Traffic:** The project shall minimize truck idling to no more than five minutes. Trucks shall load and unload materials in the construction areas, rather than idling on local streets. If truck staging is required, the staging area shall be located along major roadways with higher traffic noise levels or away from the noise-sensitive receivers.
8. **Noise Complaint Liaison:** A noise complaint liaison shall be identified to field complaints regarding construction noise and interface with the project construction team. Contact information shall be distributed to nearby noise-sensitive receivers. Signs that include contact information shall be posted at the construction site.
9. **Notification and Confirmation:** Businesses and residents within 500 feet shall be notified by certified mail at least one month before the start of extreme noise-generating activities (to be defined in the Construction Noise Reduction Plan). The notification shall include, at a minimum, the estimated duration of the activity, construction hours, and contact information.
10. **Complaint Protocol:** Protocols shall be implemented for receiving, responding to, and tracking received complaints. A community liaison shall be designated who will be responsible for responding to any local complaints about construction noise. The community liaison shall determine the cause of the noise complaint and require that measures to correct the problem be implemented. Signage that includes the community liaison's telephone number shall be posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.

Significance after Mitigation: Mitigation Measure NO-1a would implement a construction noise reduction plan, consistent with the requirements of General Plan Policy EC-1.7 to address significant construction noise impacts within 500 feet of residential uses or 200 feet of commercial or office uses continuing for more than 12 months. The greatest impacts would occur during concrete saw operations for demolition and site preparation for the new parking structure which would impact the Santa Teresa Branch Library. Such activities would only occur for one week and could be reduced by implementation of measure 5 of Mitigation Measure NO-1a. A solid temporary noise barrier, if properly designed, can achieve 10 dBA of noise reduction. Implementation of the site perimeter barrier required by measure 3 in Mitigation Measure NO-1a would address other significant noise impacts. Therefore, with implementation of SPC NO-1

and Mitigation Measure NO-1a, the construction noise impact would be **less than significant with mitigation**.

Stationary Noise Sources (Operational Noise Increases)

Operation of the new hospital and energy center would increase ambient noise levels in the immediate project site vicinity primarily associated with the operation of new building stationary equipment, such as HVAC systems, specialty equipment of the energy center and emergency generators.

HVAC equipment would be mounted on the hospital rooftop as well as the podium rooftop. These would include air handling units (AHUs), chillers and exhaust fans. Rooftop HVAC equipment would likely be shielded from nearby receptors with a parapet and receptors would likely not have line-of-sight. Operational noise from the proposed HVAC units was conservatively modeled using equipment specifications and plan drawings provided by the project applicant and assumed all units as a point source (see Appendix H). A conservative 5 dB reduction was assumed for restricted line-of-sight for rooftop sources. Modeled noise from proposed HVAC units (AHUs and exhaust fans) on the hospital podium are presented in **Table 3.10-9** and a predicted to marginally exceed the applicable DNL noise standard at the nearest residential and commercial property lines. Modeled noise from proposed HVAC units on the hospital tower are predicted to marginally exceed the applicable DNL noise standard at the nearest commercial property line and would be a potentially significant impact.

Also, as shown in Table 3.10-7, noise from proposed rooftop chiller units at the new hospital would be well below the applicable noise standard and the nearest residential and commercial property lines.

The energy center would also have a number of stationary noise sources and would be located closer to noise-sensitive land uses than the hospital. These include air source heat pumps, air cooled condensers and backup diesel generators. The heat pumps and condensers have much greater noise specifications than HVAC equipment.

Four air source heat pumps (ASHP) are proposed on the roof of the energy center. Details about the ASHP have a specified sound power level of 93 dB. Four ASHPs would generate noise levels up to 57 dBA at the nearest commercial property line and 49 dBA at the nearest residential property line.

In addition, four air-cooled condenser (ACC) are proposed on the roof of the energy center which have a sound power level of 105 dB. These ACCs would generate noise levels up to 69 dBA at the nearest commercial property line, and 61 dBA at the nearest residential property line. The aggregate impact of these rooftop units of the energy center after converting to the DNL metric would be noise levels of 67 and 76 DNL at the residential and commercial property lines, respectively. These noise levels would exceed the 60 DNL threshold at commercial land uses, and 55 DNL threshold at residential land uses, respectively. The locations of stationary noise sources for the future campus improvements are unknown at this time but they could include HVAC equipment and non-combustion energy generation facilities to support the medical center. Future energy generation facilities could also include fuel cells that would emit less than 70 dB of sound from 6 feet away from the units. If the equipment is located near sensitive receptors, the noise levels could exceed the exceed the applicable DNL noise standard at the nearest commercial or residential property lines.

TABLE 3.10-9
STATIONARY SOURCE NOISE SOURCES AND OPERATIONAL NOISE LEVELS

Source	# of units	Sound power level (dB per unit)	A-weighted sound pressure level at residential property line	Residential ordinance standard	A-weighted sound pressure level at commercial property line	Commercial ordinance standard
Podium Sources						
HVAC Exhaust (podium)	8	80	47 Leq		53 Leq	
AHUs (podium)	6	83	49 Leq		55 Leq	
Total Podium Sources	**14**	**--**	**57 DNL**	55 DNL	**63 DNL**	60 DNL
Hospital Tower Sources						
HVAC Exhaust (tower)	20	80	51 Leq		59 Leq	
AHUs (tower)	6	83	49 Leq		57 Leq	
Chiller (tower)	1	68	26 Leq		34 Leq	
Total Tower Sources	27	--	55 DNL	55 DNL	**63 DNL**	60 DNL
MRI Sources						
Chillers (MRI)	3	61	31 DNL	55	37 DNL	60
Energy Center Sources						
Air source heat pumps (CUP)	4	93	49 Leq		57 Leq	
Air cooled condensers (CUP)	4	105	61 Leq		69 Leq	
Generators (CUP)	3	75	34 Leq		44 Leq	
Total Energy Center Sources	**11**	**--**	**67 DNL**	55 DNL	**76 DNL**	60 DNL

ABBREVIATIONS: L_{eq} represents the constant sound level; DNL = day-night average noise level
NOTES:
Bold indicates exceedances over applicable ordinance standard.
SOURCE: Mechanical Equipment Plan from Stantec 2023, and modeling performed by Environmental Science Associates in 2023.

Additionally, the new parking garage may require the installation of an exterior fire pump and associated generator to meet fire water pressure requirements. This equipment would be located at the northeast side of the parking structure, approximately 130 feet north of the Santa Teresa Branch Library and 300 feet from the nearest residence. Specifications for this equipment are not yet available and potential noise levels cannot be calculated. Although maintenance operations would only occur for weekly testing, it is conservatively assumed that noise generated by testing would have the potential to result in a significant operational noise impact.

Based on the above, stationary equipment noise from the energy center and future campus improvements would result in a potentially significant operational impact. **Mitigation Measure NO-1b** would be implemented to reduce this impact.

The emergency standby diesel generators for the energy center would be located within enclosures to provide both noise attenuation and weather protection. Regular maintenance operation testing of the emergency standby generators would occur for approximately four daytime hours per month (50 hours annually). Given the limited duration of noise events for

testing, it would not substantially increase ambient noise levels. It should also be noted that operation of the proposed generators during a power failure or other emergency would be exempt from the restrictions of the City's noise ordinance.

Emergency backup generators would be tested regularly and operated occasionally. Typically, the Bay Area Air Quality Management District permits emergency backup generators to operate for up to 50 hours per year, or on average about 1 hour per week, to limit emissions of pollutants from diesel-powered generators. The noise generated by generator testing would be akin to that of a diesel-powered truck engine; this occasional testing would not result in a substantial permanent increase in noise levels over ambient conditions and as shown in Table 3.10-7, would be well below the applicable noise standard and the nearest residential and commercial property lines.

Mitigation Measures

Mitigation Measure NO-1b: Operational Noise Performance Standard

Prior to the issuance of any building permit, the project applicant shall ensure that all mechanical equipment is selected and designed to reduce impacts on surrounding uses by meeting the performance standards of Chapters 20.20 through 20.50 of the San José Municipal Code and Policy EC-1.3 of the General Plan, limiting noise from stationary sources such as mechanical equipment, loading docks, and central utility plants to 55 dBA and 60 dBA, at the property lines of residential and commercial receivers, and 55 dBA, DNL[290] at the property line when located adjacent to existing or planned noise sensitive residential, respectively.

There are numerous methods of achieving these performance standards, depending on the reduction need for a given specific source. Methods may include using low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment within a rooftop mechanical penthouse, and using shields and parapets to reduce noise levels to adjacent land uses. Acoustical screening can also be applied to exterior noise sources of the proposed central utility plants and can achieve up to 15 dBA of noise reduction.[291] Given that equipment noise associated with the energy center are predicted to be 16 dBA over the commercial ordinance standard, measures beyond acoustical screening would be required. Additional reductions can be achieved through engineering controls such as an acoustical silencer. Acoustical silencers are an assembly of solid steel outer skin and an absorption filled inner skin engineered specific to the airflow and available pressure loss of the subject fan. Silencers are tuned to reduce the specific sound frequency of the fan and its function. Typical reduction can be as high as 35 dB depending on the frequency.[292] This reduction would be more than required to achieve the performance standards of this mitigation measure.

An acoustical study shall be prepared by a qualified acoustical engineer during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary design measures to be incorporated to meet the City's standards. The study shall be submitted to the Director of the City of San José

[290] It is noted that for steady-state sources, 49 dBA, Leq is equivalent to a DNL of 55 dBA.

[291] Environmental Noise Control, Product Specification Sheet, ENC STC-32 Sound Control Panel System, 2014.

[292] ENoise Control, 2023. Available at www.enoisecontrol.com/condenser-fan-attenuation/#:~:text=The%20condenser%20fan%20pulls%20air%20over%20the%20coils,control%20for%20this%20application%20is%20an%20acoustical%20silencer.

Department of Planning, Building and Code Enforcement or the Director's designee for review and approval before the issuance of a permit on the hospital parcel.

Significance after Mitigation: Implementation of Mitigation Measure NO-1b would ensure that mechanical equipment installed as part of the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, or permanently expose persons to noise levels in excess of the City's noise ordinance standards. This impact would be **less than significant with mitigation**.

Ambulance-Related Noise

A driveway on International Circle along the north side of the existing hospital currently provides ambulance access to the existing hospital. Under the project, ambulances would access the new hospital from Cottle Road and would have direct access to services in the emergency department. With the Hospital Replacement, total annual emergency room visits at the project site are projected to remain the same. Therefore, the average number of daily ambulance visits to the project site using lights and sirens would not be expected to increase. There is no existing or proposed helistop and aircraft (helicopter) noise is not a potential impact of the project.

Operational Traffic Noise Increases

Vehicle trips generated by the project would generate roadway noise in the project area and surrounding environment. Increases in traffic noise gradually degrade the environment in noise-sensitive areas.

The significance of traffic noise levels is determined by comparing the increase in noise levels (from the traffic contribution only) to increments recognized by General Plan Policy EC-1.2 as significant.

Traffic noise levels were determined based on the transportation analysis,[293] and assessed in this section for the following scenarios:

1. Existing traffic conditions during the weekday peak commute hour, as estimated based on average daily traffic (using data generated for the transportation analysis); and
2. Existing plus Hospital Replacement during the weekday peak commute hour.

All traffic volumes are provided in the transportation analysis (**Appendix I2**). Modeled estimates of weekday noise levels for the most highly affected roadway segments near the project site are presented in **Table 3.10-10** for buildout of the project during the weekday peak commute hour.

[293] Fehr & Peers Transportation Consultants, 2023.

TABLE 3.10-10
TRAFFIC NOISE INCREASES ALONG ROADS IN THE PROJECT VICINITY

Roadway Segment	Background	Applicable Increase Threshold (dB)	Background + Project	dBA Difference	Significant Increase?
Weekday Peak-Hour Noise Levels					
Cottle Road from SR 85 SB Off-Ramp to Hospital Parkway/Palmia Drive	72.8	3	73.0	0.2	No
Palmia Drive from Cottle Road o Primrose Drive	63.2	3	63.2	0	No
Hospital Parkway from Cottle Road to International Circle	65.1	3	65.5	0.4	No
Cottle Road from Hospital Parkway/Palmia Drive to Santa Teresa Boulevard	71.4	3	71.6	0.2	No
Cottle Road from Santa Teresa Boulevard to El Portal Way	69.5	3	69.5	0	No
Santa Teresa Boulevard from Lean Avenue to Cottle Road	75.6	3	75.6	0	No
Santa Teresa Boulevard from Cottle Road to Camino Verde Drive	75.4	3	75.5	0.1	No
Camino Verde Drive from El Portal Way to Santa Teresa Boulevard	61.2	3	61.1	-0.1[a]	No
Santa Teresa Boulevard from Camino Verde Drive to Lissow Drive/Encinal Drive	74.0	3	74.0	0	No

ABBREVIATIONS: dB = decibels; dBA = A-weighted decibels; NA = not applicable

NOTE:

a. Negative values indicate a decrease in roadway noise at these locations that results when traffic distribution changes reduce future traffic volumes compared to the existing conditions, as predicted in the transportation analysis.

SOURCES: Traffic data compiled by Fehr & Peers in 2023, and modeling performed by Environmental Science Associates in 2023.

As shown in Table 3.10-10, increased in roadway traffic due to the Hospital Replacement would increase roadside noise levels by 0.4 dBA or less and would be **less than significant**.

Mitigation: None required.

Impact NO-2: The project would not result in a generation of excessive groundborne vibration or groundborne noise levels. *(Less than Significant)*

This analysis addresses vibration impacts generated by construction activities at existing off-site buildings and at buildings constructed during the early phases of construction. Equipment or activities that typically generate continuous vibration include but are not limited to excavation equipment, impact pile drivers, static compaction equipment, vibratory pile drivers, pile-extraction equipment, and vibratory compaction equipment.

General Plan Policy EC-2.3 requires new development to minimize impacts of continuous vibration on 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 is the standard applied to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV is applied to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Policy EC-2.3 also discourages the 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 who verifies that there would 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 who verifies that there would be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

The types of construction-related activities associated with propagation of ground-borne vibration would primarily include the use of vibratory rollers for compacting. As discussed in Impact NO-1 above, no impact pile driving or blasting activities are proposed during construction of the project.

A matrix of typical vibration levels from various construction activities with distance is presented in **Table 3.10-11**.

TABLE 3.10-11
VIBRATION LEVELS FOR CONSTRUCTION ACTIVITY

	Estimated PPV (inches per second)/VdB (root mean square)		
Equipment	**At 15 Feet (Santa Teresa Branch Library)**	**At 25 Feet (reference)**	**At 90 Feet (Santa Teresa Apartments)**
Jack Hammer	0.075/86	0.035/79	0.005/62
Loaded Trucks	0.164/93	0.076/86	0.011/69
Caisson Drilling	0.191/94	0.089/87	0.013/70
Large Bulldozer	0.191/94	0.089/87	0.013/70
Vibratory Roller	0.452/101	0.21/94	0.031/77

SOURCES: California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, September 2013; Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018.

The use of a vibratory roller would be the highest contributor of vibration during construction. The nearest existing off-site building, Santa Teresa Branch Library located at 290 International Circle, is approximately 15 feet from the nearest construction area for the project where a vibratory roller could be used. A vibratory roller typically generate vibration levels of 0.452 inch/second PPV at a distance of 15 feet (see Table 3.10-11) and at this distance vibration levels are below the applied human annoyance of 80 VdB for the closest residential receptor at Santa Teresa

Apartments and 0.5 PPV building damage threshold for the Santa Teresa Branch Library. Project vibration levels from use of a vibratory roller at other nearby but further set back buildings would be similar to or less than that estimated for the Santa Teresa Branch Library. Accordingly, the project's impact from vibratory roller use on nearby buildings during construction would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

Impact C-NO-1: The project, when combined with cumulative projects, would not generate a substantial temporary increase in ambient noise levels from construction activity in the vicinity of the project in excess of standards established in the local general plan or noise ordinance. ***(Less than Significant)***

The geographic scope of analysis for cumulative noise and vibration construction impacts encompasses sensitive receptors within approximately 1,000 feet of the project site.[294] Beyond 1,000 feet, the construction noise from cumulative projects would be greatly attenuated by both distance and intervening structures. Table 3-1 presents the list of cumulative projects in the vicinity and only one project would be within the geographic scope for noise and vibration impacts. The Cottle Road VTA Tiny Homes project would construct modular homes in the existing VTA light-rail station parking lot. The Cottle Road VTA Tiny Homes project could be under construction at the same time as the project. However, due to the modular nature of the buildings, construction of these homes is expected to require minimal ground disturbance, which is usually the noisiest phases of construction. This location is adjacent to the SR 85, which generates consistent noise that would serve to minimize the construction noise and is also approximately 720 feet from the Replacement Hospital. Mitigation Measure NO-1a would reduce the project's construction noise to a less-than-significant-level. Due to the distance of the cumulative project, the potential for combined construction effects would be limited. Therefore, the project, in combination with cumulative projects, would have a **less-than-significant** cumulative impact.

Mitigation: None required.

Impact C-NO-2: Operation of the project, when combined with cumulative projects, would not result in a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies. ***(Less than Significant)***

[294] This screening threshold distance was developed based on equations for stationary-source noise attenuation (California Department of Transportation, *Transportation and Construction Vibration Guidance Manual*, September 2013). The analysis also used the combined noise level generated by the typical construction phases for a given project (assuming multiple pieces of equipment) at a distance of 50 feet. Using the attenuation equations, the maximum noise level of 89 dBA for both excavation and finishing would diminish to below 65 dBA at 1,000 feet. A receptor experiencing noise levels of 89 dBA from two adjacent construction sites would experience a cumulative noise level of 91 dBA (the acoustical sum of 89 dBA plus 89 dBA), which would still diminish to below 65 dBA at 1,000 feet. Hence, 1,000 feet is used as the geographic scope.

Operational noise impacts of the project would result primarily from increased traffic on the local roadway network. Cumulative program-level traffic data were used to estimate cumulative operational noise increases. The traffic data includes City growth projections.

The significance of cumulative impacts related to traffic noise levels is determined using a two-step process, as discussed under the *Approach to Analysis* section. If a cumulative impact is identified, the second step is to evaluate whether the contribution of the project to roadside noise levels would be cumulatively considerable.

The roadway segments analyzed and the results of the noise increases resulting from modeling are shown in **Table 3.10-12** for 2040 cumulative plus weekday p.m.[295] As shown in Table 3.10-12, cumulative traffic noise would not result in an increase of 3 dB or more along any of the analyzed roadways. Therefore, the cumulative traffic noise impact would be **less than significant**.

Mitigation: None required.

TABLE 3.10-12
TRAFFIC NOISE INCREASES ALONG ROADS IN THE PROJECT VICINITY UNDER CUMULATIVE CONDITIONS

Roadway Segment	Background	Applicable Increase Threshold (dB)	Cumulative Program Level	dBA Difference	Significant Increase?
Weekday Peak-Hour Noise Levels					
Cottle Road from SR 85 SB Off-Ramp to Hospital Parkway/Palmia Drive	72.8	3	73.5	0.7	No
Palmia Drive from Cottle Road o Primrose Drive	63.2	3	63.2	0	No
Hospital Parkway from Cottle Road to International Circle	65.1	3	66.6	1.5	No
Cottle Road from Hospital Parkway/Palmia Drive to Santa Teresa Boulevard	71.4	3	72.1	0.7	No
Cottle Road from Santa Teresa Boulevard to El Portal Way	69.5	3	69.5	0	No
Santa Teresa Boulevard from Lean Avenue to Cottle Road	75.6	3	75.7	0.1	No
Santa Teresa Boulevard from Cottle Road to Camino Verde Drive	75.4	3	75.9	0.5	No
Camino Verde Drive from El Portal Way to Santa Teresa Boulevard	61.2	3	61.1	-0.1[a]	No
Santa Teresa Boulevard from Camino Verde Drive to Lissow Drive/Encinal Drive	74.0	3	74.1	0.1	No

ABBREVIATIONS: dB = decibels; dBA = A-weighted decibels; NA = not applicable

NOTE:

a. Negative values indicate a decrease in roadway noise at these locations that results when traffic distribution changes reduce future traffic volumes compared to the existing conditions, as predicted in the transportation analysis.

SOURCES: Traffic data compiled by Fehr & Peers in 2023, and modeling performed by Environmental Science Associates in 2023.

[295] The peak hour was used to represent the maximum period of traffic generation and associated noise generated by the project.

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3.11 Population and Housing

This section assesses the potential for the project, including the Hospital Replacement and Future Campus Improvements, to result in significant adverse impacts on population and housing. This section first includes a description of the existing environmental setting as it relates to population and housing, and provides a regulatory framework that discusses applicable state, regional, and local regulations. This section also includes an evaluation of potential significant impacts of the project on population and housing.

3.11.1 Environmental Setting

Existing Project Site Population, Housing, and Employment

The existing approximately 40-acre SJMC campus contains the existing hospital and emergency department, medical office buildings, one administrative building, two parking structures, surface parking, and support uses. The current worker population at the SJMC campus, which includes support staff, nurses, and physicians, is approximately 3,755 employees. Approximately 1,275 support the day shift and 780 support the evening/night shifts (combined) at the existing hospital. All other buildings at the SJMC campus support approximately 1,700 employees. The average daily patient population at the existing hospital is approximately 247 people. The project site does not contain any residential structures.

Citywide and Regional Population, Housing, and Employment

Population and Housing

The total population of the City has increased dramatically during the last 60 years, especially during the 1960s and 1970s. Although the rate of growth has slowed since the 1970s, the City is still experiencing substantial growth. Despite a dip in population growth during the Great Recession starting in 2008, the City added an average of 12,795 residents per year since 2000, an increase of 14.3 percent since 2000, for a total population of 945,942 at the beginning of 2010.[296] As of January 2023, the City's population was estimated to be 959,256.[297] The City's General Plan plans for a total population of 1,313,811 by 2040.[298] As described in Section 3.11.2, *Regulatory Framework*, below, the Association of Bay Area Governments (ABAG) makes projections about housing, job, and population growth for the purposes of regional transportation planning and compliance with state law on housing needs. ABAG projects that the population of San José will reach 1,377,145 people by 2040.[299]

The City contains a diverse range of housing types and densities to serve its diverse population. The City's housing stock in 2020 was made up of 52.6 percent single-family detached homes, 9.7

[296] City of San José, *City of San José 2023–2031 Housing Element Update Draft SEIR*, March 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/95339/638142607402130000. Accessed August 31, 2023.

[297] California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State—January 1, 2021–2023, with 2020 Benchmark*, Sacramento, CA, May 2023. Available at www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/.

[298] City of San José, *Downtown Strategy 2040 Integrated Final EIR*, December 2018.

[299] Association of Bay Area Governments, *Plan Bay Area 2040 Land Use Modeling Report*, July 2017. Available at 2040.planbayarea.org/files/2020-02/Land_Use_Modeling_PBA2040_Supplemental%20Report_7-2017.pdf. Accessed August 31, 2023.

percent single-family attached homes, 6.9 percent multifamily homes with 2 to 4 units, 27.5 percent multifamily homes with 5 or more units, and 3.3 percent mobile homes.[300] As of January 2023, the City contained an estimated 345,798 housing units.[301] The City's General Plan plans for a total of 429,350 units by 2040.[302] ABAG projects that San José will grow to 448,300 housing units by 2040.[303]

Jobs

San José, the Bay Area's largest city and the nation's tenth largest city, continues to play a vital role in local, regional, state, and national economies. As of December 2021, San José had a total of 427,894 jobs, of which approximately 56,564 of these jobs were created since the adoption of the City's General Plan, representing a 15.2 percent increase from December 2011. The General Plan includes a planned job capacity of 382,000 new jobs until the year 2040, equating to approximately 13,000 new jobs per year. Prior to a large decline in 2020, San José was adding on average 7,700 jobs annually. Including 2021, San José has added approximately 5,656 jobs annually since 2011, far below the goal of 13,000 jobs annually.[304] ABAG estimates 493,575 total jobs in San José by 2030 and 554,875 by 2040.[305]

Jobs/Housing Balance

San José uses the term "jobs/housing balance" to describe the ratio of employed residents to the number of jobs in the City.[306,307] This ratio is used as one indicator of the potential degree of in- and out-commuting. When there are substantially more employed residents than jobs in a city, more people must drive to another jurisdiction, requiring longer commutes than if they worked locally (and vice versa). A well-balanced ratio (close to one employed resident to one job) is typically desirable for environmental, economic, and quality-of-life reasons, although many other factors influence average commute distance. Travel models provide more detailed data about the extent of commuting in a region than are indicated by the ratio.

San José has historically been "housing-rich/jobs-poor," meaning that it has had significantly more employed residents than local jobs. As described in Section 3.11.2, *Regulatory Framework*,

[300] City of San José, *City of San José 2023–2031 Housing Element Update Draft SEIR*, March 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/95339/638142607402130000. Accessed August 31, 2023.

[301] California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State—January 1, 2021–2023, with 2020 Benchmark*, Sacramento, CA, May 2023. Available at www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/.

[302] City of San José, *Downtown Strategy 2040 Integrated Final EIR*, December 2018.

[303] Association of Bay Area Governments, *Plan Bay Area 2040 Land Use Modeling Report*, July 2017. Available at 2040.planbayarea.org/files/2020-02/Land_Use_Modeling_PBA2040_Supplemental%20Report_7-2017.pdf. Accessed August 31, 2023.

[304] City of San José, *2022 General Plan Annual Performance Review for Fiscal Year 2021–22*, March 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/95597/638168259703370000. Accessed August 29, 2023.

[305] Association of Bay Area Governments, *Plan Bay Area 2040 Land Use Modeling Report*, July 2017. Available at 2040.planbayarea.org/files/2020-02/Land_Use_Modeling_PBA2040_Supplemental%20Report_7-2017.pdf. Accessed August 31, 2023.

[306] The City calculates the jobs/housing balance for General Plan planning purposes by dividing the number of jobs by employed residents. The City uses a jobs-to-employed-residents ratio instead of a jobs-to-housing-units ratio because there can be more than one employed resident per housing unit. The ratio of jobs to employed residents is more accurate for assessing the overall amount of in- and out-commuting.

[307] Employed residents are residents of San José who have jobs, although those jobs may be outside the city, requiring commutes of varying distances.

the City's longstanding goal is to reach a balance of jobs and housing, and the General Plan designates sufficient land to accommodate both desired job growth and projected housing needs. General Plan Policy IE-1.4 plans for a jobs/housing balance increase from 0.8 in 2010 to 1.1 in 2040. From 2011 to 2021, the City's jobs per employed resident ratio has fluctuated between 0.80 and 0.85. As of 2021, San José continued to have more employed residents than jobs within the City, approximately 0.81 jobs per employed resident. The data reinforces the importance of the General Plan's jobs focus and the need to maintain employment land for future job growth.[308]

3.11.2 Regulatory Framework

State

Senate Bill 375

Senate Bill (SB) 375, enacted in 2008, requires regions to prepare a sustainable communities strategy (or alternative planning strategy) to reduce GHG emissions by linking growth to transit, resulting in a different distribution of jobs and housing growth than under pre-strategy projections. The strategy should result in the co-benefit of addressing congestion, which disproportionately affects lower income residents by burdening them with long commutes on crowded freeways, buses, or trains.

Regional

Plan Bay Area 2050

SB 375 requires all metropolitan regions in California to complete a sustainable communities strategy (SCS) as part of a regional transportation plan. In the Bay Area, the Metropolitan Transportation Commission (MTC) and ABAG are jointly responsible for developing and adopting an SCS that integrates transportation, land use, and housing to meet GHG reduction targets set by the California Air Resources Board.

Plan Bay Area 2050, adopted in October 2021, serves as the SCS for the Bay Area, in accordance with SB 375.[309] *Plan Bay Area 2050* is comprised of 35 strategies across the elements of housing, the economy, transportation, and the environment. A core household and employment growth strategy of Plan Bay Area is "focused growth" in existing communities along the existing transportation network. Key to implementing this focused growth strategy are Priority Development Areas (PDAs) and Transit-Rich Areas (TRAs), as recommended and approved by local governments. As defined by the plan, PDAs are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. Plan Bay Area also recommends increasing non-auto travel mode share and reducing vehicle miles traveled per capita and per employee by promoting transit-oriented development, transit improvements, and active transportation modes such as walking and bicycling.

[308] City of San José, *2022 General Plan Annual Performance Review for Fiscal Year 2021–22*, March 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/95597/638168259703370000. Accessed August 29, 2023.

[309] Association of Bay Area Governments, *Plan Bay Area 2050*, Final, adopted October 21, 2021. Available at www.planbayarea.org/finalplan2050. Accessed August 18, 2023.

Prior to *Plan Bay Area 2050*, *Plan Bay Area 2040*, adopted in 2017, was the most recent regional transportation plan and sustainable communities strategy for the Bay Area region.[310] *Plan Bay Area 2050* updates *Plan Bay Area 2040* and is consistent with the current Regional Housing Needs Allocation cycle. However, since *Plan Bay Area 2050* was adopted in late 2021, *Plan Bay Area 2040* continues to serve as the basis for regional and county-wide transportation models until the models are updated. Updates to the models are anticipated within the next several years.

Local

Envision San José 2040 General Plan

The General Plan is anchored by 12 "Major Strategies." Several of the strategies are relevant to consideration of population and housing effects in the project area:

> ***Major Strategy #3: Focused Growth.*** This strategy reflects the City's desire to focus growth in identified "Growth Areas."
>
> ***Major Strategy #4: Innovation/Regional Employment Center.*** This strategy supports and promotes San José's growth as a regional center for employment and innovation by planning for 382,000 new jobs and supporting job growth within existing job centers. This strategy reflects the City's desire to achieve a jobs-to-employed-residents ratio of 1.1 to 1 by the year 2040.
>
> ***Major Strategy #5: Urban Villages.*** The General Plan establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. The project site is located partially within the Santa Teresa Boulevard/Cottle Road Urban Village.
>
> ***Major Strategy #11: Design for a Healthful Community.*** This strategy supports 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.

To further these Major Strategies, the General Plan contains the following relevant policies related to population and housing:

> ***Policy IE-1.5:*** Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.
>
> ***Policy ES-6.1:*** Facilitate the development of new and promote the preservation and enhancement of existing health care facilities that meet all the needs of the entire San José community.

The General Plan supports and promotes future growth, development, and the provision of municipal services for the city of San José. In particular, the General Plan supports the

[310] Association of Bay Area Governments, *Plan Bay Area 2040*, Final, adopted July 26, 2017. Available at 2040.planbayarea.org/reports. Accessed August 18, 2023.

development of up to 382,000 new jobs[311] and 120,000 new dwelling units, supporting a population of approximately 1.3 million people by 2040.

The General Plan also establishes the Urban Villages concept to create a policy framework to direct most new job and housing growth to occur within walkable and bike friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Preparation of an Urban Village Plan for each Urban Village area will provide for continued community involvement in the implementation of the General Plan and for land use and urban design issues to be addressed at a finer level of detail. The project site is located partially within the Santa Teresa Boulevard/Cottle Road Urban Village growth area. No Urban Village Plan has been prepared for this area to date;[312] however, the City estimates that approximately 47 new housing units and 500 jobs would occur in the Santa Teresa Boulevard/Cottle Road Urban Village growth area by 2040.[313]

3.11.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a population and housing impact would be significant if implementation of the project would:

- 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); or
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Approach to Analysis

The project's effects related to population and housing are evaluated by assessing anticipated population growth under the project, including the Hospital Replacement and future campus improvement, in relation to adopted regional and local growth projections, including projections included in the City's General Plan and Plan Bay Area.

[311] When it was adopted in 2011, the *Envision San José 2040 General Plan* provided capacity for 470,000 new jobs. The jobs capacity was amended to 382,000 in 2016 as part of the General Plan Four-Year Review.

[312] City of San José, Urban Villages. Available at www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/urban-villages. Accessed August 21, 2023.

[313] City of San José, Public GIS Viewer, Growth Areas 2040. Available at www.arcgis.com/apps/webappviewer/index.html?id=3c5516412b594e79bd25c49f10fc672f&marker=-121.9284162057618%2C37.347954473654355%2C%2C%2C%2C&markertemplate=%7B%22title%22%3A%221000000884%22%2C%22longitude%22%3A-121.9284162057618%2C%22latitude%22%3A37.347954473654355%2C%22isIncludeShareUrl%22%3Atrue%7D&level=19. Accessed August 29, 2023.

Criterion with No Impact or Not Applicable

There would be no impact related to the following criterion for the reasons provided below; therefore, no impact discussion is provided for this criterion.

- **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.** The SJMC campus includes the existing hospital and emergency department, medical office buildings, one administrative building, two parking structures, surface parking, and support uses. The project site does not contain any residential structures. The project would not demolish or otherwise remove any existing housing units or displace any people and would not necessitate the construction of replacement housing elsewhere. Therefore, no impact would occur.

Impact Analysis

Impact PH-1: The project would not 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)***

Construction

Construction of the project would increase temporary construction employment during the near-term and future construction periods. Construction would begin in early 2025, with construction of the new hospital, energy center, and parking garage complete before 2030. The Future Campus Improvements would be completed after 2030. The size of the construction workforce would vary during the different subphases of construction, with the average ranging between approximately 8 and 300 workers daily, but the maximum average daily number of construction workers would occur during overlapping building construction subphases in June 2025 to May 2026 for the new hospital and energy center and parking garage with approximately 380 average workers per day (as described in Chapter 2, *Project Description*). Given the relatively common nature of the anticipated construction, the demand for employment would likely be met with the existing and anticipated labor market in the city and elsewhere in the county. As such, the temporary nature of the construction activities would not require a substantial number of workers to relocate from outside the region. Therefore, the project would not induce substantial unplanned population growth during construction and the impact would be **less than significant**.

Operation

The current worker population at the SJMC campus, which includes support staff, nurses, and physicians, is approximately 3,755 employees. Approximately 1,275 support the day shift and 780 support the evening/night shifts (combined) at the existing hospital. All other buildings at the SJMC campus support approximately 1,700 employees. The new hospital would have approximately 2,877 employees, consisting of nurses, physicians, and support staff, of which approximately 1,785 would support the day shift and approximately 1,092 would support the evening/night shift. The increase of 822 hospital employees is due to the right-sizing of the hospital. The addition of beds and associated mechanical equipment to support the larger hospital operations requires more staff such as nurses, physicians, engineering, and maintenance staff. The Future Campus Improvements would have approximately 2,500 employees, for a net increase of 800 employees associated with all other medical center campus buildings. Overall, the hospital

replacement and Future Campus Improvements would result in a net increase of 1,622 employees. **Table 3.11-1** summarizes the existing and proposed employment at the SJMC campus.

TABLE 3.11-1
EXISTING AND PROPOSED SJMC CAMPUS EMPLOYMENT

Use	Daytime	Evening	Night	Total
Existing				
Hospital	1,275	450	330	2,055
All Other Medical Center Campus Buildings	1,700	—	—	1,700
Total	**2,975**	**450**	**330**	**3,755**
Proposed				
Hospital	1,785	630	462	2,877
All Other Medical Center Campus Buildings	2,500	—	—	2,500
Total	**4,285**	**630**	**462**	**5,377**
Net New	***+1,310***	***+180***	***+132***	***+1,622***

SOURCE: Kaiser Foundation Hospitals, 2023

The project site is located partially within the Santa Teresa Boulevard/Cottle Road Urban Village growth area, which is planned to accommodate approximately 500 new jobs by 2040 as part of the City's General Plan growth strategy. While the project's approximately 1,622 net new jobs at the SJMC campus would exceed this estimate, 822 new jobs are associated with the new hospital facility, which would support 24/7 health care-related employment to meet the operational needs of the new facility. The approximately 800 net new jobs associated with future campus improvements would support the SJMC campus and their future projected patient population and care needs. Additionally, the project's employment growth would be well within the City's overall planned job growth, representing approximately 0.4 percent of the employment growth anticipated Citywide by 2040 and approximately 12 percent of the estimated 13,000 jobs per year needed to meet General Plan goals. The employment growth would also be consistent with the City's General Plan Major Strategy #4 by supporting job growth within an existing job center and General Plan Policy IE-1.5 by intensifying employment activities on sites near transit facilities and other existing infrastructure. The project site is also located partially within the Plan Bay Area's VTA City Cores, Corridors & Station Areas PDA. PDAs are existing neighborhoods that are served by public transit and have been nominated by cities as appropriate for additional, compact development. ABAG estimates 493,575 total jobs in San José by 2030 and 554,875 by 2040. Of the growth anticipated by 2040, 340,400 jobs or approximately 61 percent are anticipated within PDAs.[314] Since the employment growth with the project would support 24/7 operations of a healthcare facility and medical campus, be within the Citywide General Plan estimated growth, consistent with General Plan policies, and within a Plan Bay Area PDA

[314] Association of Bay Area Governments, *Plan Bay Area 2040 Land Use Modeling Report*, July 2017. Available at 2040.planbayarea.org/files/2020-02/Land_Use_Modeling_PBA2040_Supplemental%20Report_7-2017.pdf. Accessed August 31, 2023.

envisioned for additional growth and development, the increase in employment attributed to the project would not directly induce substantial unplanned employment growth in the project area.

The new hospital would have 303 beds, which constitutes a net increase of 56 beds from the existing hospital. As discussed in Chapter 2, *Project Description*, factors informing the size of the new hospital include the need to comply with applicable building codes and regulations that require taller floor heights and additional space to meet current building code clearances for beds and other mobile equipment, as well as the need to right-size the facility to include private patient rooms and improve staff and patient safety, daylighting, lines of sight from nursing stations, HVAC efficiency, acoustics, and operational efficiencies. Consistent with General Plan Policy ES-6.1, the added hospital bed capacity would enhance the existing hospital facility to meet the needs of the community and would not constitute substantial unplanned growth.

The SJMC campus does not contain any housing units, and none are proposed as part of the project. As such, the project would not directly induce substantial unplanned residential population growth in the project area. While the increase in employment on the SJMC campus could lead to indirect residential population growth within the City due to people relocating to work at the new hospital, some of the jobs may also be filled by those already living in the City. As of 2021, the San José continued to have more employed residents than jobs within the City, approximately 0.81 jobs per employed resident.[315] Additionally, the General Plan plans for 120,000 new residential units over the time-frame of the General Plan. As such, the increase in employment would not lead to substantial indirect residential population growth that has not already been envisioned in the City's General Plan.

The project would be located on the existing, previously developed SJMC campus which is currently served by the existing San José transportation network, public services, and utilities. The project would contain an energy center component, but this would serve the SJMC campus and would not serve off-site areas. Therefore, there would be no new infrastructure that would induce or otherwise result in unplanned population growth, either directly or indirectly.

Population growth under the project would be consistent with adopted regional and local projections. Furthermore, the project would not be designed in a way that could induce additional growth outside the project site. For these reasons, the impact of the project related to inducement of unplanned population growth would be **less than significant**.

Mitigation: None required.

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[315] City of San José, *2022 General Plan Annual Performance Review for Fiscal Year 2021–22*, March 2023. Available at www.sanjoseca.gov/home/showpublisheddocument/95597/638168259703370000. Accessed August 29, 2023.

Cumulative Impacts

Impact C-PH-1: The project, when combined with other cumulative projects, would not result in cumulative impacts on population and housing. ***(Less than Significant)***

The geographic context for cumulative impacts to population and housing is the City of San José. A significant cumulative impact related to population and housing would occur if the project, in combination with cumulative projects, would induce substantial unplanned population growth in the city. The project, in combination with cumulative development in the city, would lead to an increase in employment growth. However, as described under Impact PH-1, the approximately 1,622 net new jobs added by the project would represent a fraction of the City's projected and planned employment growth. Cumulative development in the area would include several projects to be developed for industrial/data center related uses and a larger office campus, which would generate employment in the area in addition to the project. Similar to the project, these cumulative projects would be consistent with planned employment growth in the city and thus, would not be considered unplanned growth. The employment growth under the project in combination with cumulative projects would be consistent with the General Plan's jobs focus and the need to maintain employment land for future job growth. Therefore, the increase in employment and population attributable to the project, in combination with cumulative projects, would not result in an increase in growth not planned for in citywide projections. The cumulative impact related to population and housing would be **less than significant**.

Mitigation: None required.

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3.12 Public Services and Recreation

3.12.1 Environmental Setting

Fire Protection and Emergency Services

The San José Fire Department (SJFD) provides fire suppression, emergency medical services (EMS), and fire prevention services to residents and visitors within San José's city limits and some unincorporated areas of Santa Clara County. Other fire prevention services include regulatory enforcement of fire and hazardous materials codes through inspections and construction plan reviews for residents and businesses. The SJFD provides Advanced Life Support (paramedic) first-response services under an agreement with the County of Santa Clara Emergency Medical Services (EMS) Agency.[316]

Five SJFD bureaus are responsible for operations and support: Field Operations, Administrative Services, Fire Prevention, Emergency Medical Services and Training, and Support Services. The Office of Emergency Services is within the Office of the City Manager and provides emergency management services to residents and businesses within the City's jurisdiction in coordination with the County and the State of California. The Office of Emergency Services provides support across all phases of the emergency management life cycle from preparedness, hazard mitigation (long-term risk reduction), and prevention activities before an emergency to response and recovery operations during and after a multi-agency and/or multijurisdictional emergency.[317]

San José Fire Department Facilities and Staffing

The SJFD operates 34 fire stations throughout San José. The closest fire stations to the project site are Station 35 (135 Poughkeepsie Road), approximately 0.83 mile to the north and Station 27 (6027 San Ignacio Avenue), approximately 1.7 miles to the east.[318] The SJFD has five battalions geographically located throughout the city in north, south, east, west, and central San José. Each battalion contains a subset of fire stations that provide response in a smaller geographic area. The project site is located in the SJFD response area designated as Battalion 5, located in the southern portion of the city, which includes Stations 12, 13, 17, 18, 22, 27, 28, and 35.

On November 6, 2018, City of San José voters passed Measure T, the Disaster Preparedness, Public Safety and Infrastructure Bond, which authorized the City to issue up to $650 million in general obligation bonds to fund emergency and disaster response, infrastructure, and roads.[319] Based on this bond measure, SJFD immediately moved forward with construction of a new Station 37 (which has been active and in service as of May 10, 2022) and the newly relocated

[316] City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

[317] San José Fire Department, *San José Fire Department Strategic Business Plan, "20/20 Vision Plan,"* April 16, 2015. Accessed June 21, 2023.

[318] City of San José, *Fire Stations.* Available at www.sanjoseca.gov/your-government/departments-offices/fire-department/fire-stations/-npage-2/-point-_37@24464351558809_-121@78763389744904_13. Accessed August 21, 2023.

[319] City of San José, *Measure T Community Oversight Committee*. Available at www.sanjoseca.gov/your-government/departments-offices/public-works/capital-improvement-program-cip/measure-t-community-oversight-committee. Accessed June 21, 2023.

Station 20 at the San José Mineta Airport. Going forward, Measure T funds will support development and construction of new Fire Stations 32 and 36, as well as the replacement of aging Fire Stations 8 and 23.[320] As of 2021–2022, SJFD is authorized to have 849 personnel, for a personnel per thousand residents ratio of approximately 0.85.[321]

San José Fire Department Response Times

Generally, SJFD requests for service are received as 911 calls and answered by a communications call taker, then prioritized using a nationally standardized fire or medical priority dispatching system questionnaire. Requests are divided into Priority 1 emergencies, Priority 2 emergencies, and non-emergencies:

- *Priority 1:* A time-critical emergency involving an immediate threat to life and/or property.
- *Priority 2:* A request in which critical intervention is required, but the situation has stabilized and is unlikely to worsen in the short term.
- *Non-emergency:* A general request for assistance in which there is no immediate threat to life or property. Currently, such non-emergencies either are not handled by SJFD resources or are handled without creating a formal incident that dedicates a firefighting vehicle to the incident (usually, walk-in requests at stations).[322]

In 2021–2022, SJFD responded to about 103,100 emergency incidents, including 82,500 Priority 1 and 20,700 Priority 2 incidents. During 2021–2022 the two closest stations to the project site, Station 27 and 35, responded to approximately 2,000 and 3,000 incidents, respectively. SJFD reports that there was an increase in incidents in 2021–2022 due to COVID-19 related medical calls.

There are national standards, City-adopted performance standards, and contractual requirements regarding how quickly SJFD responds to emergencies. According to the National Fire Protection Association Performance Standards, departments should (1) respond in less than 6 minutes with appropriate personnel and equipment to all Priority 1 emergencies, for 90 percent of incidents; and (2) deliver, in less than 12 minutes, at least one truck and at least one engine to all working structure fires, for 90 percent of such incidents.

The response-time performance standard set by the City of San José applies to all types of incidents (e.g., EMS, fire, hazardous materials, rescue) and to all incidents handled within the city limits. The City standard is to arrive within 8 minutes for Priority 1 emergencies and within 13 minutes for Priority 2 emergencies, measured from the time that a relevant emergency is reported. This standard is to be achieved on 80 percent of Priority 1 incidents and 90 percent of Priority 2 incidents.[323] In 2021–2022, SJFD responded to 71 percent of Priority 1 incidents within the City's

[320] City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed August 21, 2023.

[321] Based on a population of 959,256 in the city of San José in 2023 (refer to Chapter 3, Section 3.11, *Population and Housing*) (849 personnel / 959.256 thousand residents = 0.89).

[322] San José Fire Department, *San José Fire Department Strategic Business Plan, "20/20 Vision Plan,"* April 16, 2015. Accessed August 21, 2023.

[323] City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

time standard of 8 minutes, not meeting the 80 percent target. SJFD also did not meet the 80 percent target in 2019–2020 and 2020–2021. However, SJFD responded to 92 percent of Priority 2 incidents within 13 minutes, which meets the 80 percent target. Stations 27 and 35 were both slightly below the Priority 1 response time target in 2021–2022.

The SJFD is contracted by the County to provide EMS. The response-time performance standard for the contract with County EMS is specific only to EMS incidents, defined by the County to include incidents such as major vehicle accidents. The County's contractual standard is to arrive within 8 minutes for Priority 1 EMS incidents and within 13 minutes for Priority 2 EMS incidents. These times are measured from the time that a fire department resource is recommended for response by the computer-aided dispatch system. The agreement performance requirements specify that the Department must arrive on-scene within eight minutes 90 percent of the time to qualify for funding and arrive within eight minutes 95 percent of the time to receive maximum funding. These requirements apply to qualifying EMS calls and include adjustments (such as during times of high call volume). In 2021–2022, SJFD met the County EMS performance standard requirements of 90 percent for 12 months (after adjustments).[324]

Police Protection

The San José Police Department (SJPD) provides police services throughout the city. SJPD is divided into four bureaus—Field Operations, Investigations, Administration, and Technical Services—and the office of the Executive Officer. SJPD refers to its Patrol Division as the Bureau of Field Operations. The Bureau of Field Operations is the primary provider of police services in San José, deploying more than 980 sworn officers throughout the city.[325]

Bureau of Field Operations personnel are prepared to respond to both emergency and non-emergency calls for service in each of the city's 16 patrol districts, which are further broken down into police beats. The 16 patrol districts comprise four divisions, each containing four districts. Each division is commanded by a police captain. The project site is located within the Southern Division, District Y.[326]

San José Police Department Facilities and Staffing

The SJPD has one police station open to the public at 201 West Mission Street, approximately 9.45 miles northwest of the project site. The SJPD also has three community policing centers and one police substation that are currently closed to the public due to staffing. In 2021–2022, SJPD had 1,717 authorized positions, including 564 authorized civilian positions. Historically, SJPD has faced high vacancies of street-ready officers. Of the 1,153 authorized sworn positions, only 960 were actual full-duty, street-ready officers as of June 2022. SJPD has been experiencing

[324] Ibid.

[325] San José Police Department, *Bureau of Field Operations*. Available at www.sjpd.org/about-us/organization/bureau-of-field-operations. Accessed June 21, 2023.

[326] Ibid.

vacancies of sworn police positions for the past 10 years, which peaked in 2017. There were 103 sworn vacant positions as of June 2022.[327]

San José Police Department Calls for Service and Response Times

The SJPD Communications Center receives all 911 emergency calls for police, fire, and ambulance services in the city, as well as non-emergency calls. Call-answering staff in the Communications Center obtain information from callers, prioritize events, and relay information to dispatchers. Dispatchers evaluate resources, identify and direct emergency personnel and equipment, and maintain control of radio channels to ensure the safety of officers and the public. In 2020–2021, SJPD handled about 1.3 million total calls for service. The number of emergency calls increased slightly from 2020–2021 (totaling about 646,500). The number of non-emergency calls totaled about 620,000. Field events (e.g., car and pedestrian stops, other officer-initiated calls) accounted for the remaining calls. The percentage of 911 calls answered within 15 seconds was 87 percent, which did not meet the target of 95 percent, and was lower than the prior year. The average answering time for emergency calls was 7.26 seconds, which was above the 6.5-second target. The Department reports that increasing call volume and continued staffing have been an ongoing challenge. Of the 162.5 authorized positions in the Communication Center, only 106.5 were full duty as of June 2022. The City is exploring moving non-emergency calls out of the Communications Center to improve emergency call answering times.[328]

There are four levels of service calls for SJPD response:

- *Priority 1:* An event with immediate potential for imminent danger to life or property.
- *Priority 2:* An event that has occurred, for which the suspect may be near but is no longer at the scene and/or no imminent threat exists to life or property.
- *Priority 3:* A non-emergency involving property damage or the potential for property to be damaged (a police report may be requested or required).
- *Priority 4:* A non-emergency without present or potential damage to property, in which the suspect is gone.[329]

In 2021–2022, SJPD responded to about 201,800 Priority 1–4 incidents: 9,900 Priority 1 responses (5 percent), 85,000 Priority 2 responses (42 percent), 75,100 Priority 3 responses (37 percent), and 31,700 Priority 4 responses (16 percent). Approximately 11,000 responses were made by officers in District Y, which is about 5.5 percent of Priority 1–4 incidents.

In 2020–2021, the citywide average response time for Priority 1 calls was 7.34 minutes, which did not meet the target of 6 minutes. The citywide average 23.9-minute response time for Priority 2 calls was well above the target of 11 minutes. As staffing reductions have affected SJPD, the department has focused on maintaining the Priority 1 response times, as these calls involve present or imminent danger to life or major property loss. Average response times in

[327] City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

[328] Ibid.

[329] City of San José, *SJPD F.A.Q.* Available at www.sjpd.org/about-us/inside-sjpd/f-a-q. Accessed June 21, 2023.

District Y were above the 6-minute target but was the eighth fastest among the city's 16 districts.[330]

Public Schools

The project site is served by two school districts: Oak Grove School District (OGSD) and East Side Union High School District (ESUHSD).

Oak Grove School District

OGSD operates 17 schools: 14 TK-6/8 elementary schools and 3 intermediate schools (7th-8th grade).[331] As authorized by California Government Code Sections 65995 and 65996, OGSD collects school impact fees from developers of new residential and commercial/industrial building space. The impact fee revenue is used together with other OGSD funds (e.g., state grants, general obligation bonds) to complete capital improvements. The amount of the fee (currently $3.19 per square foot of new residential space and $0.52 per square foot of commercial/industrial development) is established by OGSD.[332]

East Side Union High School District

ESUHSD operates 29 schools: 11 high schools, 5 alternative education schools, 12 charter schools, and 1 adult education school.[333] The project site is within the ESUHSD enrollment area for the San Teresa High School, and relatively close to the boundary for the Oak Grove High school enrollment area.[334]

During the 2021–2022 academic year, 25,174 students were enrolled in ESUHSD schools. Enrollment in ESUHSD schools has declined each year during the past five academic years for which data is available, with the highest enrollment being 27,263 students during the 2017–2018 academic year.[335] The project site is in the enrollment area of San Teresa High School, which had an enrollment of 2,164 students during the 2021–2022 academic year. Enrollment at San Teresa High School has slightly declined during the past five academic years, with the highest enrollment being 2,220 students during the 2017–2018 academic year.[336]

Similar to the OGSD, the ESUHSD collects school impact fees from developers of new residential and commercial/industrial building space, which are used with other ESUHSD funds to complete capital improvements. The ESUHSD fees are currently $1.36 per square foot for new

330 City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

331 OGSD, *Oak Grove Union School District*. Available at www.ogusd.org/domain/8. Accessed June 21, 2023.

332 OGSD, *Developer Fees.* Available at www.ogusd.org/Page/236. Accessed June 21, 2023.

333 ESUHSD, *Schools*. Available at www.esuhsd.org/Schools/index.html. Accessed June 21, 2023.

334 ESUHSD, *East Side Union High School District Attendance Areas.* Available at www.google.com/maps/d/u/0/viewer?msa=0&ll=37.24404044486649%2C-121.81199340316972&spn=0.215103%2C0.528374&mid=1yamG_4xWpaf3Ket5n8ivc8BR2Zk&z=14. Accessed June 21, 2023.

335 California Department of Education (CDE), *East Side Union High.* Available at www.ed-data.org/district/Santa-Clara/East-Side-Union-High. Accessed June 21, 2023.

336 CDE, *Santa Teresa High*. Available at www.ed-data.org/school/Santa-Clara/East-Side-Union-High/Santa-Teresa-High. Accessed June 21, 2023.

residential construction, $0.22 per square foot for new commercial/industrial construction is established through ESUHSD's 2020 School Fee Justification Study.[337]

Libraries

The San José Public Library (SJPL) consists of 25 libraries, including the main Dr. Martin Luther King Jr. Library located Downtown and branches in neighborhoods across the city. The SJPL offers materials in various formats and languages including books, CDs, DVDs, eBooks, online learning tools, and online database services. The SJPL also provides programs such as computer programming, English as a Second Language, citizenship classes, summer learning, literacy assistance, and story time. In addition to library services, SJPL leads two citywide initiatives: the Education and Digital Literacy Strategy and SJ Access, a digital equity initiative. In 2021–2022, staffing totaled 365 full-time equivalent authorized employees, with a total of 528 staff.[338]

In 2021–2022, SJPL libraries had over 2 million visitors, an increase of over 1.6 million visitors from the year before, primarily due to the reopening of libraries in August 2021. Over 531,000 visitors went to the main library (Dr. Martin Luther King, Jr.).[339]

The project site is adjacent to the Santa Teresa Branch Library (290 International Circle), 2.28 miles southeast of the Edenvale Branch Library (101 Branham Lane East), and 4.07 miles northeast of the Almaden Branch Library (6445 Camden Avenue).[340]

On June 3, 2014, San José voters approved a 25-year extension of the Library Parcel Tax that contributes directly to the Library's budget. The revenue provides funding to acquire new books, magazines, computers, and other materials; to improve educational programs and other services for children, adults, and seniors; and to repair and upgrade libraries.[341]

Community Centers

In 2021–2022, the City operated 16 community centers throughout the city. Three of those centers are combination community centers and libraries. In 2021–2022, San José Parks, Recreation, and Neighborhood Services Department (PRNS) also managed 31 additional Neighborhood Center Partner Program sites, which were operated by community partners in the role of lead operator or service provider. These sites, formerly known as reuse sites, are generally operated by nonprofits, neighborhood associations, school districts, or other government agencies or community service providers.[342] Southside Community Center is approximately 0.92 mile north of the project site.

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337 ESUHSD, *School Fee Justification Study,* June 12, 2020. Available at www.esuhsd.org/documents/Community/Facilities/DeveloperImpactFees/ESUHSD%20Fee%20Justification%20Study%202020%20FINAL.pdf. Accessed June 21, 2023.

338 City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

339 Ibid.

340 San José Public Library, *Locations & Hours.* Available at www.sjpl.org/locations. Accessed June 21, 2023.

341 San José Public Library, *Library Parcel Tax.* Available at www.sjpl.org/parcel-tax. Accessed June 21, 2023.

342 City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

The City has a service goal of 500 square feet of community center space for every 1,000 people.[343] San José had approximately 547,704 square feet of community space in 2022[344] and a 2023 estimated population of 959,256 (refer to Chapter 3, Section 3.11, *Population and Housing*), which equates to approximately 571 square feet for every 1,000 people.

Parks and Recreation

The PRNS operates the City's regional and neighborhood parks, as well as facilities such as Happy Hollow Park and Zoo. PRNS also operates community and recreation centers and provides various recreation, community service, and other programs for children, youth, teens, adults, seniors, and people with disabilities.

Parks and Recreational Facilities

The City of San José has 200 neighborhood and 10 regional parks, as well as other facilities, such as community gardens, trails, swimming pools, and skate parks. Excluding golf courses, the developed portion of these facilities covered 1,795 acres. There was an additional 1,501 acres of open space and undeveloped land. PNRS oversees 216 parks throughout the city: 207 neighborhood parks and 9 regional serving parks.

The following parks are located within 0.75 mile of the project site:[345]

- *Charlotte Commons Park*, approximately 0.28 mile north of the project site (5875 Charlotte Drive), is an approximately 1.30-acre neighborhood park that contains picnic areas and lawns.
- *Palmia Park*, approximately 0.35 mile east of the project site (Primrose Drive and Palmia Drive), is an approximately 4.44-acre neighborhood park that contains a playground, a tennis court, two half-court basketball hoops, and a lawn.
- *George Page Park*, approximately 0.35 mile east of the project site (Santa Teresa Boulevard and Miyuki Drive), is an approximately 6.21-acre neighborhood park that contains a playground, a tennis court, a softball field, and lawns.
- *Miyuki Dog Park*, approximately 0.38 mile east of the project site (Autotech Way and Miyuki Drive), is an approximately 0.34-acre dog park that contains a small, fenced dirt area.
- *Raleigh Park*, approximately 0.38 mile northeast of the project site (6108 Raleigh Road), is an approximately 4.44-acre neighborhood park that contains a 0.14-acre dog park, two basketball courts, a tennis court, and lawns.
- *Golden Oak Park*, approximately 0.66 mile east of the project site (Via del Oro and Emergent Way), is an approximately 1.60-acre neighborhood park that contains play structures and lawns.

[343] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at www.sanjoseca.gov/home/showdocument?id=22359. Accessed June 21, 2023.

[344] City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

[345] City of San José, *Parks and Trails Map.* Available at csj.maps.arcgis.com/apps/webappviewer/index.html?id=d1c1e2fd09e84ae2b76cd6b771910e4c. Accessed June 21, 2023.

- *La Colina Park*, approximately 0.69 mile southwest of the Project site (6138 Ansdell Way #6100), is an approximately 22.19-acre neighborhood park that contains a playground, water feature, and lawns.
- *Ramac Park*, approximately 0.73 mile north of the project site (Charlotte Drive and Great Oaks Parkway), is an approximately 11.21-acre neighborhood park that contains a half-court basketball hoop, a tennis court, lighted softball field, a playground, and lawns.
- *Calero Park*, approximately 0.75 mile west of the project site (290 Calero Avenue), is an approximately 4.27-acre neighborhood park that contains a playground, picnic areas, and lawns

Trails

The City Trail Network is composed of 40 unique trail systems that are intended to interconnect as further development occurs. The 2021–2022 network included 63.23 miles of trails that were open to the public (about 86 percent paved). An additional 82.46 miles have been identified or are being studied for further development or are in the planning phases of development.[346] The closest trail to the project site is Albertson Parkway Trail (approximately 0.60 mile southwest of the project site). The trail is a 0.5-mile short, paved, and landscaped trail through Albertson Parkway that covers approximately 2.7 acres.[347] The Santa Teresa County Park hiking trails are approximately 0.95 mile south of the project site and contain over 17 miles of unpaved trails for equestrian, hiking, and bicycle use.[348]

3.12.2 Regulatory Framework

State

California Fire Code

The California Fire Code (Title 24, Part 9) is based on the 2019 International Fire Code and includes amendments from the State of California fully integrated into the code. The California Fire Code contains fire safety–related building standards referenced in other parts of California Code of Regulations Title 24, also known as the California Building Standards Code.

Senate Bill 50

The Leroy F. Greene School Facilities Act of 1998, or Senate Bill (SB) 50, authorizes school districts to levy developer fees under Section 17620 of the California Education Code to finance the construction or reconstruction of school facilities. SB 50 amended California Government Code Section 65996, which describes methods for considering and mitigating impacts on school facilities that could result from any state or local agency action, including development of real property. SB 50 also restricts the ability of local agencies to deny project approvals on the basis that public school facilities (e.g., classrooms, auditoriums) are inadequate.

346 City of San José, *City of San José Annual Report on City Services 2021–22*, December 2022. Available at www.sanjoseca.gov/home/showpublisheddocument/93154/638104332248530000. Accessed June 21, 2023.

347 City of San José, *Parks and Trails Map.* Available at csj.maps.arcgis.com/apps/webappviewer/index.html?id =d1c1e2fd09e84ae2b76cd6b771910e4c. Accessed June 21, 2023.

348 Santa Clara County Parks, *Santa Teresa County Park.* Available at parks.sccgov.org/santa-clara-county-parks/santa-teresa-county-park. Accessed June 21, 2023.

School impact fees are collected when building permits are issued. Payment of school fees is required by SB 50 for all new development projects and is considered full and complete mitigation of any school impacts. School impact fees are payments to offset capital cost impacts associated with new developments, which result primarily from the costs of additional school facilities, related furnishings and equipment, and projected capital maintenance requirements. As such, agencies cannot require additional mitigation for impacts on or inadequacy of school facilities.

Quimby Act

The Quimby Act (California Government Code Section 66477) was enacted by the California Legislature in 1975 to ensure that parks and parkland would be provided for new and growing communities in California. As part of the Subdivision Map Act, the Quimby Act authorizes local governments to require the dedication of land or to impose in-lieu fees for parkland, open space, and/or recreational facilities and improvements, through the approval of a tentative or parcel subdivision map. The Quimby Act requires that 3 acres of park area be provided for every 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park area exceeds that limit. As described under *Local* below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance consistent with the Quimby Act.

Mitigation Fee Act

The Mitigation Fee Act (California Government Code Section 66000), enacted through Assembly Bill 1600 in 1987, provides the requirements for development impact fee programs. These programs include fees charged by local agencies to applicants in connection with approval of development projects to defray all or a portion of the cost of public facilities related to the projects. The City's Park Impact Ordinance is authorized under the Mitigation Fee Act.

Regional

Santa Clara County Trails Master Plan Update

The Santa Clara County Trails Master Plan Update establishes a vision for a contiguous trail network that connects regional open spaces and urban areas of Santa Clara County. The master plan update identifies potential trail routes that support the County's recreation, transportation, health and welfare, and science education goals. The plan also includes design, use, and management guidelines for the implementation of new trails. The guidelines address trails and land use compatibility, environmental protection, emergency access, easements, trail design, visual screening, fire protection, signage, and maintenance. The Santa Clara County Trails Master Plan Update identifies the Guadalupe River Trail and Los Gatos Creek Trail as subregional trail routes.[349]

[349] Santa Clara County, *Santa Clara County Trails Master Plan Update,* adopted November 14, 1995. Available at www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Entire_Countywide_Trails_Master_Plan_Searchable.pdf. Accessed June 21, 2023.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan (General Plan)[350] contains the following relevant policies related to public services:

> ***Policy ES-1.9:*** Provide all pertinent information on 2040 General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
>
> ***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, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and eleven minutes or less for 60 percent of all Priority 2 calls.
> 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
> 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies, and operating models.
> 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
> 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
>
> ***Policy ES-3.3:*** Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
>
> ***Policy ES-3.4:*** Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.

[350] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at www.sanjoseca.gov/home/showdocument?id=22359. Accessed June 21, 2023.

Policy ES-3.5: Co-locate public safety facilities with other public or private uses to promote efficient use of space and provision of police and fire protection services within dense, urban portions of the city.

Policy ES-3.6: Work with local, state, and federal public safety agencies to promote regional cooperation in the delivery of services. Maintain mutual aid agreements with surrounding jurisdictions for emergency response.

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.

The General Plan contains the following relevant policies to parks and recreation:

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.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-1.13: Maintain and periodically update a strategic plan (the Greenprint) establishing criteria and standards for the provision of parks and recreation services.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 0.75-mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-3.2: Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 0.33-mile radius of all San José residents by either acquiring lands within 0.33 miles or providing safe connections to existing recreation facilities outside of the 0.33-mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.

Policy PR-6.5: Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.

Policy PR-6.9: Obtain applicable Leadership in Energy and Environmental Design (LEED) Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.

Policy PR-8.7: Actively collaborate with school districts, utilities, and other public agencies to provide for appropriate recreation uses of their respective properties and rights-of-ways. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, sports fields, and recreation facilities.

Policy PR-8.10: Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future demands (i.e., plazas, swimming pools, fitness centers and gardens).

Policy PR-8.16: Explore creative funding options for the design, development, and maintenance of recreation facilities and programs, including grants, special assessment districts and partnerships with public, private, and non-profit organizations.

Policy PR-8.19: Pursue joint use projects with schools and colleges, Santa Clara Valley Water District, other public agencies, and private foundations. Whenever feasible, obtain permanent joint-use agreements when partnering with other organizations or agencies in providing parks or recreation facilities in order to ensure the amenities' availability in perpetuity.

Activate San José Strategic Plan

Activate San José (ActivateSJ) is the 20-year strategic plan established by PRNS to maintain, improve, and expand facilities, programs, and services in San José. Goals of the plan include:

- Focus efforts on improving the condition of parks and trails.
- Develop and effectively manage a 100-mile paved off-street trail network.
- Seek sustainable funding mechanisms for the parks and recreation system.
- Ensure that all San José residents can walk to a neighborhood park in 10 minutes.
- Continue to pursue the General Plan goal of 3.5 acres of parkland per 1,000 people.[351]

San José Municipal Code

The following chapters of the San José Municipal Code contain relevant provisions pertaining to fire protection and emergency services:

- **Chapter 17.12 (City of San José Fire Code)** adopts the 2019 California Fire Code, with local amendments related to fire flow; sprinkler and fire alarm systems and standards; lithium batteries; 3D printing additive manufacturing; mobile fueling; plant production extraction processing systems; and highly toxic, toxic, and moderately toxic gases; and maintenance of existing fire protection and regulatory authority.
- **Chapter 17.68 (Hazardous Materials Storage Permit)** describes the requirements for storage of hazardous materials, including flammable and combustible liquids classified

[351] City of San José, *ActivateSJ Strategic Plan (2020–2040)*, August 20, 2019. Available at www.sanjoseca.gov//home/showdocument?id=43503. Accessed June 21, 2023.

by the National Fire Protection Association. These requirements include acquiring a storage permit, developing and submitting a hazardous materials management plan (HMMP), and complying with requirements for storage, transportation, monitoring and inspection, and secondary containment. The HMMP must include an emergency response plan that describes emergency equipment availability, testing, and maintenance.

- **Chapter 17.82 (Fire Safety during Construction)** is intended to minimize the potential for the occurrence and spread of fires, and to facilitate firefighting efforts, during construction of wood frame buildings. Chapter 17.82 requires that a construction fire protection plan be prepared before issuance of a building permit for any building involving wood frame construction. The plan must be approved by the fire chief and must specify how off-hours security will be addressed, and how construction sequencing—including the installation of mitigating fire protection barriers—will be used to minimize the potential for the occurrence and spread of fire.

3.12.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a public services impact would be significant if implementation of the project would:

- 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 following public services: fire protection, police protection, schools, parks, and other public facilities.
- 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.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Approach to Analysis

This section discusses potential impacts on public services, including fire protection, police protection, schools, parks, and other public facilities, relative to potential substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. “Other public facilities” that the City has established level of service goals for include libraries and community center facilities which are analyzed below. The project, including the Hospital Replacement and Future Campus Improvements, could have a significant impact on public services if:

1. The project would require the construction of new or physically altered governmental facilities in order to maintain acceptable levels of public services; and
2. The construction or alteration of such facilities would result in a significant environmental impact.

Potential impacts to recreation are discussed relative to the accelerated substantial physical deterioration of existing City recreational facilities and whether the construction/expansion of recreational facilities could result in a substantial adverse physical impact on the environment.

Impact Analysis

Impact PS-1: The project would not 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 fire protection, police protection, schools, parks, or other public facilities, including libraries and community centers. ***(Less than Significant)***

Fire Protection

The project would increase the demand for fire protection and emergency medical response services over existing conditions due to an overall increase in project site operations and an estimated 1,622 net new employees on the project site. As discussed above under Section 3.12.1, *Environmental Setting*, the SJFD provides fire protection services and has two fire stations within close vicinity of the project site.

The project does not include residential uses, and as a result, would not result in an increase in residential population or housing within San José. Although the SJFD is currently falling short of its Priority 1 response time goals, the project would not result in a substantial adverse impact by worsening this existing deficiency. The employment growth that would be generated with implementation of the project represents a small fraction of the total growth identified in the General Plan. The General Plan concluded that while implementation of the General Plan would result in an increase in the need for fire protection services, it would not result in the need for fire stations in excess of those currently planned. The project is consistent with the planned growth in the General Plan (see Chapter 3, Section 3.11, *Population and Housing*) and would not, by itself, worsen the SJFD's existing service goal shortcomings or require the construction of new or expanded fire facilities. The project site is located in an existing urban area and would not extend the demand of the SJFD beyond the current limits of its service capabilities.

In addition, the project would be constructed in accordance with current building codes and SJFD would review project plans to ensure appropriate safety features are incorporated to reduce fire hazards. In accordance with General Plan Policy ES-3.11, the project would provide adequate fire suppression infrastructure. Therefore, the increase in calls for fire protection and medical response associated with implementation of the project would not result in a significant impact due to the need for new or expanded fire department facilities. As such, the impact would be **less than significant**.

Police Protection

The increase in on-site employment population could lead to an incremental increase in the demand for police response to the project site and vicinity due to the net increase of 1,622 employees under the project. The SJPD is currently falling short of its service ratio and response time goals, but the project would not result in a substantial impact by worsening this existing

deficiency as the project would not result in a substantial increase in the City's employee population. Additionally, the SJMC campus has private security services typical of hospital and medical office uses that would offset a portion of the need for SJPD services.

Implementation of the project would not increase the need for police services to such an extent as to require the construction of new or expanded facilities beyond what was identified in the General Plan. In addition, the construction of any new or expanded facilities would be required to undergo its own environmental review. The project also would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the increase in police protection services anticipated with implementation of the project would not result in a significant impact due to the need for new or expanded fire department facilities. As such, the impact would be **less than significant**.

Schools

No residential development is proposed as part of the project, as such the project would not generate a direct increase in student population. As described above under Section 3.12.2, *Regulatory Framework*, the project would be required to pay school impact fees in compliance with SB 50. According to California Government Code Section 65996, payment of school impact fees that may be required by a state or local agency constitutes full and complete mitigation of school impacts from development. Therefore, physical impacts associated with the provision of or need for new or physically altered school facilities with implementation of the project would be less than significant.

The increase in employment on the SJMC campus could lead to indirect residential population growth within the City due to people relocating to work at the new hospital; however, some of the jobs may also be filled by those already living in the City. Presumably, these new households would be established throughout the City of San José, and therefore would distribute students over time throughout the schools located in the City. SB 50 fees are intended to address local school facility needs resulting from new development. The project would contribute the necessary fees to ensure that local schools can support the project's incremental indirect increase in student demand; therefore, the project would not result in the need for new or expanded school facilities. As such, the impact would be **less than significant**.

Parks

City General Plan policies PR-1.1 and PR-1.2 outline the desired parkland ratios for the City based on acreage per residential population. As the project would not involve residential uses and would not indirectly induce substantial population growth (see Chapter 3, Section 3.11, *Population and Housing*), the project would not worsen existing parkland service level deficiencies of neighborhood/community parkland and citywide/regional parkland outlined by General Plan policies PR-1.1 and PR-1.2 such that new or expanded parks would be needed.

Development of the project would result in new employees and visitors at the project site, which could generate demand for parks and open space in the project vicinity. The project site is currently well served by existing parks, with one neighborhood park located within 0.33 mile and

five neighborhood parks within 0.5 mile. Additionally, the project would include on-site outdoor amenities including seating areas, outdoor café seating, and a plaza that could support a farmer's market or other community gatherings. These features of the project would offset a portion of the project demand for parks and open space. Therefore, the project would not result in the need for new or expanded parks or open space. The impact would be **less than significant**.

Other Public Facilities

The City of San José has been expanding and constructing new library facilities over the last decade to meet the needs of current residents. Development and redevelopment allowed under the General Plan is projected to increase the City's residential population to 1,313,811 by 2035. The existing and planned library facilities in the city would provide approximately 0.68 square feet of library space per capita for the anticipated population with implementation of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita.[352] The project is part of the planned growth in the City and would not require the construction of new library facilities.

As discussed above under Section 3.12.1, *Environmental Setting*, San José is currently meeting its service goal of 500 square feet of community center space for every 1,000 people. The project is projected to result in 1,622 net new employees, which would not result in the City failing to meet its service goal for community space and necessitate the need for construction of new community facilities. Therefore, implementation of the project would result in a **less-than-significant** impact on public facilities, including libraries and community centers.

Mitigation: None required.

Recreation

Impact PS-2: The project would not 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, nor would the project require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. ***(Less than Significant)***

The project would not include residential uses. However, the project would generate an estimated 1,622 net new employees on the project site, which would minimally increase demand for use of local and/or regional park and recreational facilities. As described under Impact PS-1, the project would include on-site outdoor amenities including seating areas, outdoor café seating, and a plaza that could support a farmer's market or other community gatherings. These features of the project would offset a portion of the project demand for parks and recreational facilities. Any use of existing public park and recreational facilities by project employees and visitors in the vicinity of the project site would be minimal and result in negligible increases in demand for these facilities, such that substantial physical deterioration of these facilities or the need to expand or construct new facilities would not occur. Therefore, potential impacts associated with the physical

[352] City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at www.sanjoseca.gov/home/showdocument?id=22359. Accessed June 21, 2023.

deterioration of parks and recreational resources or the need for new or expanded recreational facilities would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects to determine if a significant cumulative impact could occur. Significant cumulative impacts related to public service and recreational facilities could occur if the incremental impacts of the project combined with the incremental impacts of one or more cumulative projects.

The cumulative geographic context for public service and recreational facilities is citywide, as the City generally measures public services and recreation service metrics on a per capita basis.

Impact C-PS-1: The project, when combined with cumulative projects, would not result in a significant cumulative impact on public service and recreational facilities. (Less than Significant)

Cumulative development in the project area is mostly non-residential and would result in a minimal increase in demand for fire and police protection services, schools, libraries, community centers, parks, and recreational facilities. However, as with the project, cumulative projects would be subject to state, county, and City policies and regulations associated with public services within San José (e.g., payment of school fees). The project is consistent with planned growth in the City, and the project and cumulative projects would be required to comply with the fee regulations noted above. Therefore, the project would not combine with cumulative projects to result in a significant cumulative impact, and the impact would be **less than significant**.

Mitigation: None required.

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3.13 Transportation

This section assesses the potential for the project, including the Hospital Replacement and Future Campus Improvements, to result in significant transportation impacts. CEQA issues evaluated include consistency with circulation system plans, ordinances, and policies relevant to transportation; vehicle miles traveled (VMT); hazards due to geometric design features; and emergency access. The section first describes the existing environmental setting as it relates to transportation facilities and provides a regulatory framework that discusses applicable regulations. The section then evaluates potential significant transportation impacts resulting from construction and operation of the project, and identifies feasible mitigation measures to ensure that potentially significant impacts would be avoided or minimized to the greatest extent feasible.

The information in this section is based primarily on the Transportation Analysis (TA) and Local Transportation Analysis (LTA) prepared for the project by Fehr & Peers in January 2024. The TA and LTA are provided in **Appendix I1 and I2** of this EIR, respectively.

Non-CEQA transportation issues evaluated for informational purposes only in accordance with San José Transportation Policy 5.1 include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access. Recommended transportation improvements are described at the end of this section.

3.13.1 Environmental Setting

Existing Conditions

Existing Roadway Network

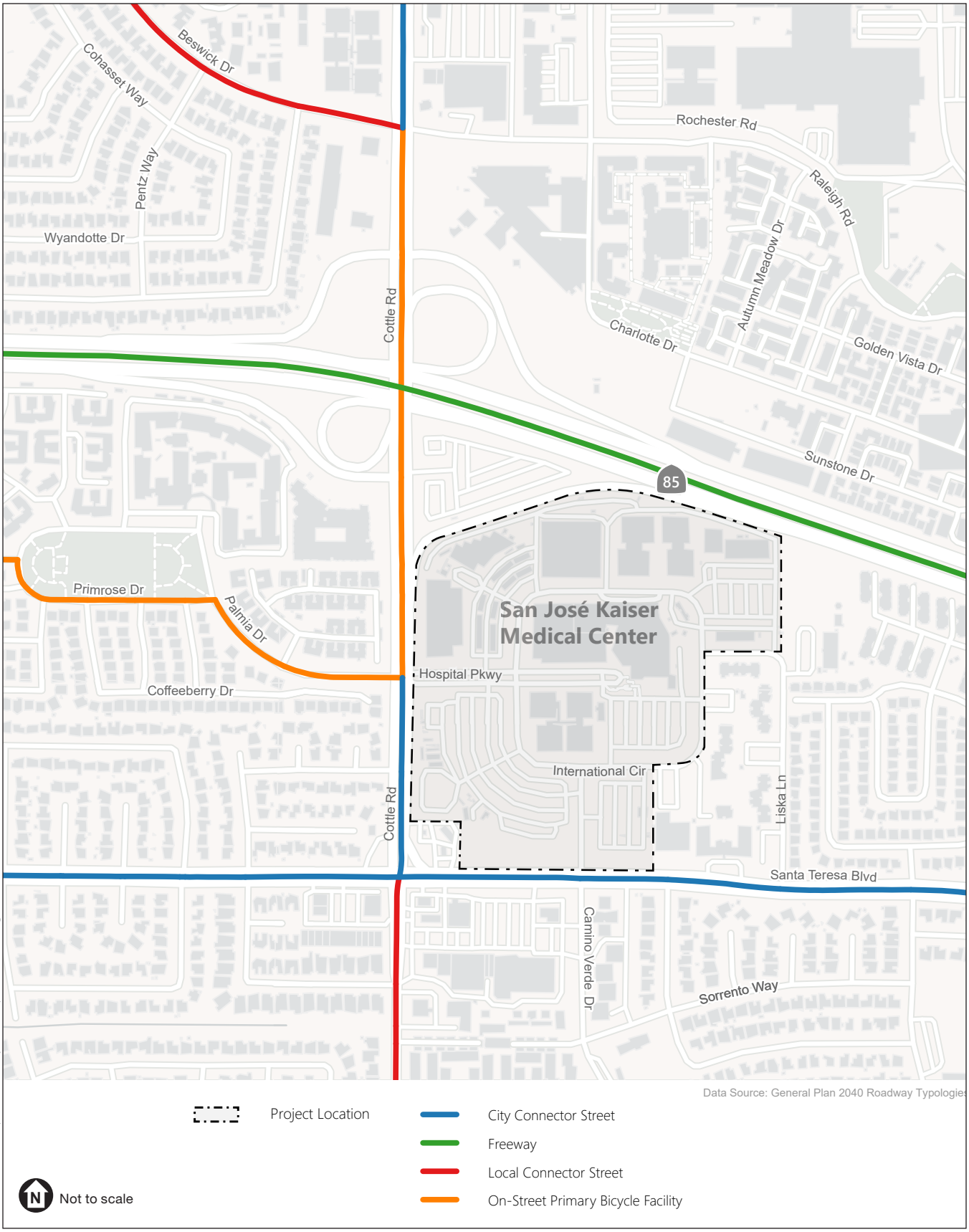
Regional access to the project site is provided via State Route 85 (SR 85). Local access to the project site is provided via Cottle Road, Santa Teresa Boulevard, Hospital Parkway, Camino Verde Drive, International Circle, and Beswick Drive/Raleigh Road. These facilities are shown in **Figure 3.13-1**.

Regional Access

State Route 85 is an east–west freeway located north of the project site with three travel lanes in each direction. One travel lane in each direction is designated as a High Occupancy Vehicle (HOV) lane, in effect from 5:00 to 9:00 a.m. and 3:00 to 7:00 p.m., Monday through Friday. SR 85 extends between US 101 to the east and intersects with SR 17, I-280, and SR 87. Access to the project site from SR 85 is provided via Cottle Road.

Local Access

Cottle Road is a north–south roadway that is located west of the project site with three travel lanes in each direction from its intersection with Santa Teresa Boulevard and north towards Monterey Road and has a posted speed limit of 35 miles per hour (mph). South of Santa Teresa Boulevard, Cottle Road transitions to one travel lane in each direction. Cottle Road connects Monterey Highway to the north and connects Lovely Creek Court to the south. Two southbound left-turn pockets are provided along some blocks near the project site.



SOURCE: Fehr & Peers, 2023

Kaiser Permanente San José Medical Center

Figure 3.13-1
Roadway Classification

ESA

Santa Teresa Boulevard is an east–west roadway that is located south of the project site with two to three travel lanes in each direction and has a posted speed limit of 45 mph. Santa Teresa Boulevard connects SR 87 ramps to the west and Scheller Avenue to the east, where it becomes Hale Avenue.

Hospital Parkway is an east–west roadway with two travel lanes in each direction. Hospital Parkway runs from the hospital drop-off area to the east and Cottle Road to the west, where it becomes Palmia Drive. It is directly adjacent to the project site and provides direct access to the project site. Vehicles travelling eastbound on Hospital Parkway can make a U-turn at the hospital drop-off area and then exit in the westbound direction. Parking garages are provided north of Hospital Parkway. The speed limit is 25 mph.

Camino Verde Drive is a north–south roadway with two travel lanes in each direction and has a posted speed limit of 25 mph. Camino Verde Drive connects International Circle to the north and Manila Drive to the south. It is directly adjacent to the project site and provides direct access to the project site via International Circle. Intersections along Camino Verde Drive are unsignalized, except for Santa Teresa Boulevard/Camino Verde Drive intersection.

International Circle is a two-way two-lane roadway that surrounds the project site and has a posted speed limit of 20 mph. It is directly adjacent to the project site and connects to Liska Lane to the east, Hospital Parkway to the west, Camino Verde Drive to the south, and nearby parking garages. On-street parking is permitted on the southeast side of International Circle.

Beswick Drive/Raleigh Road is an east–west roadway that is located north of the project site with two travel lanes in each direction. Beswick Drive and Raleigh Road have a posted speed limit of 35 mph and 30 mph, respectively. It runs parallel to SR 85 and connects to Great Oaks Boulevard to the east and Blossom Hill Road to the west, where it becomes Desert Sands Way. A two-way left-turn lane is provided along Raleigh Road between Autumn Meadow Drive and 400 feet east of Avenue One Drive.

Existing Pedestrian Facilities

Pedestrian facilities are comprised of sidewalks and crosswalks. A complete network of sidewalks is present along the streets in the vicinity of the project site including Cottle Road, Santa Teresa Boulevard, Hospital Parkway, Camino Verde Drive, and International Circle.

The study intersections have standard crosswalks for all directions of travel and curb ramps on approaches. Standard crosswalks are also provided at the Cottle Road/State Route 85 northbound On-/Off-Ramp for the east and west legs of the intersection, and Cottle Road/State Route 85 SB Off-Ramp for all legs except for the south leg.

Existing Bicycle Facilities

Cottle Road and Santa Teresa Boulevard provide Class II biking facilities for both directions of travel adjacent to the project site. A Class II bike lane runs down both directions of Santa Teresa Boulevard with frequent separation from traffic by a four-foot painted buffer. A Class IV protected bike lane runs down the east side of Cottle Road in the northbound direction between

Hospital Parkway and Santa Teresa Boulevard. The existing bicycle facilities are shown in **Figure 3.13-2**.

Existing Public Transit Service

Bus and light rail services in San José are operated by the VTA. Existing public transit facilities are shown in **Figure 3.13-3**. The project site is served by two bus routes. Two unsheltered bus stops for Routes 27 and 66 are located within the campus on International Circle. Five bus stops for Routes 66, 68, and Express 102 are adjacent to the campus on Santa Teresa Boulevard—three that are sheltered, with two unsheltered stops east of Camino Verde Drive. Five more bus stops for Routes 27 and 68 are adjacent to campus on Cottle Road—three that are sheltered, and two sheltered. The VTA operates the light rail system, which extends from South San José to downtown to Santa Clara, Milpitas, Mountain View, and Sunnyvale. The Cottle Station is located along the Blue Line operates along State Route 85, with Cottle Station located directly north of the campus. **Table 3.13-1** summarizes the existing transit services to and near the project site.

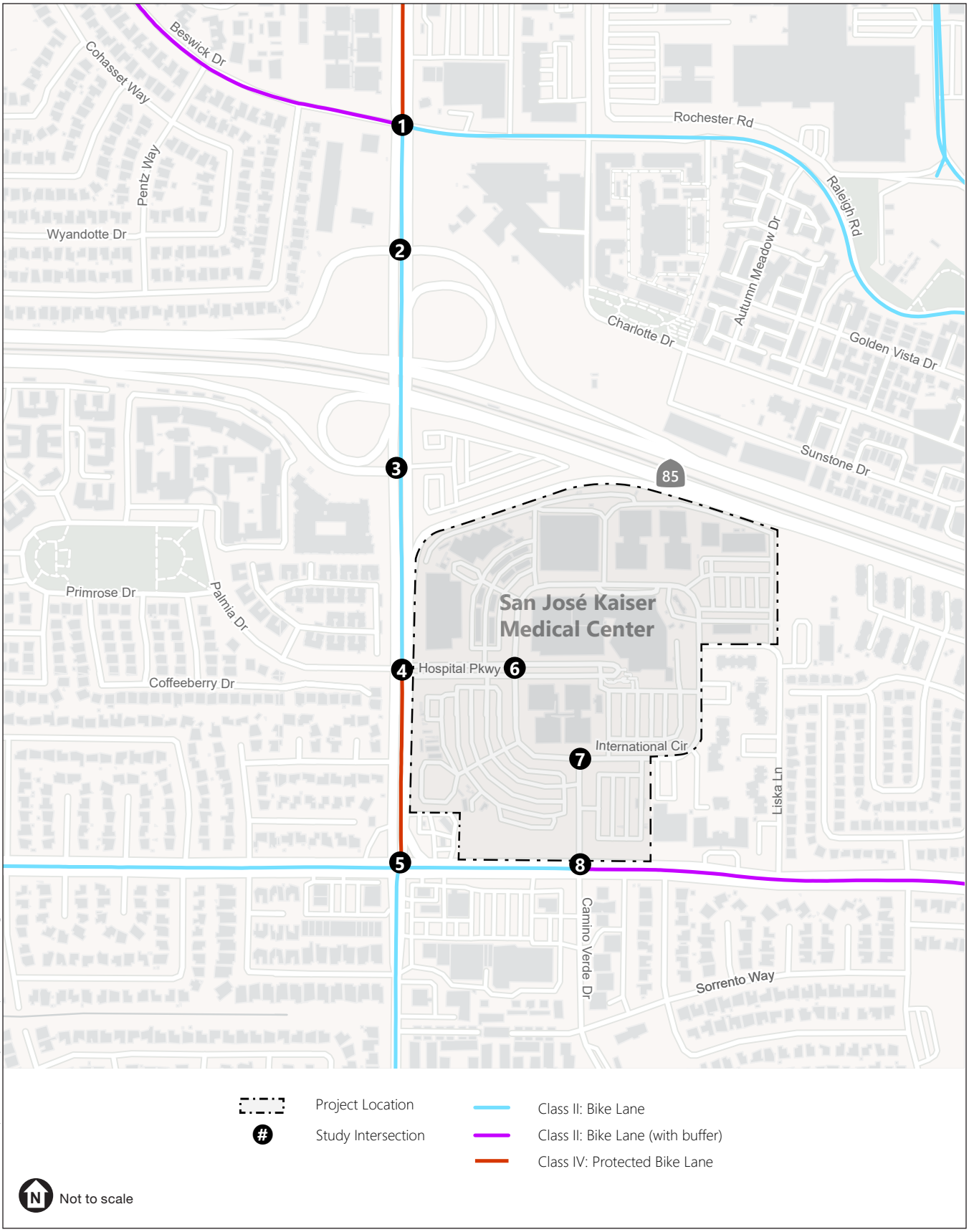
TABLE 3.13-1
EXISTING TRANSIT SERVICE

			Weekdays		Saturdays		Sundays	
Routea	From	To	Operating Hours	Peak Headwayb (minutes)	Operating Hours	Headwayb (minutes)	Operating Hours	Headwayb (minutes)
VTA Bus Service								
27	Winchester Station	Kaiser San José via Downtown Los Gatos	5:10 a.m.–9:20 p.m.	30	8:00 a.m.–7:45 p.m.	40	9:10 a.m.–6:20 p.m.	60
66	North Milpitas	Kaiser San José	4:45 a.m.–12:30 a.m.	15	5:15 a.m.–12:30 a.m.	20	5:25 a.m.–12:15 a.m.	20
68	San José Diridon Station	Gilroy Transit Center	4:15 a.m.–1:20 a.m.	15	5:20 a.m.–1:30 a.m.	20	5:20 a.m.–1:30 a.m.	20
Express 102	South San José	Stanford Research Park	5:45 a.m.–9:10 a.m.; 3:20 p.m.–6:45 p.m.	30	N/A	N/A	N/A	N/A
VTA Light Rail								
Blue	Santa Teresa Station	Baypointe Station	4:30 a.m.–1:15 a.m.	15	5:00 a.m.–1:15 a.m.	30	5:00 a.m.–1:15 a.m.	30

NOTES:

a. Weekday and weekend service as of August 2023.
b. Headways are defined as the time between transit vehicles on the same route.

SOURCES: Fehr & Peers, 2024; VTA, 2023.



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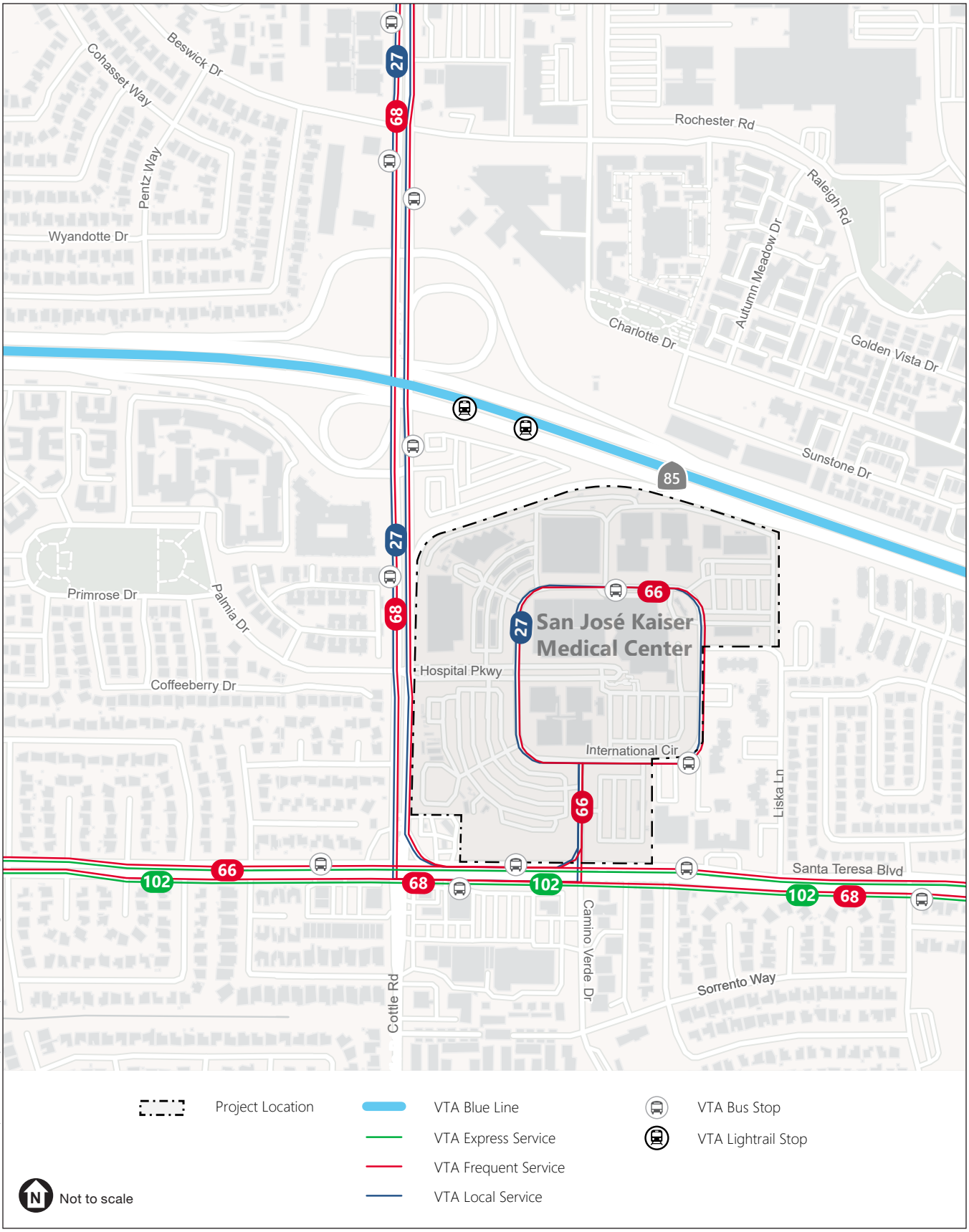
SOURCE: Fehr & Peers, 2023

Kaiser Permanente San José Medical Center

Figure 3.13-2
Existing Bicycle Facilities

ESA



SOURCE: Fehr & Peers, 2023

Kaiser Permanente San José Medical Center

Figure 3.13-3
Existing Public Transit

ESA

Regulatory Framework

Governor's Office of Planning and Research (OPR) Senate Bill 743

The Governor's Office of Planning and Research (OPR) published the Technical Advisory on Evaluating Transportation Impacts in CEQA in 2018. SB 743 (Steinberg, 2013) updated the way transportation impacts are measured in California for new development projects. It required changes to the guidelines implementing CEQA regarding the analysis of transportation impacts in that the criteria for determining the significance of impacts must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. To that end, the California Natural Resources Agency has implemented changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. Automobile delay, as measured by "level of service" and other similar metrics, generally will no longer constitute a significant environmental effect under CEQA.

Plan Bay Area 2050

In 2021, the Association of Bay Area Governments (ABAG) implemented Plan Bay Area 2050, a 30-year plan comprised of 35 strategies to improve housing, the economy, transportation, and the environment across the Bay Area's nine counties. Plan Bay Area 2050 envisions a transportation system that, above all, prioritizes improved access to opportunity for all Bay Area residents. Strategies focus on meeting the needs of historically marginalized communities, ranging from more frequent bus service to safety-enhancing improvements for pedestrians and cyclists.

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that each urbanized county in California prepare a CMP in order to obtain its share of gas tax revenues. State legislation requires that each CMP define traffic level of service (LOS) standards, transit service standards, trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element.

Vision Zero

In 2015, San José became the fourth U.S. city to officially adopt a Vision Zero initiative. The goal of Vision Zero is to reduce and eventually eliminate traffic deaths and severe injuries. From improving the city's roadways with new safety measures to community engagement, the initiative strives to make San José's streets safer for walkers, rollers, and bicyclists.

San José Complete Streets Design Standards and Guidelines

The *San José Complete Streets Design Standards and Guidelines* has been developed as a comprehensive set of street design standards and guidelines to guide how the City of San José builds and retrofits streets. These standards and guidelines are intended for use by a variety of audiences, including City staff, staff from other agencies, consultants, designers, and residents. Its purpose is to serve as a manual of design options to achieve the City's Envision 2040 General Plan vision of being a "walking and bicycling first" city. As such, it seeks to ensure that new and

retrofitted streets are enhanced with "Complete Streets" design elements embracing all travel modes and activities appropriate for the facility.

City of San José Transportation Analysis Policy

In February 2018, pursuant to SB 743, the City of San José adopted Council Policy 5-1, a Transportation Analysis Policy. The policy replaces its predecessor (Policy 5-3) and establishes the criteria for the analysis of transportation impacts under CEQA based on VMT instead of LOS. The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions, and the creation of robust multimodal networks that support integrated land uses. All subsequent new development and transportation projects are required to analyze transportation impacts using the VMT metric and conform to Council Policy 5-1.

Transportation Analysis Policy 5-1 and its accompanying Transportation Analysis Handbook provide screening criteria that determine whether a detailed VMT analysis is required for both new development and transportation projects. The criteria are based on the type of project and its resulting changes to the transportation system. If a project meets the City's screening criteria, the project is presumed to result in less-than-significant VMT impacts and a detailed VMT analysis is not required under CEQA. Policy 5-1 also requires preparation of a LTA to analyze transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the project.

> ***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-1.3:*** Increase substantially the proportion of travel using modes other than the single-occupant vehicle.
>
> ***Policy TR-1.4:*** Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking, and transit facilities and services that encourage reduced travel demand.
>
> ***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-2.1:*** Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety and access improvements at street crossings (including proposed grade-separated

crossings of freeways and other high vehicle volume roadways) and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).

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 consists of land use and development types and intensities that contribute towards transit ridership. In addition, require that new developments are designed to accommodate and to provide direct access to transit facilities.

Policy TR-3.4: Maintain and improve access to transit stops and stations for mobility challenged population groups such as youth, the disabled, and seniors.

Policy TR-3.8: Collaborate with transit providers to site transit stops at safe, efficient, and convenient locations, and to develop and provide transit stop amenities such as pedestrian pathways approaching stops, benches and shelters, nighttime lighting, traveler information systems, and bike storage to facilitate access to and from transit stops.

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-7.1: Require large developments and employers to develop and maintain TDM programs with TDM services 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, 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 Better Bike Plan 2025

The Better Bike Plan lays out a vision for a safe and connected network of on-street bikeways that will empower people of all ages and abilities to travel by bicycle in the City of San José. This includes an assessment of the current biking environment and the network connections, projects, bikeway designs, and policies needed to improve biking in San José.

The City has significantly expanded its on-street bike network over the past decade with a variety of facility types. In California, these bikeway types are also called Class I, II, III, or IV, as defined below:

Multi-use Path (Class I)

Multi-use paths, also known as trails, are off-street, two-way bikeways physically separated from motor vehicle traffic and used by people bicycling, people walking, and other non-motorized users. Popular examples in San José include the Guadalupe River Trail and the Coyote Creek Trail. They may cross roadways at grade or at under- or over-crossings. Multi-use paths are often located along creeks, utility corridors, and former rail corridors but may also be constructed along roadways with car traffic. There are approximately 62 miles of Class I bikeways in San José.

Bike Lane (Class II)

Bike lanes provide dedicated on-street space for bicyclists in the roadway, delineated with painted pavement stripes and symbols on the roadway surface. Bicycle lanes are usually provided in each direction on two-way streets and on one side of one-way streets. Bike lanes may also have a striped buffer area between bicycle and general-purpose travel lanes. There are approximately 291 miles of Class II bikeways in San José.

Bike Route and Bike Boulevard (Class III)

Bike routes are on-street bikeways where bicyclists must share the travel lane with motor vehicles because the lane is not wide enough to fit a bike lane. They may be marked with signs and/or a shared lane marking (“sharrow”), which is a bike symbol with two chevrons on top. There are approximately 95 miles of Bike Routes in San José. Bike Boulevards are basic bike routes on calmer streets that are enhanced with additional elements to increase comfort for people bicycling. These elements include crossing enhancements and traffic-calming features such as speed humps, bulbouts, or traffic diverters. There is less than 1 mile of Bike Boulevard in San José.

Separated Bike Lanes (Class IV)

Separated bike lanes, also known as cycle tracks or protected bike lanes, are a dedicated bikeway that combines the user experience of a multi-use path but are located on a street. They are physically distinct from the sidewalk and separated from motor vehicle traffic by physical objects such as parking, a curb, or posts. There are approximately 6 miles of Class IV bike lanes in San José.

3.13.2 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a transportation impact would be significant if implementation of the project would:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

Approach to Analysis

VMT Methodology

To determine whether a project would result in CEQA transportation impacts related to VMT, the City of San José's *Transportation Analysis Handbook* identifies screening criteria to determine whether a detailed VMT analysis is required. If a project or component of a mixed-use project meets the screening criteria, it is presumed the project or component would result in a less-than-significant VMT impact, and a VMT analysis is therefore not required. The screening criteria categorize development projects as follows:

- Small infill projects
- Local-serving retail
- Local-serving public facilities
- Projects located in Planned Growth Areas with low VMT and High-Quality Transit
- Deed-restricted affordable housing located in Planned Growth Areas with High-Quality Transit

A project or component of a mixed-use project that meets the associated screening criteria is exempted from performing a CEQA-level VMT analysis. The Hospital Replacement and Future Campus Improvements do not meet the screening criteria above and therefore a detailed VMT analysis is required. Because the project is not an office or residential development, the VMT analysis was conducted using the City model in lieu of applying the City's VMT evaluation tool. In consultation with City staff, the Hospital Replacement and Future Campus Improvement components were evaluated as follows:

- Total regional VMT with and without the project for the hospital patients/visitors (home-based shop/other).
- Total regional VMT with and without the project for the Future Campus Improvement patients/visitors (home-based shop/other).
- Total regional VMT with and without the project for the hospital employees (home-based work).

- Total regional VMT with and without the project for the Future Campus Improvement employees (home-based work).

A significant impact would occur if the project increases either total VMT for either employees or patients/visitors.

For the purposes of the VMT analysis, it is assumed that the Hospital Replacement and Future Campus Improvements would not cause an increase in trips regionally, but rather would result in a change in trip-making. The analysis assumes that, if medical uses are located at the project area, then the project's medical uses would shift medical demand from other similar locations. It is assumed that some employees would leave their job at other hospitals and find employment at the expanded SJMC campus. Likewise, patients may choose to find treatment at the campus instead of at other hospitals in the region. Thus, the estimated increase in 822 hospital jobs and 1,000 jobs[353] for the Future Campus Improvements was removed from other hospitals in the region, which include the following:

- Santa Clara Valley Medical Center
- O'Connor Hospital
- Kaiser Permanente Santa Clara
- El Camino Health Los Gatos Hospital

The Hospital Replacement and Future Campus Improvements land uses were categorized using the service employment land use. The 822 hospital jobs and 1,000 future campus improvement jobs were added to transportation analysis zone (TAZ) 665.[354] **Table 3.13-2** shows the presumed service employment shifts at other hospitals.

[353] The Future Campus Improvements would include shifting 200 medical office employees to Kaiser Permanente's future East San José medical office building location from the existing campus, for a total of 2,500 employees, or a net new of 800 employees. However, the transportation analysis conservatively assumed a total of 2,700 medical office employees (no net change to the existing 1,700 medical office employees), for a net new of 1,000 employees.

[354] TAZ 625 is roughly bound by SR 85 to the north, Miyuki Drive to the east, Santa Teresa Boulevard to the south, and Cottle Road to the west. The TAZ includes the SJMC campus, as well as the gas station at the northeast corner of Santa Teresa Boulevard and residential uses to the east of the campus.

TABLE 3.13-2
SERVICE EMPLOYMENT SHIFT AT OTHER HOSPITALS

Hospital	TAZa	Distance to TAZ 625b	No Project Service Populationa	Service Population Shiftc	
				Hospital Replacement (822 employees)	Future Campus Improvements (1,000 employees)
Santa Clara Valley Medical Center	3034	11.3	1,304	-344	-419
O'Connor Hospital	775	15.8	1,154	-154	-187
Kaiser Santa Clara	95	19.0	212	-21	-25
El Camino Health Los Gatos	7	12.0	1,317	-304	-370

NOTES:

a. From City of San José model.
b. In miles based on Google maps
c. The jobs shifted were directly proportional to the TAZ's service employment size and inversely proportional to the distance squared from the SJMC campus. Please see Appendix I1 of this EIR for a detailed table of the service employment shifts.

SOURCE: Fehr & Peers, 2024

Impact Analysis

Impact TR-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. *(Less than Significant)*

General Plan Consistency

The goals for hospital and medical uses outlined in the General Plan include providing good access to quality medical services. The General Plan notes that access to medical services via public transportation is critical to promote equity. 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. The project site is located within a half-mile radius of VTA's Blue Line light rail stop and is easily accessible via several bus routes on stops internal to the site on International Circle, as well as along the project perimeter along Santa Teres Boulevard and Cottle Road. The bicycle improvements for the project include improving existing bicycle facilities around the project perimeter and adding new Class II bike lanes on Camino Verde Drive north of Santa Teresa Boulevard (see Figure 3.13-2 and Figure 3.13-3). The project would not conflict with General Plan transportation policies such as those described under *Regulatory Framework*.

Better Bike Plan 2025 Consistency

As described under *Existing Conditions*, there are Class II and IV bicycle facilities in the vicinity of the project site. Projects listed in the Better Bike Plan that are near the project area include the implementation of Class IV protected bike lanes on Santa Teresa Boulevard and Cottle Road, which the project would implement along its frontage. Thus, the project would not conflict with the *Better Bike Plan 2025* and would not interfere with existing or proposed bicycle access near the site.

San José Complete Streets Design Standards and Guidelines Consistency

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 of San José builds and retrofits streets. The guidelines in the document present standards for the design and implementation of streets that are comfortable and welcoming for all modes of travel in accordance with the City's Vision Zero initiative.

The complete street design standards and guidelines vary depending on roadway typology and context of the built environment. For example, Downtown areas are characterized by intensive office, retail, service, residential, and entertainment land uses. Transit usage and pedestrian activity are given primary emphasis over automobile activity in this context. The design standards and guidelines refer to the typology designation in the 2040 General Plan. The project would implement any roadway design changes consistent with the City's Design Standards & Guidelines and would not conflict with that document.

As described above, the project is consistent with all relevant plans, ordinances, and policies addressing the circulation system near the project site. Therefore, the impact would be **less than significant**.

Mitigation: None required.

Impact TR-2: The project would conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). ***(Less than Significant with Mitigation)***

As described above under *Approach to Analysis*, the analysis assumes that the project's medical uses would shift employees associated with medical uses located elsewhere in the region. 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. The Hospital Replacement and Future Campus Improvements were evaluated based on VMT generated from patients and employees, and as such, a significant impact is determined if the project would increase total VMT for either employees or patients/visitors.

As shown in **Table 3.13-3**, the Hospital Replacement would result in a less than 1 percent change in employee VMT and a 2.67 percent change in patient/visitor VMT. As shown in **Table 3.13-4**, the Hospital Replacement and Future Campus Improvements would result in a 1.75 percent change in employee VMT and 5.93 percent change in patient/visitor VMT. Based on the City's impact threshold of no net increase from regional employee and patient/visitor VMT, the project would have a significant impact with the Hospital Replacement and Hospital Replacement plus Future Campus Improvements since the total regional employee and patient/visitor VMT would increase with the project.

TABLE 3.13-3
HOSPITAL REPLACEMENT VMT ANALYSIS RESULTS

Metric	Existing No Project	Existing Plus Hospital Replacement	Absolute Difference	Percent Difference	Exceed VMT Threshold?
VMT Impact Evaluation Metrics					
Daily Work VMT from Employees	228,928	230,737	1,809	0.79%	Yes
Daily Other VMT from Patients and Visitors	73,883	75,858	1,975	2.67%	Yes

SOURCES: Fehr & Peers, 2024; City of San José Model, December 2023.

TABLE 3.13-4
HOSPITAL REPLACEMENT AND FUTURE CAMPUS IMPROVEMENTS VMT ANALYSIS RESULTS

Metric	Existing No Project	Existing Plus Hospital Replacement and Future Campus Improvements	Absolute Difference	Percent Difference	Exceed VMT Threshold?
VMT Impact Evaluation Metrics					
Daily Work VMT from Employees	228,928	232,938	4,010	1.75%	Yes
Daily Other VMT from Patients and Visitors	73,883	78,261	4,378	5.93%	Yes

NOTE: Since the VMT analysis is shifting jobs from other TAZs to the Project TAZ, the total number of jobs in the region remains the same between the No Project and Plus Hospital scenarios.

SOURCES: Fehr & Peers, 2024; City of San José Model, December 2023

Consistent with the City of San José 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 program (TDM) to reduce vehicle trips. Mitigation Measure TR-2 would be implemented to reduce VMT impacts.

Mitigation Measures

Mitigation Measure TR-2: Transportation Demand Management Plan and Hardscape Multimodal Improvements

1. The project applicant shall implement the following measures at the conclusion of the Hospital Replacement construction and when the new hospital is operational:

   - Commute Trip Reduction Marketing and Education. The applicant would be required to routinely provide a commute trip reduction marketing/educational campaign to employees to promote the use of transit, shared rides, walking, and bicycling, with the aim of lowering the number of single occupancy vehicle trips and vehicle miles traveled (VMT).

   - The project applicant shall identify a transportation demand management (TDM) coordinator who shall be responsible for implementing the commute trip reduction marketing and education for the participation of 25 percent of hospital employees. If the TDM coordinator changes, the Director of Planning, Building

and Code Enforcement or the Director's designee shall be notified of the name and contact information of the newly designated TDM coordinator.

2. The project applicant shall implement multimodal network improvements (hardscape) to reduce the patient/visitor VMT for the Hospital Replacement and Hospital Replacement plus Future Campus Improvements Scenarios in compliance with the California Air Pollution Control Officers Association mitigation handbook; and consistent with the City of San José Transportation Analysis Handbook. Improvements could include:

   - Intersection/signal modifications adjacent to the project site to improve pedestrian and/or bicyclist safety/comfort; or
   - Other features such as curb extensions, ADA-compliant ramps, and crosswalk improvements that improve the pedestrian and biking experience.

   Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a report describing the plans and schedules for completing the agreed-upon improvements to the Director of Public Works, or the Director's designee, for review and approval. A copy of the report shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee.

Significance after Mitigation: For this project, the City's VMT evaluation tool was used to evaluate the effectiveness of VMT reduction measures, which included TDM measures and hardscape multimodal improvements. The effectiveness of the VMT reduction measures are shown in **Table 3.13-5** and **Table 3.13-6**. As shown in Table 3.13-5, implementation of the TDM plan under measure 1 of Mitigation Measure TR-2 would reduce VMT for the Hospital Replacement scenario by 5.53 percent for employees, however VMT for patients/visitors would still result in a 2.67 percent change in VMT. Since measure 1 of Mitigation Measure TR-2 is targeted at employees, the TDM element would not be effective in addressing VMT for patients/visitors. To address patient/visitor VMT, hardscape multimodal improvements would be required as listed under measure 2 of Mitigation Measure TR-2. As shown in Table 3.13-5, with implementation of both TDM plan and hardscape multimodal improvements, VMT would be reduced by 7.39 percent for employees and 4.79 percent for patients/visitors. VMT impacts would be less than significant under the Hospital Replacement scenario.

TABLE 3.13-5
EFFECTIVENESS OF TDM PLAN AND HARDSCAPE MULTIMODAL IMPROVEMENTS FOR THE HOSPITAL REPLACEMENT SCENARIO

Metric	Hospital	TDM Effectiveness (Hospital)	Reduce VMT Impact	TDM + Hardscape Multimodal Improvements Effectiveness		Reduce VMT Impact
Daily Work VMT from Employees	0.79%	5.53%	Yes	7.39%		Yes
Daily Other VMT from Patients and Visitors	2.67%	0.00%	**No**	4.79%		Yes

SOURCES: City of San José VMT Evaluation Tool (updated in April 2023), Fehr & Peers, 2024

TABLE 3.13-6
EFFECTIVENESS OF TDM PLAN AND HARDSCAPE MULTIMODAL IMPROVEMENTS FOR THE HOSPITAL REPLACEMENT AND FUTURE CAMPUS IMPROVEMENTS SCENARIO

Metric	Hospital + Future Campus Improvements	TDM Effectiveness (Hospital +Future Campus Improvements)	Reduce VMT Impact	TDM + Hardscape Multimodal Improvements Effectiveness (Hospital + Future Campus Improvements)	Reduce VMT Impact
Daily Work VMT from Employees	1.75%	9.31%	Yes	11.11%	Yes
Daily Other VMT from Patients and Visitors	5.93%	5.53%	**No**	6.49%	Yes

SOURCES: City of San José VMT Evaluation Tool (updated in April 2023), Fehr & Peers, 2024

Under the Hospital Replacement plus Future Campus Improvements scenario, implementation of the TDM plan would be effective in reducing employee VMT but not for patients/visitors. As shown in Table 3.13-6, implementation of the TDM plan under measure 1 of Mitigation Measure TR-2 would reduce VMT for employees by 9.31 percent and 5.53 percent for patients/visitors. However, VMT for patients/visitors would still result in a 0.4 percent change in VMT. To address patient/visitor VMT, hardscape multimodal improvements would be required as listed under measure 2 of Mitigation Measure TR-2. With implementation of both measures 1 and 2 under Mitigation Measure TR-2, VMT would be reduced by 11.11 percent for employees and 6.49 percent for patients and visitors under the Hospital Replacement plus Future Campus Improvements scenario. With implementation of Mitigation Measure TR-2, this impact would be **less than significant** for both Hospital Replacement and Hospital Replacement plus Future Campus Improvements scenarios.

Impact TR-3: The project would not 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)***

The project would remove channelized right-turns at the following intersections for the specified movements:

- Cottle Road/Hospital Parkway: westbound right-turn and northbound right-turn
- Santa Teresa Boulevard/Camino Verde Drive: southbound right-turn and westbound right-turn

The removal of the channelized right-turns would improve pedestrian travel. The crossing distances would be shortened, which would reduce the total crossing time, reduce vehicle right-turn speeds, and allow quicker stopping of cars.

The three access points to the campus (Santa Teresa Boulevard/Camino Verde Drive, Cottle Road/Hospital Parkway, and International Circle/Liska Lane) would remain unchanged under the project. New driveways would include: a new non-public driveway on the west side of the new hospital from Cottle Road for ambulances periodic access for large single unit trucks used for

imaging and other large medical equipment; a new driveway on Hospital Parkway approximately 140 feet east of the Cottle Road/Hospital Parkway intersection for emergency department access; new vehicle driveways on International Circle to provide passenger pick-up/drop-off for the Hospital Replacement; a new service driveway on Camino Verde Drive on the south side of the Hospital Replacement; and two for the new parking garage – one on Camino Verde Drive on the west side and one on International Circle on the north side. Adequate site distance would be required for the project driveways to ensure that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling along the streets. Camino Verde Drive and International Circle have posted speed limits of 25 mph and 20 mph, respectively. Based on the engineering standards from the Caltrans *Highway Design Manual*, vehicles traveling on Camino Verde Drive and International Circle would require a sight stopping distance of 150 and 125 feet, respectively. The Hospital Replacement project would provide adequate sight distance and would have a less-than-significant impact related to hazards due to geometric design. The Hospital Replacement and Future Campus Improvements would be required to comply with the *San José Complete Streets Design Standards and Guidelines* (May 2018), which include design specifications to ensure safe and efficient travel of vehicles, bicycles, pedestrians, and transit vehicles. For this reason, the project would not introduce any geometric design features or incompatible uses, and this impact would be **less than significant**.

Mitigation: None required.

Impact TR-4: The project would not result in inadequate emergency access. ***(Less than Significant)***

An emergency access assessment was conducted to determine if the project has the potential to impact emergency vehicle access by creating conditions that would substantially affect the ability of drivers to yield the right-of-way to emergency vehicles or preclude the ability of emergency vehicles to access streets within the project area. An emergency response time impact is considered significant if implementation of the project would provide inadequate access to accommodate emergency vehicles.

With the Hospital Replacement, ambulance emergency access to the campus would shift from its current location along the northern section of International Circle to the southeastern corner of the Cottle Road/Hospital Parkway intersection. The new ambulance emergency access from Cottle Road and Hospital Parkway would provide a shorter and more direct route to the emergency room since internal circulation would no longer be necessary.

Although the additional vehicles associated with implementation of the project would increase intersection delays in the vicinity of the project area, emergency vehicle access at intersections would not be significantly impacted. This is due to several factors, such as implementation of the City's emergency vehicle preemption system that preempts signal control at individual intersections based on the GPS position of emergency vehicles and their priority as they respond to an incident. California law requires drivers to yield the right-of-way to emergency vehicles, and multi-lane roadways such as Santa Teresa Boulevard and Cottle Road provide for higher speed emergency vehicle access. Lastly, Envision San José 2040 General Plan policies such as

Policies ES-3.1, 3.3, 3.6, and 3.13 ensure the City maintains adequate emergency response times through providing timely level of service response times to emergencies, ensuring the development of police and fire facilities keep pace with the growth of the City, maintaining mutual aid agreements with surrounding jurisdictions for emergency response, and maintaining emergency traffic preemption controls.

The project would also be required to comply with the *San José Complete Streets Design Standards and Guidelines* (May 2018) and Fire Code requirements for emergency access. The site design would be required to provide adequate corner radii, driveway widths, parking dimensions, and signage to satisfy the City's design standards. The final site design would be subject to review by the San José Fire Department (SJFD) for compliance with the applicable Fire Code standards. For the reasons described above, the project would not result in inadequate emergency access, and the impact would be **less than significant**.

Mitigation: None required.

Cumulative Impacts

Impact C-TR-1: The project, when combined with cumulative projects, would not result in a significant cumulative transportation impact. ***(Less than Significant)***

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on a project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required per the City's Transportation Analysis Handbook. The project is consistent with the General Plan and its policies for the following reasons:

- The project site is located within one-half mile of the VTA Cottle Station and multiple bus stops on Santa Teresa Boulevard and Cottle Road.
- The project would provide bicycle parking.
- The project would provide sidewalks and landscaping along the project frontage, and would provide an entrance and other urban design features that create a pedestrian-friendly environment.
- The project would implement bicycle facilities improvements that would be integrated with the City's facilities.
- The project would not negatively impact existing transit, bicycle, or pedestrian infrastructure, nor conflict with any adopted plans or policies for new transit, bicycle, or pedestrian facilities.

As with the project, cumulative projects in the vicinity of the project would also be required to be consistent with the General Plan. For this reason, the project would not combine with cumulative projects to result in a significant cumulative impact, and the cumulative impact related to potential conflicts with a program plan, ordinance, or policy would be **less than significant**.

There are no other cumulative projects in the vicinity of the project site that would combine with the project to result in a significant cumulative impact related to geometric design or emergency access. Cumulative projects would be subject to the same City design standards and SJFD requirements for emergency access. Therefore, cumulative impacts for hazards from geometric design or emergency access would be **less than significant**.

Mitigation: None required.

3.13.3 Non-CEQA Effects

Intersection Levels of Service

Methodology and Scenarios Analyzed

An LTA was completed for the following six signalized and two unsignalized intersections:

- Cottle Road/Beswick Drive
- Cottle Road/State Route 85 NB On-/Off-Ramp*
- Cottle Road/State Route 85 SB Off-Ramp*
- Cottle Road/Palmia Drive-Hospital Parkway
- Cottle Road/Santa Teresa Boulevard*
- Hospital Parkway/International Circle (all-way stop-controlled)
- Camino Verde Drive/International Circle (all-way stop-controlled)
- Santa Teresa Boulevard/Camino Verde Drive

*The asterisk indicates CMP intersections.

Existing intersection lane configurations, signal timings, and peak hour turning movement volumes were used to calculate vehicle queuing at the study intersections during the AM and PM peak hours. Traffic counts for the study intersections were collected in June 2023 before area schools entered summer break. Traffic conditions were evaluated for the following scenarios to determine if the LOS of the local intersections in the project area would be adversely affected by project generated traffic:

- **Scenario 1:** Existing Conditions – Existing traffic volumes obtained from counts.
- **Scenario 2:** Background Conditions – Scenario 1 plus "approved but not yet built" and "not occupied" development.
- **Scenario 3:** Background Plus Project Conditions – Scenario 2 plus traffic generated by the Hospital Replacement.
- **Scenario 4:** Cumulative Conditions – Scenario 2 plus traffic from pending developments in the area.
- **Scenario 5:** Cumulative Plus Project Conditions – Scenario 4 plus traffic generated by both the Hospital Replacement and Future Campus Improvements.

The method described in Chapter 16 of the 2000 *Highway Capacity Manual* (HCM) was used to prepare study intersection LOS calculations. This level of service method, which is approved by San José and the VTA, analyzes a signalized intersection's operation based on average control delay per vehicle. Control delay includes the initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The average control delay is calculated using TRAFFIX 8.0 analysis software and is correlated to a LOS designation.

Criteria for Determining Substantial Contribution to Delay at Intersections

The deficiency criteria used to determine effects on signalized intersections are based on City of San José's level of service standards. San José's minimum threshold for acceptable signalized intersection operations is LOS D, unless governed by an Area Development Policy. For CMP intersections under VTA's jurisdiction, the minimum threshold for acceptable intersection operations is LOS E.

An adverse effect on intersection operations occurs when the analysis demonstrates that a project would cause the operations standard at a study intersection to fall below the established LOS standard (LOS D for City intersections and LOS E for CMP intersections) with the addition of project vehicle trips relative to baseline conditions. For intersections already operating unacceptably (LOS E or LOS F for City intersections and LOS F for CMP intersections) under baseline conditions, an adverse effect is defined by the following:

- An increase in average critical delay by 4.0 seconds or more and an increase in the critical V/C ratio of 0.010 or more; or
- A decrease in average critical delay and an increase in critical V/C ratio of 0.010 or more.

Intersection LOS Results

The results of the intersection LOS analysis for Existing Conditions indicate that all study intersections operate at acceptable service levels (generally LOS D or better for City of San José intersections and LOS E for CMP intersections) during the AM and PM peak hours.

Based on the results of the Background Plus Project Conditions intersection LOS analysis, all study intersections would continue to operate at an acceptable LOS and no adverse intersection operations effects are identified.

The Cumulative Plus Project intersection LOS analysis determined that all study intersections would continue to operate at an acceptable LOS and no adverse intersection operation effects are identified, except for the Cottle Road/Palmia Drive-Hospital Parkway (intersection #4) during the PM peak hour.

Measures to Offset the Project's Increase in Delay on Intersection Operations

Under Cumulative Plus Project conditions, all study intersections are estimated to operate at an acceptable LOS based on their respective LOS threshold, except for the Cottle Road/Palmia Drive-Hospital Parkway (intersection #4) during the PM peak hour. The intersection would degrade intersection operations from LOS D to unacceptable LOS F.

Intersection improvement proposed to address the adverse effect includes provision of a second dedicated westbound right-turn lane (for a total of one left-turn lane, one through lane, and two right-turn lanes) on Hospital Parkway. With the improvement, the intersection operations would improve to LOS D with 43.2 seconds of delay. However, there are right-of-way constraints that limit the feasibility of the improvement. In addition, there is a crosswalk across the north leg of the intersection, and pedestrians have a pedestrian phase to cross Cottle Road at the same time as the westbound through and right-turn movements. It would be difficult for pedestrians to cross the dual right-turn lanes during the PM peak hour since pedestrians would need to rely on vehicles to yield to them.

Additionally, the double right-turn lanes would increase the chance of multiple threat collisions, where a pedestrian enters the traffic lane in front of a stopped right-turning vehicle in the outside lane and is struck by another right-turning vehicle in the inside turn lane because the stopped vehicle blocks the line of sight between the pedestrian and the driver of the striking vehicle. Thus, the improvement would not be feasible, and the vehicle LOS adverse effect cannot be reduced.

Freeway Levels of Service

Freeway Off-Ramp Queuing Analysis

The northbound and southbound off-ramps at SR 85 were analyzed for ramp queuing performance, assessing increases in peak period ramp queue lengths with the addition of project traffic and its effects on freeway and local street operations. Ramp queueing is not considered an environmental impact, but rather an operational consideration managed over time by Caltrans and local jurisdictions.

Under Background Plus Project as well as Cumulative Plus Project conditions, neither of the two off-ramps would exceed storage capacity. No adverse off-ramp operations effects are identified, and no improvements are necessary.

3.14 Utilities and Service Systems

This section assesses the potential for the project to result in significant adverse impacts on utilities and service systems. This section first includes a description of the existing environmental setting as it relates to utilities and service systems, and provides a regulatory framework that discusses applicable federal, state, and local regulations. This section also includes an evaluation of potential significant impacts of the project on utilities and service systems.

3.14.1 Environmental Setting

Water Supply

The project site is served by the Great Oaks Water Company (Great Oaks), a privately owned water retailer, which serves the Blossom Valley, San Teresa, Edenvale, Coyote Valley, and Almaden Valley areas of the City of San José. Great Oaks Water Company gets its potable water supply from the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. Great Oaks does not purchase treated water and does not utilize surface water or stormwater within its service area. Great Oaks also does not utilize wastewater or recycled water within its system; however, Great Oaks will supply recycled water when supply and infrastructure for doing so is available. Great Oaks has and will continue to encourage recycled water use within its service area, although none is available at this time. If or when recycled water becomes available for use within the Great Oaks service area, Great Oaks will include recycled water in its future water supply planning.[355]

The Santa Clara Subbasin is managed by the Santa Clara Valley Water District (Valley Water).[356] The subbasin is designated as a high-priority subbasin by the California Department of Water Resources based on criteria that include overlying population, projected growth, number of wells, irrigation acreage, groundwater reliance, and groundwater impacts.[357] The Santa Clara Subbasin is not in a condition of chronic overdraft due to Valley Water's managed recharge of local imported water as well as in-lieu recharge activities. The 2021 Groundwater Management Plan indicated that the long-term average yields are sustainable.[358]

The Santa Clara Subbasin has an estimated operational storage capacity of approximately 350,000 acre-feet (AF).[359] As mentioned above, the Great Oaks obtains its water supply from groundwater. Great Oaks does not currently supply recycled water to its customers.

[355] Great Oaks Water Company, *2020 Urban Water Management Plan*, July 1, 2021. Available at greatoakswater.com /OtherPDFs/GOW_CA4310022_2020_Urban_Water_Management_Plan.pdf. Accessed June 26, 2023.

[356] Ibid.

[357] California Department of Water Resources, *Sustainable Groundwater Management Act 2019 Basin Prioritization Process and Results*, May 2020. Available at data.cnra.ca.gov/dataset/13ebd2d3-4e62-4fee-9342-d7c3ef3e0079/resource/ffafd27b-5e7e-4db3-b846-e7b3cb5c614c/download/sgma_bp_process_document.pdf. Accessed June 26, 2023.

[358] Santa Clara Valley Water District, *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins,* November 2021. Available at s3.us-west-2.amazonaws.com/assets.valleywater.org/2021_GWMP_web_version.pdf. Accessed June 26, 2023.

[359] Ibid.

Wastewater Collection and 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.[360] As 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.[361] 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.[362]

The project site is served by the City's existing sanitary sewer network. Wastewater from the project site would be conveyed to the City's sewer system via connections to existing sanitary sewer pipes in Cottle Road, Hospital Parkway, International Circle, and Camino Verde Drive.

Stormwater Collection

The 11-acre project site is currently occupied by a seven-story hospital, with many large asphalt parking lots and minimal existing landscaped areas. The project site currently has 339,460 square feet of impervious area, making the project site approximately 71 percent impervious.

The project site is located within an urbanized area served by the City's storm drainage system. Surface runoff from the project site flows into existing storm drain lines that run along Cottle Road, International Circle, and Camino Verde Drive before being discharged into Canoas Creek 0.18 mile southwest of the project site.[363]

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.

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

[360] City of San José, *San José-Santa Clara Regional Wastewater Facility*. Available at www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed June 26, 2023.

[361] City of San José. *Downtown West Mixed-Use Plan Draft Environmental Impact Report.* Chapter 3, Section 3.14, *Utilities and Service Systems*, October 2020. Available at sj-admin.s3-us-west-2.amazonaws.com/3.14_GSJ_Utilities-ServiceSystems_DEIR.pdf. Accessed October 12, 2023.

[362] San José/Santa Clara Water Pollution Control Plant, *The Plant Master Plan*, November 2013. Available at www.sanjoseca.gov/home/showdocument?id=206. Accessed June 26, 2023.

[363] City of San José, *Utility Viewer*. Available at csj.maps.arcgis.com/apps/webappviewer/index.html?id =0d463f017c8a48a7b73b2d35bd7381f1. Accessed June 26, 2023.

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.

The ESD manages non-exclusive franchise agreements with, as of August 1, 2020, 30 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.[364] 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 16.2 miles northwest of the project site.[365] The other landfills within Santa Clara County include Guadalupe Mines, Kirby Canyon, and Zanker Road facilities.

Electricity, Natural Gas, and Telecommunications

Pacific Gas and Electric Company (PG&E) and San José Clean Energy (SJCE) provide electric service in San José. SJCE is a community choice energy agency governed by the San José City Council as a City department. SJCE purchases power wholesale and makes retail sales to customers through existing PG&E electrical infrastructure.[366] SJCE customers are automatically enrolled in the GreenSource program, which includes electricity that is generated by renewable and carbon-free sources and is approximately 80 percent carbon free. Customers can also choose a TotalGreen plan with 100 percent renewable energy, or can opt out and choose to remain customers of PG&E.[367] Existing electric distribution infrastructure in the project area includes underground lines in adjacent and internal campus roadways.

PG&E also provides natural gas service in San José. Existing natural gas infrastructure within the project area includes a gas main within Cottle Road, as well as gas lines in Camino Verde Drive and International Circle. Existing portions of the SJMC campus serviced by gas infrastructure connect to this existing gas infrastructure.

364` 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 December 22, 2023.

365 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 June 26, 2023.

366 San José Clean Energy, FAQ. Available at www.sanjosecleanenergy.org/faq. Accessed June 26, 2023.

367 San José Clean Energy, The Choice is Yours. Available at www.sanjosecleanenergy.org/your-choices. Accessed June 26, 2023.

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.

3.14.2 Regulatory Framework

Federal

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources—rivers, lakes, reservoirs, springs, and ground water wells. Under the Act, the U.S. Environmental Protection Agency (EPA) also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids.

National Pollutant Discharge Elimination System

The NPDES is a nationwide program for permitting of surface water discharges, including from municipal and industrial point sources. In California, NPDES permitting authority is delegated to and administered by the nine regional water quality control boards (regional water boards). The San Francisco Bay Regional Water Board has set standard conditions for each permittee in the Bay Area, including effluent limitation and monitoring programs. In addition to issuing and enforcing compliance with NPDES permits, each regional water board prepares and revises the relevant basin plan (refer to the following discussion of state regulations).

Part 503: Standards for the Use or Disposal of Sewage Sludge

Code of Federal Regulations Title 40, Part 503, *Standards for the Use or Disposal of Sewage Sludge*, establishes general requirements, pollutant limits, management practices, and operational standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Standards are included for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included are requirements to reduce the attraction of pathogens and alternative vectors to sewage sludge applied to the land or placed on a surface disposal site.

In addition, the standards include requirements governing the frequency of monitoring and recordkeeping when sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. This rule applies to any person who prepares sewage sludge, applies sewage sludge to the land, or fires sewage sludge in a sewage sludge incinerator; to the owner/operator of a surface disposal site; and to the exit gas from a sewage sludge incinerator stack.

State

Urban Water Management Planning Act

California Water Code Section 10610 et seq. requires all public water systems that provide water for municipal purposes to more than 3,000 customers, or that supply more than 3,000 acre-feet per year (AFY), to prepare an Urban Water Management Plan (UWMP). UWMPs are key water supply planning documents for municipalities and water purveyors in California, and often form the basis of Water Supply Assessments (WSAs; refer to the following discussion of Senate Bill [SB] 610 and SB 221) prepared for individual projects. UWMPs must be updated at least every 5 years on or before December 31, in years ending in 5 and 0. Great Oaks Water Company adopted its 2020 UWMP in July 2021.[368]

Senate Bills 610 and 221

The purpose and legislative intent of SB 610 and SB 221, enacted in 2001, is to preclude the approval of certain development projects without specific evaluations performed and documented by the local water provider that indicate that water is available to serve the project. SB 610 requires the local water provider for a large-scale development project to prepare a WSA.[369] The WSA evaluates the water supply available for new development based on anticipated demand. The WSA must be included in the environmental document. The lead agency may evaluate the information presented in the WSA, and then must determine whether the projected water supplies would be sufficient to satisfy the project's demands in addition to existing and planned future uses.

Completion of a WSA requires collection of proposed water supply data and information relevant to the project in question, an evaluation of existing/current use, a projection of anticipated demand sufficient to serve the project for a period of at least 20 years, delineation of proposed water supply sources, and an evaluation of water supply sufficiency under single-year and multiple-year drought conditions. Great Oaks Water Company prepared a WSA for the project, which is included as **Appendix J**. The conclusions of the WSA are described and analyzed under Impact UT-2 below.

SB 221 requires the local water provider to provide "written verification" of "sufficient water supplies" to serve subdivisions involving the equivalent or more than 500 residential units per

[368] Great Oaks Water Company, *2020 Urban Water Management Plan*, July 2021. Available at greatoakswater.com/OtherPDFs/GOW_CA4310022_2020_Urban_Water_Management_Plan.pdf. Accessed June 26, 2023.

[369] All projects that meet any of the following criteria require a WSA: (1) A proposed residential development of more than 500 dwelling units; (2) a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space; (3) a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; (4) a proposed hotel or motel, or both, having more than 500 rooms; (5) a proposed industrial, manufacturing, or processing plant, or industrial park 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; (6) a mixed-use project that includes one or more of the projects specified in SB 610; or (7) a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

Government Code Section 66473.7. Sufficiency is different under SB 221 than under SB 610. Under SB 221, sufficiency is determined by considering:

- The availability of water over the past 20 years;
- The applicability of any urban-water shortage contingency analysis prepared in compliance with Water Code Section 10632;
- The reduction in water supply allocated to a specific use by an adopted ordinance; and
- The amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer.

As a result of the information contained in the written verification, as part of the tentative map approval process, a city or county may attach conditions to ensure that an adequate water supply is available to serve the proposed plan. Typically, following project certification, an additional water supply verification must be completed at the tentative map stage, prior to adoption of the final map, for certain tentative maps. In most cases, the WSA prepared under SB 610 would meet the requirement for proof of water supply under SB 221.

The WSA for the project was prepared in response to both SB 610 and SB 221.[370]

Assembly Bill 325

Assembly Bill (AB) 325, the Water Conservation in Landscaping Act of 1990, directs local governments to require the use of low-flow plumbing fixtures and the installation of drought-tolerant landscaping in all new development. Pursuant to the Water Conservation in Landscaping Act, the California Department of Water Resources developed a Model Water Efficient Landscape Ordinance. In compliance with AB 325, the City of San José developed a Model Water-Efficient Landscape Ordinance on April 30, 2013 (Ordinance No. 29243), amending its existing water efficient landscape standards (refer to San José Municipal Code Chapter 5.11, discussed below under *Local*).

California Health and Safety Code Section 116555

Under California Health and Safety Code Section 116555, a public water system must provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Water Code Section 10608 et seq. (Senate Bill 7 or Senate Bill X7-7)

Water Code Section 10608 et seq. required urban retail water suppliers to set and achieve water use targets that would help the state achieve a 20 percent per capita reduction in urban water use by 2020. SB X7-7 required each urban retail water supplier to develop urban water use targets and an interim urban water use target, in accordance with specified requirements. The bill is intended to promote urban water conservation standards that are consistent with the California Urban Water Conservation Council's adopted best management practices and the requirements for demand management in California Water Code Section 10631 as part of UWMPs.

[370] Great Oaks Water Company, *Water Supply Assessment for Draft Environmental Impact Report for "Kaiser Permanente San José Medical Center,"* July 25, 2023.

Executive Orders B-29-15, B-37-16, and N-5-23

In April 2015, Governor Brown issued Executive Order B-29-15, which called for mandatory water use reductions. The executive order required cuts for public landscaping and institutions that typically use large amounts of water (e.g., golf courses), banned new landscape irrigation installation, and required municipal agencies to implement conservation pricing, subsidize water-saving technologies, and implement other measures to reduce the state's overall urban water use by 25 percent. The order also required local water agencies and large agricultural users to report their water use more frequently.

In May 2016, Governor Brown issued Executive Order B-37-16, which made the mandatory water use reduction of 25 percent permanent and directed the California Department of Water Resources and State Water Resources Control Board (SWRCB) to strategize further water reduction targets. The order also made permanent the requirement that local agencies report their water use monthly. Additionally, certain wasteful practices such as sidewalk hosing and runoff-causing landscape irrigation were permanently outlawed, while local agencies must prepare plans to handle droughts lasting 5 years.

On March 24, 2023, Governor Newsom issued Executive Order N-5-23, which eased some drought restrictions including ending the voluntary call for 15 percent water use reduction and requirement that urban water suppliers activate Level 2 of their water shortage contingency plans. However, other State water use restrictions were left in place, including restrictions against runoff, the ban on wasteful water uses, such as watering ornamental grass on commercial properties, and using drinking water to irrigate non-functional turf.

California Green Building Standards Code

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code ("CALGreen"), establishing mandatory green building standards for all new and qualifying remodeled structures in California. 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 ("C&D") 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.

Part 11 of the Title 24 Building Energy Efficiency Standards is referred to as the California Green Building Standards Code (CALGreen Code). The CALGreen Code is intended to encourage more sustainable and environmentally friendly building practices, conserve natural resources, and promote the use of energy-efficient materials and equipment. Since 2011, the CALGreen Code

has been mandatory for all new residential and non-residential buildings constructed in the state. Mandatory measures related to water conservation include water-conserving plumbing fixture and appliance requirements, including flow rate maximums, compliance with state and local water-efficient landscape standards for outdoor potable water use in landscape areas, and recycled water systems, where available. The CALGreen Code was most recently updated in 2019 to include new mandatory measures for residential and non-residential uses; the 2019 amendments to the CALGreen Code became effective January 1, 2020. Updates include more stringent requirements for residential metering faucets, and a requirement that all residential and non-residential developments adhere to a local water efficient landscape ordinance or to the State of California's Model Water Efficient Landscape Ordinance, whichever is more stringent.

As amended, the CALGreen Code (California Code of Regulations Title 24, Part 11) requires that readily accessible areas be provided for recycling by occupants of residential and non-residential buildings. The CALGreen Code also requires that residential and non-residential building projects recycle and/or salvage for reuse a minimum of 65 percent of their non-hazardous construction and demolition waste, or comply with a local construction and demolition waste management ordinance, whichever is more stringent (Section 5.408.1). San José has adopted a more stringent requirement, mandating 75 percent diversion for projects that qualify under CALGreen. In addition, 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing must be reused or recycled unless contaminated by disease or pest infestation (Section 5.408.3).

The 2016 version of the code increased the minimum diversion requirement for non-hazardous construction and demolition waste to 65 percent from 50 percent (in the 2013 and earlier versions) in response to AB 341, which declared the policy goal of the state that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by 2020.

California Plumbing Code

The 2022 California Plumbing Code (California Code of Regulations Title 24, Part 5) contains general requirements for installing plumbing systems. The code regulates the design, material, and installation of water supply and distribution systems, as well as sanitary drainage systems.

Assembly Bill 939 (California Integrated Waste Management Act)

AB 939, enacted in 1989 and known as the Integrated Waste Management Act (Public Resources Code Section 40050 et seq.), requires each city and county in the state to prepare a Source Reduction and Recycling Element to demonstrate a reduction in the amount of waste being disposed to landfills. The act required each local agency to divert 50 percent of all solid waste generated within the local agency's service area by January 1, 2000. Diversion includes waste prevention, reuse, and recycling. SB 1016 revised the reporting requirements of AB 939 by implementing a per capita disposal rate based on a jurisdiction's population (or employment) and its disposal.

The Integrated Waste Management Act requires local agencies to maximize the use of all feasible source reduction, recycling, and composting options before using transformation (incineration of solid waste to produce heat or electricity) or land disposal. The act also resulted in the creation of

the state agency now known as the California Department of Resources Recycling and Recovery (CalRecycle). Under the Integrated Waste Management Act, local governments develop and implement integrated waste management programs consisting of several types of plans and policies, including local construction and demolition ordinances. The act also set in place a comprehensive statewide system of permitting, inspections, and maintenance for solid waste facilities, and authorized local jurisdictions to impose fees based on the types and amounts of waste generated.

In 2011, AB 341 amended AB 939 to declare the policy goal of the state that not less than 75 percent of solid waste generated would be source reduced, recycled, or composted by the year 2020, and annually thereafter.

Assembly Bill 341 and 1826

AB 341, signed into law in 2012, requires commercial and multi-family dwellings to recycle. AB 1826 (2014) furthered diversion and recycling requirements by requiring that all businesses and multi-family dwellings with more than five units also divert organic material. AB 1826 also sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

SB 1383 established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. SB 1383 granted CalRecycle the regulatory authority required to achieve the organic-waste disposal reduction targets. It also established a target of recovering not less than 20 percent of currently disposed edible food for human consumption by 2025.

Regional

National Pollutant Discharge Elimination System Waste Discharge Requirements

Discharges of stormwater runoff from municipal separate storm sewer systems (MS4s) are regulated by the Municipal Regional Stormwater NPDES permit, under Order No. R2-2022-0018; NPDES Permit No. CAS612008, issued by the San Francisco Bay Regional Water Board.

Under CWA Section 402(p), stormwater permits are required for discharges from MS4s that serve populations of 100,000 or more. The Municipal Regional Permit (MRP) manages the Phase I Permit Program (serving municipalities of more than 100,000 people), the Phase II Permit Program (for municipalities of fewer than 100,000 people), and the Statewide Storm Water Permit for the California Department of Transportation.

The SWRCB and the individual water boards implement and enforce the MRP. Multiple municipalities, including the City of San José, along with Santa Clara County (County) and Valley Water, are co-permittees. These entities formed the Santa Clara Valley Urban Runoff Pollution Prevention Program to collectively address waste discharge requirements and manage stormwater runoff from storm drains and watercourses within their jurisdictions.

Municipal Regional Permit Provisions C.3

Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area, or 5,000 square feet or more of impervious surface area for regulated projects involving special land use categories (i.e., auto service, retail gasoline station, restaurant, and/or uncovered parking), are required to implement site design, source control, and Low Impact Development–based stormwater treatment controls to treat post-construction stormwater runoff. Low Impact Development–based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and for 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.

In addition, the MRP requires new development and redevelopment projects that create or replace 1 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, generate silt pollutants, or cause other impacts on local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimum size threshold, drain into tidally influenced areas or directly into San Francisco Bay, or drain into hardened channels, or if they are infill projects in sub-watersheds or catchment areas that are at least 65 percent impervious.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* (General Plan) contains the following relevant policies related to water systems:

> ***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-18.5:*** Reduce per capita water consumption by 25 percent by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.
>
> ***Policy MS-18.6:*** Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.

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 fiscally and environmentally sustainable local 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.

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 current service levels.

The General Plan contains the following additional relevant policies related to wastewater systems:

Policy IN-3.1: Achieve minimum level of services:

– For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.

Policy IN-3.4: Maintain and implement the City's Sanitary Sewer Level of Service Policy and 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-3.5: Require development which will have the potential to reduce downstream LOS [level of service] 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-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 Regional Wastewater Facility.

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-4.3: Adopt and implement new technologies for the operation of wastewater treatment and water reclamation facilities to achieve greater safety, energy efficiency and environmental benefit.

Policy IN-4.6: Encourage water conservation and other programs which result in reduced demand for wastewater treatment capacity.

The General Plan contains the following relevant policies related to stormwater systems:

Policy IN-3.1: Achieve minimum level of services:

– For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, state, and federal regulatory requirements.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

The General Plan contains the following relevant policies related to solid waste:

Policy IN-5.1: Monitor the continued availability of long-term collection, transfer, recycling and disposal capacity to ensure adequate solid waste capacity. Periodically assess infrastructure needs to support the City's waste diversion goals. Work with private Material Recovery Facilities (MRF) and Landfill operators to provide facility capacity to implement new City programs to expand recycling, composting and other waste processing.

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 and to achieve the City's Zero Waste goals.

Urban Environmental Accords

On November 1, 2005, the San José City Council signed on to the Urban Environmental Accords, a declaration of participating city governments to build ecologically sustainable, economically dynamic, and socially equitable futures for their urban citizens. The Urban Environmental Accords include 21 actions in seven different areas, such as energy, waste, and urban nature. The actions that relate to utilities and service systems are:

- Develop policies to increase adequate access to safe drinking water, aiming at access for all by 2015. For cities with potable water consumption greater than 100 liters per capita per day, adopt and implement policies to reduce consumption by 10 percent by 2015.
- Protect the ecological integrity of the City's primary drinking water sources (i.e., aquifers, rivers, lakes, wetlands, and associated ecosystems).

The City Council approved a Water Conservation Plan on September 23, 2008, to support achievement of the Urban Environmental Accord actions above.[371]

The actions that relate to solid waste are:

- Establish a policy to achieve zero waste to landfills and incinerators by 2040.
- Adopt a citywide law that reduces the use of a disposable, toxic, or non-renewable product category by at least 50 percent in 7 years.
- Implement "user-friendly" recycling and composting programs, with the goal of reducing by 20 percent per capita solid waste disposal to landfill and incineration in 7 years.

San José Water Conservation Programs

The City's water conservation programs are intended to meet future water needs and minimize flows to the sanitary sewer and sewage treatment systems. The program includes the following elements:

- Limited landscape watering hours
- Restrictions on the use of potable water for construction purposes
- Ultra-low-flow toilet incentives
- A shower head retrofit program
- Landscape ordinances for non-residential new construction
- Commercial/industrial water audits
- Financial incentives for commercial/industrial conservation
- Water use prohibitions
- A ban on cleaning vehicles without an automatic shut-off valve

San José Municipal Code

Chapter 15.11 (Water Efficient Landscape Standards for New and Rehabilitated Landscaping) of the San José Municipal Code is intended to promote the conservation and efficient use of water, and to prevent the waste of this valuable resource by regulating landscape design, installation, and maintenance consistent with AB 325. New construction projects with a total landscape area equal to or greater than 500 square feet are subject to the requirements of Chapter 5.11, including landscape and irrigation design specifications.

City of San José Policy 6-29 (Post-Construction Urban Runoff Management)

City of San José Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy 6-29 requires new development and redevelopment projects to implement post-construction best management practices and treatment control measures, including minimizing stormwater flow.

[371] City of San José, *Green Vision 2012 Annual Report*. Available at www.sanjoseca.gov/Home/ShowDocument?id=658. Accessed June 26, 2023.

San José Reach Code

Reach codes are building codes that are more advanced than those required by the state. In September 2019, the San José City Council approved a building reach code ordinance (Ordinance No. 30311) that encourages building electrification and energy efficiency. On December 1, 2020, the City Council approved an Ordinance No. 3305020 prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2023.

Construction and Demolition Diversion Deposit Program

Chapter 9.10 of the San José Municipal Code outlines solid waste management regulations in the City. Chapter 9.10, Part 15, establishes the City's Construction and Demolition Diversion Deposit Program, which uses financial incentives to encourage the recycling of C&D material and requires projects to divert 50 percent of the total projected waste. Under the program, developers pay a deposit when they apply for a construction permit with the City. The deposit is fully refundable if C&D materials were reused, donated, or sent to a City-certified processing facility.

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 non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. 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.

San José Zero Waste Strategic Plan

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 diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

3.14.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a utilities and service systems impact would be significant if implementation of the project would:

- 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;
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;

- 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;
- 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
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

Impact UT-1: The project would not 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)***

The Hospital Replacement would require installation of utility infrastructure. As described in Chapter 2, *Project Description*, new sanitary sewer, storm drainage, and water lines would connect the new hospital and parking garage to the existing lines along Cottle Road, Hospital Parkway, International Circle, Camino Verde Drive, and Santa Teresa Boulevard. The new parking garage may also require the installation of an exterior fire pump and associated generator to meet fire water pressure requirements.

Future Campus Improvements would also involve new sanitary sewer, storm drainage, and water lines to connect to existing lines in adjacent roadways. Existing utility lines would be utilized by the project for electric power and telecommunications services. Additionally, the proposed energy center would be an all-electric facility that would provide heating, cooling, and hot water to the new hospital without the use of natural gas. The Hospital Replacement and Future Campus Improvements would also be designed as all-electric facilities and would preclude the use of natural gas. As such, there would be no natural gas infrastructure constructed as part of the project.

Water Facilities

The potable water demands of the project would be met by the existing service provider, Great Oaks, which is further discussed under Impact UT-2 below. The project would connect to existing water lines in Cottle Road, International Circle, Camino Verde Drive, and Santa Teresa Boulevard. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the Great Oaks service area. Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Wastewater

The project would be served by the City's existing sanitary sewer system and connect to the existing sanitary sewer lines in Cottle Road, Hospital Parkway, International Circle, and Camino Verde Drive. As also discussed under Impact UT-3 below, the project would have a net increase

in wastewater generation of approximately 0.07 mgd.[372] The City currently has approximately 36.2 mgd of excess wastewater treatment capacity. The project's wastewater generation would represent approximately 0.19 percent of the City's excess wastewater capacity. Therefore, the project would be served by the available capacity and would not result in the relocation or construction of sanitary sewer and wastewater treatment facilities.

Sanitary sewer improvements would occur mainly on the project site, with connections and upgrades off-site within public rights-of-way, and would generate no further impacts beyond those identified in this draft EIR for the project. Installation of sanitary sewer laterals for the project would occur during the excavation and grading phase of construction and would result in minimal impacts relative to the construction of the project as a whole. Therefore, implementation of the project would have a less-than-significant impact on the City's wastewater system such that no new or expanded facilities would be required.

Storm Drainage

The project would result in a net increase of approximately 103,500 square feet of impervious surface area when compared to existing conditions. However, the project would include bioretention areas unlined with underdrain located at the northwest corner of the project site (Hospital Parkway and Cottle Road), the north end of the project site (corner of Hospital Parkway and International Circle), and along the western perimeter of the project site (along Cottle Road). Bioretention areas lined with underdrain would be located south of the new hospital and west of the parking garage. A tree filter with bioretention soil would be located east of the new hospital building (corner of Camino Verde Drive and International Circle). A flow-through planter (concrete lined) with underdrain would be located east of the new parking garage. 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 30-inch storm drain main along Cottle Road, an existing 21-inch storm drain main along Camino Verde Drive, and existing 12-inch and 18-inch storm drain mains along International Circle, all of which may serve the project site. Installation of storm drains for the project site would occur during grading of the project site and would result in minimal impacts.

All stormwater runoff generated on-site by the project would be treated with bioretention areas and flow-through planters. Additionally, the project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Therefore, implementation of the project would have a less-than-significant impact on the City's storm drainage system such that no new or expanded facilities would be required.

[372] Based upon the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use.
Estimated net new hospital water usage = 56 beds * 450 gallons/bed/day = 25,200 gpd.
Estimated net new medical office water usage = 229,800 sf * 250 gallons/1,000 sf/day = 57,450 gpd.
Estimated net new wastewater = 86,250 gpd x 0.85 = 70,252.5 gpd = 0.07 mgd.
Kaiser Permanente, *Hospital and Medical Office Demand Factors, Kaiser Permanente Murrieta Valley Medical Center Project Water Supply Assessment, Murrieta, CA*, 2015.

Electricity and Telecommunications

Existing utility lines would be utilized by the project for electric power and telecommunications services. Connecting to the City's energy and communications grid would require trenching on the project site, which would not require substantial excavation and would result in minimal impacts. 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 applicant would coordinate with the appropriate electric power, and telecommunication providers, including PG&E, on providing service to the project site. While the project would intensify the development on-site, the demand for these resources would be satisfied by existing services and construction of new or expanded facilities would not be required. Therefore, the project would not result in significant impacts from construction or relocation of new or expanded electric power or telecommunications utilities.

Overall, based on the above analysis, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, or telecommunications facilities, and the impact would be **less than significant**.

Mitigation: None required.

Impact UT-2: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. ***(Less than Significant)***

Great Oaks prepared a WSA for the project (refer to Appendix J). The WSA incorporated models of water demand and supply scenarios from the Great Oaks' 2020 UWMP. The existing and planned future water use for the service area was modeled beginning in 2021 and ending in 2025. In 2021, water demand in the Great Oaks service area was 3,634.2 million gallons (mg). Water Demand in 2025 was projected to be 3,732.8 mg, which would be a net increase of 98.6 mg (or an approximately 2.7 percent increase) compared to the 2021 conditions. The Great Oaks' 2020 UWMP modeled water supply and demand during average water year, single dry water year, and multiple dry water year scenarios within its service area for every five years, beginning with 2025 and ending with 2045. The water supply reliability assessment concluded that Great Oaks has sufficient water supplies to meet demand under all of the various water supply scenarios, including the single dry year and multiple dry years scenarios. During a single dry year scenario, Great Oaks will have 9,471 mg of supply to meet the projected service area demand of 3,363 mg, should that single dry year occur in 2025. Great Oaks anticipates that demand can be met under the single dry-year scenario through 2045. In a multiple dry year scenario, Great Oaks will have sufficient water supplies to meet the demands of the project site through 2045. Great Oaks projects sufficient water supplies to satisfy both the demands generated by the project as well as the demands of existing and other planned and reasonably expected future uses. Moreover, the

five-year Drought Risk Assessment performed for purposes of the UWMP shows that Great Oaks' water supplies are sufficient to meet expected demand in each of the five years.[373]

The project would not impede Great Oaks' ability to meet water demand in its service area. The WSA for the project concluded there would be sufficient water supplies during normal, dry, and multiple-dry years to serve project demands, and that no additional water supply infrastructure is needed for the project as demand projected for the project may be met using existing water supply infrastructure. Therefore, the impact would be **less than significant**.

Mitigation: None required.

Impact UT-3: The project would 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)***

The project would be served by the City's existing sanitary sewer system. The project would have a net increase in wastewater generation of approximately 0.07 mgd.[374] As mentioned in Section 3.14.1, *Environmental Setting*, the SJ-SC RWF has approximately 36.2 mgd of excess treatment capacity. The project's wastewater generation would represent approximately 0.19 percent of the City's excess wastewater capacity. Therefore, the SJ-SC RWF has adequate capacity to accommodate the increased demand created by the project. Furthermore, the project would comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the project. Since the project is part of planned growth from build out of the General Plan, the project would not exceed the City's allocated capacity at the SJ-SC RWF. Therefore, the SJ-SC RWF would have adequate capacity to serve the project's projected demand in addition to its existing commitments and the impact would be **less than significant**.

Mitigation: None required.

Impact UT-4: The project would not 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. ***(Less than Significant)***

Based on CalRecycle's waste generation rate of 0.74 tons per employee per year for the medical and health sector, and the estimated 1,622 net new employees that would serve the project site,

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[373] Great Oaks Water Company, *Water Supply Assessment for Draft Environmental Impact Report for "Kaiser Permanente San José Medical Center" File Nos. PDC23-006 & PD23-002*, prepared by Great Oaks Water Company, July 25, 2023 (see Appendix J of this EIR).

[374] Based upon the CalEEMod standard estimate of wastewater comprising 85 percent of indoor water use.
Estimated net new hospital water usage = 56 beds * 450 gallons/bed/day = 25,200 gpd.
Estimated net new medical office water usage = 229,800 sf * 250 gallons/1,000 sf/day = 57,450 gpd.
Estimated net new wastewater = 86,250 gpd x 0.85 = 70,252.5 gpd = 0.07 mgd.
Kaiser Permanente, *Hospital and Medical Office Demand Factors, Kaiser Permanente Murrieta Valley Medical Center Project Water Supply Assessment, Murrieta, CA*, 2015.

the project would generate approximately 6,575 pounds of additional solid waste per day (3.3 tons per day) or approximately 1,200 tons per year.[375] As mentioned in Section 3.14.1, *Environmental Setting*, NISL had approximately 16.4 million cubic yards (22.96 million tons) of capacity remaining as of January 2020. NISL has an estimated closure date of 2041 and a permitted capacity of 4,000 tons per day and receives an average of 1,826 tons per day. The amount of waste generated as a result of the project would represent approximately 0.15 percent of the average remaining daily permitted capacity and the project's waste would represent approximately 0.08 percent of the total remaining capacity of the landfill. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there would be sufficient capacity at NISL to serve the project.

The project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, and IN-5.4. The project would be required to meet the City's current diversion goal of 75 percent waste reduction and comply with the policies and strategies mandated in the City's Zero Waste Strategic Plan. Therefore, the project would not result in solid waste generation that would exceed the permitted capacity of the NISL, and this impact would be **less than significant**.

Mitigation: None required.

Impact UT-5: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. ***(Less than Significant)***

The project would support the goals of the Zero Waste Strategic Plan by complying with the City's Construction and Demolition Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills), providing readily accessible areas for recycling that serve all of the buildings on-site, and provide organic waste collection containers within the loading dock waste collection areas. Additionally, the estimated increases in solid waste generation from the project would be avoided through implementation of the City's Zero Waste Strategic Plan. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, 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. Therefore, the project would be in compliance with federal, state, and local statutes and regulations related to solid waste. Thus, this impact would be **less than significant**.

Mitigation: None required.

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[375] CalRecycle, *2014 Generator-Based Characterization of Commercial Sector Disposal and Diversion in California,* September 10, 2015. Available at www2.calrecycle.ca.gov/WasteCharacterization/PubExtracts/2014/GenSummary.pdf. Accessed October 11, 2023. 0.74 tons/employee/year * 1,622 net new employees = 1,200 tons/year = 2.4 million pounds/year = 6,575 pounds/day.

Cumulative Impacts

This section presents an analysis of the cumulative effects of the project, including the Hospital Replacement and Future Campus Improvements, in combination with other past, present, and reasonably foreseeable future projects that could result in a significant cumulative impact. Significant cumulative impacts related to utilities and service systems could occur if the incremental impacts of the project combined with the incremental impacts of one or more cumulative projects.

The cumulative geographic context for utilities and service systems for the development of the project includes the City of San José and Great Oaks service area for water supply.

Impact C-UT-1: The project, when combined with cumulative projects, would not result in significant cumulative utilities and service systems impacts. ***(Less than Significant)***

Utility Infrastructure

The project, when combined with cumulative projects, could increase the demand for utilities and service systems. As the vicinity of the project site is a developed urban area, development in the vicinity of the project site would occur as replacement or in-fill on otherwise built-out sites. It is anticipated that City utility systems that serve the area have sufficient capacities to serve those sites and the project. To the extent that demands on water, wastewater, or stormwater conveyance systems from cumulative projects would require the construction of new or expansion of existing conveyance systems, such construction may have the potential to cause environmental impacts. However, in general, impacts would be limited to temporary construction effects and would be minimized by best practices that are routinely imposed by the City on infrastructure projects. As discussed under Impact UT-1 above, construction of utility improvements needed to serve the project would not result in significant impacts. As a result, the project would not combine with cumulative projects to result in a significant cumulative impact, and the cumulative impact with regard to utility infrastructure would be **less than significant**.

Water Supply

The analysis conducted under Impact UT-2, which is based on the WSA, is a cumulative analysis of the project's water demand within the context of the overall cumulative water demand in Great Oaks service area based on current water supply planning. As noted under Impact UT-2, there would be sufficient water supplies during normal, dry, and multiple-dry years to serve project demands and reasonably foreseeable future development. Therefore, the cumulative impact with regard to water supply would be **less than significant**.

Wastewater Treatment

The project, when combined with cumulative projects, would increase the demand for wastewater treatment. As described under Impact UT-3, the SJ-SC RWF has approximately 36.2 mgd of excess treatment capacity; therefore, the SJ-SC RWF has adequate capacity to accommodate the increased demand (0.07 mgd) created by the project. Wastewater generated by cumulative projects are not anticipated to exceed the excess treatment capacity of the SJ-SC RWF. In addition, the General Plan includes policies to ensure that sufficient wastewater treatment capacity is maintained, including Policy IN-4.1 and IN-4.1. Given these factors, the project would

not combine with cumulative projects to result in a significant cumulative impact with regard to wastewater treatment capacity, and the cumulative would be **less than significant**.

Solid Waste

The project, when combined with cumulative projects, would increase the generation of solid waste. As discussed under Impact UT-4, the NISL had approximately 16.4 million cubic yards (22.96 million tons) of capacity remaining as of January 2020, an estimated closure date of 2041, and a permitted capacity of 4,000 tons per day. As with the project, cumulative development projects would be required to comply with federal, state, and local solid waste standards, including waste diversion during construction and operation. As such, non-renewable sources of solid waste and the solid waste disposal requirements of cumulative development would be reduced. For these reasons, the project would not combine with cumulative projects to result in a significant cumulative impact, and the cumulative impact would be **less than significant**.

Mitigation: None required.

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3.15 Effects Not Found to Be Significant

CEQA Guidelines Sections 15128 and 15143 require the identification of impacts of a project that were determined not to be significant and were not discussed in detail in the impact section of the EIR. The following subsections briefly describe the environmental issues for which impacts of the project, including the Hospital Replacement and Future Campus Improvements, were not found to be significant, including aesthetics, agricultural resources, forestry resources, mineral resources, and wildfire. Implementation of the project would result in no impacts on these resources.

3.15.1 Aesthetics

As discussed in Section 3.0.2, *Organization of the Analysis*, potential aesthetic impacts of the project would not be considered significant impacts on the environment under CEQA, as the project meets the definition of an employment center on an infill site located within a transit priority area as specified by California Public Resources Code Section 21099. Therefore, no impact would occur.

3.15.2 Agriculture and Forestry Resources

The California Department of Conservation (CDOC) implements the Farmland Mapping and Monitoring Program, which produces maps and statistical data used for analyzing impacts on California's agricultural resources. The maps are updated every two years and are used to rate agricultural land based on soil quality and irrigation status; the best quality land is referred to as Prime Farmland. According to the *Santa Clara County Important Farmland 2020* map, the entire project site is classified as "Urban and Built-up Land."[376] This category of land is not determined to be of particular importance to the local agricultural economy. No areas of the project site are designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland by the CDOC.

The San José Zoning Ordinance identifies the City's zoning district designations. While the project site is currently zoned as Agriculture Planned Development (A[PD]), the A-Agriculture designation is the alternative base zoning district, and a planned development permit has been implemented to facilitate past campus development. The zoning on the site would be revised to a Planned Development (PD) zoning district as part of the project approvals. Therefore, the project would not conflict with existing zoning for agricultural use.

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to designate agricultural preserves and enter into contracts with private landowners to restrict specific parcels of land to agricultural, or related open space use. The

[376] California Department of Conservation (CDOC), Santa Clara County Important Farmland 2020, April 2023. Available at www.conservation.ca.gov/dlrp/fmmp/Pages/SantaClara.aspx, accessed June 19, 2023.

project site does not contain an area subject to a Williamson Act contract.[377] For these reasons, the project would have no impact on agricultural resources.

California Public Resources Code Section 12220 defines forest land as "land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[378] Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.

With respect to forestry resources, no forest land or existing timber harvest uses are located on or in the vicinity of the project site. No areas of the project site are zoned for timberland or open space. As such, the project would not result in the loss of forest land or conversion of forest land to non-forest uses, or conflict with existing zoning for timberland, and therefore would have no impact on forest land or timberland.

3.15.3 Mineral Resources

The Mineral Resources Data System (MRDS) administered by the U.S. Geological Survey (USGS) provides data that can be used to confirm the presence or absence of existing surface mines, closed mines, occurrences/prospects, and unknown/undefined mineral resources. The locations of past and current mining activity and the presence of geologic materials that can be mined can also be used to assess the potential for the presence of mineral resources or the existence of mineral resource recovery sites (mines). According to MRDS data available on the USGS website, there are no significant mineral resources in the project area.[379]

The project site is located on land classified by the CDOC's Division of Mines and Geology as Mineral Resource Zone 1 (MRZ-1), or an area where available geologic information indicates that little likelihood exists for the presence of significant construction aggregate resources.[380]

[377] CDOC, State of California Williamson Act Contract Land, 2017. Available at planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(E)%20Initial%20Study/Initial%20Study/Attachment%20B%20References/California%20Department%20of%20Conservation%20Williamson%20Map%202016.pdf, accessed June 19, 2023.

[378] Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526). Timberland Production land is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104[g]).

[379] U.S. Geological Survey, Mineral Resources Data System database. Available at https://mrdata.usgs.gov/mrds/map-us.html - home, accessed June 19, 2023.

[380] California Department of Conservation (CDOC), *Special Report 251, Update of the Mineral Land Classification for Construction Aggregate Resources in the Monterey Bay Production-Consumption Region*, Plate 1, 2021. Available at maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc, accessed September 11, 2023.

As noted in the Envision San José 2040 General Plan EIR, the only area in the City of San José that is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing regionally significant mineral deposits is Communications Hill, which is more than 2 miles northwest of the project site. For these reasons, the project would have no impact on mineral resources.

3.15.4 Wildfire

Wildfire was added in the update to the CEQA Guidelines as an environmental topic for consideration with regard to impacts that could occur in areas in or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones. The project site is not located in or near an SRA or lands classified as very high fire severity zones and is not susceptible to wildfire.[381] Additionally, the project site is in an area that is highly developed and lacking features that normally elevate wildland fire risks (e.g., dry vegetation, steeply sloped hillsides). Therefore, no impact would occur with regard to wildfire.

[381] CAL FIRE, *Santa Clara County State Responsibility Area Fire Hazard Severity Zones*, November 21, 2022, osfm.fire.ca.gov/media/nnhd0ft1/fhsz_county_sra_11x17_2022_santaclara_ada.pdf, accessed June 19, 2023.

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CHAPTER 4
Other CEQA Issues

This chapter discusses the following topics in relation to the project: growth-inducing impacts, significant and unavoidable impacts, and significant irreversible environmental changes.

4.1 Growth-Inducing Impacts

The CEQA Guidelines require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2(e)). A growth-inducing impact is defined in CEQA Guidelines Section 15126.2(e) as:

> *[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth … It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The project site is located in a Plan Bay Area Priority Development Area and General Plan Urban Village growth area envisioned for additional growth and development. Section 3.11, *Population and Housing*, analyzes the project's overall effect on population and housing, including growth-inducing considerations. The project would result in short-term construction employment. The employment growth associated with construction work, however, would be limited and temporary, and the majority of construction workers are anticipated to originate from the local and regional labor pool, and would not relocate within the City, further reducing the potential for secondary effects. The project would result in approximately 1,622 net new jobs at the SJMC campus associated with the Hospital Replacement and Future Campus Improvements. However,

as discussed in Section 3.11, since the employment growth with the project would support 24/7 operations of a healthcare facility, be within the Citywide General Plan estimated growth, consistent with General Plan policies, and within a Plan Bay Area Priority Development Area and City General Plan Urban Village growth areas, the increase in employment attributed to the project would not directly induce substantial unplanned employment growth in the project area.

The project would not remove obstacles to additional growth through the extension of utilities that would facilitate new growth. The project's improvements would be located within the existing developed SJMC campus, which is currently served by the existing San José transportation network, public services, and utilities. The project would contain an energy center component to serve the SJMC campus and would not serve off-site areas. Therefore, there would be no new infrastructure that would induce or otherwise result in unplanned population growth, either directly or indirectly. Similarly, the project's improvements would not overburden existing infrastructure so as to require construction of new facilities the construction of which could result in significant impacts, as discussed in Section 3.14, *Utilities and Service Systems*. Based on this analysis, the project would not have a significant growth-inducing impact, and no mitigation is required.

4.2 Significant and Unavoidable Impacts

In accordance with CEQA Guidelines sections 15064 and 15065, an EIR must identify impacts that would not be eliminated or reduced to an insignificant level by mitigation measures included as part of the project, or by other mitigation measures that would be implemented.

As discussed throughout Chapter 3, *Environmental Setting, Impacts, and Mitigation*, development of the project would not result in significant and unavoidable impacts that cannot be mitigated to a less-than-significant level. As such, no significant and unavoidable impacts would occur as a result of implementation of the project.

4.3 Significant Irreversible Environmental Changes

An EIR must identify any significant irreversible environmental changes that could result from project development. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA dictates that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified (CEQA Guidelines Section 15126.2(d)). The CEQA Guidelines identify three distinct categories of significant irreversible changes: (1) changes in land use that would commit future generations, (2) irreversible changes from environmental actions, and (3) consumption of non-renewable resources.

4.3.1 Changes in Land Use That Would Commit Future Generations

The project would result in growth and development within the City of San José; however, the project would be limited to construction and operation within the existing SJMC campus. While intensification of 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, consistent with City, regional, and state policy encouraging development in transit-rich areas as discussed in Section 3.9, *Land Use and Planning*. The project 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.

4.3.2 Irreversible Changes from Environmental Accidents

As discussed in Section 3.7, *Hazards and Hazardous Materials*, there are no significant unmitigable hazards and hazardous materials conditions on-site or off-site that would substantially affect the public and surrounding environment. Furthermore, compliance with federal, state, and local regulations as well as City of San José Standard Permit Conditions associated with hazards and hazardous materials identified in Section 3.7 would reduce the possibility that hazardous substances associated with development of the project would result in irreversible environmental damage from accidental spill or explosion. For these reasons, the project would not result in irreversible damage that may result from environmental accidents.

4.3.3 Consumption of Non-renewable Resources

Consumption of non-renewable resources includes conversion of agricultural lands, loss of access to mining reserves, and use of non-renewable energy sources. As described in Section 3.15, *Effects Not Found to Be Significant*, of the EIR, the project site is not located on agricultural land or in an area of known mineral resources.

Resources that would be permanently and continually consumed by implementation of the project include water, electricity, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources, as discussed in Section 3.4, *Energy*, and Section 3.14, *Utilities and Service Systems*.

Construction of the project would require the use of energy, including energy produced from non-renewable resources, and energy would be consumed during the operational period of the project. Construction would also require the commitment of construction materials, such as steel, aluminum, and other metals, concrete, masonry, lumber, sand and gravel, and other such materials, as well as water. The project would be built to conform to energy conservation standards specified in current codes (Title 24, CALGreen, and the Municipal Code). The project would also be constructed to LEED Gold standards and as a result, operations would use less energy and less water than a standard design building. With respect to the operational activities of the project, the project would be built to conform to energy conservation standards specified in current codes (Title 24, CALGreen, and the Municipal Code) and compliance with the City's Standard Permit Conditions, which would ensure that natural resources are conserved to the maximum extent practicable. New technologies or systems may also emerge over the lifetime of the project, or would become more cost-effective or user-friendly, and would further reduce the project's reliance upon nonrenewable energy resources.

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CHAPTER 5
Alternatives

5.1 Introduction

CEQA Guidelines Section 15126.6(a) requires an analysis of project alternatives, stating: "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 City's goal in defining the range of alternatives is to select those alternatives that would avoid or substantially lessen the significant impacts of the project and feasibly attain most of the basic project objectives. Accordingly, this chapter describes the legal requirements and methodology used to select alternatives to the project, which includes the project objectives identified in Chapter 2, *Project Description*, and the significant impacts of the project identified in Chapter 3, *Environmental Setting, Impacts, and Mitigation*. The subsequent sections discuss potential alternatives that were considered but were not selected for in-depth analysis, and the basis for selecting specific alternatives over others and, finally, a comparative analysis of these selected alternatives.

After the analysis of four selected alternatives—which compares the impacts of those alternatives to the impacts of the project—this chapter concludes with a matrix comparing the project to all four alternatives analyzed in this chapter and a discussion of the "environmentally superior" alternative.

5.1.1 Requirements for Alternatives Analysis

CEQA, the CEQA Guidelines, and the case law on the subject have established a comprehensive framework for the identification and analysis of alternatives to the project in an EIR. CEQA Guidelines Section 15126.6(a) states that an EIR must describe and evaluate a reasonable range of alternatives to the project that would feasibly attain most of the project's basic objectives, but that would avoid or substantially lessen any identified significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The EIR must evaluate the comparative merits of the alternatives and include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project.

CEQA Guidelines Section 15126.6(b) provides guidance regarding the topics that the alternatives analysis should consider, stating that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant

effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The term "feasibility" is relevant to the selection of alternatives because of the requirement that the alternatives "feasibly attain most of the basic objectives of the project," and because the range of alternatives must be "potentially feasible" (CEQA Guidelines Section 15126.6(a)). CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." CEQA Guidelines Section 15126.6(f)(1) lists the following factors that may be taken into account when addressing the feasibility of alternatives:

- 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)
- Whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)

The CEQA Guidelines set forth the following additional criteria for selecting and evaluating alternatives:

- The range of alternatives is to be governed by the "rule of reason." CEQA requires that only those alternatives necessary to "permit a reasoned choice" be included, and that the range shall be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making (see CEQA Guidelines Section 15126.6(f)).
- The specific alternative of 'no project' shall also be evaluated along with its impact. When the project is "a development project on identifiable property, the 'no project' alternative is the circumstance under which the project does not proceed." This is the case for the project addressed in this EIR (see CEQA Guidelines Section 15126.6(e)).
- Alternative locations for the project are to be considered where any of the significant effects of the project could be avoided or substantially lessened by putting the project in another location (see CEQA Guidelines Section 15126.6(f)(2)(A)).
- The EIR should also identify any alternatives that were considered by the lead agency, but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination (see CEQA Guidelines Section 15126.6(c)).
- Finally, an EIR need not consider alternatives for which the environmental effects cannot be reasonably ascertained and for which implementation is remote and speculative (see CEQA Guidelines Section 15126.6(f)(3)).
  Project Objectives

Pursuant to CEQA Guidelines Section 15124, an EIR must include a statement of objectives, including the underlying purpose of the project. As listed in Chapter 2, Section 2.7, *Project Objectives*, the project applicant seeks to achieve the following objectives by undertaking the project:

1. Replace the existing Kaiser Permanente San José Medical Center Hospital with a state-of-the-art facility that meets state regulations for provision of acute care services beyond 2030 (SB 1953).
2. Replace the existing Kaiser Permanente San José Medical Center Hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements such as private patient rooms; current building code required clearances for beds and other mobile equipment; staff and patient safety; daylighting (taking advantage of natural light); lines of sight and convenient access from nursing stations; HVAC efficiency; and acoustics.
3. Provide facilities that are consistent with modern medical care delivery models, as reflected in Kaiser Permanente's building and layout design standards for facilities, thereby ensuring the maximalization of operational and maintenance efficiencies, minimization of redundancies, and the provision of Kaiser member experiences that are consistent with Kaiser's current standards.
4. Keep pace with the medical service needs of an increasing population in the City of San José and the region within the existing boundaries of the Medical Center Campus, including increasing the hospital bed count from 247 to 303.
5. Maintain current services at the existing Medical Center Campus, including 24/7 emergency services, without interruption during construction of the Hospital Replacement.
6. Provide expansion opportunity for a future medical office to serve long-term membership growth projections, and clinical and diagnostic needs.
7. Provide parking sufficient to accommodate membership and patient parking needs, as well as staff parking to meet current and projected future demand.
8. Allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces.
9. Incorporate sustainable green building design features developed by the Leadership in Energy and Environmental Design (LEED) to meet the LEED Gold performance standards and Kaiser Permanente's long-term environmental stewardship goals.
10. Provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster.

5.2 Significant Impacts of the Project

5.2.1 Significant Impacts That Can Be Mitigated to a Less-than-Significant Level

Air Quality

Impact AQ-3: The project would expose sensitive receptors to substantial pollutant concentrations because it would exceed BAAQMD's project-level thresholds of 10 in one million for cancer risk and 0.3 μg/m^3 for annual average $PM_{2.5}$ concentration during construction.

Implementing Mitigation Measure AQ-3a, Clean Construction Equipment, and Mitigation Measure AQ-3b, Project-Specific Health Risk Analysis, would reduce this impact to a less-than-significant level.

Impact C-AQ-1: The project could combine with cumulative projects to contribute considerably to cumulative health risk impacts because it would exceed BAAQMD's cumulative threshold for annual average $PM_{2.5}$ concentration. Implementing Mitigation Measure AQ-3a, Clean Construction Equipment, and Mitigation Measure AQ-3b, Project-Specific Health Risk Analysis, would reduce this impact to a less-than-significant level.

Biological Resources

Impact BI-1: The project would 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.

Implementing Mitigation Measure BI-1, Avoid and Minimize Impacts on Nesting Birds, would reduce this impact to a less-than-significant level.

Impact C-BI-1: The project could combine with cumulative projects to result in significant cumulative impacts on nesting birds.

Implementing Mitigation Measure BI-1, Avoid and Minimize Impacts on Nesting Birds, would reduce this impact to a less-than-significant level.

Cultural and Tribal Cultural Resources

Impact CU-TCR-1: The project would cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5 or tribal cultural resource as defined in PRC Section 21080.3.

Implementing Mitigation Measure CU-TCR-1, Cultural and Tribal Cultural Resources Awareness Training, would reduce this impact to a less-than-significant level.

Impact CU-TCR-2: The project could disturb any human remains, including those interred outside of formal cemeteries.

Implementing Mitigation Measure CU-TCR-1, Cultural and Tribal Cultural Resources Awareness Training, would reduce this impact to a less-than-significant level.

Impact CU-TCR-3: The project and could cause a substantial adverse change in the significance of tribal cultural resources as defined in Public Resources Code Section 21074.

Implementing Mitigation Measure CU-TCR-1, Cultural and Tribal Cultural Resources Awareness Training, would reduce this impact to a less-than-significant level.

Impact C-CU-TCR-1: The project could combine with cumulative projects to result in significant cumulative effects on archaeological resources as defined in CEQA Guidelines Section 15064.5; human remains, including those interred outside of formal cemeteries; and tribal cultural resources as defined in Public Resources Code Section 21074.

Implementing Mitigation Measure CU-TCR-1, Cultural and Tribal Cultural Resources Awareness Training, would reduce this impact to a less-than-significant level.

Hazards and Hazardous Materials

Impact HA-1: The project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or the reasonably foreseeable upset and accident conditions involving hazardous materials.

Implementing Mitigation Measure HA-1, Soil Management Plan, would reduce this impact to a less-than-significant level.

Noise

Impact NO-1: The project would result in a 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.

Implementing Mitigation Measure NO-1a, Construction Noise Reduction Plan, and Mitigation Measure NO-1b, Operational Noise Performance Standard, would reduce this impact to a less-than-significant level.

Transportation

Impact TR-2: The project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Implementing Mitigation Measure TR-2, Transportation Demand Management Plan and Hardscape Multimodal Improvements, would reduce this impact to a less-than-significant level.

5.3 Alternatives Evaluated but Rejected

As required pursuant to CEQA Guidelines Section 15126.6(c), consideration was given to alternatives that could avoid or substantially lessen potentially significant impacts resulting from

the project as addressed below. No comments were received in response to the NOP that suggested alternatives for consideration in the EIR. 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.

5.3.1 Off-Site Alternative

This alternative would locate the Hospital Replacement to another site owned by the project applicant within the City of San José. The project applicant owns a 5.4-acre site at 80 Great Oaks Boulevard, approximately 2 miles to the east of the existing SJMC campus. The 80 Great Oaks Boulevard site is in a largely commercial and office area and therefore would have no sensitive receptors in the immediate vicinity. This alternative could lessen impacts associated with construction health risk and combined construction and operational health risk, and noise impacts. However, it could result in greater VMT impacts because employees and patients would need to travel between the SJMC campus and 80 Great Oaks Boulevard sites.

The development of the Hospital Replacement at 80 Great Oaks Boulevard would be constrained by the site size and distance from the SJMC campus, making it difficult or impossible to meet the functional needs of a new hospital. Specifically, the 5.4-acre site would be insufficient in area and would result in inadequate floor plate sizes for the amount of space and functionality necessary for a contemporary seismically compliant hospital. Adequate space for parking, circulation, energy center, and service yards required for the hospital would also be constrained. Building heights for the hospital and a combined parking garage would be much greater than at the SJMC campus, and the buildings would be a high as 14 stories (approximately 200 feet in height), resulting in potential incompatibilities with the surrounding one- to three-story developments. In addition to the constraints posed by the site's small size, employees and patients would need to travel between the SJMC campus and 80 Great Oaks Boulevard sites, resulting in bifurcation of member services and would result in operational inefficiencies. For these reasons, this off-site alternative location was rejected and not carried forward for analysis in the EIR.

5.4 Selection and Analysis of Project Alternatives

The focus of the alternatives analysis under CEQA is the avoidance or substantial lessening of a project's significant environmental effects. Chapter 3 of this EIR assesses the direct and indirect environmental impacts that could potentially result from implementation of the project. This environmental impact analysis not only includes consideration and discussion of the project's potentially significant environmental effects, but also identifies mitigation measures and SPCs which, when implemented as part of the project, will have the effect of reducing each of the potentially significant effects to a less-than-significant level. The alternatives analysis set forth in this chapter is provided in order to foster informed decision making and public participation in the decision-making process.

In considering the alternatives analysis provided in this chapter, CEQA's substantive mandate is as follows: "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects" of the project (CEQA Section 21002). For the project,

mitigation measures have been identified to reduce all potentially significant environmental impacts to less-than-significant levels. Since these identified mitigation measures would be incorporated into the project and the mitigation measures would be imposed, the availability of feasible alternatives becomes somewhat of a less important consideration, as they would not substantially lessen or avoid significant environmental effects of the project.

In selecting alternatives for analysis in this chapter, the City of San José considered: the project objectives and significant impacts identified above; the potential feasibility of alternatives based on factors in CEQA Guidelines Section 15126.6(f)(1); and whether the alternative would substantially reduce or eliminate environmental impacts of the project. Consistent with these requirements, and CEQA's requirement for a No Project Alternative, this chapter describes the following alternatives:

- Alternative A: No Project Alternative
- Alternative B: Reduced Development Alternative
- Alternative C: New Hospital and Retrofit of Existing Hospital for Future Medical Office Building (MOB)
- Alternative D: Seismic Upgrade of Existing Hospital

Table 5-1 compares the development program of the project and the alternatives, each of which is described further below.

The following discussion provides a comparative evaluation of the environmental consequences of the alternatives selected for further consideration in this EIR. Consistent with the requirements of CEQA Guidelines Section 15126.6(d), the discussion includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with" the project. In order to assist comparison of the impacts of the project and the alternatives, **Table 5-2**, in Section 5.6 at the end of this chapter, indicates for each significant impact, whether the impacts of the project alternatives are equal to, less, or more severe than those of the project. Additionally, **Table 5-3** summarizes the ability of each alternative to meet the basic objectives for the project.

5.4.1 Alternative A: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires consideration of a No Project Alternative. This analysis discusses the existing conditions at the time the NOP 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.

The No Project Alternative (Alternative A) assumes the Hospital Replacement and Future Campus Improvements would not be implemented and there would be no change to the existing conditions and operations of the campus. However, under this alternative, the existing hospital would be required to cease operations on January 1, 2030, as it would not be in compliance with California Senate Bill (SB) 1953. The existing development controls on the project site would continue to govern the site and would not be changed. There would be no revisions to the Planned Development (PD) zoning or a PD permit under Alternative A.

TABLE 5-1
DESCRIPTION OF PROJECT AND ALTERNATIVES SELECTED FOR EVALUATION

Land Use	Project	Alternative A: No Project Alternative	Alternative B: Reduced Development Alternative	Alternative C: New Hospital and Retrofit of Existing Hospital for Future MOB	Alternative D: Seismic Upgrade of Existing Hospital
Hospital Replacement					
Hospital	685,000 sf	250,000 sf	548,000 sf	685,000 sf	250,000 sf
Height	110 feet (6 stories)	90 feet (7 stories)	80 feet (4 stories)	110 feet (6 stories)	90 feet (7 stories)
Beds	303 beds	247 beds	247 beds	303 beds	147 beds
Energy Center	35,000 sf	—[a]	28,000 sf	35,000 sf	—[a]
Height	35 feet	—	35 feet	35 feet	—
Parking Structure	1,040 spaces[b]	606 spaces[c]	1,185 spaces[d]	1,231 spaces	606 spaces[c]
Structure Size	350,000 sf	—	336,000 sf	419,320 sf	—
Height	73–90 feet (6 stories)	—	50–75 feet (5 stories)	73–90 feet (6 stories)	—
TOTAL	***1,070,000 sf***	***250,000 sf***	***912,000 sf***	***1,139,320 sf***	***250,000 sf***
Future Campus Improvements					
Medical Office	250,000 sf (4–6 stories)	20,200 sf	200,000 sf (3-5 stories)	250,000 sf (7 stories)	250,000 sf (4–6 stories)
Net New Parking	+575 spaces	—	+460 spaces	+575 spaces	+575 spaces

NOTES: SF = square feet

a. The existing energy center is part of the hospital's 250,000 sf.
b. 1,231 spaces in the six-level parking garage, 200 spaces at the demolished hospital site.
c. Includes only surface parking spaces displaced by the new hospital and parking garage.
d. 985 spaces in the five-level parking garage, 200 spaces at the demolished hospital site.

Comparison of Environmental Impacts

This environmental analysis assumes that the existing uses on the project site would not change and that the existing physical conditions described in Chapter 3 of the EIR would remain the same. If Alternative A were to proceed, no new development would occur; however, the existing hospital would cease operations on January 1, 2030. Therefore, none of the impacts associated with the project would occur. As such, this alternative would have reduced impacts compared to the project with respect to air quality, biological resources, cultural and tribal cultural resources, energy, geology, soils, and paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation, and utilities and service systems. This alternative would avoid all of the project's impacts that would be less than significant and less than significant with mitigation. However, existing hospital-related vehicle miles traveled (VMT) may increase compared to existing conditions under Alternative A due to potentially longer trips needed for employees and patients to reach an alternate hospital location.

Ability to Meet Project Objectives

This alternative would not meet any of the basic objectives of the project: Alternative A would not replace the existing hospital with a state-of-the-art facility that meets SB 1953 regulations (objective 1); it would not replace the existing hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements (objective 2); it would not provide facilities that are consistent with modern medical care delivery models (objective 3); it would not keep pace with the medical service needs of an increasing population and increase the hospital bed count (objective 4); it would not maintain current services at the existing campus, including 24/7 emergency services, without interruption (objective 5); it would not provide expansion opportunity for a future medical office to serve long-term growth projections (objective 6); it would not provide parking sufficient to meet current and projected future demand (objective 7); it would not allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces (objective 8); it would not incorporate sustainable green building design features to meet LEED Gold performance standards (objective 9); and it would not provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster (objective 10).

5.4.2 Alternative B: Reduced Development Alternative

The Reduced Development Alternative (Alternative B) would reduce the scale of the project (Hospital Replacement and medical office building [MOB] associated with the Future Campus Improvements) by approximately 20 percent, which is intended to reduce construction health risk and combined construction and operational health risk, and VMT from the new hospital and future MOB. Alternative B would include a new hospital structure that is SB 1953 compliant and matches the existing hospital capacity. However, this alternative would not provide space for projected future needs. Similar to the project, this alternative would include construction of the energy center, new parking garage, demolition of the existing hospital, and Future Campus Improvements. Construction of the same transportation and circulation improvements as with the project are also assumed. As shown in Table 1-1, Alternative B would entail an approximately 548,000 square foot, four-story new hospital, a 28,000 square foot energy center, and a 336,000 square foot parking structure. The reduced new hospital would contain approximately 247 beds. The total building size would be reduced by approximately 227,320 square feet and the bed count would be reduced by 56 beds compared to the project. The scale of the MOB would also be reduced under this alternative, totaling approximately 200,000 square feet. Alternative B assumes the same building footprints as the project. Construction of Alternative B would be similar to the project, although reduced in both magnitude and construction. Building construction durations would be slightly reduced due to the reduction in building area compared to the project. In general, the same types of construction activities and equipment would be required.

Similar to the project, Alternative B would require a revised PD zoning and PD permit. In addition, the Future Campus Improvements would be consistent with the proposed PD zoning standards and would require approval of a PD permit and may require additional CEQA analysis once the sizing, timing, and exact locations are known.

Comparison of Environmental Impacts

Air Quality

Alternative B would develop the SJMC campus with a less intensive land use development program. This alternative would result in less overall construction, shorter construction time periods, and less development intensity. As such, Alternative B would reduce construction health risk and combined construction and operational health risk by reducing the amount of toxic air contaminant (TAC) emissions emitted during the lower intensity construction and operational periods. However, the development footprint would remain approximately the same and sensitive receptors would be at the same distance as with the project. While overall emissions would be reduced, combined construction and operational health risks would continue to pose a potentially significant health risk impact and using clean construction equipment that meet the Tier 4 Final off-road emission standards and use of alternative fueled equipment where feasible would remain necessary to reduce potentially significant impacts. The same SPCs and mitigation measures (SPC AQ-1, SPC-GR-1, and Mitigation Measure AQ-3a and AQ-3b) described in Chapter 3, Section 3.1, *Air Quality*, would be required for Alternative B. Alternative B impacts would be less than the project, and less than significant with mitigation.

Biological Resources

Alternative B would have a similar amount of ground disturbance and the development footprint would be approximately the same as the project. Therefore, impacts of Alternative B related to biological resources would be similar to those of the project. Since construction would still potentially occur during the breeding season for nesting birds, Mitigation Measure BI-1 would be applicable to Alternative B. Implementation of SPC BI-1 and SPC BI-2 would also be required for Habitat Plan compliance and tree replacement requirements, respectively. Alternative B impacts would be similar to the project, and less than significant with mitigation.

Cultural and Tribal Cultural Resources

Alternative B would involve similar ground-disturbing impacts, as the development footprint would be approximately the same as with the project. Therefore, impacts related to the potential to encounter undiscovered archaeological resources and tribal cultural resources would be the same as they would be under the project. Similar to the project, Mitigation Measure CU-TCR-1, along with SPC CU-1 and SPC CU-2 would ensure that any archaeological resources identified during construction activities would be treated appropriately. Alternative B impacts would be similar to the project, and less than significant with mitigation.

Energy

Under Alternative B, energy use would be less than with the project because there would be less new construction and less overall development. Similar to the project, Alternative B would be required to comply with the regulatory requirements described in Chapter 3, Section 3.4, *Energy*, and would not result in the inefficient, wasteful, or unnecessary consumption of energy. As such, Alternative B energy impacts would be less than the project and less than significant.

Geology, Soils, and Paleontological Resources

Alternative B would involve similar ground-disturbing impacts, as the development footprint would be approximately the same as with the project. Similar to the project, SPC GE-1 would be required for Alternative B to address seismic hazards and compliance with the regulatory requirements described in Chapter 3, Section 3.5, *Geology, Soils, and Paleontological Resources*. Alternative B impacts would be similar to the project, and less than significant.

Greenhouse Gas Emissions

Similar to the project, Alternative B would be required to comply with SPC GR-1 and the regulations described in Chapter 3, Section 3.6, *Greenhouse Gas Emissions*. Alternative B would include less construction and less overall development than the project, and the same vehicle trip reduction measures would apply. As a result, GHG emissions would be less under Alternative B than the project and would be less than significant.

Hazards and Hazardous Materials

Alternative B would involve similar ground-disturbing impacts, as the development footprint would be approximately the same as with the project. Alternative B would also involve similar routine transport, use, or disposal of hazardous materials as the project, though likely in reduced quantities due to the reduced scale of the project. Similar to the project, hazards and hazardous materials related impacts associated with Alternative B would be reduced to a less-than-significant level with implementation of Mitigation Measure HA-1 and compliance with SPC HA-1 and regulatory requirements described in Chapter 3, Section 3.7, *Hazards and Hazardous Materials*. Alternative B impacts related to hazards and hazardous materials would be similar to the project and less than significant with mitigation.

Hydrology and Water Quality

The impacts of the Alternative B on hydrology and water quality would be similar to those of the project but reduced because development under the Alternative B would reduce the amount of development on the SJMC campus. Alternative B would result in less overall construction, shorter construction time periods, and less development intensity. Specifically, impacts related to hydrology and water quality would be reduced due to the reduced construction intensity and duration lessening the potential for pollutant discharges into the stormwater system and stormwater that could affect receiving waters. Operational impacts under this alternative would be similar to those of the project due to similar development footprints. Similar to the project, Alternative B would be required to comply with SPC HY-1 and the regulatory requirements described in Chapter 3, Section 3.8, *Hydrology and Water Quality*. Construction and operational hydrology and water quality impacts associated with Alternative B would be less than the project and less than significant.

Land Use and Planning

Alternative B would include the same types of development as the project, but with less hospital and medical office space, less parking, and a smaller energy center. As with the project, Alternative B would expand existing uses and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect described

in Chapter 3, Section 3.9, *Land Use and Planning*. As such, potential impacts of Alternative B related to land use and planning would be similar to the project and less than significant.

Noise and Vibration

The development footprint would remain the same under Alternative B as with the project. Construction noise impacts associated with Alternative B would be similar to those of the project, as the buildings would be located in the same location as the project and therefore sensitive receptors would be at the same distance. Operational noise impacts associated with Alternative B may be slightly less because less HVAC equipment would be required if the new buildings are reduced in scale. The same SPCs and mitigation measures (SPC NO-1, and Mitigation Measure NO-1a and NO-1b) described in Chapter 3, Section 3.10, *Noise and Vibration*, would be required for Alternative B. The reduced scale of Alternative B would result in less vehicle trips and less traffic noise compared to the project. Potential impacts of the construction and operation of Alternative B related to noise would be less than the project and less than significant with mitigation.

Population and Housing

Under Alternative B, the number of on-site employees would be less than with the project due to the reduced scale of the alternative. Resulting impacts related to population growth would be less than the project and less than significant for Alternative B.

Public Services and Recreation

Under Alternative B, with a smaller on-site population, demand for public services and recreation would be less than the project. Therefore, resulting impacts would be less than the project and less than significant.

Transportation

Alternative B would reduce the scale of the project by approximately 20 percent. Assuming the same approach as the project described in Section 3.13.2, *Approach to Analysis*, Alternative B would not cause an increase in trips regionally, but would result in a change in trip-making (i.e., the alternative's medical uses would shift medical demand from other similar locations). The reduced scale of the project under Alternative B would mean less employees and patients compared to the project and therefore would result in a smaller increase in employment and service VMT. Mitigation Measure TR-2 would be applicable such that there would be no net increase from regional employee and patient/visitor VMT. Alternative B impacts would be less than the project and less than significant with mitigation.

Utilities and Service Systems

Under Alternative B, new infrastructure would be provided, similar to the project. With a smaller population and land use development program, however, demand for services would be less than with the project, and resulting impacts would be less than significant.

Ability to Meet Project Objectives

Alternative B would meet most of the basic objectives of the project, with some being met to a lesser extent. This alternative would meet some of the basic objectives of the project: it would replace the existing hospital with a state-of-the-art facility that meets SB 1953 regulations (objective 1); it would provide facilities that are consistent with modern medical care delivery models (objective 3); it would maintain current services at the existing campus, including 24/7 emergency services, without interruption (objective 5); it would incorporate sustainable green building design features to meet LEED Gold performance standards (objective 9); and it would provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster (objective 10).

However, conservatively presuming that this alternative would be economically feasible, it would achieve the following objectives to a lesser extent than the project because the alternative results in a smaller project with less hospital and medical office space, fewer hospital beds, and less parking: it would not provide as much expansion opportunity for a future medical office to serve long-term growth projections (objective 6); would not provide parking sufficient to meet current and projected future demand (objective 7); and it would allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces (objective 8).

Alternative B would not meet two of the basic objectives of the project: it would not replace the existing hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements (objective 2); and it would not keep pace with the medical service needs of an increasing population and increase the hospital bed count (objective 4).

5.4.3 Alternative C: New Hospital and Retrofit of Existing Hospital for Future MOB

The New Hospital and Retrofit of Existing Hospital for Future MOB (Alternative C) would develop the SJMC campus with the same land use development program, but demolition of the existing hospital would not occur. Alternative C would construct a new hospital, energy center, and parking garage as under the project and at the same location in the southwest corner of the project site. This alternative would not demolish the existing one-story medical office buildings (280 Hospital Parkway Buildings A through D) or construct a new MOB building in the southeast corner of the central portion of the campus. Instead, the Future Campus Improvements under Alternative C would include the retrofit of the existing hospital to accommodate the approximately 250,000 sf of MOB use and construction of the parking garage, similar to the project. Alternative C is intended to reduce the construction health risk and combined construction and operational health risk impacts and would result in less overall construction, shorter construction time periods, and less construction intensity since a new MOB building would not be constructed. Alternative C would have less ground-disturbing impacts than the project, as the demolition of the existing hospital and one-story medical buildings would not occur.

Similar to the project, Alternative C would require a revised PD zoning and PD permit. In addition, the Future Campus Improvements would be consistent with the proposed PD zoning

standards and would require approval of a PD permit and may require additional CEQA analysis once the sizing, timing, and exact locations are known.

Comparison of Environmental Impacts

Air Quality

Alternative C would develop the SJMC campus with a Hospital Replacement as under the project, but demolition of the existing hospital and one-story medical buildings would not occur. This alternative would result in less overall construction, shorter construction time periods, and less construction intensity. As such, Alternative C would reduce construction health risk and combined construction and operational health risk by reducing the amount of TAC emissions emitted during the construction periods and specifically due to the avoidance of building demolition. However, the development footprint of the Hospital Replacement would remain the same and sensitive receptors would be at the same distance as with the project. While overall emissions would be reduced, combined construction and operational health risks would continue to pose a potentially significant health risk impact and using clean construction equipment that meet the Tier 4 Final off-road emission standards and use of alternative fueled equipment where feasible would remain necessary to reduce potentially significant impacts. The same SPCs and mitigation measures (SPC AQ-1, SPC-GR-1, and Mitigation Measure AQ-3a and AQ-3b) described in Chapter 3, Section 3.1, *Air Quality*, would be required for Alternative C. Alternative C impacts would be less than the project, and less than significant with mitigation.

Biological Resources

Alternative C would require less ground disturbance and a smaller development footprint than the project because the existing hospital and one-story medical buildings would not be demolished. Since construction would still potentially occur during the breeding season for nesting birds, Mitigation Measure BI-1 would be applicable to Alternative B. Implementation of SPC BI-1 and SPC BI-2 would also be required for Habitat Plan compliance and tree replacement requirements, respectively. Alternative C impacts would be less than the project, and less than significant with mitigation.

Cultural and Tribal Cultural Resources

Alternative C would involve less ground-disturbing impacts than the project, as the demolition of the existing hospital and one-story medical buildings would not occur. Therefore, impacts related to the potential to encounter undiscovered archaeological resources and tribal cultural resources would be reduced. However, ground disturbance would still occur and similar to the project, Mitigation Measure CU-TCR-1, along with SPC CU-1 and SPC CU-2 would ensure that any archaeological resources identified during construction activities would be treated appropriately. Alternative C impacts would be less than the project and less than significant with mitigation.

Energy

Under Alternative C, energy use during construction would be less than with the project because of less overall construction, shorter construction time periods, and less construction intensity. However, during operation, the future MOB in the retrofitted existing hospital building may not be as energy efficient as compared to the new MOB building under the project, which would be

designed and constructed to meet the Leadership in Energy and Environmental Design (LEED) Gold Certification level. Similar to the project, Alternative C would be required to comply with the regulatory requirements described in Chapter 3, Section 3.4, *Energy*, and would not result in the inefficient, wasteful, or unnecessary consumption of energy. As such, Alternative C energy impacts may be greater than the project but would be less than significant.

Geology, Soils, and Paleontological Resources

Alternative C would result in less ground disturbance, less overall construction, shorter construction time periods, and less construction intensity. Specifically, impacts related to soil erosion would be reduced due to the reduced construction intensity and duration lessening the potential for erosion during construction activities. Regarding seismic-related or other ground failure and paleontological resources, Alternative C would also involve less ground-disturbing impacts, as the demolition of the existing hospital and one-story medical buildings would not occur. Similar to the project, SPC GE-1 would be required for Alternative C to address seismic hazards and compliance with the regulatory requirements described in Chapter 3, Section 3.5, *Geology, Soils, and Paleontological Resources*. Alternative C impacts would be less than the project and less than significant.

Greenhouse Gas Emissions

Alternative C would include less construction than the project, resulting in fewer GHG emissions during construction. Alternative C would develop the SJMC campus with the same land use development program and the same vehicle trip reduction measures would apply. The future MOB in the retrofitted existing hospital building may not be as energy efficient as compared to the new MOB building under the project. Similar to the project, Alternative C would be required to comply with SPC GR-1 and the regulations described in Chapter 3, Section 3.6, *Greenhouse Gas Emissions*. Alternative C impacts may be greater than the project but would be less than significant.

Hazards and Hazardous Materials

Alternative C would involve less ground-disturbing impacts and a smaller development footprint, as the demolition of the existing hospital and one-story medical buildings would not occur. Alternative C would develop the SJMC campus with the same land use development program and involve similar routine transport, use, or disposal of hazardous materials to the project. Similar to the project, hazards and hazardous materials related impacts associated with Alternative C would be reduced to a less-than-significant level with implementation of Mitigation Measure HA-1 and compliance with SPC HZ-1 and regulatory requirements described in Chapter 3, Section 3.7, *Hazards and Hazardous Materials*. Alternative C impacts related to hazards and hazardous materials would be similar to the project and less than significant.

Hydrology and Water Quality

The impacts of the Alternative C on hydrology and water quality would be similar to those of the project but reduced because Alternative C would result in less overall construction and shorter construction time periods. Specifically, impacts related to hydrology and water quality would be reduced due to the reduced construction intensity and duration lessening the potential for

pollutant discharges into the stormwater system and stormwater that could affect receiving waters. Operational impacts would be similar due to the similar land use program. Similar to the project, Alternative C would be required to comply with SPC HY-1 and the regulatory requirements described in Chapter 3, Section 3.8, *Hydrology and Water Quality*. Construction and operational hydrology and water quality impacts associated with Alternative C would be less than the project and less than significant.

Land Use and Planning

Alternative C would include the same development program as the project. As with the project, Alternative C would expand existing uses and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect described in Chapter 3, Section 3.9, *Land Use and Planning*. As such, potential impacts of Alternative C related to land use and planning would be similar to the project and less than significant.

Noise and Vibration

Alternative C would develop the SJMC campus with the same land use development program, but demolition of the existing hospital and one-story medical buildings would not occur. This alternative would result in less overall construction, shorter construction time periods, and less construction intensity. Construction noise impacts associated with Alternative C would be similar to those of the project, as sensitive receptors would be at the same distance. Operational noise impacts would be the similar because HVAC equipment would be required for the Hospital Replacement as under the project and upgraded for the existing hospital building. The same SPCs and mitigation measures (SPC NO-1, and Mitigation Measure NO-1a and NO-1b) described in Chapter 3, Section 3.10, *Noise and Vibration*, would be required for Alternative C. The overall development program would be the same under Alternative C, which would result in similar vehicle trips and traffic noise as the project. Potential impacts of the construction and operation of Alternative C related to noise would be similar to the project and less than significant with mitigation.

Population and Housing

Alternative C would develop the SJMC campus with the same land use development program and the number of on-site employees would be the same as with the project. Resulting impacts related to population growth would be similar to the project and less than significant for Alternative C.

Public Services and Recreation

Alternative C would develop the SJMC campus with the same land use development program and demand for public services and recreation would be similar to the project. Resulting impacts related to public services and recreation would be similar to the project and less than significant.

Transportation

Alternative C would develop the SJMC campus with the same land use development program. Therefore, similar to the project, Alternative C would not cause an increase in trips regionally, but would result in a change in trip-making (i.e., the alternative's medical uses would shift medical demand from other similar locations). Alternative C would have the same employees and patients

as the project and therefore would result in a similar increase in employment and service VMT. Mitigation Measure TR-2 would be applicable such that there would be no net increase from regional employee and patient/visitor VMT. Alternative C impacts would be similar to the project and less than significant with mitigation.

Utilities and Service Systems

Under Alternative C, new infrastructure would be provided, similar to the project. Alternative C would develop the SJMC campus with the same land use development program and the number of on-site employees would be the same as with the project resulting in a similar demand for services as with the project. Resulting impacts would be similar to the project and less than significant.

Ability to Meet Project Objectives

Alternative C would meet all of the basic objectives of the project, with two being met to a lesser extent. This alternative would meet most of the basic objectives of the project: it would replace the existing hospital with a state-of-the-art facility that meets SB 1953 regulations (objective 1); it would replace the existing hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements (objective 2); it would keep pace with the medical service needs of an increasing population and increase the hospital bed count (objective 4); it would maintain current services at the existing campus, including 24/7 emergency services, without interruption (objective 5); it would provide expansion opportunity for a future medical office to serve long-term growth projections (objective 6); it would provide parking sufficient to meet current and projected future demand (objective 7); it would allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces (objective 8); and it would provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster (objective 10). However, conservatively presuming that this alternative would be economically feasible, it would achieve the following objectives to a lesser extent than the project because the MOB space would be located in a retrofitted facility: it would not provide facilities that are consistent with modern medical care delivery models (objective 3); and it would not incorporate sustainable green building design features to meet LEED Gold performance standards (objective 9).

5.4.4 Alternative D: Seismic Upgrade of Existing Hospital

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. This alternative would upgrade the existing approximately 250,000-square-foot hospital and is intended to reduce the amount of construction health risk, combined construction and operational health risk, and construction noise impacts. Seismic upgrades would require improvements such as reinforcing the foundation and joints and adding reinforced weight bearing walls to the hospital's interior and exterior. The structural reinforcements would result in a decrease in available square footage for hospital operations, and an overall decrease of approximately 100 beds available at the hospital for a total of 147 beds. Under this alternative, the existing energy center would be upgraded in the existing hospital building. A new parking garage at the southeast corner of Camino Verde Drive and International Circle would not be constructed under this alternative because the hospital

would not be expanded to serve a larger patient population. This alternative would involve the same construction of Future Campus Improvements as with the project. Alternative D is assumed to have less overall construction, shorter construction time periods, and less construction intensity. The retrofit effort would disrupt existing hospital operations and would require the closure of some departments, and in some instances entire floors, for a period of time during project construction. The displaced services would need to be accommodated at other existing Kaiser Permanente facilities, which would lead to backlogs for surgical and other medical procedures and bed capacity shortages.

Comparison of Environmental Impacts

Air Quality

Alternative D would develop the SJMC campus with a less intensive land use development program due to the reduced size of the retrofitted hospital as compared to the project. This alternative would result in less overall construction, shorter construction time periods, and less development intensity. The construction activities would occur centrally on the SJMC campus and would be located farther from existing sensitive receptors south and west of the campus. As such, Alternative D would reduce construction health risk and combined construction and operational health risk by reducing the amount of TAC emissions emitted during the lower intensity construction and operational periods. While overall emissions would be reduced, combined construction and operational health risks would continue to pose a potentially significant health risk impact and using clean construction equipment that meet the Tier 4 Final off-road emission standards and use of alternative fueled equipment where feasible would likely remain necessary to reduce potentially significant impacts. The same SPCs and mitigation measures (SPC AQ-1, SPC-GR-1, and Mitigation Measure AQ-3a and AQ-3b) described in Chapter 3, Section 3.1, *Air Quality*, would be required for Alternative D. Alternative D impacts would be less than the project and less than significant with mitigation.

Biological Resources

Alternative D would require less ground disturbance and a smaller development footprint because the existing hospital would be retrofitted instead of construction of a Hospital Replacement. Since construction would still potentially occur during the breeding season for nesting birds, Mitigation Measure BI-1 would be applicable to Alternative B. Implementation of SPC BI-1 and SPC BI-2 would also be required for Habitat Plan compliance and tree replacement requirements, respectively. Alternative D impacts would be less than the project and less than significant with mitigation.

Cultural and Tribal Cultural Resources

Alternative D would involve less ground-disturbing impacts than the project, as the construction of a Hospital Replacement and parking garage would not occur. Therefore, impacts related to the potential to encounter undiscovered archaeological resources and tribal cultural resources would be reduced. However, ground disturbance would still occur and similar to the project, Mitigation Measure CU-TCR-1, along with SPC CU-1 and SPC CU-2 would ensure that any archaeological resources identified during construction activities would be treated appropriately. Alternative D impacts would be less than the project and less than significant with mitigation.

Energy

Under Alternative D, energy use during construction would be less than with the project because of less overall construction, shorter construction time periods, and less construction intensity. The retrofitted existing hospital building may not be as energy efficient as compared to the new Hospital Replacement building under the project, which would be designed and constructed to meet LEED Gold Certification level, although the reduced hospital space would also entail less energy demand due to the smaller facility. Similar to the project, Alternative D would be required to comply with the regulatory requirements described in Chapter 3, Section 3.4, *Energy*, and would not result in the inefficient, wasteful, or unnecessary consumption of energy. As such, Alternative D energy impacts would be less than the project and less than significant.

Geology, Soils, and Paleontological Resources

Alternative D would result in less ground disturbance, less overall construction, shorter construction time periods, and less construction intensity. Specifically, impacts related to soil erosion would be reduced due to the reduced construction intensity and duration lessening the potential for erosion during construction activities. Regarding seismic-related or other ground failure and paleontological resources, Alternative D would also involve less ground-disturbing impacts, as construction of a Hospital Replacement and parking garage would not occur. Similar to the project, SPC GE-1 would be required for Alternative D to address seismic hazards and compliance with the regulatory requirements described in Chapter 3, Section 3.5, *Geology, Soils, and Paleontological Resources*. Alternative D impacts would be less than the project and less than significant.

Greenhouse Gas Emissions

Alternative D would include less construction and less overall development than the project resulting in fewer GHG emissions. The retrofitted existing hospital building would not be as energy efficient as compared to the new Hospital Replacement building under the project although the reduced hospital space would also entail less energy demand due to the smaller facility. Similar to the project, Alternative D would be required to comply with SPC GR-1 and the regulations described in Chapter 3, Section 3.6, *Greenhouse Gas Emissions*. Alternative D impacts would be less than the project and less than significant.

Hazards and Hazardous Materials

Alternative D would involve less ground-disturbing impacts and a smaller development footprint, as construction of a Hospital Replacement and parking garage would not occur. Alternative D would also involve similar routine transport, use, or disposal of hazardous materials to the project, though likely in reduced quantities due to the reduced scale of the project. Similar to the project, hazards and hazardous materials related impacts associated with Alternative D would be reduced to a less-than-significant level with implementation of Mitigation Measure HA-1 and compliance with SPC HZ-1 and regulatory requirements described in Chapter 3, Section 3.7, *Hazards and Hazardous Materials*. Alternative D impacts related to hazards and hazardous materials would be similar to the project and less than significant.

Hydrology and Water Quality

The impacts of the Alternative D on hydrology and water quality would be similar to those of the project but reduced because Alternative D would result in less overall construction and shorter construction time periods. Specifically, impacts related to hydrology and water quality would be reduced due to the reduced construction intensity and duration lessening the potential for pollutant discharges into the stormwater system and stormwater that could affect receiving waters. Similar to the project, Alternative D would be required to comply with SPC HY-1 and the regulatory requirements described in Chapter 3, Section 3.8, *Hydrology and Water Quality*. Construction and operational hydrology and water quality impacts associated with Alternative D would be less than the project and less than significant.

Land Use and Planning

Alternative D would include the same types of development as the project, but with less hospital space and no new hospital parking garage. As with the project, Alternative D would continue existing uses on the project site and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect described in Chapter 3, Section 3.9, *Land Use and Planning*. As such, potential impacts of Alternative D related to land use and planning would be similar to the project and less than significant.

Noise and Vibration

Construction noise impacts associated with Alternative D would be reduced compared to those of the project, as construction of a Hospital Replacement and parking garage and demolition of the existing hospital would not occur. This alternative would result in less overall construction, shorter construction time periods, less development intensity, and construction activities would occur centrally on the SJMC campus farther from some existing sensitive receptors surrounding the campus. Operational noise impacts associated with Alternative D would also be less because new HVAC equipment would be located more centrally on the SJMC campus. The same SPCs and mitigation measures (SPC NO-1, and Mitigation Measure NO-1a and NO-1b) described in Chapter 3, Section 3.10, *Noise and Vibration*, would be required for Alternative D. The overall development program would be smaller than the project under Alternative D, which would result less vehicle trips and traffic noise than the project. Potential impacts of the construction and operation of Alternative C related to noise would be less than the project and less than significant with mitigation.

Population and Housing

Under Alternative D, the number of on-site employees would be less than with the project due to the reduced scale of the alternative. Resulting impacts related to population growth would be less than the project and less than significant for Alternative D.

Public Services and Recreation

Under Alternative D, with a smaller on-site population, demand for public services and recreation would be less than the project. Therefore, resulting impacts would be less than the project and less than significant.

Transportation

Alternative D would reduce the scale of the project. Assuming the same approach as the project described in Section 3.13.2, *Approach to Analysis*, Alternative D would not cause an increase in trips regionally but would result in a change in trip-making. As described above, the retrofit of the existing hospital would require the closure and relocation of departments and services to other existing Kaiser Permanente facilities. Unlike the project, this could result in this alternative's medical uses to shift medical demand to other locations (instead of from other similar locations under the project). This could result in an increase in employment and service VMT because employees and patient/visitors may need to travel longer distances to access other Kaiser facilities. Mitigation Measure TR-2 would be applicable such that there would be no net increase from regional employee and patient/visitor VMT. Alternative D impacts would be less than the project and less than significant with mitigation.

Utilities and Service Systems

Under Alternative D, less new utility infrastructure would be provided. With a smaller population and land use development program, demand for services would be less than with the project, and resulting impacts would be less than significant.

Ability to Meet Project Objectives

Alternative D would meet some of the basic objectives of the project, with most being met to a lesser extent. This alternative would meet a couple of the basic objectives of the project: it would provide expansion opportunity for a future medical office to serve long-term growth projections (objective 6); and it would allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces (objective 8). However, conservatively presuming that this alternative would be economically feasible, it would achieve the following objectives to a lesser extent than the project because the alternative results in a smaller project with less hospital space in a retrofitted building, fewer hospital beds, and less parking: it would not provide facilities that are consistent with modern medical care delivery models (objective 3); it would not incorporate sustainable green building design features to meet LEED Gold performance standards (objective 9); and it would not provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster (objective 10).

Alternative D also would not meet some of the basic objectives of the project: Alternative D would not replace the existing hospital with a state-of-the-art facility that meets SB 1953 regulations (objective 1); it would not replace the existing hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements (objective 2); it would not keep pace with the medical service needs of an increasing population and increase the hospital bed count (objective 4); it would not maintain current services at the existing campus, including 24/7 emergency services, without interruption (objective 5); and it would not provide parking sufficient to meet current and projected future demand (objective 7).

5.5 Comparison of Alternatives

CEQA requires a comparison of the alternatives to the project (presented above) and suggests that a matrix may be used to summarize the comparison. Accordingly, **Table 5-2** includes an overview of each alternative analyzed above and shows how the results of the analyses compare to the results of the analysis of the project in Chapter 3. Overall, this table shows that all alternatives considered would not result in any significant and unavoidable impacts, and all of the "build" alternatives would result in a similar degree of impact as the project.

Table 5-3 summarizes the ability of each alternative to meet the basic objectives for the project. Table 5-3 indicates that Alternative A would not have the ability to meet the basic objectives of the project. Alternative B would meet most of the basic objectives of the project, although some to a lesser degree. Alternative C would have the ability to meet all of the basic objectives of the project, although some to a lesser degree. Alternative D would meet only half of the basic objectives of the project, with some objectives being met to a lesser degree.

5.6 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e) requires the identification of an environmentally superior alternative to the project. Based on the analysis and comparison of the impacts of the alternatives presented above, the No Project Alternative (Alternative A) would be the environmentally superior alternative because it would result in no impacts to all resources. However, Alternative A does not meet any of the basic objectives of the project. While Alternative A would offer environmental advantage over the project, CEQA Guidelines Section 15126.6(e)(2) provides that if the "No Project" alternative is the environmentally superior alternative, the EIR should also identify an environmentally superior alternative among the other alternatives. Beyond the No Project Alternative, Alternative B (Reduced Development Alternative) would be the environmentally superior alternative because it would reduce TAC emissions, reduce VMT, and would result in the greatest potential for energy efficiency and incorporation of green building 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 5-2
PROJECT ALTERNATIVES IMPACT SUMMARY AND COMPARISON

Impact	Project	Alternative A: No Project Alternative	Alternative B: Reduced Development Alternative	Alternative C: New Hospital and Retrofit of Existing Hospital for Future MOB	Alternative D: Seismic Upgrade of Existing Hospital
Air Quality	LTSM	NI	LTSM ⇩	LTSM ⇩	LTSM ⇩
Biological Resources	LTSM	NI	LTSM =	LTSM⇩	LTSM ⇩
Cultural and Tribal Cultural Resources	LTSM	NI	LTSM =	LTSM⇩	LTSM ⇩
Energy	LTS	NI	LTS ⇩	LTS ⇧	LTS ⇩
Geology, Soils, and Paleontological Resources	LTS	NI	LTS =	LTS ⇩	LTS ⇩
Greenhouse Gas Emissions	LTS	NI	LTS ⇩	LTS ⇧	LTS ⇩
Hazards and Hazardous Materials	LTS	NI	LTSM =	LTSM =	LTSM =
Hydrology and Water Quality	LTS	NI	LTS ⇩	LTS ⇩	LTS ⇩
Land Use and Planning	LTS	NI	LTS =	LTS =	LTS =
Noise and Vibration	LTSM	NI	LTSM ⇩	LTSM =	LTSM ⇩
Population and Housing	LTS	NI	LTS ⇩	LTS =	LTS ⇩
Public Services and Recreation	LTS	NI	LTS ⇩	LTS =	LTS ⇩
Transportation	LTSM	NI	LTSM ⇩	LTSM =	LTSM ⇩
Utilities and Service Systems	LTS	NI	LTS ⇩	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.

The color gradients in the table are a visual representation of the significance findings with the lightest or absence of color representing the least amount of impact, and the darkest shade representing an impact that would be significant without mitigation.

TABLE 5-3
ABILITY OF PROJECT ALTERNATIVES TO SATISFY BASIC OBJECTIVES OF THE PROJECT

Project Objective	Alternative A: No Project Alternative	Alternative B: Reduced Development Alternative	Alternative C: New Hospital and Retrofit of Existing Hospital for Future MOB	Alternative D: Seismic Upgrade of Existing Hospital
1. Replace the existing Kaiser Permanente San José Medical Center Hospital with a state-of-the-art facility that meets state regulations for provision of acute care services beyond 2030 (SB 1953).	Does not meet objective	**Meets objective**	**Meets objective**	Does not meet objective
2. Replace the existing Kaiser Permanente San José Medical Center Hospital with a facility right sized to improve operational efficiencies and address modern needs and requirements such as private patient rooms; current building code required clearances for beds and other mobile equipment; staff and patient safety; daylighting (taking advantage of natural light); lines of sight and convenient access from nursing stations; HVAC efficiency; and acoustics.	Does not meet objective	Does not meet objective	**Meets objective**	Does not meet objective
3. Provide facilities that are consistent with modern medical care delivery models, as reflected in Kaiser Permanente's building and layout design standards for facilities, thereby ensuring the maximalization of operational and maintenance efficiencies, minimization of redundancies, and the provision of Kaiser member experiences that are consistent with Kaiser's current standards.	Does not meet objective	**Meets objective**	**Meets objective** ⇩	**Meets objective** ⇩
4. Keep pace with the medical service needs of an increasing population in the City of San José and the region within the existing boundaries of the Medical Center Campus, including increasing the hospital bed count from 247 to 303.	Does not meet objective	Does not meet objective	**Meets objective**	Does not meet objective
5. Maintain current services at the existing Medical Center Campus, including 24/7 emergency services, without interruption during construction of the Hospital Replacement.	Does not meet objective	**Meets objective**	**Meets objective**	Does not meet objective
6. Provide expansion opportunity for a future medical office to serve long-term membership growth projections, and clinical and diagnostic needs.	Does not meet objective	**Meets objective** ⇩	**Meets objective**	**Meets objective**
7. Provide parking sufficient to accommodate membership and patient parking needs, as well as staff parking to meet current and projected future demand.	Does not meet objective	**Meets objective** ⇩	**Meets objective**	Does not meet objective
8. Allow members to access, on a single site, a full suite of medical services nearer to their homes and workplaces.	Does not meet objective	**Meets objective** ⇩	**Meets objective**	**Meets objective**
9. Incorporate sustainable green building design features developed by the Leadership in Energy and Environmental Design (LEED) to meet the LEED Gold performance standards and Kaiser Permanente's long-term environmental stewardship goals.	Does not meet objective	**Meets objective**	**Meets objective** ⇩	**Meets objective** ⇩
10. Provide a facility that will further Kaiser Permanente's commitment to maintaining critical access to care during and after a disaster.	Does not meet objective	**Meets objective**	**Meets objective**	**Meets objective** ⇩

NOTES: **Bold** indicates the alternative would meet the project objective. ⇧/⇩ - The alternative is more (⇧) / less (⇩) aligned with the objective, compared to the project.

CHAPTER 6
Lead Agency and Preparers

6.1 Lead Agency

City of San José

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905

Director: Christopher Burton
Principal Planner: David Keyon
Environmental Project Manager: Cort Hitchens

6.2 EIR Consultants

Environmental Consultants

Environmental Science Associates (ESA)
787 The Alameda, Suite 250
San José, California 95126

Project Director: Eryn Brennan
Project Manager: Susan Yogi
Deputy Project Manager: Jill Feyk-Miney

Brian Schuster	Air Quality; Energy; Greenhouse Gas Emissions
Jyothi Iyer	Air Quality; Energy; Greenhouse Gas Emissions
Sarah Patterson	Air Quality; Health Risk Assessment
Brain Pittman	Biological Resources
Erika Walther	Biological Resources
Becky Urbano	Historic Architectural Resources
Kathy Cleveland	Historic Architectural Resources
Heidi Koenig	Cultural and Tribal Cultural Resources
Michael Burns	Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials
Karen Lancelle	Hydrology and Water Quality
Jill Feyk-Miney	Land Use and Planning; Population and Housing; Alternatives; Other CEQA Considerations

Chris Sanchez	Noise and Vibration
Nick Reynoso	Noise and Vibration
Ryan Yasuda	Public Services and Recreation; Utilities and Service Systems
Jon Teofilo	Transportation
Juliana Medan	Transportation
Chance Scott	GIS
Fred Marquez	GIS
James Songco	Graphics
Joel Miller	Word Processing and Report Production
Lisa Bautista	Word Processing and Report Production
Logan Sakai	Word Processing and Report Production

Transportation

Fehr & Peers
160 W. Santa Clara Street, Suite 675
San José, CA 95113

Project Manager: Franziska Church
Transportation Engineer/Planner: Huimei Jiang