

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE CERTIFYING THE KAISER PERMANENTE
SAN JOSE MEDICAL CENTER PROJECT
ENVIRONMENTAL IMPACT REPORT AND MAKING
CERTAIN FINDINGS CONCERNING SIGNIFICANT
IMPACTS, MITIGATION MEASURES, AND
ALTERNATIVES, AND ADOPTING A RELATED
MITIGATION MONITORING AND REPORTING PROGRAM,
ALL IN ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AS AMENDED**

WHEREAS, Kaiser Permanente has applied to the City of San José (“City”) for a revised Planned Development (“PD”) zoning and PD permit (File Nos. PDC23-006, PD23-002, ER 23-005) for the demolition of an existing 250,000-square-foot (“sf”) hospital and construction of a new, approximately 685,000 sf hospital (including basement), a new central utility plant (“energy center”), and a parking structure at the approximately 40-acre Kaiser Permanente San José Medical Center campus (“Campus”) located in the City of San José (“Hospital Replacement”); and

WHEREAS, other expected future Campus improvements would include demolition of two one-story medical offices (each approximately 10,100 sf), implementation of sustainable electricity generation features and technology, and construction of an approximately 250,000 sf outpatient facility and a parking garage (“Future Campus Improvements”); and

WHEREAS, the Hospital Replacement and Future Campus Improvements are collectively referred to herein as the “Project”; and

WHEREAS, the City, acting as lead agency under the California Environmental Quality Act (“CEQA”), filed and distributed a Notice of Completion and Availability for the Draft

Environmental Impact Report (“DEIR”) (State Clearinghouse No. 2023050424) on February 23, 2024; the DEIR was circulated for public review and to the appropriate agencies and interested parties from February 23, 2024 to April 11, 2024; and the First Amendment to the DEIR was published on August 29, 2024; and

WHEREAS, the City has prepared a Final Environmental Impact Report (“FEIR”) for the Project pursuant to and in accordance with CEQA, which is comprised of the DEIR and the First Amendment to the DEIR; and

WHEREAS, CEQA requires that, in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those effects and adopt mitigation measures to minimize impacts and a statement of overriding considerations for any impact that may not be reduced to a less than significant level; and

WHEREAS, the FEIR concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce all of those significant impacts to a less-than-significant level and a statement of overriding considerations is therefore not needed; and

WHEREAS, on September 11, 2024, the Planning Commission of the City of San José reviewed the FEIR prepared for the Project and recommended to the City Council that it find the environmental clearance for the proposed Project was completed in accordance with the requirements of CEQA and further recommended the City Council adopt a resolution certifying the FEIR;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The foregoing recitals are true and correct, and are incorporated herein as if fully set forth in the body of this Resolution.
2. The City Council finds and certifies that the FEIR has been prepared and completed in compliance with CEQA. The FEIR was presented to the City Council, the City Council reviewed and considered the information contained therein prior to approving the Project, and, as lead agency for the Project, the City Council finds the FEIR reflects the independent judgment and analysis of the City of San José and designates the Director of Planning, Building and Code Enforcement at 200 East Santa Clara Street, 3rd Floor Tower, San José, California 95113 as the custodian of records on which the decision of the City is based.
3. The City Council recognizes the FEIR contains additions, clarifications, modifications, and other information in response to comments on the DEIR or obtained after the DEIR was issued and circulated for public review and hereby finds such changes and additional information would not result in: (i) any new significant environmental impact or substantially more severe environmental impact not already disclosed and evaluated in the DEIR, (ii) any feasible mitigation measure considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project, or (iii) any feasible alternative considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project.
4. The City Council finds and determines that recirculation of the FEIR for further public review and comment is not warranted or required under the provisions of CEQA.
5. The City Council makes the following findings with respect to potentially significant environmental impacts of the Project, as identified in the FEIR with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the FEIR; which full administrative record should be consulted for the full details supporting these findings.

KAISER PERMANENTE SAN JOSE MEDICAL CENTER PROJECT

SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **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 PM_{2.5} concentration during construction.

Mitigation: **Mitigation Measure AQ-3a: Clean Construction Equipment**

1. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), 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 PM2.5 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 any Planned Development 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 PM2.5 concentrations to receptor locations at the Project or cumulative levels based on the BAAQMD CEQA Guidelines in effect at the time the Future 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.

Finding: With implementation of Mitigation Measure AQ-3a and standard permit conditions, the health risks associated with construction of the Hospital Replacement would be less than significant. With implementation of Mitigation Measure AQ-3b and standard permit conditions, construction of Future Campus Improvements would be less than significant. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: Mitigation Measure AQ-3a would reduce the health risks associated with construction of the Hospital Replacement below the BAAQMD thresholds of 10 in one million for incremental lifetime cancer risk, 1.0 for chronic hazard index and 0.3 µg/m³ 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 standard permit conditions would reduce annual average PM_{2.5} concentrations to less than the BAAQMD threshold at all receptors.

As discussed in Section 3.1 (page 3.1-48) of the DEIR as amended, without details of specific construction schedules, sequencing, and construction information of the Future Campus Improvements, it is not possible to meaningfully estimate associated construction toxic air contaminant (TAC) emissions. 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 in Section 3.1.2, Regulatory Framework (page 3.1-13) would be implemented over time, reducing tailpipe emissions from construction equipment. Mitigation Measure AQ-3b would be required for 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.

Compliance with standard permit conditions and implementation of Mitigation Measure AQ-3a for the Hospital Replacement and Mitigation Measure AQ-3b for the Future Campus Improvements would reduce health risk impacts to a less-than-significant level.

Biological Resources

Impact: **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.

Mitigation: **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.

Finding: With implementation of Mitigation Measure BI-1, the Project's impact to nesting birds would be less than significant. (**Less than Significant Impact with Mitigation**)

Facts in Support of the Finding: The Project would remove approximately 108 trees. 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. Direct impacts to nesting birds could result from the removal of trees and vegetation on the Project site 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. Mitigation Measure BI-1 would require preconstruction surveys if construction is proposed during the nesting season and includes protective measures in the event active nests are found. The impact on nesting birds would be less than significant with mitigation.

Cultural Resources

Impact: **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.

Mitigation: **Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring.** Prior to 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. The Project applicant shall also engage a Secretary of the Interior qualified archaeologist to prepare a cultural resources monitoring plan (plan) for ground disturbing activity within the boundary of any known archaeological resources. Monitoring shall be completed according to the provisions outlined in the plan, which will also specify: where monitoring shall be completed and under what circumstances; persons responsible for conducting monitoring activities, including a potential request to the culturally-affiliated Native American tribe(s) for a tribal monitor, if required per City conditions and/or state law; schedule for submittal of monitoring logs and reports; and protocol for notifications and actions in case of

encountering cultural resources. During the course of the monitoring, the archaeologist, in conjunction with a tribal monitor, if required, may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

Finding: With implementation of Mitigation Measure CU-TCR-1 and standard permit conditions, the Project's impact to previously undiscovered archaeological resources would be less than significant. (**Less than Significant Impact with Mitigation**)

Facts in Support of the Finding: As discussed on page 3.3-22 of the DEIR, as amended, 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, implementation of Mitigation Measure CU-TCR-1 would ensure that previously undiscovered archaeological resources are treated appropriately. The incorporation of standard permit conditions and Mitigation Measure CU-TCR-1 would reduce impacts on previously undiscovered archaeological resources to a less-than-significant level.

Impact: **Impact CU-TCR-2:** The Project could disturb any human remains, including those interred outside of formal cemeteries.

Mitigation: **Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring** (refer to Impact CU-TCR-1)

Finding: With implementation of Mitigation Measure CU-TCR-1 and standard permit conditions, the Project's impact to previously undiscovered human remains would be less than significant. (**Less than Significant Impact with Mitigation**)

Facts in Support of the Finding: As discussed on page 3.3-23 of the DEIR, as amended, 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, implementation of Mitigation Measure CU-TCR-1 would ensure that human remains identified during construction activities are treated appropriately. The incorporation of standard permit conditions and Mitigation Measure CU-TCR-1 would reduce impacts on previously undiscovered human remains to a less-than-significant level.

Impact: **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.

Mitigation: **Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring** (refer to Impact CU-TCR-1)

Finding: With implementation of Mitigation Measure CU-TCR-1 and standard permit conditions, the Project's impact to cultural materials or human remains that may be tribal cultural resources would be less than significant. (**Less than Significant Impact with Mitigation**)

Facts in Support of the Finding: If cultural materials or human remains that may be tribal cultural resources are uncovered during ground-disturbing activities, Mitigation Measure CU-TCR-1 would ensure that resources identified during construction activities are treated appropriately. The incorporation of standard permit conditions and Mitigation Measure CU-TCR-1 would reduce impacts on tribal cultural resources to a less-than-significant level.

Hazards and Hazardous Materials

Impact: **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.

Mitigation: **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 Environmental Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.

Finding: Compliance with standard permit conditions and implementation of Mitigation Measure HA-1 would reduce impacts related to excavated soils to a less than significant level. **(Less than Significant Impact with Mitigation)**

Facts in Support of the Finding: As discussed in Section 3.7 (page 3.7-21) of the DEIR as amended, the Project site and surrounding area were previously in agricultural use. The soil testing conducted for the soil management plan revealed that the Project site does not have pesticides or any other chemicals at concentrations above environmental screening levels (ESL) except for one location. The soil testing identified one location that would be under the western portion of the proposed new 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.

With implementation of Mitigation Measure HA-1 and compliance with standard permit conditions and existing regulations concerning hazardous waste, the Project would not create a significant hazard to the public or environment from hazardous materials. Therefore, the impacts of the Project related to hazardous materials would be less than significant with mitigation.

Noise

Impact: **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.

Mitigation: **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). These locations shall include the eastern perimeter of the parking structure adjacent to the library and along the western border of the New Hospital site along Cottle Road prior to construction of the new hospital, energy center, and parking garage, which would be completed before 2030. Subsequently, a barrier shall be erected along International Circle between the existing hospital and residences to the east prior to demolition of the existing hospital. 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.

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, DNL¹ 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.² 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

¹ It is noted that for steady-state sources, 49 dBA, Leq is equivalent to a DNL of 55 dBA.

² Environmental Noise Control, Product Specification Sheet, ENC STC-32 Sound Control Panel System, 2014.

can be as high as 35 dB depending on the frequency.³ 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.

Finding: Compliance with standard permit conditions and implementation of Mitigation Measure NO-1a would reduce construction noise impacts to a less-than-significant level. Implementation of Mitigation Measure NO-1b would reduce operational noise from stationary equipment to a less-than-significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: 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. With implementation of Mitigation Measure NO-1a and compliance with standard permit conditions, construction noise impacts would be less than significant.

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. Implementation of Mitigation Measure NO-1b establishes a performance

³ 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.

standard and 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. With implementation of Mitigation Measure NO-1b, operational noise from stationary equipment would be less than significant.

Transportation

Impact: **Impact TR-2:** The Project would conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Mitigation: **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 shall 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.
3. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the off-site improvement plans and encroachment permit approved by the City of San José shall include the agreed-upon improvements.

Finding: As Implementation of Mitigation Measure TR-2 would reduce VMT impacts to a less-than-significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: The City's VMT evaluation tool was used to evaluate the effectiveness of VMT reduction measures, which included TDM measures and hardscape multimodal improvements. 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. 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.

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. 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.

FINDINGS CONCERNING ALTERNATIVES

To comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the Project is implemented and to try to meet as many of the Project's objectives as possible. The CEQA Guidelines emphasize a commonsense approach -- the alternatives should be reasonable, should "foster informed decision making and public participation," and should focus on alternatives that avoid or substantially lessen the significant impacts.

The alternatives analyzed in the DEIR were developed with the goal of being at least potentially feasible, given Project objectives and site constraints, while avoiding or reducing the Project's identified environmental effects. The following are evaluated as alternatives to the proposed Project:

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

Project Objectives

The objectives of the Project are as follows:

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.

Selection of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The CEQA Guidelines advise that such factors can include (but are not necessarily limited to) the suitability of an alternative site, economic viability, availability of infrastructure, consistency with the general plan or other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can "reasonably acquire, control or otherwise have access to the alternative site" (Section 15126.6[f][1]).

1. Alternative A – No Project Alternative

- A. **Description of Alternative:** 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 PD zoning or a PD permit under Alternative A.

- B. **Comparison of Environmental Impacts:** 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. This alternative would avoid all of the Project's impacts that would be less than significant and less than significant with mitigation. Mitigation measures identified for air quality, biological resources, cultural and tribal cultural resources, hazardous materials, noise, and transportation would not be required. 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.
- C. **Finding:** This alternative would largely maintain the existing conditions described throughout this EIR and avoid the impacts associated with construction and operation of the Project. However, this alternative would not meet any of the Project objectives. Therefore, because this alternative would not meet the Project objectives, this alternative is rejected.

2. Alternative B – Reduced Development Alternative

- A. **Description of 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. 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.

- B. Comparison of Environmental Impacts:** Alternative B would develop the 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. Alternative B would reduce impacts compared to the Project in the areas of air quality, energy, greenhouse gas emissions, hydrology and water quality, population and housing, public services and recreation, transportation, and utilities and service systems. Alternative B would involve similar ground-disturbing impacts and the development footprint would be approximately the same as the Project. Therefore, impacts related to biological resources, cultural and tribal cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, land use and planning, and noise and vibration would be similar to the Project. The same standard permit conditions and mitigation measures identified for the Project would be applicable to Alternative B.
- C. Finding:** This alternative would result in similar or reduced impacts compared to the Project. Alternative B 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).

Although this alternative would meet some of the basic objectives of the Project and others to a lesser extent, this would not be necessary to reduce the Project's impacts. The currently proposed Project would not result in any significant unavoidable impacts because implementation of the required mitigation measures discussed above would reduce all potential impacts to a less-than-significant level. Therefore, because this alternative would not meet most of the basic Project objectives, this alternative is rejected.

3. Alternative C: New Hospital and Retrofit of Existing Hospital for Future MOB

- A. **Description of Alternative:** The New Hospital and Retrofit of Existing Hospital for Future MOB (Alternative C) would develop the 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.

- B. **Comparison of Environmental Impacts:** Alternative C would develop the 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 ground disturbance, less overall construction, shorter construction time periods, and less construction intensity. Therefore, Alternative C would reduce impacts compared to the Project in the areas of air quality, biological resources, cultural and tribal cultural resources, geology, soils, and paleontological resources, hydrology and water quality, and utilities and service systems.

Alternative C would include the same development program as the Project and impacts related to hazards and hazardous materials, land use, noise and vibration, population and housing, public services, and transportation would be similar to the Project. 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; therefore impacts related to energy and greenhouse gas emissions may be greater than the Project, but less than significant. The same standard permit conditions and mitigation measures identified for the Project would be applicable to Alternative C.

- C. **Finding:** 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).

Although this alternative would meet most of the Project objectives, the currently proposed Project would not result in any significant unavoidable impacts because implementation of the required mitigation measures discussed above would

reduce all potential impacts to a less-than-significant level. Therefore, this alternative would not be necessary to reduce the Project's impacts.

3. Alternative D: Seismic Upgrade of Existing Hospital

- A. **Description of Alternative:** Under SB 1953, the existing hospital would be required to implement seismic upgrades or be replaced in order to continue to provide acute care services beyond 2030. 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.
- B. **Comparison of Environmental Impacts:** Alternative D would develop the Campus with a less intensive land use development program due to the reduced size of the retrofitted hospital as compared to the Project. 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. Therefore, this alternative would result in less ground disturbance, less overall construction, shorter construction time periods, and less construction intensity. Alternative D would reduce impacts compared to the Project in the areas of air quality, biological resources, cultural and tribal cultural resources, energy, geology, soils, and paleontological resources, greenhouse gas emissions, hydrology and water quality, noise and vibration, population and housing, public services and recreation, transportation, and utilities and service systems. Impact to hazards and hazardous materials and land use would be similar to the Project.

The same standard permit conditions and mitigation measures identified for the Project would be applicable to Alternative D.

- C. **Finding:** Alternative D 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).

Although this alternative would meet some of the basic objectives of the Project and others to a lesser extent, this would not be necessary to reduce the Project's impacts. The currently proposed Project would not result in any significant unavoidable impacts because implementation of the required mitigation measures discussed above would reduce all potential impacts to a less-than-significant level. Therefore, because this alternative would not meet most of the basic Project objectives, this alternative is rejected.

Environmentally Superior Alternative

The CEQA Guidelines mandate that an EIR identify an environmentally superior alternative if the Project would result in one or more significant unavoidable impacts. Based on the foregoing, the environmentally superior alternative is Alternative A – No Project Alternative. When that is the case, the CEQA Guidelines require that an additional alternative be identified that is also an environmentally superior alternative. (Section

15126.6(e)(2)). Alternative B – Reduced Development Alternative would be environmentally superior to the Project, while attaining most of the Project objectives, with the exception of objectives 2 and 4.

MITIGATION MONITORING AND REPORTING PROGRAM

Attached to this Resolution as Exhibit “A” and incorporated and adopted as part of this Resolution herein is the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action.

LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the City’s Department of Planning, Building and Code Enforcement, San José City Hall, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113, and are also available for viewing electronically on the Department of Planning, Building and Code Enforcement website. The City Council hereby designates the City’s Director of Planning, Building and Code Enforcement at the Director’s office at 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113, as the custodian of documents and records of proceedings on which this decision is based.

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ADOPTED this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

**Kaiser Permanente San José Medical Center
Environmental Impact Report
File No. PDC23-006, PD23-002, ER23-005
July 2024**



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Kaiser Permanente San José Medical Center Environmental Impact Report (EIR) prepared for the proposed Kaiser Permanente San José Medical Center project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

The mitigation measures enumerated in this document would reduce the level of impact of potential environmental effects of the proposed action. In all cases, these mitigation measures would reduce the impact of effects determined to be significant prior to mitigation to less-than-significant levels.

I, Lee Ann Knight, Project Director, the applicant, on the behalf of Kaiser Foundation Hospitals, hereby agree to implement the mitigation measures described below which have been developed in conjunction with the preparation of an Initial Study/Mitigated Negative Declaration for my proposed project. I understand that these mitigation measures or substantially similar measures will be adopted as conditions of approval with my development permit request to avoid or significantly reduce potential environmental impacts to a less than significant level.

Project Applicant's Signature Lee Ann Knight

Date 08/19/2024

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
Air Quality					
<p>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.</p> <p>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.</p>					
<p>Mitigation Measure AQ-3a: Clean Construction Equipment</p> <p>1. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earlier), 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</p>	<p>The project applicant shall submit an equipment inventory that includes all of the information in Mitigation Measure AQ-3a and document compliance with a Certification Statement.</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee; BAAQMD</p>	<p>Director of Planning, Building, And Code Enforcement or the Director’s designee review of construction equipment inventory; BAAQMD review of Certification Statement</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Kaiser Permanente San José Medical Center
PDC23-006, PD23-002, ER23-005

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
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.	The project applicant may submit a waiver for Tier 4 Final equipment if certain conditions in Mitigation Measure AQ-3a are satisfied.	During construction	Director of Planning, Building, and Code Enforcement or the Director’s designee	Consider Tier 4 waiver and waive the requirement(s) if warranted	During construction

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
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.	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. The applicant shall maintain an equipment inventory and information for non-electric equipment listed on the inventory indicating why it is not commercially available.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building, and Code Enforcement or the Director’s designee	Review inventory list	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)
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.	Limit idling time for off-road and on-road equipment be limited to no more than 2 minutes.	During construction	Applicant/Construction Contractor	Monitor implementation	During construction



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Kaiser Permanente San José Medical Center
PDC23-006, PD23-002, ER23-005

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
	Method of Compliance or Mitigation Action	Timing of Compliance	Oversight Responsibility	Actions/Reports	Monitoring Timing or Schedule
<p>Mitigation Measure AQ-3b: Project-Level Health Risk Analysis for Future Campus Improvements</p> <p>Prior to approval of any 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</p>	<p>The project applicant shall provide the City with a project-level health risk analysis demonstrating that construction and operation of development proposed is within the limits specified in Mitigation Measure AQ-3b</p>	<p>Prior to the issuance of any Planned Development Permits or grading permits (whichever occurs sooner) for Future Campus Improvements</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee</p>	<p>Review and approve project-level health risk analysis and performance standards</p>	<p>Prior to the issuance of any Planned Development Permits or grading permits (whichever occurs sooner) for Future Campus Improvements</p>



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Kaiser Permanente San José Medical Center
PDC23-006, PD23-002, ER23-005

MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		Documentation of Compliance [Lead Agency Responsibility]		
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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.					
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.					
Impact C-BI-1: The project could combine with cumulative projects to result in significant cumulative impacts on biological resources.					
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), a 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	If construction is scheduled during nesting bird season February 1 – August 31 (inclusive) the project applicant or its contractor shall contract a qualified biologist to conduct preconstruction surveys for nesting birds.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building, and Code Enforcement or the Director’s designee	Review and approve Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) survey report	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest); during construction



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<p>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.</p> <p>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.</p> <p>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.</p>	<p>If active nests are identified, establish no-disturbance buffer zones around each nest, monitor construction activities near suitable habitat, when applicable, and implement the additional requirements in Mitigation Measure BI-1 (a) through (d).</p>				



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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.	Qualified biologist shall monitor any work within the no-disturbance buffer	During construction	Director of Planning, Building, and Code Enforcement or the Director's designee	Monitor implementation	During construction
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.	Qualified biologist shall prepare a report of findings prior to initiation of construction in no-disturbance zone.	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building, and Code Enforcement or the Director's designee	Review and approval report of findings	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)



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Cultural Resources					
<p>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.</p> <p>Impact CU-2: The project could disturb any human remains, including those interred outside of formal cemeteries.</p> <p>Impact CU-3: The project could cause a substantial adverse change in the significance of tribal cultural resources as defined in Public Resources Code Section 21074.</p> <p>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.</p>					
<p>Mitigation Measure CU-TCR-1: Cultural and Tribal Cultural Resources Awareness Training and Monitoring</p> <p>Prior to 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. The project applicant shall also engage a Secretary of the Interior qualified archaeologist to prepare a cultural resources</p>	<p>A Secretary of the Interior-qualified archaeologist in collaboration with a Native American representative shall conduct training for all construction personnel who will work at the site. The project applicant and the qualified archeologist shall submit documentation verifying training has been conducted to the City.</p> <p>A Secretary of the Interior-qualified</p>	<p>Prior to issuance of any demolition, grading or building permits</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee</p>	<p>Review and approve completion of Cultural and Tribal Cultural Resources Awareness Training for all construction personnel who will work at the site</p>	<p>Prior to any grading or excavation activities</p>



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monitoring plan (plan) for ground disturbing activity within the boundary of any known archaeological resources. Monitoring shall be completed according to the provision outlined in the plan, which will also specify where monitoring shall be completed and under what circumstances; persons responsible for conducting monitoring activities, including a potential request to the culturally-affiliated Native American tribe(s) for a tribal monitor, if required per City conditions and/or State law; schedule for submittal of monitoring logs and reports; and protocol for notifications and actions in case of encountering cultural resources. During the course of the monitoring, the archaeologist, in conjunction with a tribal monitor, if required, may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.	archaeologist to prepare a monitoring plan. A Secretary of the Interior-qualified archaeologist to request the culturally-affiliated Native American tribe(s) for a tribal monitor and implement provisions in the plan.	Prior to ground disturbing activity within boundary of any known archaeological resources. Monitoring during ground disturbing activities in accordance with the plan.	Director of Planning, Building, and Code Enforcement or the Director’s designee	Review and approve monitoring plan. Acceptance of monitoring logs	Prior to any grading or excavation activities During ground disturbing activities
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.					
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	The project applicant shall contract a qualified environmental professional to implement the SMP	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Planning, Building, and Code Enforcement or the Director’s designee and the Environmental Services Department	Review SMP testing results	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)



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<p>levels. The samples shall be analyzed for the following parameters using the cited test methods:</p> <ul style="list-style-type: none"> • 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 <p>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.</p>					



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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 Environmental Health (SCCDEH) under their Site Cleanup Program. Any further investigation and remedial actions shall be performed under regulatory oversight to mitigate the contamination.	Investigation and remedial action shall be performed under regulatory oversight if results indicate soil contamination above applicable regulatory screening levels	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	RWQCB, DTSC, or SCCDEH; Director of Planning, Building, and Code Enforcement or the Director's designee, or Environmental Services Department	Evidence of regulatory oversight/Monitor and document implementation	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)
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.					
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	The project applicant shall prepare a Construction Noise Reduction Plan and submit it to the Director of Planning, Building and Code Enforcement, or the Director's designee and implement the plan during project construction	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). implement plan during construction	Director of Planning, Building, and Code Enforcement or the Director's designee	Review and approve Construction Noise Reduction Plan, and monitor plan implementation	Review and approve Construction Noise Reduction Plan prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest); monitor plan implementation during construction



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<p>consultant and approved by the City of San José Planning, Building and Code Enforcement Department.</p> <p>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.</p> <p>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). These locations shall include: the eastern perimeter of the parking structure adjacent to the library and along the western border of the New Hospital site along Cottle Road prior to construction of the new hospital, energy center, and parking garage, which would be completed before 2030. Subsequently, a barrier shall be erected along International Circle between the existing hospital and residences to the east prior to demolition of the existing hospital. 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</p>					



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<p>Transmission Class rating of 25 or greater. The barrier shall achieve a performance standard of a 10 dBA noise reduction.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. Truck Traffic: The project shall minimize truck idling to no more than five minutes. Trucks shall load</p>					



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<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>					



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posted at the construction site and the liaison's contact information shall be included in the notice sent to neighbors regarding the construction schedule.					
<p>Mitigation Measure NO-1b: Operational Noise Performance Standard</p> <p>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 at the property line when located adjacent to existing or planned noise sensitive residential, respectively.</p> <p>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. Given that equipment noise associated with the energy center are predicted to be 16 dBA over the commercial ordinance standard, measures</p>	<p>The project applicant shall contract a qualified acoustical engineer to prepare an acoustical study 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 and submit the report to Director of Planning, Building, and Code Enforcement or the Director's designee</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>	<p>Director of Planning, Building, and Code Enforcement or the Director's designee</p>	<p>Review and approve design measures in acoustical study</p>	<p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)</p>



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<p>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. This reduction would be more than required to achieve the performance standards of this mitigation measure.</p> <p>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.</p>					



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Transportation					
Impact TR-2: The project would conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).					
Mitigation Measure TR-2: Transportation Demand Management Plan and Hardscape Multimodal Improvements					
<p>1. The project applicant shall implement the following measures at the conclusion of the Hospital Replacement construction and when the new hospital is operational:</p> <ul style="list-style-type: none"> Commuter Trip Reduction Marketing and Education. The applicant shall 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 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. 	Project applicant shall submit the TDM Plan to Director of Planning, Building, and Code Enforcement or the Director's designee and implement measures included in Mitigation Measure TR-2 during project construction	Prior to the issuance of occupancy permits (whichever occurs earliest)	Director of Planning, Building, and Code Enforcement or the Director's designee	Review TDM Plan	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)



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<p>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:</p> <ul style="list-style-type: none"> • 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. <p>Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the off-site improvement plans and encroachment permit approved by the City of San José shall include the agreed-upon improvements.</p>	Project applicant shall include the agreed-upon multimodal network improvements in the off-site improvement plans and encroachment permit	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)	Director of Public Works or the Director’s designee	Review and approval of improvement plans and encroachment permit	Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest)

Source: EIR, Kaiser Permanente San José Medical Center, City of San José, February 2024.