

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CERTIFYING THE GOOD SAMARITAN HOSPITAL 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, HCA Healthcare has applied to the City of San José (“City”), for a revised Planned Development (“PD”) zoning and PD permit (File Nos. PDC22-132 & ER23-41) for the demolition of approximately 365,700 square feet (“sq. ft.”) of the existing hospital and daycare center and the phased construction of two new hospital wings totaling approximately 750,000 sq. ft. hospital (including basement), a new approximately 29,750 sq. ft. central utility plant, an approximately 200,000 sq. ft. medical office building, and two new parking garages totaling approximately 679,000 sq. ft. on an approximately 20-acre site located at 2425 Samaritan Drive and 2333 Samaritan Place in the City of San José (“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. 2023060108) on July 19, 2024; the DEIR was circulated for public review and to the appropriate agencies and interested parties from July 19, 2024, to September 3, 2024; and the First Amendment to the DEIR was published on October 11, 2024; and

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

WHEREAS, CEQA requires that, in connection with the approval of a project for which an environmental impact report has been prepared which 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 a mitigation or monitoring program and overriding statement of consideration 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 October 23, 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.
3. 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 as the custodian of records on which the decision of the City is based.

4. The City Council recognizes that 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, or (iii) any feasible alternative considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project.
5. 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.
6. 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.

GOOD SAMARITAN HOSPITAL PROJECT SIGNIFICANT ENVIRONMENTAL IMPACTS

Air Quality

Impact: **Impact AQ-1:** During Phase 1 construction, NO_x would exceed the Bay Area Air Quality Management District (“BAAQMD”) 54 lbs./day threshold by 22.3 lbs./day.

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

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet

Tier 4 Final U.S. Environmental Protection Agency (EPA) particulate matter emissions standards.

- If Tier 4 Final equipment are not available, other measures may be substituted, including the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided that these measures demonstrate reduction in impacts to a less than significant level, as verified by an air quality specialist, and approved by the City.
- The construction operations plan prepared by the construction contractor shall outline how the contractor will comply with the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following:
 - List of activities and estimated timing.
 - Equipment that would be used for each activity.
 - Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
 - How the construction contractor would ensure that the measures listed are monitored.

Finding: With implementation of MM AQ-1, the Project's impact from construction NOx emissions will be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: NOx emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls that would reduce construction-related NOx emissions. Following compliance with MM AQ-1, the Project's Phase 1 NOx emissions would be reduced from 76.30 lbs./day down to 38.10 lbs./day with Tier 4 Final equipment, which is below the 54 lbs./day BAAQMD threshold.

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

Mitigation: **Mitigation Measure AQ-1.** (refer to Impact AQ-1)

Finding: With implementation of MM AQ-1, the Project's construction impact to sensitive receptors would be reduced to a less than significant level. Therefore, the Project's cancer risk would not exceed BAAQMD's 10 in one million threshold and impacts associated with carcinogenic risk would be less than significant with mitigation. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known toxic air contaminant (TAC). Diesel exhaust, known as diesel particulate matter (DPM), from construction equipment operating at the site poses a health risk to nearby sensitive receptors. The closest sensitive receptor to the Project site are the residences approximately 45 feet east of the Project site.

The unmitigated construction risk at residential and on-site patient receptors would be approximately 17 and 15 in one million, respectively. The unmitigated combined construction and operational cancer risk at residential and on-site patient receptors would be approximately 20 and 19 in one million, respectively. Therefore, the maximum unmitigated construction cancer risk and unmitigated combined construction and operational cancer risk would exceed the BAAQMD threshold of 10 in one million.

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

Biological Resources

Impact: **Impact BIO-1:** Construction activities on the Project site could potentially result in disturbance of a nesting bird or raptor on-site or immediately adjacent to the Project construction zone.

Mitigation: **MM BIO-1: Preconstruction Bird Surveys**

Avoidance: Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall

schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive).

Nesting Bird Surveys: If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities. If the qualified ornithologist determines a 48-hour pre-construction survey is needed after the 14-day survey, a second survey shall be conducted.

Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee. The qualified ornithologist shall submit a report indicating the results of the survey(s) and any designated buffer zones to CDFW for informational purposes.

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

Facts in Support of the Finding: Project implementation would remove 370 trees, which could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code §§ 3503,

3503.5, and 2800. Project construction during the nesting season (i.e., February 1 to August 31 inclusive) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment of active nests and/or loss of reproductive effort may be considered a taking by the California Department of Fish and Wildlife and United States Department of Fish and Wildlife Service. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact for CEQA purposes. Construction activities such as grading that disturb a nesting bird or raptor on-site or immediately adjacent to the project construction zone would also constitute an impact. Therefore, implementation of Mitigation Measure (MM) BIO-1 would be required, which outlines procedures for pre-construction surveys if nesting season cannot be avoided, and implementation of avoidance measures if nesting birds are found. Implementation of MM BIO-1 would avoid and minimize Project impacts to birds by avoiding construction activities during the nesting season if feasible, thereby avoiding the potential to disturb active nests, and by requiring avoidance measures (if construction avoidance during nesting season is not feasible) should active nests be present during construction activities. With implementation of MM BIO-1, impacts to nesting birds as a result of Project construction would be less than significant.

Cultural Resources

Impact: **Impact CUL-1:** The Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources.

Mitigation: **MM CUL-1: Cultural and Tribal Cultural Resources Awareness Training.** Prior to ground-disturbing activities during construction, the project applicant shall be required to conduct Cultural Sensitivity Training for construction personnel participating in ground-disturbing construction to alert them to the tribal cultural sensitivity of the area and provide protocols to follow in the event of a discovery of tribal cultural resources. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resource Code § 21080.3. Training shall be provided to all personnel at the start of each phase of the Project that includes ground-disturbing site work, and a recording of the training shall be repeated when new personnel participating in ground-disturbing site work start work. Documentation verifying that Cultural Sensitivity Training has been conducted shall be

submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

Finding: Following implementation with MM CUL-1, the Project would have a less than significant impact concerning presently unknown archaeological resources. **(Less Than Significant with Mitigation Incorporated)**

Facts in Support of the Finding: The Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources. Therefore, implementation of MM CUL-1 requires a Worker's Environmental Awareness Program training be conducted for grading/excavation crews prior to the start of construction. This mandatory training would be provided by the Project archaeologist, who would review regulations regarding archaeological resources, summarize and show examples of the types of resources that could be identified during earthmoving activities, and provide notification protocols to be followed in the event suspected cultural resources are encountered.

Hazards and Hazardous Materials

Impact: **Impact HAZ-1:** Removal of the two existing USTs could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Mitigation: **MM HAZ-1: Underground Storage Tank ("UST") Removal.** Prior to the issuance of any demolition, grading, tree removal, or building permits, the Project Applicant shall complete and submit an UST System Closure Permit Application, along with the required payment for the permit fee, to the County of Santa Clara Hazardous Materials Compliance Division ("HMCD"), in addition to closure documents and fees required by the City of San José's Fire Department, Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and ancillary equipment such as piping from the ground and performing soil sampling to evaluate if there is residual contamination from the operation of the tank system. Tank and sump removal and soil sampling activities must be witnessed by a representative from HMCD. The tanks and primary pipe are to be managed as hazardous waste once removed, unless they are cleaned onsite and certified as non-hazardous in accordance with California hazardous waste regulations (California Code of Regulations, Title 22, Division 4.5, Chapter 32). After the tanks are removed, a representative of HMCD will direct soil sampling beneath the tanks for submittal to a State-certified laboratory for appropriate analysis. After the results are obtained, the HMCD will determine if there

are indications the tank(s) have leaked. If the tanks are determined to have leaked, the HMCD will refer the site to the Local Oversight Program for Leaking UST, which is also managed by the HMCD. The Project Applicant will work with HMCD to determine next steps to investigate contamination and ensure remediation (if required) is performed prior to grading permits are issued. Potential risks to human health shall be reduced either by remediation of contaminated soils (e.g., excavation and offsite disposal) and/or implementation of engineering and institutional controls (e.g., soil capping) to ensure that any potential added health risks as a result of potential hazardous materials contamination are reduced to levels acceptable with the HMCD. Any contaminated soils removed shall be disposed of according to California Hazardous Waste Regulations. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State, and federal laws. The contaminated soils to be removed from the site shall be hauled offsite and disposed of at a licensed hazardous materials disposal site.

Finding: Following compliance with MM HAZ-1, removal of the two USTs would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less Than Significant with Mitigation Incorporated)**

Facts in Support of the Finding: Two 20,000-gallon USTs containing diesel fuel were identified on the Project site and are currently being used as back-up fuel for the hospital's emergency generators. It is possible that the USTs have experienced residual leaking during current operations, resulting in contaminated soils surrounding the USTs. Thus, removal of the two USTs during Project construction could potentially expose the public to contaminated soils, which would be a significant impact. However, MM HAZ-1 would be implemented, which requires that the USTs be removed after approval from HMCD and completion of an UST System Closure Permit Application to ensure removal is properly done. Following compliance with MM HAZ-1, Project construction and UST removal would result in a less than significant impact concerning a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact: **Impact HAZ-2:** Project implementation would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination as the Project site was previously used for agricultural uses,

which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site's soils.

Mitigation: MM HAZ-2: Soil Investigation Due To Agricultural History. Prior to issuance of any demolition, grading, tree removal, or building permits, a qualified environmental specialist shall collect shallow soil samples (i.e., minimum of 12 inches) in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations on site occur at concentrations above established commercial/industrial environmental screening levels. The results of the soil sampling and testing shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

If pesticide contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, Department of Toxic Substances Control) or Regional Water Quality Control Board. A Site Management Plan ("SMP"), Removal Action Plan ("RAP"), or equivalent document must be prepared by a qualified hazardous materials consultant. The Plan and evidence of regulatory compliance shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Finding: Following implementation of MM HAZ-2, impacts concerning construction worker exposure to soil contamination would be less than significant. **(Less Than Significant with Mitigation Incorporated)**

Facts in Support of the Finding: The Project site was previously used for agricultural uses, which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site's soils. Given the duration of time since agricultural operations have occurred (i.e., approximately 55 years), and the absence of any documentation suggesting pesticides and herbicides were stored or mixed on the Project site, the Phase I ESA did not identify the presence of pesticides and herbicides as a REC. However, residual chemicals from historic agricultural operations, including pesticides and herbicides, could remain in soils on the Project site. Project implementation would require demolition, site grading, removal of the surface parking lot, and the

disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination. Once the Project is complete, most of the exposed soil would be capped with the buildings, parking structures, hardscape, and surface parking areas. To reduce hazardous materials impacts related to potential localized herbicide, pesticide, and fertilizer contamination to a less than significant level with respect to the appropriate regulatory environmental screening levels, the Project shall implement MM HAZ-2, which requires a soil investigation for the Project site to characterize soil quality for residual chemicals from historic agricultural operations. Following implementation of MM HAZ-2, impacts concerning construction worker exposure to soil contamination would be less than significant.

Noise

Impact: **Impact NOI-1:** Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7.

Mitigation: **MM NOI-1: Construction Noise Logistics Plan.** Prior to the issuance of any grading or building demolition permits for Phase 1, Phase 2, and Phase 3 of the Project, the Project applicant shall submit and implement a construction noise logistics plan for that construction phase that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the construction noise logistics plan, construction activities for the Project shall include, at a minimum, the following best management practices:

- Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- Construction contracts for each construction phase specify that all construction equipment, fixed or mobile, shall be equipped with State

required noise attenuation devices such as properly operating and maintained mufflers.

- For each construction phase, property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities (whichever comes first), regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site during each construction phase. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the noise disturbance coordinator where residents can inquire about the construction process and register complaints.
- Prior to issuance of any City-issued grading or building permit for Phase 1, Phase 2, and Phase 3 construction, the Contractor shall provide evidence that at all times during construction activities and on-site construction staff member shall be designated as a noise disturbance coordinator. The noise disturbance coordinator shall be responsible for responding to complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the contact name and the telephone number for the noise disturbance coordinator.

Finding: As noted in General Plan Policy EC-1.7, implementation of a Construction Noise Logistics Plan would "...reduce noise impacts on neighboring residents and other uses" through the Construction Noise Logistics Plan measures described under MM NOI-1. Therefore, with implementation of the required MM NOI-1, the Project would comply with General Plan Policy EC-1.7. Therefore, construction noise impacts would be considered less than significant with the implementation of MM NOI-1. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General

Plan Policy EC-1.7. As such, in compliance with General Plan Policy EC-1.7, MM NOI-1 would require the Project applicant to prepare a construction noise logistics plan to minimize potential construction noise effects to the adjacent residential and commercial uses. As noted in General Plan Policy EC-1.7, implementation of a Construction Noise Logistics Plan would "...reduce noise impacts on neighboring residents and other uses" through the Construction Noise Logistics Plan measures described under MM NOI-1 below. Therefore, with implementation of the required MM NOI-1, the Project would comply with General Plan Policy EC-1.7. Therefore, construction noise impacts would be considered less than significant with the implementation of MM NOI-1.

Impact: **Impact NOI-2:** The loudest modeled noise levels from Phase 1 and 2 operations and Phase 3 construction would be approximately 76.6 dBA Ldn over a 24-hour period. The modeled noise level plus the ambient noise level of 67.5 dBA Ldn would result in a combined noise level of 77.1 dBA Ldn. Thus, the combined noise impact of Phase 1 and 2 operations and Phase 3 construction would result in a noise level above the conditionally acceptable exterior noise exposure level of 75 dBA Ldn.

Mitigation: **MM NOI-2: Noise Barriers.** In addition to MM NOI-1, the following measure shall be implemented prior to the start of Phase 3 construction only:

To reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the south, southeastern, and eastern edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The project Applicant shall construct a temporary sound wall or other noise attenuating feature with a demonstrated ability to achieve the City's land use compatibility noise level of 75 dBA L_{dn} for multi-family residential uses as measured at the property line of the existing residences. The applicant shall submit a plan showing the location and specifications of the noise barrier walls and the noise levels achieved to the Director of Planning, Building and Code Enforcement or Director's designee.

Finding: With implementation of MM NOI-2, combined noise impact of Phase 1 and 2 operations and Phase 3 construction would remain below conditionally acceptable exterior noise exposure level for multi-residences of 75 dBA Ldn. Therefore, impacts associated with Phase 3 construction activities overlapping with Phase 1 and 2 operations would be less than significant

with mitigation. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: The Project would be required to implement a construction noise logistics plan prior to each construction phase in accordance with MM NOI-1 which would reduce construction noise levels to the extent feasible. Further, to reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, MM NOI-2 requires a noise barrier(s) on the south, southeastern, and eastern edge of the work site facing the receptor(s). Following implementation of MM NOI-1 and MM NOI-2, the combined noise levels from Phase 1 and 2 operations and Phase 3 construction would be reduced to 74 dBA Ldn. This would result in noise levels below the conditionally acceptable exterior noise exposure level of 75 dBA Ldn per DEIR Table 4 34 and General Plan Policy EC-1.1 for the nearest multi-family receptor. Therefore, the combined noise impact from Phase 1 and 2 operations and Phase 3 construction would be less than significant with implementation of MM NOI-1 and MM NOI-2.

Impact: **Impact NOI-3:** Concrete trucks actively pouring during nighttime construction could be positioned as close as 110 feet from the nearest residences to the east during Phase 1 and Phase 3. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location, hourly average noise levels would be approximately 75 dBA at the residences to the east and would exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors by approximately 5 dBA.

Mitigation: **MM NOI-2: Nighttime Construction.** Prior to the issuance of any demolition or grading permit issuance (whichever comes first) for Phase 1 and Phase 3 construction, the Project shall submit a construction plan for nighttime concrete pours to the Director of Planning, Building and Code Enforcement or Director's designee, for review and approval. The construction plan shall include, but is not limited to, the following measures:

- Limit the active equipment during nighttime (10:00 p.m. to 7:00 a.m.) to five or fewer pieces of equipment and at least 120 feet from the eastern Project boundary (this shall be demonstrated by providing a site plan identifying a 120 feet buffer with no truck zone identified or similar method).
- To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work

sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or “smart alarms” that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).

- Prohibit concrete trucks from traveling and idling along Samaritan Place during all nighttime activities.
- Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule occurring between 7:00 p.m. and 7:00 a.m. and on weekends (“off hours construction”), in writing, at least 15 days prior to the beginning of off hours construction. This notification shall specify the anticipated dates for all off hour construction and provide the contact information for the noise disturbance coordinator.
- Designate a noise disturbance coordinator who is responsible for responding within 48 hours to any local complaints including about off hour construction noise. Any nuisance complaint reported during nighttime operations (7:00 p.m. and 7:00 a.m.) shall be deemed an urgent issue and shall be responded to immediately. The coordinator shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the coordinator at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request.

Finding: With implementation of MM NOI-3, hourly average noise levels would be reduced to 69.8 dBA Leq, and would be less than significant. Therefore, impacts associated with nighttime construction activities during Phase 1 would be less than significant with mitigation. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of the Finding: Nighttime construction activities, including concrete pours, would result in a potentially significant impact at the residences east of the Project site. LT-1 measured nighttime noise as 60.3 dBA Ldn between 10:00 p.m. and 7:00 a.m. Based on the noise modeling done for the Project, it was determined that nighttime construction activities, including concrete pours, must be at least 120 feet from the Project’s eastern boundary to result in noise levels below the noise level of 70 dBA outdoors and 45 dBA

indoors instead of the 110 feet modeled originally. Therefore, MM NOI-3 limits active construction equipment, including concrete pouring equipment, between 10:00 p.m. and 7:00 a.m. to five or fewer pieces of equipment and requires all equipment to be at least 120 feet from the eastern Project site boundary. This would reduce outdoor noise levels to 69.8 dBA, which is below the 70 dBA noise level. In addition, MM NOI-3 prohibits concrete trucks from traveling and idling along Samaritan Place between 7:00 p.m. and 7:00 a.m. to further reduce nighttime noise impacts. With the implementation of MM NOI-3, impacts associated with nighttime construction activities would be less than significant.

Transportation

Impact: **Impact TRANS-1:** Phase 1 would increase the daily VMT/job by 0.01, from 20.19 under the No Project scenario to 20.20 under Project implementation of Phase 1. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

Mitigation: **MM TRANS-1:** Prior to the issuance of any demolition, grading and/or building permits for Phase 1, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (“TDM”) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 1, and continue through Phase 2 and Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project’s Phase 1 VMT impact to a less than significant level:

- [PK01] Right-Size Parking Supply: Provide parking at a ratio of 1.24 or less. (1,205 spaces / 971,000 square feet of total Hospital).
- [TP02] Provide Bike Share Stations: Provide at least six shared bikes/e-bikes on site via Bay Wheels or a dedicated fleet on-site for use by Project employees and the general public and provide at least one cargo bike and one collapsible shopping/utility cart on site for use by Project employees. Include wayfinding signage.
- [TP04] Provide Education, Marketing and Outreach: Implement a marketing campaign for administrative/office staff to provide Project employees with information on travel options and encourage the use of transit, shared rides, walking, and biking. The campaign strategies may include new employee orientation on alternative travel options,

.event promotions, educational programs, and publications. The Project Applicant shall submit copies of all promotional materials, welcome packets, and TMP application information distributed to employees as attachments to their annual TDM Plan Compliance Forms.

- [TP08] Provide Flexible Work Schedules: Implement alternative work schedules or telecommuting options, such as staggered shift start times, flexible schedules, compressed work weeks, and partial telecommuting schedules, etc. for administrative staff. The proposed Project shall accommodate alternative work schedules such as staggered shift start times for hospital staff and employees. The Project Applicant shall summarize all alternative work schedules or telecommuting options available to administrative employees, report participation counts, and copies of any informational materials that describe available flexible work schedule benefits that have been provided as attachments to their annual TDM Plan Compliance Forms.
- [TP13] Provide Ride-Share Programs: Provide a ride-matching service or platform to match Project employees interest in carpooling or vanpooling who have similar commute patterns. The Project Applicant shall submit copies of active enrollment with a ride-matching platform and provide any informational materials distributed that describe the program as attachments to their annual TDM Plan Compliance Forms.

Finding: With implementation of the MM TRANS-1, the Project would have a less than significant VMT impact in Phase 1. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of Finding: Implementation of MM TRANS-1 would reduce the VMT generated by the hospital by encouraging the use of alternative transportation for employees commuting to work. Implementation of MM TRANS-1 would result in a reduction of 503 employee daily trips, and 96 patient/visitor daily trips, which exceeds the required trip reduction of 143 total daily trips needed to reduce an impact. VMT per employee for would be reduced from 20.20 to 20.17. Therefore, VMT impacts under Phase 1 are less than significant with mitigation incorporated.

Impact: **Impact TRANS-2:** The addition of new surface parking in Phase 2 would reduce the effectiveness of the “Right-Size Parking Supply” strategy implementing in Phase 1 under MM TRANS-1 because it would result in a parking ratio of 2.36 compared to 1.24 in Phase 1, resulting in a four TDM

point reduction. As a result, the TDM Plan for Phase 2 would have a point value of 21, which is four points below the required 25-point minimum requirement. Therefore, Phase 2 could result in a significant VMT impact.

Mitigation: MM TRANS-2: Prior to issuance of any demolition, grading and/or building permits for Phase 2, if a parking ratio greater than 2.0 (i.e., spaces per 1,000 square feet of Hospital) is proposed, the Project Applicant shall submit to the City of San José Department of Public Works a TDM program that includes the strategies listed below. If at the time of construction, the Project's Phase 2 proposes to provide parking at a ratio of 2.0 or below, this mitigation measure is not required because the Project would not reduce the effectiveness of the "Right-Size Parking Supply" strategy identified in MM TRANS-1. Instead, the TDM strategies listed below shall be required prior to the issuance of any demolition, grading and/or building permit for Phase 3.

- [MI01] Provide Bike and Micro-mobility Network Improvements: In coordination with City staff, construct a road diet and traffic calming features along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, American with Disabilities Act (ADA) compliant ramps, and protected Class IV bikeways beyond the Project frontage. The Project shall implement an on-street parking protected Class IV bike lane on the southside of Samaritan Drive (eastbound) between Samaritan Court and Samaritan Place. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.
- [MI03] Provide Transit Network Improvements: Construct a new bus shelter at the transit stop along Samaritan Drive along the Project's frontage in coordination with City and Valley Transit Authority staff. As part of the Samaritan Drive road diet, the existing bus stops along the Project frontage shall be evaluated to determine an appropriate location that best serves the hospital and adjacent uses, with the ultimate location determined by the City Engineer or their designee as part of Samaritan Drive street improvement plans. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval,

ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

- [MI05] Provide Pedestrian Network Improvements: In coordination with City and Valley Transit Authority (VTA) Staff, construct a road diet and traffic calming feature along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, Americans with Disability Act (ADA) compliant ramps, and protected Class VI bikeways beyond the Project frontage. A mid-block pedestrian crossing shall be relocated with the Samaritan Drive Road Diet to a location determined by the City Engineer or their designee as part of the Samaritan Drive Street improvements. The Project shall implement a bulb out and/or Rectangular Rapid Flashing Beacons (RRFBs) at the crosswalk if required by the City Engineer. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.

Finding: With implementation of the MM TRANS-2, the Project would have a less than significant VMT impact in Phase 2. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of Finding: MM TRANS-2 requires bike and micro-mobility network improvements, transit network improvements, and pedestrian network improvements. Based on the City's VMT Evaluation Tool, implementation of MM TRANS-2 would achieve the required 25-point minimum for the TDM Plan. Therefore, VMT impacts would be less than significant.

Impact: **Impact TRANS-3:** Phase 3 would increase the daily VMT/job by 0.16 percent, from 20.19 under the No Project scenario to 20.36 under Project implementation of Phase 3. Since Project implementation would increase regional VMT, a potentially significant impact could occur.

Mitigation: **MM TRANS-3:** Prior to the issuance of any demolition, grading and/or building permits for Phase 3, the Project Applicant shall submit to the City of San José Department of Public Works a TDM program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 3. The TDM program shall include the following strategies, or other equivalent TDM

strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project's Phase 3 VMT impact to a less than significant level:

- [MI04] Provide Residential Street Improvements: In coordination with City and Valley Transit Authority (VTA) staff, install a roundabout at the Samaritan Place and Samaritan Drive intersection that consists of new striping, bike lane transitions, Rectangular Rapid Flashing Beacon (RRFB) crosswalks, shorter pedestrian crossings with refuge medians, and enhanced bus mobility beyond the Project frontage. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.
- [PK02] Provide Bike Parking Facilities: Provide at least two times as many secure short-term and long-term bicycle parking spaces on site as required by zoning and include wayfinding signage. Provide at least two times as many showers, changing rooms, and clothes lockers on site as required by zoning and include wayfinding signage. City staff shall confirm that the credited amenities meet the design requirements stated above during a pre-occupancy inspection of the site. The Project Applicant must include up-to-date photos of the amenities and any supportive facilities and signage to demonstrate that they are in good condition and accessible to Project employees as attachments to their annual TDM Plan Compliance Forms. As necessary, City staff shall conduct site visits to confirm that the amenities meet specified standards.

Finding: With implementation of the MM TRANS-3, the Project would have a less than significant VMT impact in Phase 3. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of Finding: As noted above, as part of the City's 2023 Transportation Analysis Handbook, a TDM Plan that has been identified for an earlier phase will need to be implemented for all subsequent phases. Therefore, the TDM plan identified under MM TRANS-1 would also be implemented during Phase 3. Implementation of MM TRANS-3 would result in a VMT reduction of 18.82 percent, or 2,269 employee daily trips, which exceeds the Project's Phase 3 increase of 1,611 employee daily trips. As a result, implementation of MM TRANS-3 would reduce Project VMT from 20.36 to

20.21. Therefore, VMT impacts under Phase 3 are less than significant with mitigation incorporated.

Tribal Cultural Resources

Impact: **Impact TCR-1:** The potential exists for the accidental discovery of tribal cultural resources during ground-disturbing activities.

Mitigation: **MM TCR-1:** If tribal cultural resources are encountered during excavation and/or grading of the site, the Project Applicant shall notify the Tamien Nation Representative of the discovery.

MM CUL-1: Cultural and Tribal Cultural Resources Awareness Training. (refer to Impact CUL-1)

Finding: With MM CUL-1 and MM TCR-1 incorporated, the Project's potential impacts concerning tribal cultural resources would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

Facts in Support of Finding: The Project site has been previously disturbed by past development and the Cultural Resources Study has not indicated sensitivity for cultural resources within the Project boundaries. A SLF request was submitted to the Native American Heritage Commission. The results were negative. Therefore, it is unlikely that Native American tribal cultural resources are present on the Project site. Notwithstanding, the potential exists for the unanticipated discovery of tribal cultural resources, if any, discovered during ground-disturbing activities. To address potential impacts on tribal cultural resources during ground disturbing activities, the Project is required to comply with the Standard Permit Conditions listed in DEIR Section 4.4: Cultural Resources related to subsurface cultural resources and human remains. With the City's standard condition of approval requiring work to stop in the event of an unanticipated find and the find to be inspected by an archaeologist and Native American tribal representative, and MM CUL-1, which requires cultural sensitivity training, the Project's potential impacts concerning tribal cultural resources would be less than significant. To ensure the Tamien Nation has an opportunity to review discovered tribal cultural resources, if any, MM TCR-1 is also included. As discussed in Section 4.4: Cultural Resources, the Project's compliance with the above-mentioned Standard Permit Condition, mitigation measures, and applicable state law (i.e., California Health and Safety Code §§ 7054 and 7050.5 and Public Resources Code §§ 5097.9 through 5097.99), would result in less than significant impacts on human remains.

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 common sense 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 objectives for the Project are as follows:

1. Provide replacement space for hospital and support functions in seismically compliant structures to comply with SB 1953 and Department of Health Care Access and Information (HCAI) standards and regulations.
2. Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care unit, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.¹
3. Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4² and expand services and employment opportunities for existing and future residents of the City.
4. Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
5. Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided.

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

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

6. Upgrade and improve the power source to the Project to increase reliability and ensure continuity of patient care.
7. Enhance landscaping to create natural environments for patients, visitors, and employees.
8. Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
9. Upgrade the Project site with modern water quality infrastructure.
10. Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

The following three alternatives were fully analyzed as alternatives to the proposed Project:

1. No Project/No Construction Alternative
2. Seismic Upgrade of Existing Hospital Alternative
3. Reduced Intensity Alternative

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. No Project / No Construction Alternative

- A. Description of Alternative:** The No Project/No Construction Alternative assumes the proposed Project improvements would not be implemented and would retain the Project site in its current condition. However, under this alternative, the existing hospital would cease acute care operations in Building A, which has a Structural Performance Category (SPC) rating of 2 on January 1, 2030, since it would not be in compliance with SB 1953. The existing women’s and children’s services wing is currently SPC-5 rated and would remain in place and operational. The existing

land development controls (i.e., zoning, Planned Development Permit, etc.) on the Project site would continue to govern the site and would not be changed. There would be no revisions to the PD zoning or a PD permit under this alternative. Building A would remain intact; however, services would be limited to non-acute care operations.

- B. Comparison of Environmental Impacts:** If the No Project/No Construction Alternative were to proceed, no new development would occur; however, the existing hospital would cease acute care services in Building A on January 1, 2030. Because this Alternative does not involve construction and would reduce the intensity of the site's existing uses, several of the impacts associated with the Project would not occur or would occur to a lesser degree as discussed above. As such, this Alternative would have reduced impacts compared to the Project concerning air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, and population and housing. However, existing hospital-related VMT may increase compared to existing conditions under this alternative due to potentially longer trips needed for employees and patients to reach an alternate hospital location.
- C. Finding:** This Alternative would have reduced impacts compared to the Project concerning air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, and population and housing. However, existing hospital-related VMT may increase compared to existing conditions under this alternative due to potentially longer trips needed for employees and patients to reach an alternate hospital location. When evaluating the desirability and feasibility of an alternative, it is important to evaluate the ability of the "No Project" alternative to meet project objectives. An alternative does not need to meet all project objectives to be considered potentially feasible. However, the "No Project" alternative would not achieve any of the objectives of the proposed Project since no development would occur, the existing hospital would not comply with the seismic requirements outlined in SB 1953 and HCAI standards and would result in a shutdown of acute services, which would severely limit hospital operations and could increase emergency transit times in the area. Therefore, this Alternative would not meet any Project objectives. Further, 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.

2. Seismic Upgrade of Existing Hospital Alternative

- A. Description of Alternative:** The Seismic Upgrade of Existing Hospital Alternative assumes all existing buildings rated below the SB 1953 seismic requirements by the January 1, 2030 deadline are retrofitted or replaced by similar-sized buildings, in the same general location, with the same facilities and functions or retrofitted to meet seismic requirements. Seismic improvements would include excavating under the existing hospital building to reinforce foundations and joints, adding steel-reinforced weight-bearing walls to the hospital's exterior, adding braces to beams, adding steel bracing to roof components, and accessing, bracing, and anchoring a diverse array of utilities and services throughout the hospital building. These improvements would require demolition and ground-disturbing activities. The structural reinforcements would result in a decrease in available square footage for hospital operations, which would result in an overall decrease of hospital beds. Under this Alternative, Building C, Building D, Building E, Central Utility Plant, Parking Garage East, and Parking Garage West would not be constructed. Under this Alternative, the existing central utility plant would be upgraded in the existing hospital building to meet SB 1953 requirements, including the required sewer and water holding tanks to support 72 hours of emergency operation at the hospital. This Alternative is assumed to have less overall construction, shorter construction time periods, and less construction intensity. This Alternative would disrupt existing hospital operations and would require the relocation of services, departments, and utilities either temporarily or permanently to accommodate the retrofit effort. The displaced services would need to be accommodated at other HCA facilities, which could lead to backlogs for surgical and other medical procedures and bed capacity shortages.
- B. Comparison of Environmental Impacts:** This alternative would result in less ground disturbance, less overall construction, shorter construction time periods, and less construction intensity. Therefore, the Seismic Upgrade of Existing Hospital Alternative would reduce impact severity compared to the Project in the areas of aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, noise and vibration, population and housing, public services, transportation, tribal cultural resources, and utilities and service systems.
- C. Finding:** The Seismic Upgrade of Existing Hospital Alternative would result in fewer environmental impacts than the proposed Project. While this alternative would achieve the seismic compliance measures as required by SB 1953 and meet HCAI standards and regulations, this Alternative would not meet the following Project objectives:
- Develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new

hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including neonatal intensive care units, operating rooms, perioperative services, diagnostic and treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region, in accordance with the City of San José's General Plan's Major Strategy #11.

- Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4 and expand services and employment opportunities for existing and future residents of the City.
- Accommodate the proposed hospital campus expansion without interrupting current medical services and 24/7 emergency services.
- Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided.
- Enhance landscaping to create natural environments for patients, visitors, and employees.
- Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.
- Upgrade the Project site with modern water quality infrastructure.
- Provide continued heliport service to the Good Samaritan Hospital, and allow for flexibility and improved operations with additional helipads.

As with Alternative 1, the currently proposed Project would not result in any significant unavoidable impact 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. Reduced Intensity Alternative

- A. Description of Alternative:** The Reduced Intensity Alternative assumes development of the Project site similar to the Project; however, it proposes the phased construction of an eight-story building (basement plus eight floors) with helipad, a central utility plant, one new parking garage, underground water and sewer tanks, and the demolition of existing Building A and daycare center associated with the existing Good Samaritan Hospital Campus. It is anticipated that this Alternative's full buildout would result in the construction of one new

hospital wing totaling approximately 548,444 square feet and one new parking garage structure totaling approximately 253,000 square feet. This Alternative does not include the construction of the Project's proposed Building D, Building E, and Garage West. Further, this Alternative would not include the Project's proposed additional nine hospital beds. Overall, this Alternative proposes 910,194 square feet of development, which is approximately 47 percent (i.e., 833,144 square feet) less than the proposed Project. It is anticipated that the access driveways would be the same under this Alternative as in Phase 2 of the Project. To implement the Project, the Applicant would require several discretionary permits/approvals, including a Planned Development Rezoning and Planned Development Permit, among others; see DEIR Section 2.12. This Alternative would require the same entitlements, but proposes a reduced building square footage of 910,194 square feet, compared to 1,743,338 square feet for the Project, within the Planned Development Rezoning.

- B. Comparison of Environmental Impacts:** The Reduced Intensity Alternative would not construct the proposed medical office building and second parking garage (Garage West), and instead proposes the phased construction of an eight-story building (basement plus eight floors) with helipad, a central utility plant, one new parking garage, underground water and sewer tanks, and the demolition of existing Building A and daycare center associated with the existing Good Samaritan Hospital Campus. Overall, this Alternative proposes 910,194 square feet of development, which is approximately 47 percent (i.e., 833,144 square feet) less than the proposed Project. This Alternative's reduction in construction would have proportionate decrease in air quality, greenhouse gas, hydrology, utility and services, energy, and transportation impacts.
- C. Finding:** This Alternative would provide replacement space for hospital and support functions in the seismically compliant structures to comply with SB 1953 and HCAI standards and regulations. This Alternative would partially develop a comprehensive and integrated medical campus within the existing Good Samaritan Hospital campus by facilitating the construction of new hospital wings and medical office building, providing additional capacity (i.e., square footage) for services including NICU, operating rooms, and perioperative services, diagnostic treatment, increased emergency services and ancillary services to keep pace with increasing population growth in the City and the region in accordance with the City of San José's General Plan's Major Strategy #11. However, this Alternative would not result in the construction of Building E and would provide less square footage for hospital and healthcare services. This Alternative would not increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4 nor expand employment opportunities for existing and future residents of the City. This Alternative would expand the hospital's services through the addition of hospital square footage, although to a lesser degree than the Project. This Alternative would accommodate the proposed hospital campus

expansion without interrupting current medical services and 24/7 emergency services. This Alternative would upgrade and improve the power source to the hospital to increase reliability and ensure continuity of patient care; enhance landscaping to create natural environments for patients, visitors, and staff; upgrade the Project site with modern water quality infrastructure; and continue to provide heliport service to the Good Samaritan Hospital and accommodate the need for flexibility with additional helipads to provide better service. However, this Alternative would not accomplish these objectives to the same degree as the Project. While this Alternative would achieve the seismic compliance measures as required by SB 1953 and meet HCAI standards and regulations, this Alternative would not meet the following Project objectives:

- Increase the healthcare capacity to serve the City's increasing population in accordance with General Plan Policy IE-2.4 and expand services and employment opportunities for existing and future residents of the City.
- Maximize the number of single-occupancy, in-patient hospital rooms to meet modern standards and expectations of how health care is provided
- Centralize parking to improve circulation to meet current and projected future demand and improve the quantity, quality, and proximity of parking for patients, visitors, and staff.

As stated in Alternatives 1 and 2, the currently proposed Project would not result in any significant unavoidable impact because implementation of the required mitigation measures discussed above would reduce all potential impacts to a less-than-significant level.

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 the No Project/No Construction Alternative. When that is the case, the CEQA Guideline requires that an additional alternative be identified that is also an environmentally superior alternative. (Section 15126(e)(2)). The Reduced Intensity Alternative would be environmentally superior to the Project because it would result in the greatest potential for energy efficiency and incorporation of sustainable design features of the built alternatives through new construction, even though the impact conclusions would be similar to the Project, although not all Project Objectives would be met.

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 the 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, 3rd Floor Tower, San José, California, 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, 3rd Floor Tower, San José California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

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

Good Samaritan Hospital Project File No. PDC22-132 October 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 Environmental Impact Report prepared for the Good Samaritan Hospital Project concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed 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 Environmental Impact Report 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, Bryan Seely, the applicant, on the behalf of HCA - Good Samaritan, hereby agree to fully implement the mitigation measures described below which have been developed in conjunction with the preparation of an Environmental Impact Report 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 _____



Date 10.21.24 _____



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Good Samaritan Hospital Project
File Nos. PDC22-132

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					
Impact AQ-1: During Phase 1 construction, nitrogen oxide (NOx) emissions would exceed the BAAQMD 54 lbs/day threshold by 22.3 lbs/day.					
Impact AQ-2: Construction activities associated with the Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 20.5 (in a million) due to emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million.					
<p>MM AQ-1: Prior to the issuance of any demolition, grading and/or building permits for each construction phase (whichever occurs earliest), the Project Applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement.</p> <ul style="list-style-type: none"> All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall meet Tier 4 Final U.S. Environmental Protection Agency (EPA) particulate matter emissions standards. If Tier 4 Final equipment are not available, other measures may be substituted, including the use of added exhaust devices, alternatively fueled equipment, or a combination of measures, provided 	<p>Submit a construction operations plan prepared by the construction contractor that includes specifications of the equipment to be used during construction and how the contractor will achieve the measures outlined in this mitigation measure. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure.</p>	<p>The Project has three construction phases. Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest) for each construction phase.</p>	<p>Department of Planning, Building, and Code Enforcement Supervising Environmental Planner (construction operations plan)</p>	<p>Approve construction operations plan(s) and accept equipment verification letter signed by an air quality specialist that states that equipment included in the plan meets the standards set forth in this mitigation measure</p>	<p>Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest) for each construction phase.</p>



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Good Samaritan Hospital Project
File Nos. PDC22-132

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>that these measures demonstrate reduction in community risk impacts to a less than significant level, as verified by an air quality specialist, and approved by the City.</p> <ul style="list-style-type: none"> • The construction operations plan prepared by the construction contractor shall outline how the contractor will achieve the measures outlined in this mitigation measure. The plan shall include, but not be limited to the following: <ul style="list-style-type: none"> ○ List of activities and estimated timing. ○ Equipment that would be used for each activity. ○ Manufacturer’s specifications for each equipment that provides the emissions level; or the manufacturer’s specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure. ○ How the construction contractor would ensure that the measures listed are monitored. 					



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Good Samaritan Hospital Project
File Nos. PDC22-132

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
Biological Resources					
Impact BIO-1: Construction activities on the Project site could potentially result in disturbance of a nesting bird or raptor on-site or immediately adjacent to the Project construction zone.					
<p>MM BIO-1: Preconstruction Bird Surveys. Avoidance: Prior to the issuance of any demolition, grading, tree removal, or building permits (whichever occurs first), the Project applicant shall schedule tree removal, demolition, and construction activities to avoid the nesting season if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31 (inclusive).</p>	<p>Schedule demolition, tree removal, grading, and construction activities outside of the nesting season, if feasible.</p>	<p>For each construction phase, prior to issuance of any grading, demolition or building permits for the applicable construction phase.</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Confirm that tree removal, demolition and construction activities are scheduled outside of the nesting season, if feasible.</p>	<p>Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs earliest) for each construction phase.</p>
<p>Nesting Bird Surveys: If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 14 days prior to the initiation of tree removal, demolition, or construction activities. If the qualified ornithologist determines a 48-hour pre-construction survey is needed after the 14-day survey, a second survey shall be conducted.</p>	<p>If construction activities cannot be scheduled to occur outside the nesting season, inclusive: Complete a pre-construction survey for nesting birds.</p>	<p>For each construction phase, no more than 14 days prior to the initiation of construction activities for the applicable construction phase.</p>	<p>Director of Planning, Building and Code Enforcement or the Director’s designee</p>	<p>Approve the pre-construction surveys.</p>	<p>If construction activities cannot be scheduled to occur during the nesting season.</p>



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<p>Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first), the qualified ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the ornithologist determines the nest is no longer active or the nesting season ends. If construction ceases for one week or more and then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.</p>	<p>If active nests are identified within 250 feet of work areas, a construction free buffer zone shall be established around the nest to ensure that raptor or migratory bird nests are not disturbed during project construction</p>	<p>For each construction phase, prior to any tree removal or the issuance of any grading and/or building permit (whichever occurs earliest) for the applicable construction phase</p>	<p>Director of Planning, Building, and Code Enforcement or Director’s designee</p>	<p>Approve the construction free buffer zone</p>	<p>If an active nest is found within 250 feet of the work areas to be disturbed by tree removal, demolition, and construction (whichever occurs first)</p>
<p>Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director’s designee. The qualified ornithologist shall also submit the report indicating the results of the survey(s) and any designated buffer zones to CDFW for informational purposes.</p>	<p>Submit a report indicating the results of the survey and any designated buffer zones to the Director of Planning, Building and Code Enforcement or the Director’s designee and CDFW for informational purposes.</p>	<p>For each construction phase, prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs earliest) for the applicable construction phase.</p>	<p>Director of Planning, Building, and Code Enforcement or Director’s designee</p>	<p>Review and accept report.</p>	<p>Prior to any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first)</p>



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Cultural Resources					
Impact CUL-1: The Project would result in the construction of two new hospital wings, a medical office building, and two new parking garage structures, which could accidentally uncover presently unknown archaeological resources.					
<p>MM CUL-1: Cultural and Tribal Cultural Resources Awareness Training. Prior to ground-disturbing activities during construction, the project applicant shall be required to conduct Cultural Sensitivity Training for construction personnel participating in ground-disturbing construction to alert them to the tribal cultural sensitivity of the area and provide protocols to follow in the event of a discovery of tribal cultural resources. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC § 21080.3. Training shall be provided all personnel at the start of construction of the Project, and training shall be repeated when new personnel participating in ground-disturbing site work start work. Documentation verifying that Cultural Sensitivity Training has been conducted shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director’s designee.</p>	<p>Provide Cultural Sensitivity Training for all personnel involved in Project construction, including field consultants and construction workers. Provide documentation of Cultural Sensitivity Training implementation to the Director of Planning, Building and Code Enforcement or their designee.</p>	<p>For each construction phase, prior to ground-disturbing activities during construction.</p>	<p>Director of Planning, Building, and Code Enforcement or the Director’s designee</p>	<p>Review and accept documentation of Cultural Sensitivity Training implementation</p>	<p>Prior to ground-disturbing activities during construction for each construction phase.</p>



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Hazards and Hazardous Materials					
Impact HAZ-1: Removal of the two existing USTs could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.					
Impact HAZ-2: Project implementation would require demolition, site grading, removal of the surface parking lot, and the disturbance of soil, which could result in impacts to construction workers from exposure to soil contamination as the Project site was previously used for agricultural uses, which would have likely involved the legal and routine application of herbicides, pesticides, and fertilizers that may have resulted in localized impacts to the site’s soils.					
MM HAZ-1: Underground Storage Tank (UST) Removal. Prior to the issuance of any demolition, grading, tree removal, or building permits, the Project Applicant shall complete and submit an UST System Closure Permit Application, along with the required payment for the permit fee, to the County of Santa Clara Hazardous Materials Compliance Division (HMCD), in addition to closure documents and fees required by the City of San José’s Fire Department, Hazardous Materials Division. Closure of the USTs shall consist of removing the tanks and ancillary equipment such as piping from the ground and performing soil sampling to evaluate if there is residual contamination from the operation of the tank system. Tank and sump removal and soil sampling activities must be witnessed by a representative from HMCD. The tanks and primary pipe are to be managed as hazardous waste once removed, unless they are cleaned onsite and certified as non-hazardous in accordance with California hazardous waste regulations (California Code of Regulations, Title 22, Division 4.5, Chapter 32).	Provide documentation the permit application(s), paid fee(s) and closure documents included in this mitigation measure to the County of Santa Clara Hazardous Materials Compliance Division (HMCD)	Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest) for the first construction phase	County of Santa Clara Hazardous Materials Compliance Division (HMCD)	Accept documentation of UST System Closure Permit Application, payment of applicable fees, soil sampling results, and HMCD determination/investigation as evidence of regulatory oversight	Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest) for the first construction phase



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<p>After the tanks are removed, a representative of HMCD will direct soil sampling beneath the tanks for submittal to a State-certified laboratory for appropriate analysis. After the results are obtained, the HMCD will determine if there are indications the tank(s) have leaked. If the tanks are determined to have leaked, the HMCD will refer the site to the Local Oversight Program for Leaking UST, which is also managed by the HMCD. The Project Applicant will work with HMCD to determine next steps to investigate contamination and ensure remediation (if required) is performed prior to grading permits are issued.</p> <p>Potential risks to human health shall be reduced either by remediation of contaminated soils (e.g., excavation and offsite disposal) and/or implementation of engineering and institutional controls (e.g., soil capping) to ensure that any potential added health risks as a result of potential hazardous materials contamination are reduced to levels acceptable with the HMCD.</p> <p>Any contaminated soils removed shall be disposed of according to California Hazardous Waste Regulations. Contaminated soil shall be handled by trained personnel using appropriate protective equipment and engineering and dust controls, in accordance with local, State, and federal laws. The contaminated soils to be removed</p>					



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<p>from the site shall be hauled offsite and disposed of at a licensed hazardous materials disposal site.</p>					
<p>MM HAZ-2: Soil Investigation Due To Agricultural History. Prior to issuance of any demolition, grading, tree removal, or building permits, a qualified environmental specialist shall collect shallow soil samples (i.e., minimum of 12 inches) in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations on site occur at concentrations above established commercial/industrial environmental screening levels. The results of the soil sampling and testing shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p> <p>If pesticide contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, Department of Toxic Substances Control) or Regional Water Quality Control Board. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified</p>	<p>Take shallow soil samples of in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations on site occur at concentrations above established regulatory construction worker safety and commercial/industrial environmental screening levels.</p> <p>Provide results of the soil sampling and testing to the City.</p> <p>If contaminated soils are found above screening levels, obtain regulatory oversight from the Santa Clara County Department of</p>	<p>Prior to the issuance of any demolition, grading, tree removal, or building permits for the first construction phase</p>	<p>Director of Planning, Building, and Code Enforcement or their designee and the Environmental Services Department’s Environmental Compliance Officer</p>	<p>Review soil investigation and SMP, RAP, or equivalent, as required</p>	<p>Prior to the issuance of any demolition, grading, tree removal, or building permits for the first construction phase</p>



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<p>hazardous materials consultant. The Plan and evidence of regulatory compliance shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.</p>	<p>Environmental Health, Department of Toxic Substances Control) or Regional Water Quality Control Board to establish remedial measures.</p> <p>Submit a SMP, RAP, or equivalent document prepared by a qualified hazardous materials consultant</p>				
Noise					
<p>Impact NOI-1: Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses and 200 feet of commercial uses, which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7.</p>					
<p>MM NOI-1: Construction Noise Logistics Plan Prior to the issuance of any City-issued grading or building demolition permits for Phase 1, Phase 2, and Phase 3 of the Project, the Project applicant shall submit and implement a construction noise logistics plan for that construction phase that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and</p>	<p>Submit and implement a construction noise logistics plan that complies with requirements listed in this mitigation measure</p>	<p>Prior to issuance of any demolition or grading permits issuance (whichever occurs earliest) for each construction phase</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review and accept construction noises logistics plan</p>	<p>Prior to issuance of any grading or demolition permits (whichever occurs earliest) for each construction phase</p>



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<p>implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director’s designee prior to the issuance of any grading or demolition permits. As a part of the construction noise logistics plan, construction activities for the Project shall include, at a minimum, the following best management practices:</p> <ul style="list-style-type: none"> • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State’s Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • Construction contracts for each construction phase specify that all construction equipment, fixed or mobile, shall be equipped with State required noise attenuation devices such as properly operating and maintained mufflers. • For each construction phase, property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities (whichever comes first), regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site during each construction phase. All notices and 					



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<p>signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director’s designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the noise disturbance coordinator where residents can inquire about the construction process and register complaints.</p> <ul style="list-style-type: none"> • Prior to issuance of any City-issued grading or building permit for Phase 1, Phase 2, and Phase 3 construction, the Contractor shall provide evidence that at all times during construction activities and on-site construction staff member shall be designated as a noise disturbance coordinator. The noise disturbance coordinator shall be responsible for responding to complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the contact name and the telephone number for the noise disturbance coordinator. 					



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<p>Impact NOI-2: The loudest modeled noise levels from Phase 1 and 2 operations and Phase 3 construction would be approximately 76.6 dBA Ldn over a 24-hour period. The modeled noise level plus the ambient noise level of 67.5 dBA Ldn would result in a combined noise level of 77.1 dBA Ldn. Thus, the combined noise impact of Phase 1 and 2 operations and Phase 3 construction would result in a noise level above the conditionally acceptable exterior noise exposure level of 75 dBA Ldn.</p>					
<p>MM NOI-2: Noise Barriers In addition to MM NOI-1, the following measure shall be implemented prior to the start of Phase 3 construction only: To reduce noise levels for work during Phase 3 construction occurring adjacent to residences, or other noise-sensitive land uses, a noise barrier(s) shall be constructed on the south, southeastern, and eastern edge of the work site facing the receptor(s). Barriers shall be constructed either with two layers of 0.5-inch-thick plywood (joints staggered) and K-rail or other support, or with a limp mass barrier material weighing 2 pounds per square foot. If commercial barriers are employed, such barriers shall be constructed of materials with a Sound Transmission Class rating of 25 or greater. The project Applicant shall construct a temporary sound wall or other noise attenuating feature with a demonstrated ability to achieve the City’s land use compatibility noise level of 75 dBA Ldn for multi-family residential uses as measured at the property line of the existing residences. The applicant shall submit a plan showing the location and specifications of the noise barrier walls and the noise levels achieved to the Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Submit a plan showing the location and specifications of the noise barrier walls and the noise levels achieved to the Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Prior to the start of Phase 3 construction.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee.</p>	<p>Review and approve plan showing the location and specifications of the noise barrier walls and noise levels achieved.</p>	<p>Prior to the start of Phase 3 construction.</p>



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<p>Impact NOI-3: Concrete trucks actively pouring during nighttime construction could be positioned as close as 110 feet from the nearest residences to the east during Phase 1 and Phase 3. At these distances and assuming five pouring trucks and five idling trucks would operate simultaneously at the same location, hourly average noise levels would be approximately 75 dBA at the residences to the east and would exceed the nighttime noise limit of 45 dBA indoors and 70 dBA outdoors by approximately 5 dBA.</p>					
<p>MM NOI-3: Nighttime Construction Prior to the issuance of any demolition or grading permit issuance (whichever comes first) for Phase 1 and Phase 3 construction, the Project shall submit a construction plan for nighttime concrete pours to the Director of Planning, Building and Code Enforcement or Director’s designee, for review and approval. The construction plan shall include, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> • Limit the active equipment during nighttime (10:00 p.m. to 7:00 a.m.) to five or fewer pieces of equipment and at least 120 feet from the eastern Project boundary (this shall be demonstrated by providing a site plan identifying a 120 feet buffer with no truck zone identified or similar method). • To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with 	<p>Submit a construction plan for nighttime concrete pours that complies with all requirements listed in this mitigation measure to the Department of Planning, Building, and Code Enforcement Supervising Environmental Planner</p>	<p>Submit the construction plan prior to the issuance of any demolition or grading permits (whichever occurs earliest) for the first and third construction phase if proposing nighttime construction work.</p>	<p>Director of Planning, Building and Code Enforcement or Director’s designee</p>	<p>Review and approve construction plan for concrete pours.</p>	<p>Prior to the issuance of any demolition or grading permits (whichever occurs earliest) for the first and third construction phase if proposing nighttime construction work.</p>



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<p>reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or “smart alarms” that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).</p> <ul style="list-style-type: none"> • Prohibit concrete trucks from traveling and idling along Samaritan Place during all nighttime activities. • Residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the nighttime construction schedule occurring between 7:00 p.m. and 7:00 a.m. and on weekends (“off hours construction”), in writing, at least 15 days prior to the beginning of off hours construction. This notification shall specify the anticipated dates for all off hour construction and provide the contact information for the noise disturbance coordinator. • Designate a noise disturbance coordinator to be responsible for responding within 48 hours to any local complaints including about off hour construction noise. Any nuisance complaint reported during nighttime operations (7:00 p.m. and 7:00 a.m.) shall be deemed an urgent issue and shall be responded to immediately. The coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the coordinator at the construction site. Additionally, a 					



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log of noise complaints and responses shall be maintained and made available to the City upon request.					
Transportation					
Impact TRANS-1: Phase 1 would increase the daily VMT/job by 0.01, from 20.19 under the No Project scenario to 20.20 under Project implementation of Phase 1. Since Project implementation would increase regional VMT, a potentially significant impact could occur.					
<p>MM TRANS-1: Prior to the issuance of any demolition, grading and/or building permits for Phase 1, the Project Applicant shall submit to the City of San José Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 1, and continue through Phase 2 and Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project’s Phase 1 VMT impact to a less than significant level:</p> <ul style="list-style-type: none"> • [PK01] Right-Size Parking Supply: Provide parking at a ratio of 1.24 or less ((1,205 spaces / 971 KSF of total Hospital). • [TP02] Provide Bike Share Stations: Provide at least six shared bikes/e-bikes on site via Bay Wheels or a dedicated fleet on-site for 	Submit Transportation Demand Management Program (TDM) with all requirements listed in this mitigation measure to the Department of Public Works	Prior to the issuance of any demolition, grading and/or building permits for Phase 1			



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<p>use by Project employees and the general public and provide at least one cargo bike and one collapsible shopping/utility cart on site for use by Project employees. Include wayfinding signage.</p> <ul style="list-style-type: none"> [TP04] Provide Education, Marketing and Outreach: Implement a marketing campaign for administrative/office staff to provide Project employees with information on travel options and encourage the use of transit, shared rides, walking, and biking. The campaign strategies may include new employee orientation on alternative travel options, event promotions, educational programs, and publications. The Project Applicant shall submit copies of all promotional materials, welcome packets, and TMP application information distributed to employees as attachments to their annual TDM Plan Compliance Forms. [TP08] Provide Flexible Work Schedules: Implement alternative work schedules or telecommuting options, such as staggered shift start times, flexible schedules, compressed work weeks, and partial telecommuting schedules, etc. for administrative staff. The proposed Project shall accommodate alternative work schedules 					



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<p>such as staggered shift start times for hospital staff and employees. The Project Applicant shall summarize all alternative work schedules or telecommuting options available to administrative employees, report participation counts, and copies of any informational materials that describe available flexible work schedule benefits that have been provided as attachments to their annual TDM Plan Compliance Forms.</p> <ul style="list-style-type: none"> [TP13] Provide Ride-Share Programs: Provide a ride-matching service or platform to match Project employees interest in carpooling or vanpooling who have similar commute patterns. The Project Applicant shall submit copies of active enrollment with a ride-matching platform and provide any informational materials distributed that describe the program as attachments to their annual TDM Plan Compliance Forms. 					
<p>Impact TRANS-2: The addition of new surface parking in Phase 2 would reduce the effectiveness of the “Right-Size Parking Supply” strategy implementing in Phase 1 under MM TRANS-1 because it would result in a parking ratio of 2.36 compared to 1.24 in Phase 1, resulting in a four TDM point reduction. As a result, the TDM Plan for Phase 2 would have a point value of 21, which is four points below the required 25-point minimum requirement. Therefore, Phase 2 could result in a significant VMT impact.</p>					
<p>MM TRANS-2: Prior to issuance of any demolition, grading and/or building permits for Phase 2, if a parking ratio greater than 2.0 is proposed (i.e., spaces per KSF of Hospital), the Project Applicant shall submit to the</p>	<p>Submit Transportation Demand Management Program (TDM) with all requirements listed in this</p>	<p>Prior to issuance of any demolition, grading and/or</p>			



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<p>City of San José Department of Public Works a transportation demand management (TDM) program that includes the strategies listed below. If at the time of construction, the Project’s Phase 2 proposes to provide parking at a ratio of 2.0 or below, this mitigation measure is not required because the Project would not reduce the effectiveness of the “Right-Size Parking Supply” strategy identified in MM TRANS-1. Instead, the TDM strategies listed below shall be required prior to the issuance of any demolition, grading and/or building permit for Phase 3.</p> <ul style="list-style-type: none"> • [MI01] Provide Bike and Micro-mobility Network Improvements: Construct a road diet and traffic calming features along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, American with Disabilities Act (ADA) compliance ramps, and protected Class IV bikeways beyond the Project frontage. The Project shall implement on-street parking protected Class IV bike lane on the southside of Samaritan Drive (eastbound) between Samaritan Court and Samaritan Place. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City’s and VTA’s relevant design standards during a pre- 	<p>mitigation measure to the Department of Public Works</p>	<p>building permits for Phase 2</p>			



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	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>occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City’s responsibility.</p> <ul style="list-style-type: none"> • [MI03] Provide Transit Network Improvements: Construct a new bus shelter at the transit stop along Samaritan Drive along the Project’s frontage in coordination with City and Valley Transit Authority staff. As part of the Samaritan Drive road diet, the existing bus stops along the Project frontage shall be evaluated to determine an appropriate location that best serves the hospital and adjacent uses, with the ultimate location determined by the City Engineer or their designee as part of Samaritan Drive street improvement plans. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City’s and VTA’s relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City’s responsibility. • [MI05] Provide Pedestrian Network Improvements: In coordination with City and Valley Transit Authority (VTA) Staff, construct a road diet and traffic calming feature 					



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<p>along Samaritan Drive between Samaritan Court to Samaritan Place to reduce the number of vehicle travel lanes from five-lanes to three-lanes, provide curb extensions, Americans with Disability Act (ADA) compliant ramps, and protected Class VI bikeways beyond the Project frontage. A mid-block pedestrian crossing shall relocated with the Samaritan Drive Road Diet to a location determined by the City Engineer or their designee as part of the Samaritan Drive Street improvements. The Project shall implement a bulb out and/or Rectangular Rapid Flashing Beacons (RRFBs) at the crosswalk if required by the City Engineer. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City's and VTA's relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within City rights-of-way shall become the City's responsibility.</p>					
<p>Impact TRANS-3: Phase 3 would increase the daily VMT/job by 0.16 percent, from 20.19 under the No Project scenario to 20.36 under Project implementation of Phase 3. Since Project implementation would increase regional VMT, a potentially significant impact could occur.</p>					
<p>MM TRANS-3: Prior to the issuance of any demolition, grading and/or building permits for Phase 3, the Project Applicant shall submit to the City of San José</p>	<p>Submit Transportation Demand Management Program (TDM) with all</p>	<p>Prior to issuance of any demolition, grading and/or</p>			



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<p>Department of Public Works a transportation demand management (TDM) program to reduce VMT and vehicular trips to the Project site and the Project area. The TDM program shall be implemented with the occupancy of Phase 3. The TDM program shall include the following strategies, or other equivalent TDM strategies identified in the City of San José Transportation Analysis Handbook, subject to Department of Public Works approval, to lower the Project’s Phase 3 VMT impact to a less than significant level:</p> <ul style="list-style-type: none"> • [MI04] Provide Residential Street Improvements: In coordination with City and Valley Transit Authority (VTA) Staff, install a roundabout at the Samaritan Place and Samaritan Drive intersection that consists of new striping, bike lane transitions, Rectangular Rapid Flashing Beacon (RRFB) crosswalks, shorter pedestrian crossings with refuge medians, and enhanced bus mobility beyond the Project frontage. City staff shall confirm the implemented improvements meet community values, citywide goals, and the City’s and VTA’s relevant design standards during a pre-occupancy inspection of the Project. Upon approval, ongoing maintenance of all approved improvements contained within 	<p>requirements listed in this mitigation measure to the Department of Public Works</p>	<p>building permits for Phase 3</p>			



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<p>City rights-of-way shall become the City’s responsibility.</p> <ul style="list-style-type: none"> • [PK02] Provide Bike Parking Facilities: Provide at least two times as many secure short-term and long-term bicycle parking spaces on site as required by zoning and include wayfinding signage. Provide at least two times as many showers, changing rooms, and clothes lockers on site as required by zoning and include wayfinding signage. City staff shall confirm that the credited amenities meet the design requirements stated above during a pre-occupancy inspection of the site. The Project Applicant must include up-to-date photos of the amenities and any supportive facilities and signage to demonstrate that they are in good condition and accessible to Project employees as attachments to their annual TDM Plan Compliance Forms. As necessary, City staff shall conduct site visits to confirm that the amenities meet specified standards. 					
Tribal Cultural Resources					
Impact TCR-1: The potential exists for the accidental discovery of tribal cultural resources during ground-disturbing activities.					
MM TCR-1: If tribal cultural resources are encountered during excavation and/or grading of the site, the Project Applicant shall notify the Tamien Nation Representative of the discovery.	Notify a Tamien Nation representative registered with the Native American	If tribal cultural resources are encountered during	Director of Planning, Building and Code	Notify a Tamien Nation representative registered with the	If tribal cultural resources are encountered during



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	Heritage Commission (NAHC)	excavation and/or grading of the site	Enforcement or the Director’s designee	Native American Heritage Commission (NAHC) if a tribal cultural resources is encountered	excavation and/or grading of the site.

Source: Good Samaritan Hospital Project Environmental Impact Report. (October 2024)