FINAL
ENVIRONMENTAL ASSESSMENT

U.S. Department of Veterans Affairs, Community Based Outpatient Clinic, San Jose, California

PREPARED BY

U.S. Department of Veterans Affairs -
Office of Construction & Facilities Management:
Real Property Services and Palo Alto Health Care System

August 13, 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY S-1

Introduction S-1

Purpose and Need S-1

Background S-2

Scope of the EA S-2

Alternatives Considered in the EA S-2

Summary of Potential Environmental Effects S-3

Potential for Generating Substantial Controversy S-4

Conclusion S-4

1.0 INTRODUCTION 1-1

1.1 Project Background 1-1

1.2 Purpose and Need 1-2

1.3 Scope of Assessment 1-9

2.0 ALTERNATIVES 2-1

2.1 Development of Alternatives 2-1

2.2 Alternatives Retained For Detailed Analysis 2-2

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES 3-1

3.1 Aesthetics 3-3

3.2 Air Quality and Climate Change (Greenhouse Gas Emissions) 3-7

3.3 Cultural Resources 3-17

3.4 Geology and Soils 3-22

3.5 Hydrology and Water Quality 3-24

3.6 Wildlife and Habitat 3-28

3.7 Noise and Vibration 3-33

3.8 Land Use 3-40

3.9 Floodplains, Wetlands, and Coastal Zone Management 3-42
3.10 Socioeconomics 3-43
3.11 Community Services 3-45
3.12 Solid and Hazardous Materials 3-46
3.13 Transportation and Parking 3-48
3.14 Utilities 3-53
3.15 Environmental Justice 3-56
3.16 Cumulative Impacts 3-58

4.0 PUBLIC INVOLVEMENT 4-1
4.1 NEPA Process and Public Involvement 4-1
4.2 Agency Coordination 4-2
4.3 Permits and Approvals 4-3

5.0 MITIGATION/MANAGEMENT MEASURES 5-1
5.1 Aesthetics 5-1
5.2 Air Quality 5-1
5.3 Cultural Resources 5-3
5.4 Geology and Soils 5-4
5.5 Hydrology and Water Quality 5-4
5.6 Wildlife and Habitat 5-5
5.7 Noise 5-6
5.8 Land Use 5-7
5.9 Hazards and Hazardous Materials 5-8
5.10 Transportation and Parking 5-8

6.0 OTHER CONSIDERATIONS 6-1
6.1 Relationship between Short-term Use of the Environment and the Maintenance and Enhancement of Long-Term Productivity 6-1
6.2 Irreversible and Irretrievable Commitment of Resources 6-2
6.3 Potential for Generating Substantial Controversy 6-2

7.0 LIST OF PREPARERS 7-1

7.1 Department of Veterans Affairs 7-1

7.2 Public Properties (Real Estate Services) 7-1

7.3 Environmental Planning Team (Preparation of NEPA EA and Related Technical Reports) 7-1

8.0 REFERENCES CITED 8-1

Appendices

Appendix A Market Surveys

Appendix B Silver Creek Valley Place Preliminary Site Plan

Appendix C Air Quality and Greenhouse Gas Supporting Information

Appendix D Cultural Resources Supporting Information

Appendix E Geotechnical Report

Appendix F USFWS 2014 Santa Clara Co List

Appendix G CDFW 2014 9 Quad List

Appendix H CNPS 2014 9 Quad List

Appendix I Tree Report

Appendix J Phase I Environmental Site Assessment

Appendix K Trip Generation and Traffic Operations Analysis

Appendix L Agency Correspondence

Figures

Figure 1 Vicinity Map 1-3

Figure 2 Regional Location 1-5

Figure 3 Aerial Photograph (Proposed Action) 1-7

Figure 4 Preliminary Site Plan 2-5

Figure 5 Existing Facilities 2-7

Figure 6 Site Photographs (Silver Creek Valley Place) 3-5

Tables

Table S1 Environmental Effects of Alternatives S-5

Table 1 San Francisco Bay Area Air Basin Attainment Status Designations 3-8

Table 2 CalEEMod Unmitigated Construction Emissions 3-12

Table 3 CalEEMod Operational Emissions 3-13

Table 4 Typical Noise Levels in the Environment 3-34

Table 5 Short Term Noise Measurement Data 3-35

Table 6 Trip Generation 3-51

Table 7 Environmental Justice Population Characteristics (2010) 3-57

Table 8 Environmental Planning Team 7-2

List of Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
AIRFA	Americal Indial Religious Freedom Act
AQMP	Air Quality Management Plan
ARPA	Archeological Resources Protection Act
AST	Above Ground Storage Tank
BAAQMD	Bay Area Air Quality Management District
CAA	Clean Air Act
CARB	California Air Resources Board
CBOC	Community Based Outpatient Clinic
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society

CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	CO_2-Equivalents
CWA	Clean Water Act
dBA	Decibels
DNL	Day-Night Average Sound Level
EA	Environmental Assessment
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	U.S. Endangered Species Act
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
GHG	Greenhouse Gases
GSF	Gross Square Feet
HAP	Hazardous Air Pollutant
HMP	Habitat Management Plan
ITE	Institute of Transportation Engineers
MGD	million gallons per day
NAAQS	National Primary and Secondary Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NCA	Noise Control Act of 1972
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFPA	National Fire Protection Agency
NHPA	National Historic Preservation Act

NO_X	Nitrous Oxides
NDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	Ozone
OHP	Office of Historic Preservation
Pb	Lead
PM	Particulate Matter
PM_{10}	Particulate Matter of 10 Microns or less
$PM_{2.5}$	Particulate Matter of 2.5 Microns or less
PPA	Pollution Prevention Act
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RWQCB	Regional Water Quality Control Board
SHPO	California State Historic Preservation Office
SIP	State Implementation Plan
SO_2	Sulfer Dioxide
SPCC	Spill Prevention, Control and Countermeasure
SWPPP	Storm Water Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDA NRCS	U.S. Department of Agriculture, Natural Resources Conservation Service
USEPA	U.S. EnvironmentalProtection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	Underground Storage Tank
VA	U.S. Department of Veterans Affairs
VAPAHCS	VA Palo Alto Health Care System
VOCs	Volatile Organic Compounds

FINAL ENVIRONMENTAL ASSESSMENT
U.S. DEPARTMENT OF VETERANS AFFAIRS, COMMUNITY BASED OUTPATIENT CLINIC, SAN JOSE, CALIFORNIA
AUGUST 2015

Lead Agency:	Department of Veterans Affairs (VA)
Title of Proposed Action:	Lease and Construction of VA Community Based Outpatient Clinic (CBOC), San Jose, California
Affected Jurisdiction:	City of San Jose, County of Santa Clara, California
Designation:	Final Environmental Assessment (EA)

ABSTRACT

This Final EA evaluates the potential direct, indirect, and cumulative impacts on the human and natural environment resulting from VA's Proposed Action to lease property for the construction and operation of a new CBOC in the City of San Jose, California. The purpose of the Proposed Action is to replace the existing CBOC, located at 80 Great Oaks Boulevard, San Jose, California, with a new state-of-the-art health care facility to provide better and improved healthcare services closer to existing Veteran populations. The existing facility's lease is due to expire in 2016 and lacks available space for future expansion/improvements. The need for the Proposed Action is to meet Veterans Health Administration mission to "Honor America's Veterans by providing exceptional health care that improves their health and well-being".

This EA provides an analysis of two alternatives: (1) the Proposed Action (Preferred Alternative) and (2) the No Action Alternative. This Final EA has been prepared in accordance with the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4370f), the implementing regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500-1508), and Environmental Effects of the Department of Veterans Affairs Actions (38 CFR Part 26).

For additional information concerning this document, contact:

Department of Veterans Affairs
VA Palo Alto Health Care System
Attn: Mr. Ronald Bochenek
3801 Miranda Avenue (720A)
Palo Alto, California 94304-1290
Phone: (650) 493-5000, x62861
Email: ronald.bochenek@va.gov

EXECUTIVE SUMMARY

INTRODUCTION

This Final Environmental Assessment (EA) evaluates the potential environmental consequences resulting from the Department of Veterans Affairs (VA) proposed action to lease property for the construction and operation of a new Community Based Outpatient Clinic (CBOC) in the City of San Jose, California.

This document has been prepared by VA, acting as lead agency, in accordance with: National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190, 42 U.S. Code [USC] 4321-4370f), as amended; Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508); and Environmental Effects of Department of VA Actions (38 CFR 26). VA is the lead agency for the proposed action.

PURPOSE AND NEED

The purpose of the proposed action is to replace the existing CBOC, located at 80 Great Oaks Boulevard, San Jose, California, with a new state-of-the-art health care facility to provide better and improved health care services closer to existing Veteran populations. The existing facility's lease is due to expire in 2016 and lacks available space for future expansion/improvements. Maintaining a presence is the San Jose region is critical to ensuring Veterans access to health care services. The proposed action would occur on a 5.86-acre parcel located at 5855 Silver Creek Valley Place, San Jose, California (Project Site). The CBOC would be comprised of a new 72,000 square foot three-story building covering approximately 95,000 square feet of the site. The need for the Proposed Action is to meet Veterans Health Administration mission to "Honor America's Veterans by providing exceptional health care that improves their health and well-being".

BACKGROUND

The proposed action consists of a VA property lease for the construction and operation of a new CBOC in the City of San Jose, California (see Figure 1, Regional Location). VA would then enter into a build-to-suit lease agreement with a selected developer who would design and build the new CBOC to VA standards and consistent with local planning regulations, which would then be leased to the VA. Upon receiving a certificate of occupancy from the municipality, VA will occupy the space under a lease for a term up to 20 years. The new CBOC would replace VA's existing San Jose CBOC, located at 80 Great Oaks Boulevard, San Jose, California. The existing CBOC lease is due to expire in 2016 and the site lacks available space for future expansion/improvements. Maintaining a presence is the San Jose region is critical to ensuring access to health care services for Veterans, improving the likelihood that Veterans will seek care and comply with clinical treatment plans. A new facility is required since VA will have to vacate the existing facility no later than November 2016.

SCOPE OF THE EA

This Final EA evaluates the potential direct, indirect, short-term, and long-term impacts on the human and natural environment resulting from the proposed action. The Final EA also addresses potential cumulative impacts that may result from reasonably foreseeable projects in the region. The analysis of potential impacts is based on the full build-out of the proposed action. The purpose of this EA is to provide an environmental analysis of the Proposed Action in sufficient detail to allow the VA to determine whether it is necessary to prepare an Environmental Impact Statement (EIS), or to prepare a Finding of No Significant Impact (FONSI) for the Proposed Action.

ALTERNATIVES CONSIDERED IN THE EA

NEPA implementing regulations require that a range of reasonable alternatives be evaluated including a "No Action Alternative". To identify alternatives, VA rigorously explored and objectively considered other reasonable alternatives to the proposed action. As part of the alternatives planning process, a range of preliminary alternatives were identified and then screened against the proposed action's purpose and need as well as VA project criteria. Through this process, VA determined that leasing of a new build-to-suit facility would best meet the operational purpose and need of the proposed action. The Silver Creek Valley Place site (Proposed Action) and a No Action Alternative was retained for detailed analysis in this EA. The Proposed Action has been identified as the preferred alternative and was the only alternative that met all of VA's screening criteria, as well as the purpose and need of the proposed action. The alternatives examined in this EA include:

Proposed Action (Preferred Alternative)

The proposed action comprises of a VA property lease at 5855 Silver Creek Valley Place, San Jose, California for the construction and operation of a new CBOC. VA would enter into a build-to-suit lease agreement with a selected developer who would design and build the new CBOC to VA standards and consistent with local planning regulations, which would then be leased to the VA. Upon receiving a certificate of occupancy from the municipality, VA will occupy the space under a lease for a term up to 20 years. The new CBOC would replace VA's existing San Jose CBOC, located at 80 Great Oaks Boulevard, San Jose, California.

The CBOC would be comprised of a new 72,000 square foot three-story building covering approximately 95,000 square feet of the site. In addition, the proposed action would include the construction of 387 on-site parking spaces, 20 bicycle parking spaces, landscaping, retention of existing native trees where feasible, and related infrastructure improvements. The facility is expected to provide the following services: ambulatory care (primary & specialty); adult care; audiology & speech pathology; eye clinic; pathology & laboratory medicine; dermatology; pharmacy; physical medicine and rehabilitation; prosthetics and sensory aids; and radiology. The facility will also have ancillary services such as adult care; business/travel office; canteen; pharmacy; physician/staff offices; an education center/conference area; chapel; and clinic management and building services areas.

No Action Alternative

Under the No Action Alternative a new San Jose CBOC facility would not be constructed. Under this alternative operations would continue at the existing San Jose CBOC until the lease is terminated in 2016. Once the lease is terminated, the VA would be required to vacate the building and patients would be redirected to other facilities. The No Action Alternative does not address the needs identified by the VA and is is retained for analysis in accordance with NEPA requirements.

Summary of Potential Environmental Effects

The Final EA examines the potential human and natural environmental consequences of the Proposed Action. A summary of the potential environmental impacts associated with the Proposed Action and the No Action Alternative are discussed below. More information of the potential effects and proposed mitigation, minimization, and avoidance measures are included in Chapter 3 (Affected Environment and Environmental Consequences) of the Final EA.

The proposed action would contribute to cumulative environmental effects to aesthetics, air quality, transportation volume and levels of service, and noise that were identified in the City of San Jose general plan California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) and the city's Evendale Area Development Policy EIR for development of the area within which the proposed action alternatives are located. Measures are identified in Section 3.0 to mitigate the proposed action's contributions to these previously identified cumulative environmental effects and are summarized in Section 5.0. Adherence to these measures will mitigate the impacts to the identified resources.

All environmental effects associated with the proposed action are minimal or minimized and/or avoidable through the implementation of standard local mitigation, or compliance with standard design, construction methods, and local laws. Additional management measures are included to mitigate these potentially significant environmental effects by avoiding disturbance to nesting birds, incorporating best management practices into design and construction, preparing a storm water pollution prevention plan and other measures identified throughout this EA (refer to Section 5.0). Table S1, Environmental Effects of Alternatives, summarizes the conclusions reached for each alternative.

POTENTIAL FOR GENERATING SUBSTANTIAL CONTROVERSY

Construction of the proposed action could generate controversy related to short term increases in construction-related noise and traffic and other nuisances typical of construction activities. In many cases, construction-related effects are minimized through compliance with VA standard specifications and Federal, state and local regulations. Minimization measures are also included to minimize effects. For example, reducing construction-related noise and dust control measures.

Otherwise, the proposed action would not result in any significant impacts to the human or natural environment and, therefore, is not anticipated to have any potential to generate substantial controversy.

CONCLUSION

The VA has identified construction of a new 72,000 gsf outpatient medical facility on 14 acres in the City of San Jose, California, as the preferred alternative for ensuring continued care and delivery of medical services by VAPAHCS in the San Jose Region. No other viable alternative was identified. The proposed action would replace VA's existing San Jose CBOC, the lease of which is set to expire in November 2016, and maintain presence in the San Jose region.

Based on the information and analysis presented in this Final EA, the VA has determined that there are no significant environmental effects associated with the construction and operations of the VA San Jose CBOC. A full Environmental Impact Statement is therefore not required and a Finding of No Significant Impact (FONSI) will be issued.

Table S1 Environmental Effects of Alternatives

Resource	No Action	Proposed Action
Aesthetics	No Effect	No significant impact
Air Quality & Climate Change	No Effect	No significant impact
Cultural Resources	No Effect	No significant impact
Geology & Soils	No Effect	No significant impact
Hydrology & Water Quality	No Effect	No Effect
Wildlife & Habitat	No Effect	No significant impact
Noise	No Effect	No significant impact
Land Use	No Effect	No Effect
Floodplains, Wetlands & Coastal Zone Management	No Effect	No Effect
Socioeconomics	No significant impact.	Beneficial Impact
Community Services	No significant impact.	No significant impact
Solid & Hazardous Materials	No Effect	No Effect
Transportation & Parking	No Effect	No significant impact
Utilities	No Effect	No significant impact
Environmental Justice	No Effect	No significant impact

This side intentionally left blank.

1.0
INTRODUCTION

This Final Environmental Assessment (EA) evaluates the potential environmental consequences resulting from the Department of Veterans Affairs (VA) proposed action to lease property for the construction and operation of a new Community Based Outpatient Clinic (CBOC) in the City of San Jose, California. Figure 1, Vicinity Map, presents the project area and vicinity

This document has been prepared by VA, acting as lead agency, in accordance with:

- National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190, 42 U.S. Code [USC] 4321-4370f), as amended;
- Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508); and
- Environmental Effects of Department of VA Actions (38 CFR 26).

1.1 PROJECT BACKGROUND

The proposed action consists of a VA property lease for the construction and operation of a new CBOC in the City of San Jose, California (see Figure 2, Regional Location). VA would then enter into a build-to-suit lease agreement with a selected developer who would design and build the new CBOC to VA standards and consistent with local planning regulations, which would then be leased to the VA. Upon receiving a certificate of occupancy from the municipality, VA will occupy the space under a lease for a term up to 20 years. During this lease term, the owner (developer or other if initial developer sells the building) will provide a full service facility. Included in the services are all operating expenses, interior and exterior janitorial services, general building maintenance, and capital improvements needed for all building systems. Upon expiration of the lease the VA may choose to extend the agreement or vacate the property.

The new CBOC would replace VA's existing San Jose CBOC, located at 80 Great Oaks Boulevard, San Jose, California. The existing facility is a busy, multi-specialty clinic that treats over 10,000 Veterans annually. The existing CBOC lease is due to expire in 2016 and the site lacks available space for future expansion/improvements. Maintaining a presence in the San Jose region is critical to ensuring access to health care services for Veterans, improving the likelihood that Veterans will seek care and comply with clinical treatment plans. A new facility is required since VA will have to vacate the existing facility no later than November 2016.

VA is seeking to replace the existing CBOC with a new state-of-the-art health care facility to provide better and improved health care services and to locate needed services closer to existing Veteran populations. The CBOC would improve health care access and address the need to provide ongoing primary care, mental health and specialty care services to Veterans who currently reside in the City of San Jose area. Replacing the existing San Jose CBOC with a new facility will enable VA to maintain its presence in the City of San Jose, which is critical to improving and ensuring Veteran access to health care services.

The proposed action would occur on a 5.86-acre parcel located at 5855 Silver Creek Valley Place, San Jose, California (Project Site). The CBOC would be comprised of a new 72,000 square foot three-story building covering approximately 95,000 square feet of the site. Figure 3, Aerial Photograph (Proposed Action), presents an aerial view of the site.

1.2 PURPOSE AND NEED

The purpose of the proposed action is to replace the existing CBOC, located at 80 Great Oaks Boulevard, San Jose, California, with a new state-of-the-art health care facility to provide better and improved health care services closer to existing Veteran populations. The existing facility's lease is due to expire in 2016 and lacks available space for future expansion/improvements. Maintaining a presence is the San Jose region is critical to ensuring Veterans access to health care services. The need for the proposed action is to meet the Veterans Health Administration mission to "Honor America's Veterans by providing exceptional health care that improves their health and well-being".

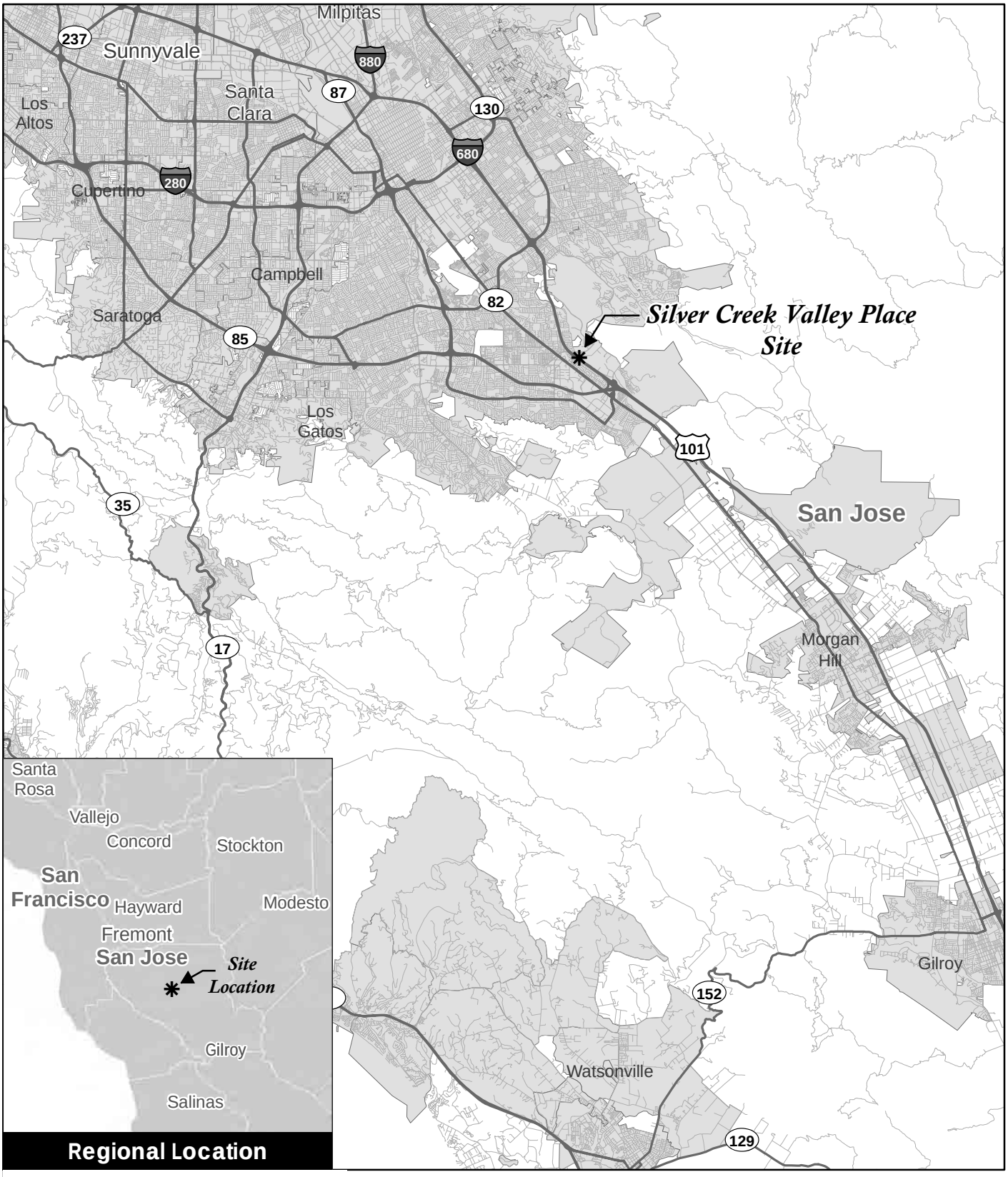
0 1,800 feet

Source: Google Earth 2014

Figure 1
Vicinity Map

VA San Jose NEPA

This side intentionally left blank.



0 4 miles

Source: Esri Streetmap North America 2010

Figure 2

Regional Location

VA San Jose NEPA

This side intentionally left blank.

0 450 feet

Source: Google Earth 2014

Figure 3
Aerial Photograph (Silver Creek Valley Place)

VA San Jose NEPA

This side intentionally left blank.

1.3 Scope of Assessment

This Final EA evaluates the potential direct, indirect, short-term, and long-term environmental effects on the human and natural environment resulting from the proposed action. The Final EA also addresses potential cumulative environmental effects that may result from reasonably foreseeable projects in the region. The analysis of potential environmental effects is based on the full build-out of the proposed action. The Final EA documents VA's compliance with the requirements of NEPA, as amended, the CEQ regulations implementing NEPA (40 CFR Sections 1500-1508), and VA Regulations - Environmental Effects of VA Actions (Title 38 CFR Part 26). The purpose of this EA is to provide an environmental analysis of the proposed action in sufficient detail to allow the VA to determine whether it is necessary to prepare an Environmental Impact Statement (EIS), or to prepare a Finding of No Significant Impact (FONSI) for the proposed action.

Resource areas examined in this EA include aesthetics; air quality and climate change; cultural resources; geology and soils; hydrology and water quality; wildlife and habitat; noise; land use; floodplains and wetlands; socioeconomics; community services; hazardous materials; transportation and parking; utilities; and environmental justice.

The major federal, State, and local regulatory requirements and federal permits, licenses, and other entitlements which must be obtained in implementing the proposed action are presented in the individual resource sections in Chapter 3 (Affected Environment and Environmental Consequences).

This side intentionally left blank.

2.0
ALTERNATIVES

2.1 DEVELOPMENT OF ALTERNATIVES

NEPA implementing regulations require that a range of reasonable alternatives be evaluated including a "No Action Alternative". To identify alternatives, VA rigorously explored and objectively considered other reasonable alternatives to the Proposed action. As part of the alternatives planning process, a range of preliminary alternatives were identified and then screened against the Proposed action's purpose and need as well as VA project criteria. Through this process, some alternatives were eliminated from further consideration and the remaining alternatives were studied in detail as part of this NEPA review.

Alternatives Considered but Eliminated from Detailed Analysis

To replace the existing San Jose CBOC, VA considered a reasonable range of alternatives, including construction of a new VA-owned facility, contracting out services, and leasing a new facility. VA criteria used to identify alternatives included the following:

1. Upfront project cost;
2. Project timeline (length of time to complete/open);
3. Ability to meet clinic sizing and parking requirements;
4. Long-term flexibility of location for health care system;
5. Accessibility to major roadways and public transportation;
6. Potential to interrupt services;
7. Accessibility to amenities; and
8. Consistency with local land use planning documents.

Construction of a New VA-Owned Facility

This alternative would require VA to purchase property within Santa Clara County and construct a new VA-owned outpatient facility. A permanent VA-owned site limits the ability to relocate services in the future and adapt to potential changes in Veteran populations and health care needs. Also, land acquisition and construction of a new VA-owned facility would potentially be more expensive and require more time to complete (e.g., property acquisition, project design, procurement, construction, activation, etc.) than leasing a new facility from a third party. In addition, this alternative would require VA to provide total funding for the project upfront and maintain the facility in future years. This alternative was eliminated due to potential project costs, schedule concerns, and to avoid risks to continuity of service.

Contract Out Services

VA also considered contracting out all ambulatory, mental health, and specialty care services in the community. As a national health care system, VA has gained a unique level of expertise in providing Veteran services, including the maintenance of a comprehensive medical record system, expertise in mental health issues, provision of wellness outreach, and education that would be difficult to replicate in a community setting. VA also has significant concerns regarding uncertainty of providing medical services in a changing provider reimbursement environment. VA has found that relying on contract services is extremely costly for veterans, especially in areas where there is significant demand. Additionally, challenges in accessing appropriate care in the local community could result in adverse patient outcomes and does not meet the priority of improving access for Veterans and their families. This alternative was eliminated to avoid increased risks to quality of care and continuity of service.

2.2 ALTERNATIVES RETAINED FOR DETAILED ANALYSIS

The VA determined that leasing of a new build-to-suit facility would best meet the operational purpose and need of the Proposed action. Leasing a new facility would allow VA to identify the best value land parcel and facility for a new clinic that would potentially be operational more quickly than acquiring and constructing a VA-owned facility. In addition, leasing provides VA greater flexibility to address potential changes in Veteran populations and health care needs and reduces VA costs associated with maintaining a VA-owned facility.

In 2012, VA began a search within the San Jose/Santa Clara County service area to lease between 60,000 and 72,000 net usable square feet of space or acquire land suitable to

accommodate new construction of a comparable 95,000 square foot facility. A total of 27 potential sites were initially evaluated against the VA Office of Construction and Facilities Management standards for outpatient facilities. To be considered, land sites were required to be capable of accommodating a three-story structure of 72,000 net usable square feet in size, on-site parking for up to approximately 520 vehicles, and land area sufficient to meet current security setback requirements. Land with existing buildings that met the minimum building and parking standards were included in the considerations. Of the 27 sites initially surveyed, 25 were found to meet some, but not all of the minimum criteria, or possessed certain features that were immediately identified by VA as potentially cost-prohibitive. One site was sold to another developer and eliminated from consideration. The remaining site, located at Silver Creek Valley Place, has been selected by VA as the preferred alternative site. Additional information and conclusions from the initial surveys of the 27 sites are found in Appendix A, Market Surveys.

The Silver Creek Valley Place site (Proposed action) Alternative and a No Action Alternative were retained for detailed analysis in this EA. The Proposed action has been identified as the preferred alternative and was the only alternative that met all of VA's screening criteria, as well as the purpose and need of the Proposed action. The alternatives examined in this EA are described in detail below.

Proposed Action (Preferred Alternative)

The Proposed action comprises of a VA property lease at 5855 Silver Creek Valley Place, San Jose, California for the construction and operation of a new CBOC. VA would enter into a build-to-suit lease agreement with a selected developer who would design and build the new CBOC to VA standards and consistent with local planning regulations, which would then be leased to the VA. Upon receiving a certificate of occupancy from the municipality, VA will occupy the space under a lease for a term up to 20 years. During this lease term, the owner (developer or other if initial developer sells the building) will provide a full service facility. Included in the services are all operating expenses, interior and exterior janitorial services, general building maintenance, and capital improvements needed for all building systems. Upon expiration of the lease VA may choose to extend the agreement or vacate the property.

The new CBOC would replace VA's existing San Jose CBOC, located at 80 Great Oaks Boulevard, San Jose, California. The existing facility's lease is due to expire in 2016 and the existing site lacks available space for future expansion/improvements. VA is seeking to replace the existing CBOC with a new state-of-the-art health care facility to provide better and improved health care services and to locate needed services closer to existing Veteran populations. The CBOC would improve health care access and address the need to provide ongoing primary care, mental health and specialty care services to Veterans who currently reside in Santa Clara County.

The CBOC would be comprised of a new 72,000 square foot three-story building, on-site parking lot for 387 parking spaces and 20 bicycle parking spaces, landscaping, retention of existing native trees where feasible, and related infrastructure improvements. Vehicle access to the site would be provided by Silver Creek Valley Place by a main driveway entry and secondary vehicle access along the north boundary of the site. Pedestrian and bicycle connections are provided throughout the site and to provide access to the Coyote Creek Parkway. The proposed footprint includes loading and equipment areas, and a proposed entry portal. Other amenities include landscaped outdoor seating areas, a patio with food service, an outdoor physical therapy/healing garden, a memorial plaza at the front of the building, bio-swale drainage improvements and large canopy tree plantings. The design intent is to maintain existing site contours to enable the existing grade to be utilized for storm water management. A fire access lane is proposed between the rear of the building and the property line that adjoins the Caltrans right-of-way. The proposed building setback from this property line is 37 feet. A concept of the site plan, including landscaping, is presented in Figure 4, Preliminary Site Plan. As illustrated by Figure 4, landscaping would include "screening" trees along the perimeter of the eastern and southeastern boundaries to provide visual screening between the site and U.S. Highway 101 and the Coyote Creek Parkway. Preliminary site plans are included in Appendix B.

The facility is expected to provide the following services: ambulatory care (primary and specialty); adult care; audiology and speech pathology; eye clinic; pathology and laboratory medicine; dermatology; pharmacy; physical medicine and rehabilitation; prosthetics and sensory aids; and radiology. The facility will also have ancillary services such as adult care; business/travel office; canteen; pharmacy; physician/staff offices; an education center/ conference area; chapel; and clinic management and building services areas. The new CBOC is expected to provide between 400 and 500 services per day based upon an average of 313 daily patient visits, which is similar to the number of daily primary care visits at the existing clinic. The facility would employ approximately 134 full-time employees plus additional part-time employees to accommodate this demand. The primary hours of operation will be 7:30 am to 6:00 pm, Monday – Friday.

No Action Alternative

Under the No Action Alternative a new San Jose CBOC facility would not be constructed. Under this alternative operations would continue at the existing San Jose CBOC until the lease is terminated in 2016. Once the lease is terminated, the VA would be required to vacate the building and patients would be redirected to other facilities. Existing VA facilities providing outpatient services nearest to the San Jose CBOC are the Oakland Outpatient Clinic located approximately 45 miles north in Oakland, California, at 2221 Martin Luther King Jr. Way, and the VAPAHCS facility in Palo Alto, California, located at 801 Miranda Avenue, approximately 20 miles north. Figure 5, Existing Facilities, shows the locations of the existing San Jose CBOC, VAPAHCS, and Oakland Outpatient Clinic.

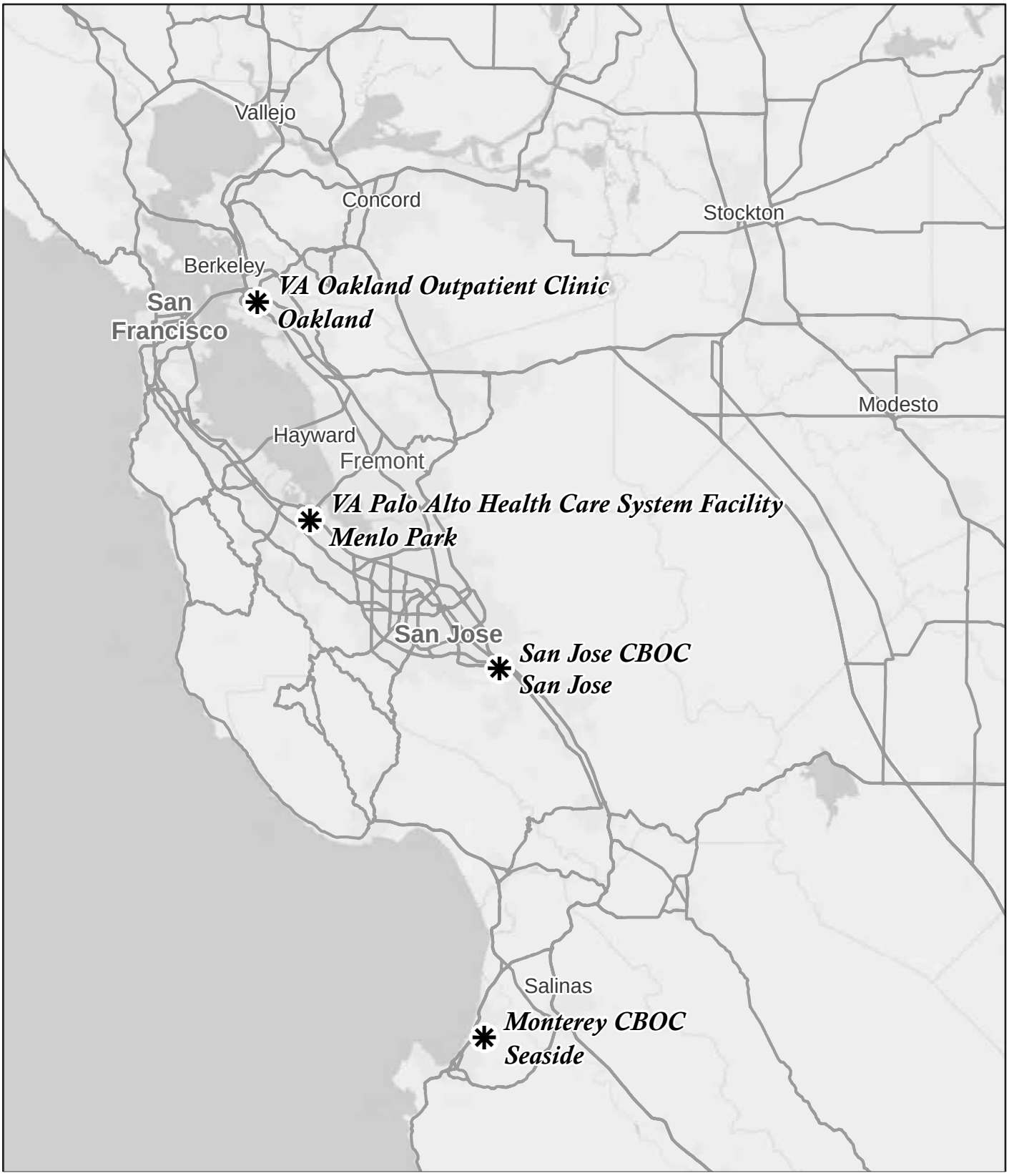
0 200 feet

Source: Google Earth 2014, US Federal Properties Company 2014

Figure 4
Preliminary Site Plan (Silver Creek Valley Place)

VA San Jose NEPA

This side intentionally left blank.



0 15 miles

Source: Esri Streetmap North America 2010

Figure 5

Existing VAPHCS Facilities

This side intentionally left blank.

The No Action Alternative does not address the needs identified by the VA to provide continued outpatient services for the approximately 75,000 veterans that currently reside in Santa Clara County. The VA would no longer have a CBOC in the City of San Jose and area veterans would need to travel longer distances to receive outpatient health care services. Ease of access critical to ensuring that care is sought and clinical treatment plans are implemented by Veterans would be constrained. While this No Action alternative does not meet the needs presented by VA, it is retained for analysis in accordance with NEPA requirements.

This side intentionally left blank.

3.0
AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter describes the affected environment and evaluates the potential direct, indirect, cumulative environmental effects for each relevant environmental resource potentially affected by the proposed action. The analysis of potential impacts is based on the full build-out of the proposed action. The study area examined includes the project site, and depending on the resource, the area surrounding the project site.

Potential environmental impacts are identified, where applicable, according to their significance. According to the CEQ, the significance of an environmental effect is determined by examining both its context and intensity (40 CFR 1508.27). Context is related to the affected region, the affected interests, and the locality, while intensity refers to the severity of the environmental effect, which is based on the following considerations:

- Impacts may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial;
- The degree to which the proposed action affects public health or safety;
- Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas;
- The degree to which the effects on the quality of the human environment are likely to be controversial;
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks;

- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration;
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant environmental effect on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts;
- The degree to which the action may adversely affect districts, sites, highways, or structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources;
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the federal Endangered Species Act (ESA); and
- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The analysis of cumulative environmental effects compares projected future conditions to the affected environment. For each resource area, the potential construction or operational environmental effects are identified, if applicable, and the methodology and general assumptions used in the analysis are presented. Each identified environmental effect is characterized according to its significance. Impacts are identified in this EA as either significant or less than significant (with corresponding management measures or mitigation, as feasible). Although the focus of this analysis is on identifying potential adverse impacts, some beneficial effects also are identified.

Mitigation and/or management measures, as appropriate and where the agency has sufficient legal authority are identified in this EA to reduce an environmental effect below a level of significance, to avoid or lessen potential environmental effects, or achieve an environmentally preferred outcome.

Under NEPA, the federal agency proposing an action must evaluate the environmental effects (impacts) that can reasonably be anticipated to be caused by or result from the proposed action and alternatives. The proposed action will be required to comply with all applicable federal, state, and local laws and regulations. The potential environmental impacts that have been evaluated are those impacts which can reasonably be expected to result from the lawful implementation of the proposed action. In identifying direct impacts and reasonably foreseeable indirect impacts, VA has taken into account all applicable measures and restrictions protective of

human health and the environment that are required by existing laws and regulations. In many instances, the existence of such laws and regulations renders impacts that might have occurred in the absence of such laws highly unlikely and not reasonably foreseeable. In other instances, such laws and regulations work to lessen potential impacts to levels that are not significant. Because compliance with applicable laws is mandatory for the action proponent, compliance with the requirements of such laws and regulations is generally not identified separately as mitigation.

3.1 Aesthetics

3.1.1 *Affected Environment*

The project site is primarily comprised as an open field surrounded by a chain link fence with open gates. Figure 6, Site Photographs (Silver Creek Valley Place), presents conditions on the site. A number of native oak trees are present on the site (refer also to Figure 3). The site is located near the Coyote Creek Parkway and is intermittently visible from the Coyote Creek recreational trail. Located approximately 175 feet east of the Silver Creek Valley Place exit ramp from U.S. Highway 101, the site is briefly visible to passing northbound motorists. Existing land uses in the vicinity of the Silver Creek Valley Place site include an industrial business park to the east, residential uses north of Silver Creek Valley Road, two single-family homes located at the end of Silver Creek Valley Place, and vacant land to the south and south east. Land adjacent to Coyote Creek is designated Open Space, Parklands, and Habitat. There are a number of trees present in the Caltrans public right-of-way between the site and the U.S. Highway 101 northbound off-ramp.

The project site is not located within an area identified by the San Jose general plan as a scenic resource. Additionally, the project site is not located within a sensitive view corridor or scenic resource of regional or national interest, including the California Department of Transportation (Caltrans) California State Scenic Highway System (Caltrans 2014).

The City of San Jose is mostly urbanized and increasingly large buildings and development complexes already present within all planning areas (San Jose 2011a). The project site is located within the Edenvale Planning Area - an established urban environment, and development of the site is subject to community design standards in the City's general plan and the City of San Jose Municipal Code. The Edenvale Development Policy calls for increased development of this Area 5 with transit-oriented industrial and commercial uses.

3.1.2 Environmental Consequences

Proposed Action

The proposed action would introduce building mass and shapes to an undeveloped site that is visible from public roadways and the Coyote Creek Trail. The visual character of the site would permanently change to a developed property. Implementation of the proposed action would include site preparation and construction activities that would also alter the visual character of the site during construction. Additionally, several existing trees would need to be removed to accommodate development consistent with the conceptual site plan (Figure 4). However, according to the preliminary site plan, several existing oak trees on the site would be incorporated into the site design under this alternative. The preliminary site plan also includes hedges and trees throughout the site, including "screening" trees along the perimeter of the eastern and southeastern boundaries between U.S. Highway 101 and the Coyote Creek Parkway.

Effects to the visual character of the greater Edenvale Planning Area resulting from development consistent with the general plan were addressed in the city's general plan California Environmental Quality Act (CEQA) Environmental Impact Report (EIR), Section 3.12, Aesthetics (City of San Jose 2011a). Regarding the local visual context, the EIR determined that the visual character of the built environment in the Edenvale Planning Area would change as new and taller forms of development would replace or be located adjacent to existing one- and two-story buildings with large parking lots within Area 2. The EIR also notes that the development within Area 5 is generally screened by the Coyote Creek corridor and is not visually prominent when viewed from the city's gateway areas. The proposed action would contribute to these cumulative effects.

As part of the planned development permit process, the proposed action would be required to obtain a combined site/architectural permit and conditional use permit. The final CBOC design would be consistent with the city's community design guidelines subject to obtaining an approved planned development permit. Site-specific design compatibility would be reviewed at public hearings conducted during the city's consideration of the permit.

For these reasons, the proposed action would not result in a significant environmental effect to aesthetic or visual resources, including its contribution to cumulative change in the overall visual character of the Edenvale Planning Area. Implementation of the proposed action with the applicable policies and community design standards of the general plan and zoning code ensures that the proposed action would be visually compatible with the local visual setting.

1 View south across site.

2 View north of Silver Creek Valley Place.

3 View west - future entry.

4 View north across site.

5 View north across site.

6 View south across site.

Source: Google Earth 2014

Figure 6

Site Photographs (Silver Creek Valley Place)

VA San Jose NEPA

This side intentionally left blank.

No Action Alternative

No changes to the visual character of the proposed project site would occur; therefore, no environmental effects to scenic resources would occur as a result of the no action alternative.

3.1.3 Management Measures

AES-1. Aesthetic effects resulting from the proposed action would be minimized through action planning and development in accordance with the city's community design guidelines and general plan policies. VA's chosen developer will design and construct the proposed action consistent with applicable city community design guidelines, general plan policies, and other applicable local laws.

3.1.4 Mitigation

None

3.2 Air Quality and Climate Change (Greenhouse Gas Emissions)

3.2.1 Affected Environment

Air Quality

Air quality in the San Francisco Bay Area Air Basin (SFBAAB) is regulated at the Federal level by the U.S. Environmental Protection Agency (USEPA), at the state level by the California Air Resources Board (ARB), and at the local level by the Bay Area Air Quality Management District (BAAQMD). Each of these agencies develops rules, regulations, and policies for regulating air quality in accordance with applicable legislation. Although USEPA regulations may not be superseded, both state and local regulations may be more stringent. Applicable regulations associated with emissions of criteria air pollutants, toxic air contaminants (TACs), and odors are described in the following sections.

Clean Air Act (CAA)

The CAA of 1970, 42 USC Section 7401 et seq. amended in 1977 and 1990, is the primary federal statute governing air pollution. The CAA designates six pollutants as criteria pollutants, for which the National Ambient Air Quality Standards (NAAQS) have been promulgated to

protect public health and welfare. The six criteria pollutants are particulate matter (PM10 and PM2.5), carbon monoxide (CO), sulfur dioxide (SO2), nitrogen dioxide (NO2), lead (Pb), and ozone (O3).

Federal regulations designate Air-Quality Control Regions (AQCRs) in violation of the NAAQS as nonattainment areas. According to the severity of the pollution problem, nonattainment areas can be categorized as marginal, moderate, serious, severe, or extreme. The SFBAAB has a state and federal nonattainment designation for O_3, and a state nonattainment designation for PM_{10} and $PM_{2.5}$. The air basin has a pending federal non-attainment status for $PM_{2.5}$. Table 1, San Francisco Bay Area Air Basin Attainment Status Designations, summarizes the State and Federal attainment status. Automobiles are the primary generators of criteria pollutants, which include O_3, CO, NO_X, PM_{10}, and reactive organic gases (ROG).

Table 1 San Francisco Bay Area Air Basin Attainment Status Designations

Pollutant	State	Federal
Ozone (O_3)	Non-attainment	Non-attainment
Inhalable Particulates (PM_{10})	Nonattainment	Unclassified
Fine Particulates ($PM_{2.5}$)	Non-attainment	Attainment/Non-attainment [1]
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO_2)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Lead (Pb)	-	Attainment

Source: BAAQMD 2014.

Note: 1. On January 9, 2013, the U.S. Environmental Protection Agency (EPA) issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key State Implementation Plan requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "non-attainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.

2. The California Air Resources Board has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.

The General Conformity Rule

The 1990 Amendments to Section 176 of the CAA require the U.S. Environmental Protection Agency (EPA) to promulgate rules to ensure that federal actions conform to the appropriate State Implementation Plan (SIP). These rules, known as the General Conformity Rule (40 CFR Sections 51.850-.860 and 40 CFR Sections 93.150-.160), require any federal agency responsible for an action in a nonattainment area or maintenance area to determine that the action conforms

to the applicable SIP or that the action is exempt from the General Conformity Rule requirements. This means that federally supported or funded activities will not: (1) cause or contribute to any new air quality standard violations; (2) increase the frequency or severity of any existing standard violation; or (3) delay the timely attainment of any standard, interim emission reduction, or other milestone. In regions that are in attainment for the NAAQS, the General Conformity Rule is not applicable (EPA 2008); however, it is applicable where maintenance areas have been established.

The proposed action is located within a nonattainment area for ozone (O_3) and nonattainment for $PM_{2.5}$; therefore, a General Conformity Rule applicability analysis is warranted. Section 93.153 of the Rule sets applicability requirements for projects subject to the Rule through establishment of *de minimis* levels for annual criteria pollutant emissions. These *de minimis* levels are set according to criteria pollutant non-attainment area designations. Projects below the *de minimis levels* are not subject to the Rule. Those at or above the levels are required to perform a conformity analysis as established in the Rule. The *de minimis levels* apply to direct and indirect sources of emissions that can occur during the construction and operational phases of the action. Direct emissions are those caused or initiated by the federal action that occur at the same time and place as the action. Indirect emissions are those caused by the action, but which occur later in time and/or at a distance removed from the action itself, yet are reasonably foreseeable and the federal agency responsible for the action can maintain control as part of the action's program responsibility.

Existing Emissions and Sources of Criteria Pollutants

The project site is currently vacant and no stationary sources of criteria pollutant emissions are located on the parcel. Existing sources of emissions adjacent to or near the project site include industrial equipment, space heating equipment, and vehicles and associated activities located on adjacent land uses. In addition, U.S. Highway 101 and an associated off-ramp is located directly to the southwest of the project site.

Hazardous Air Pollutants

Air quality regulations also address localized hazardous air pollutants (HAPs), which are also called TACs. Like criteria pollutants, TACs may be emitted by stationary, area, or mobile sources; unlike criteria pollutants, TACs may also originate from indoor, non-combustion sources (e.g., building materials and consumer products like pesticides, cleaning solvents). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and Federal level.

No stationary sources of TACs exist on the project site. Sources of TACs (and PM2.5) emissions in the surrounding area would include motor vehicles on freeways, high-volume roadways, or other areas with high numbers of diesel vehicles (e.g., U.S. Highway 101).

Odors

Odor is considered an air quality issue in the context of NEPA, both at the local level (e.g., odor from wastewater treatment) and at the regional level (e.g., smoke from wildfires). Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and is subjective. There are no known odor sources within the project site.

Climate Change

The creation of greenhouse gas (GHG) emissions and resulting climate change is a global phenomenon and the Federal government is committed to the goals of energy conservation, reducing energy use, eliminating or reducing GHG emissions, and promoting the deployment of renewable energy technologies that are cleaner and more efficient. At the same time, the environmental effect of specific emissions contributed by individual projects is difficult to quantify.

In December of 2014, the Council on Environmental Quality (CEQ) issued revised draft guidance (*Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts*) that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews. The revised draft guidance supersedes the draft greenhouse gas and climate change guidance released by CEQ in February 2010. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action. The guidance also emphasizes that agency analyses should be commensurate with projected greenhouse gas emissions and climate impacts, and should employ appropriate quantitative or qualitative analytical methods to ensure useful information is available to inform the public and the decision-making process in distinguishing between alternatives and mitigations. It recommends that agencies consider 25,000 metric tons of carbon dioxide equivalent emissions on an annual basis as a reference point below which a quantitative analysis of greenhouse gas is not recommended unless it is easily accomplished based on available tools and data.

EO 13514 *Federal Leadership in Environmental, Energy, and Economic Performance* (2009) requires federal agencies to set a 2020 greenhouse gas emissions reduction target, meet a number of energy, water, and waste reduction targets, and to develop and carry out an integrated Strategic Sustainability Performance Plan that outlines how the agency will meet the targets. The VA is currently working on the completion of this plan and will comply with the EO. VA's Strategic Sustainability Performance Plan (SSPP) responds to EO 13514, which requires federal agencies to "develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions" for meeting sustainability goals identified in statutes, regulations, and executive orders. VA's SSPP identifies VA's sustainability goals and defines VA's policy and strategy for achieving these goals.

By FY 2020, VA is targeting a 29% reduction in GHG emissions below the FY 2008 baseline. A 26% reduction in emissions is projected to come from meeting the FY 2015 alternative fuel use, petroleum reduction, energy intensity reduction, and on-site renewable electricity targets as set forth in the Energy Policy Act of 2005.

Facility-level and regional strategies include energy conservation measures, retro-commissioning, installation of alternative fueling stations, and on-site renewable electricity generation. Projects funded at the department level include additional alternative fueling stations as well as additional on-site renewable electricity generation through technologies such as solar and renewably fueled combined heat and power.

For FY 2020, VA has set a GHG emissions reduction target of 10% below the FY 2008 baseline. VA is relying on a combination of strategies and technology advances that include meeting existing targets (such as energy intensity and pollution prevention); improving fuel economy based on Corporate Average Fuel Economy standards; implementing innovative commuting strategies; and developing an action plan that will address non-commuting emissions, such as telework and alternate work schedules.

In addition, Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, commits the State of California to reducing greenhouse gas emissions to 1990 levels by 2020. Consistency with the goals of AB 32 and action-specific reduction strategies for development projects are evaluated by Lead Agencies with discretionary authority over projects through the CEQA process. The proposed action would require a planned development or conditional use permit (depending on the alternative site selected) from the City of San Jose and a action-specific GHG emissions analysis may be required by the City in its role as lead agency for the purposes of meeting its CEQA obligations.

3.2.2 Environmental Consequences

Proposed Action

Air Quality

Air quality impacts from proposed construction activities would occur from combustive emissions due to the use of fossil fuel-fired construction equipment and on-road trucks and fugitive dust (PM_{10}/$PM_{2.5}$) emissions from earth-moving activities, and the use of vehicles on bare soils. Construction related emissions would be short-term and primarily occur within the boundaries of the project site. Construction and operational criteria air pollutant emissions resulting from the proposed action were modeled using the California Emissions Estimator Model (CalEEMod) Version 2013.2.2 software, a modeling platform recommended by the California Air Resources Board (CARB) and accepted by the Bay Area Air Quality Management District (BAAQMD). A summary of modeled average annual criteria air pollutant emissions during construction activities for the proposed action are shown in Table 2, CalEEMod Unmitigated Construction Emissions.

Table 2 CalEEMod Unmitigated Construction Emissions

	Average Annual Emissions (tons/year)[1]				
	CO	**NOx**	**VOC/ROG**	**PM_{10}**	**$PM_{2.5}$**
Construction	4.3	5.9	6.6	0.5	0.4
de minimis Threshold	100	100	50	-	100

Source: Illingworth and Rodkin 2014

Note: 1. CO = carbon monoxide; NOX = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic diameter of 10 micrometers or less; ROG = reactive organic gases; VOC = volatile organic carbon.

2. Details of annual construction emissions, input parameters used in the modeling, and detailed modeling output, are included in Appendix C

All construction activities would meet applicable State and federal air quality regulations and pollution control requirements to prevent exceedance of air quality standards during construction. In addition, to minimize any potential air quality effects during construction, VA would implement best management practices and agency environmental controls, including VA's Section 01 57 19: Temporary Environmental Controls. These may include, but are not limited, to dust control measures and limiting idling of vehicles and equipment.

Construction-related emissions of criteria air pollutants from construction are less than the *de minimis* thresholds. Therefore, there would be no significant construction-related adverse environmental effects resulting from the proposed action criteria air pollutant emissions.

Proposed operations would generate criteria pollutant emissions from onsite area sources (such as combustion of natural gas for space and water heating and other fuels for building and grounds maintenance equipment) and vehicles that access the project site.

A summary of the annual operational emissions of criteria air pollutants associated with the proposed action based on an operational date of 2017 are presented in Table 3, CalEEMod Operational Emissions. As discussed above, operational emissions in the year 2017 would represent the highest level of operational emissions of criteria air pollutants and ozone precursors. Annual operational emissions would not exceed any of the *de minimis* thresholds.

Table 3 CalEEMod Operational Emissions

	Average Annual Emissions (tons/year)1				
	CO	**NOx**	**VOC/ROG**	**PM_{10}**	**$PM_{2.5}$**
Operational	14.5	2.6	3.3	1.9	0.6
de minimis Threshold	100	100	50	-	100

Source: EMC Planning Group 2015

Note: CO = carbon monoxide; NOx = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic diameter of 10 micrometers or less; ROG = reactive organic gases; VOC = volatile organic carbon

The general plan EIR (City of San Jose 2011a) determined that development consistent with the general plan could increase air pollutant emissions and concentrations within the air basin, and could violate an ambient air quality standard or contribute substantially to an existing or projected air quality violation. The general plan EIR determined that implementation of general plan policies and existing regulations and programs would reduce air pollutant emissions per capita, but not to a less-than significant-level (City of San Jose 2011a) and a Statement of Overriding Considerations was adopted by the City for the purposes of meeting their CEQA obligations.

General Conformity Rule

A federal action is exempt from the General Conformity Rule requirements if the action's total net emissions are below the *de minimis* threshold, are not regionally significant (i.e., emissions would exceed 10 % of an area's total emissions), or are otherwise exempt per 40 CFR 51.153. If

net emissions exceed the relevant *de minimis* value, or if an action is regionally significant, a formal conformity determination process must be followed. Total net emissions include direct and indirect emissions from all stationary point and area sources, construction sources, and/or mobile sources caused by the federal action that are not covered by another permitting program.

To determine if VA's proposed action's total net emissions are below the *de minimis* threshold, modeling of the proposed action's total construction and operational emissions (excluding the No Action Alternative) are compared against the *de minimis* threshold and area's total emissions. As identified in Tables 2 and 3, annual emissions are well below *de minimis* levels and a full conformity determination is not required. A Record of Non-Applicability (RONA) will be included in the Final EA. Data supporting the air quality analysis, including modeling assumptions and projections are included in Appendix C (Air Quality and Greenhouse Gas Supporting Information).

Hazardous Air Pollutants

Construction would include site grading, trenching, building construction, asphalt paving, and application of architectural coatings. Most construction phases would involve the use of diesel-fueled construction equipment, except during the application of architectural coatings. Diesel particulate matter (diesel PM) has been classified as a TAC by ARB. Therefore, construction-related emissions of diesel PM have the potential to affect nearby sensitive receptors.

The closest off-site sensitive receptors to the project site are single-family residences immediately north and east of the Silver Creek Valley Place site. According to the air quality assessment, the increased health risks for a residential adult resulting from construction emissions under this alternative would be below the air district significance threshold. However, the predicted increased health risk during construction for children at the nearest residence to this site would exceed the air district risk threshold. To address construction-related emissions of TACs, the air district includes best management practices related to the selection of equipment during construction to minimize emissions that, when incorporated into construction bid documents and implemented, can reduce construction equipment diesel emissions by 82 percent. Implementation of these measures would reduce the health risk for residential children below the air district's threshold.

The VA's selected developer would secure any required, air emissions permits from the air district, as appropriate and based on the final design of the CBOC. Additionally, VA's selected developer would implement standard air district best management practices (refer to Management Measure AQ-1 and Management Measure AQ-2, below) to reduce the adverse environmental effects related to PM emissions and from a predicted health risk for any potential children residing in the residential units adjacent to the project site. Therefore, construction-related impacts of localized TAC and PM emissions on sensitive receptors would not be significant.

Odors

Construction could result in odors (e.g., from diesel exhaust emitted by equipment); however, these odors would be temporary and intermittent. Emissions would occur only during business hours during the construction period, and would disperse quickly given the area's meteorological conditions. The land uses proposed for the project site are not land uses that would typically generate substantial concentrations of odors. Thus, there would be no significant construction-related environmental effect from odors.

Climate Change

VA is required to have 15 percent of its building space incorporate sustainable practice by 2015. The VA has currently reached 14.4-percent. In addition, the VA Green Building Action Plan implements the requirements of EO 13423. Although the main components of the Green Building Action Plan apply to structures/projects intended for occupation, the proposed action will incorporate elements of the plan where applicable, such as the use of water efficient landscape and irrigation strategies. VA's selected developer would implement the applicable provisions of the plan. Therefore, while the proposed action would contribute to GHG emissions that can affect climate change, the proposed action GHG emissions would not, either individually or cumulatively result in considerable significant effects to the environment.

No Action Alternative

No effect. This alternative would not result in new emissions or in a change in emissions from existing levels that would affect air quality or GHG emissions that contribute to climate change.

3.2.3 Management Measures

AQ-1. To reduce the proposed action's construction emissions by 5 percent and fugitive dust emissions by over 50 percent, the VA's chosen developer will include the following best management practices in all construction activities consistent with Bay Area Air Quality Management District guidelines as follows:

The contractor shall implement the following Best Management Practices that are required of all construction projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;

4. All vehicle speeds on unpaved roads shall be limited to 15 mph;

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2. VA will include the following language on all bid documents to reduce on-site diesel exhaust emissions by over 82 percent by selection of construction equipment:

1. All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent;

2. All diesel-powered portable equipment (i.e., air compressors, concrete saws, forklifts, and generator sets) larger than 50 horsepower and tractors/loaders/backhoes operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent; and

3. Minimize the number of hours that equipment will operate, including the use of idling restrictions.

AQ-3. The construction contractor may also use measures in addition to Management Measures AQ-1 and AQ-2 to minimize construction period DPM emissions. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), and/or added exhaust devices.

3.2.4 Mitigation

None

3.3 Cultural Resources

This section describes the historical setting and existing physical and regulatory setting related to archaeological (prehistoric and historic archaeological sites), traditional cultural properties, and architectural resources (historic districts, buildings, facilities, and other structures). In addition, the section describes how the VA has addressed its obligations under the National Historic Preservation Act (NHPA).

Section 106 of the NHPA and its implementing regulations (Title 36 CFR Part 800) require that Federal agencies take into account the effects of their actions (referred to as "undertakings" under Section 106) on properties that may be eligible for or listed in the National Register of Historic Places (NRHP), and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment.

Federal agencies have independent statutory obligations under the NHPA and NEPA. Under the NHPA, the VA is assessing the potential adverse effects of the proposed undertaking (i.e., proposed action) on "historic properties", which is defined as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the NRHP maintained by the Secretary of the Interior. This includes artifacts, records, and material remains that are related to and located within such properties. Properties of traditional religious and cultural importance to an Indian tribe may be determined eligible for inclusion in the National Register.

In addition, effects considered under this NEPA analysis includes an assessment of potential impacts to "cultural resources", which under NEPA includes a wider range of resources than "historic properties," such as sacred sites, archaeological sites not eligible for the NRHP, and archaeological collections.

Combined, the NHPA Section 106 review and this NEPA review helps ensure that VA has considered the potential effects on the cultural and historic environment.

3.3.1 Affected Environment

Architectural (Historic) Resources

No historic resources and no resources eligible or listed on the National Register are located within or in proximity to the project site.

Archaeological Resources

In November 2014, on behalf of the VA, William Self and Associates, Inc. (WSA) conducted an archaeological study of the project site. The archaeological study consisted of an archaeological records search conducted by the Northwest Information Center at Sonoma State University (NWIC) and a pedestrian archaeological survey of the proposed action project site. In addition, due to questions regarding the exact location of archaeological resources potentially located on or near the site, WSA conducted additional literature research.

As a result of the study and records search, one prehistoric archaeological site (i.e., P-43-000252) was identified as being previously recorded partially within and adjacent to the project site and five archaeological sites (i.e., P-43-000339, P-43-000072, P-43-000340, P-43-000343, and P-43-000202) have been previously recorded within ¼ mile of the project site.

The one archaeological site recorded as partially located within the project site includes:

P-43-000252 (CA-SCL-000242): Prehistoric archaeological site P-43-000252 has been recorded adjacent to the southeast boundary of the project site and, in previous studies, potentially extending onto the VA project site, to the north of US Route 101. The archaeological site was originally recorded by California Department of Transportation (Caltrans) in 1976 and was nominated for listing in the National Register of Historic Places (NRHP) in 1978, and "concurrence of eligibility was given by the Keeper of the National Register in 1978" (Valasik and Sikes 2013). In 1976, Caltrans recorded the original site location as being south of US Route 101, outside the proposed VA Project site (Meandry1976).

During additional research of the site, additional information not identified in the NWIC records search about the location of P-43-000252 was provided to WSA and VA by Dr. Colin Busby of Basin Research Associates, who was hired to represent the existing Silver Creek Valley Place property owner. Due to the questions raised regarding the actual location of P-43-000252, and the dearth of evidence observed during WSA's pedestrian archaeological survey of the site's location as it is presently recorded, WSA conducted supplemental literature research and consultation with Dr. Colin Busby. This additional research determined that between 1976 and 2014, archaeological site P-43-000252 has been recorded in 12 different locations, eight of which were recorded south of the VA project site and four of which extend, at least to some degree, into the VA project site.

In consultation with VA and the California State Historic Preservation Officer (SHPO), on May 1, 2015 WSA implemented a presence/absence test coring program within the archaeological site boundary as it is currently depicted in the NWIC's records to determine if P-43-000252 is actually present within the project site, to identify its extent, and support the NHPA Section 106 process. The coring program attempted to clarify the ambiguity created by the multiple site locations recorded over the past 38 years.

As a result of the May 1, 2015 archaeological testing, no evidence of P-43-000252 was identified within the project site. These results indicate that no known archaeological properties are present within the project site and that the previously identified prehistoric site (P-43-000252) is likely located outside of the property boundaries of the VA's project site.

In addition, a records search request was submitted to the Native American Heritage Commission (NAHC) on November 16, 2012 to determine if there is record of any Native American cultural resources or known sacred lands on or in the vicinity of the project site. The NAHC response was sent on April 30, 2015 and indicated that the search of the sacred lands database did not identify any known sacred lands on or in the immediate vicinity of the project site (NAHC 2015).

Further information on the NHPA Section 106 consultation process is included in Appendix D (Cultural Resources Supporting Information).

3.3.2 Environmental Consequences

Proposed Action

Architectural (Historic) Resources

No known architectural (historic) resources are located within the project site. Therefore, the proposed action would have no environmental effect on architectural (historic) resources.

Archaeological Resources

No known archaeological resources would be directly or indirectly affected by the proposed action, because no archaeological properties are known to occur within the boundary of the project site.

However, based on the overall sensitivity of the region, including the adjacent archaeological sites to the project site, a qualified archaeological monitor, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, will provide construction staff archaeological awareness training prior to construction-related ground disturbing activities. Training would include informing construction staff to identify potential cultural resources and the procedures to be followed in the event that resources are discovered.

In the unlikely event of an inadvertent discovery of previously undocumented archaeological resources or human remains, consultation with the SHPO, in accordance with 36 CFR 800.13, will occur and the following management measure will be followed.

> *If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) or human remains is made during construction activities associated with the proposed action, ground disturbances in the area of the find will be halted and appropriate VA personnel and a qualified professional archaeologist will be notified regarding the discovery. In coordination with SHPO, VA will determine whether the resource is potentially significant per the evaluation criteria of the NHPA and will develop appropriate mitigation. If human remains are encountered, the Santa Clara County Coroner will be notified immediately upon their discovery. If the coroner determines that the remains are of Native American origin, the provisions of Native American Graves Protection and Repatriation Act (NAGPRA) or other related federal, state, or local laws may apply.*

Implementation of this management measure would reduce potentially adverse impacts that could result from inadvertent damage or destruction of presently undocumented archaeological resources and human remains during construction. Therefore, no significant adverse environmental effect resulting from the proposed action on archaeological resources would be expected.

NHPA Section 106

In accordance with NHPA requirements, VA initiated consultation under Section 106 of the NHPA with the California SHPO in a letter dated April 13, 2015. The initiation letter identified and sought concurrence with the proposed actions area of potential effects (APE) and to solicit any comments on a proposed archaeological work plan for a May 2015 archaeological testing program, as identified above in Section 3.3.1. Subsequently, VA and their environmental consultants (i.e., WSA and EMC) met with California Office of Historic Preservation (OHP) staff on April 15, 2015 to discuss and revise the proposed May 2015 work plan.

Following OHP's concurrence with the proposed work plan (California State Parks, 2015) WSA conducted testing at the project site and, as described above, no evidence of P-43-000252 was identified within the project site. These results indicate that no known archaeological properties are present within the project site and that the previously identified prehistoric site (P-43-000252) is likely located outside of the property boundaries of the VA's project site. Based on these testing results, VA determined that no historic properties are present within the project site and, therefore, no historic properties would be affected by the proposed action or undertaking.

In April 2015, a formal request for consultation was sent to the California State Historic Preservation Officer (SHPO), in compliance with NHPA. Outreach efforts to involve local Native American community members identified by the California Naitive American Heritage Commission (NAHC) were conducted concurrently with the Draft EA 30-day public review

period. A Notice of Availability was mailed to the identified Native American community members; the notice was posted to the VAPAHCS Environmental and Cultural Planning webpage; notices were mailed to other local, State, and federal agencies; and the notice was published in the San Jose Mercury Newspaper for three consecutive days. No comments were received from the recipients or the public. Additional information on the VA's public outreach is presented in Section 4, Public Involvement, of this Final EA.

In accordance with NHPA, VA determined that no known historic properties are present within the project site and, therefore, no historic properties would be affected by the proposed action. VA completed consultation under Section 106 of the NHPA with the California SHPO and received a conditional concurrence letter supporting VA's determination of effects, dated July 13, 2015. As part of the NHPA Section 106 process, the VA agreed to provide archaeological monitoring during all project related ground disturbing activities. Further information on VA's compliance with the NHPA Section 106 process, including VA's determination of effects, description of public involvement, and supporting documentation.

Implementation of Management Measures CR-1 and CR-2 would reduce potentially adverse impacts that could result from inadvertent damage or destruction of presently undocumented archaeological resources and human remains during construction. Therefore, no significant adverse environmental effect resulting from the proposed action on archaeological resources would be expected.

Documentation of VA's determination of effects under Section 106 of the NHPA (i.e., FOE), any relevant minimization or avoidance measures, and documentation supporting VA's Section 106 consultation with California SHPO is included in Appendix D.

No Action Alternative

No adverse environmental effects to historic resources would occur as a result of the no action alternative.

3.3.3 Management Measures

CR-1. The VA's chosen developer will provide a qualified archaeological monitor, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, will provide archaeological monitoring during all project related ground disturbing activities.

CR-2. The VA's chosen developer will ensure that in the unlikely event of an inadvertent discovery of previously undocumented archaeological resources or human remains, consultation with the SHPO, in accordance with 36 CFR 800.13, will occur and the following management measure will be followed.

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) or human remains is made during construction activities associated with the proposed action, ground disturbances in the area of the find will be halted and appropriate VA personnel and a qualified professional archaeologist will be notified regarding the discovery. In coordination with SHPO, VA will determine whether the resource is potentially significant per the evaluation criteria of the National Historic Preservation Act (NHPA) and will develop appropriate mitigation. If human remains are encountered, the Santa Clara County Coroner will be notified immediately upon their discovery. If the coroner determines that the remains are of Native American origin, the provisions of Native American Graves Protection and Repatriation Act (NAGPRA) or other related federal, state, or local laws may apply.

3.3.4 Mitigation

None

3.4 Geology and Soils

3.4.1 Affected Environment

EO 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, directs Federal agencies to incorporate cost-effective seismic safety measures in all new buildings that are constructed, leased, assisted, or regulated by the Federal Government.

The City of San Jose and the entire San Francisco Bay region is within one of the most seismically active areas in the United States. For the period 2002 to 2031, the probability of a magnitude 6.7 or greater earthquake occurring in the San Francisco Bay region is 62 percent. Development within the city is likely to be exposed to strong ground shaking within the useful lifetime of new development (City of San Jose 2011a). The Monte Vista-Shannon fault passes about 3 miles to the east of the project site. However, surface rupture during an earthquake is considered unlikely at the site, as there are no known faults within the site.

The topography of the project site is relative flat. The site slopes slightly uphill along the west side. Coyote Creek borders the site on the north and northeast with slopes of approximately 2:1. The gently sloping site is situated on the San Jose East U.S. Geological Survey (USGS) quadrangle map, and ranges in elevation from about 203.5 to 205.0 feet.

A previous geotechnical report (URS 2007) for the project site was prepared for a hospital/shopping mall action that was not previously implemented (see Appendix E). According to the report, the site is generally blanketed by five to nine feet of loose sandy silt and

silty sand. Soils directly beneath the surficial soils vary with some borings indicating medium dense to very dense poorly graded, clayey, and silty sands directly below the surficial layer, and others indicting more granular deposits directly below. This layer is underlain by underlain by very stiff lean clay. Soil types identified at this site by the Natural Resources Conservation Service (NRCS) include Still complex on the northeastern portion of the site and Elpaloalto complex on the remaining area. Both soil areas contain approximately 0-2 percent slope. Still complex is considered well drained; water transmission capacity is moderately high to high, with no frequencies of flooding or ponding. Elpaloalto complex is considered well drained; water transmission capacity is moderately high, with no frequencies of flooding or ponding (NRCS 2014).

The site is located within the mapped Santa Clara County Liquefaction Hazard Zone and the California Geological Survey Liquefaction Hazard Zone. The site is zoned as an area of moderate liquefaction potential on the liquefaction susceptibility map. According to the geotechnical report, potential for lateral spreading is extremely low (URS 2007).

3.4.2 Environmental Consequences

Proposed Action

No significant impacts to geology are anticipated. No significant effects to mineral resources are anticipated, because the proposed action is not located in an area where mineral resources considered important on a local, State, national, or global basis are present and the proposed action does not involve the commercial extraction of mineral resources. No significant seismic effects are anticipated. The proposed action is an outpatient clinic that would not place large concentrations of non-ambulatory patients and staff at risk for seismic events. The new building will be designed and constructed in compliance with the seismic safety and general construction standards contained in the most recent version of the building code.

A geotechnical report is required by the City of San Jose building permit process for the proposed action to ensure that foundations and footings are properly designed based on soil characteristics of the site. To minimize the environmental effects of the proposed action, buildings would be designed and constructed in compliance with the construction standards and performance thresholds contained in the most recent version of the building code.

No Action Alternative

The risks of exposure to seismic events or ground failure due to unstable soils at the existing project site would remain unchanged.

3.4.3 Management Measures

GEO-1. VA's selected developer will prepare action-specific geo technical reports as required by the City of San Jose and will design and construct the building in compliance with the seismic safety and general construction standards contained in the most recent version of the building code. VA would include these requirements on all bid documents for the design and construction of the proposed action.

3.4.4 Mitigation

None

3.5 Hydrology and Water Quality

3.5.1 Affected Environment

Hydrology

The City of San Jose has a semi-arid, Mediterranean-type climate with warm, dry weather from late spring to early fall and cool, moist winters. Yearly precipitation varies across the City, based largely on topography. The wettest month of the year is usually January, with an average rainfall of approximately three inches. The San Jose area is subject to recurring and sometimes long lasting droughts (City of San Jose 2011a).

The project site is located in the Santa Clara sub-basin, which is a sub-basin of the larger Santa Clara Valley Groundwater Basin. The Santa Clara Valley Groundwater Basin is the source for all groundwater in the County, and is monitored by the Santa Clara Valley Water District (SCVWD) and local water suppliers. Groundwater levels respond to changes in the balance between groundwater recharge and withdrawal. Groundwater levels in the area have historically experienced periods of steep declines in groundwater levels due to significant increases in population and overreliance on groundwater. However, the construction of reservoirs for groundwater recharge and the importation of water resulted in the significant recovery of groundwater levels following these actions (SCVWD 2012).

Water Quality

The Clean Water Act (1977) establishes the basic framework for regulating the discharge of pollutants into waters of the United States. Construction-related water quality degradation is

regulated by the National Pollutant Discharge Elimination System (NPDES) program, which was established by the Clean Water Act. In California, the Regional Water Quality Control Board (RWQCB) administers the NPDES program. Projects that would disturb more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES General Construction Permit for discharge of storm water associated with construction activities.

The City's general plan policies require all new and redevelopment projects to implement post-construction best management practices and treatment control measures, and establish performance criteria for post-construction hydromodification control measures in compliance with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and RWQCB standards.

Groundwater quality in Santa Clara County is generally good and groundwater is suitable for most urban and agricultural uses. Nitrate in the Coyote Sub-basin (south of the alternative sites) and localized contamination from underground tank leaks are currently the primary groundwater contaminant concerns in the portion of the Santa Clara Valley groundwater basin below the City of San Jose (City of San Jose 2011a).

The project site is located within the Coyote Creek Watershed. The Coyote Creek Watershed is the largest in the Santa Clara Basin, and covers approximately 320 square miles of area from the Diablo Range on the east side of the Basin to the valley floor. Coyote Creek originates in the mountains northeast of the City of Morgan Hill and flows northwest for approximately 42 miles before entering the Lower South San Francisco Bay. At the base of the Diablo Range, the Creek is impounded by two dams, which form Coyote and Anderson Reservoirs (SCVURPPP 2014a).

During the site investigation for the geotechnical report (URS 2007), groundwater was encountered at depths ranging from about 25 feet to 29 feet. The site investigation occurred outside of the rainy season, and the geotechnical report notes that groundwater elevation likely is influenced by the water level in the creek.

3.5.2 Environmental Consequences

Proposed Action

Hydrology

The topography of the project site is relatively flat. Some modification of the site topography would be necessary to implement the proposed action; however, the proposed action would be designed to utilize existing drainage patterns and thus, existing drainage patterns would remain relatively unchanged. The city's general plan EIR acknowledged that increased runoff to the

storm drain system due to new development could result in localized adverse effects to the storm drain network at some locations in the City, dependent on precipitation rates of a given storm event. The general plan EIR determined that implementation of general plan policies and existing regulations and adopted plans and policies would reduce flooding and drainage hazards to a less-than significant-level (City of San Jose 2011a). These policies include the implementation of best management practices during construction and operations, and the use of pre-treatment, detention and retention ponds to prevent runoff to off-site areas from exceeding pre-development levels. VA's chosen developer will ensure that all drainage improvements would be designed to conform to these policies and standard conditions of approval.

The site is not located within a key groundwater recharge area or within an existing groundwater recharge facility; therefore, the proposed action would not result in adverse effects on groundwater recharge (City of San Jose 2011a).

Water Quality

The proposed action has the potential to generate storm water runoff during construction and operations that can negatively affect surface water quality. Development of the proposed action would result in an increase in impervious surfaces on the site, potentially leading to increased runoff volumes and an increase in the transport of urban pollutants to Coyote Creek and other areas off-site. Oils, grease, heavy metals, pesticides and coliform bacteria are common urban pollutants that accumulate during dry weather and are transported in runoff during storm events. As noted in Section 1, the proposed action includes best management practices and low impact design technologies such as bio-swales and/or other bio-retention features to capture and treat runoff on the site.

The project site is greater than one acre and an NPDES General Construction permit would be required. During construction, direct and indirect short-term adverse soil erosion and sedimentation effects could occur as the proposed building, parking areas, entrance road, and other action components are constructed. Construction would remove vegetative cover, disturb the soil surface, and compact the soil, increasing its susceptibility to wind and water erosion. Exposure of the soils during construction; therefore, has the potential to result in increased sedimentation in the municipal or onsite storm water management systems, and the potential for offsite discharges of sediment-laden runoff.

Potential adverse erosion and sedimentation effects to water quality would be prevented through utilization of appropriate "Best Management Practices" and adherence to the terms of NPDES requirements. VA's selected developer would propose and implement control measures that are consistent with the NPDES General Construction Permit. The NPDES General Construction Permit requires a Storm Water Pollution Prevention Plan (SWPPP), which would utilize storm water "Best Management Practices" to control runoff, erosion, and sedimentation from the site.

The SWPPP will include Best Management Practices, which address source reduction and, if necessary, will include practices that require treatment. It should be consistent with the terms of the NPDES General Construction Permit. Successful compliance with NPDES would minimize the effects of construction on water quality and the indirect effects to drainage patterns from sedimentation.

The city's general plan EIR determined that development under the general plan would result in storm water runoff from construction sites and new development areas could transport urban contaminants and sediment to area creeks and San Francisco Bay. The general plan EIR determined that implementation of general plan policies and existing regulations and adopted policies would avoid substantial new impacts to the water quality of surface waters (City of San Jose 2011a). VA's chosen developer would comply with NPDES and local requirements to reduce the transport of urban runoff to off-site areas. Therefore, the proposed action would not result in a significant adverse environmental effect to water quality.

No Action Alternative

The no action alternative would not result in environmental effects to hydrology or water quality.

3.5.3 Management Measures

HYD-1. The proposed action would be designed and constructed consistent with the policies of the City of San Jose general plan. As such, VA's selected developer would design and construct storm water drainage infrastructure consistent with the city's design standards, RWQCB design specifications and performance standards, and would prepare a SWPPP to reduce the proposed action's environmental effects to water quality. VA would include this requirement on all bid documents for the design and construction of the proposed action.

3.5.4 Mitigation

None

3.6 Wildlife and Habitat

Federal Endangered Species Act (ESA)

The Endangered Species Act (ESA) is administered by both National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS). Pursuant to the requirements of the ESA, a Federal agency authorizing, funding or carrying out a action within its jurisdiction must determine whether any Federally listed threatened or endangered species may be present in the project site and determine whether the agency's action could affect any Federally listed species (16 U.S.C. 1536(a)(2), (3)). If the action would likely affect a listed species, the agency must consult with the USFWS or NMFS under Section 7 of the ESA to determine whether the action is likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of designated critical habitat (16 U.S.C. 1536(a)(2)).

Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), as amended, makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued by USFWS. The MBTA does not provide protection for habitat of migratory birds.

California Endangered Species Act

The California Endangered Species Act (CESA) (Fish and Game Code Sections 2050 to 2097) is administered by California Department of Fish and Wildlife (CDFW). CESA prohibits the take of plant and animal species designated by the California Fish and Game Commission as either threatened or endangered in the state of California. "Take" in the context of CESA means to hunt, pursue, kill, or capture a listed species, as well as any other actions that may result in adverse impacts when attempting to take individuals of a listed species.

3.6.1 Affected Environment

A biological reconnaissance survey of the project site was conducted by EMC Planning Group on November 13, 2014 to document existing habitats and evaluate the potential for special-status species to occur on the project site. Biological resources were documented in field notes, including species observed, vegetation communities, and wildlife habitat characteristics. Habitat quality and disturbance level were noted. Representative site photographs were taken at several locations at the project sites to document habitat conditions.

Special-status species in this report are those listed as endangered, threatened, or rare, or as candidates for listing by the USFWS and/or CDFW; or as rare plant rank 1B or 2B by the California Native Plant Society (CNPS). This designation also includes CDFW Species of Special Concern and Fully Protected species.

A USFWS threatened and endangered species list was generated for Santa Clara County and is included as Appendix F. A search of the CDFW *California Natural Diversity Database (CNDDB)* was conducted for the Milpitas, Calaveras Reservoir, Mount Day, San Jose West, San Jose East, Lick Observatory, Los Gatos, Santa Teresa Hills, and Morgan Hill U.S. Geological Survey (USGS) quadrangle maps to generate a list of potentially occurring special-status species in the action vicinity, which is included as Appendix G (CDFW 2014). Additionally, occurrences of special-status plants were reviewed for those USGS quadrangles in the CNPS *Inventory of Rare and Endangered Plants* and a species list is included as Appendix H (CNPS 2014).

No Federal- or State-listed plant and wildlife species have been previously identified at the project site. In addition, no Federal- or State-listed plant and wildlife species were identified at the project site during the November 13, 2014 site visit, and none are anticipated to occur due to absence of appropriate habitat, other than seasonally protected nesting birds which typically have the potential to occur at all development sites.

The project site is located within the permit area of the Santa Clara Valley Habitat Plan (Habitat Plan), a combined Habitat Conservation Plan and Natural Community Conservation Plan incorporating the southern portion of Santa Clara County, including the cities of San Jose, Morgan Hill, and Gilroy (ICF International 2012). Other partners/permittees of the Habitat Plan include the County of Santa Clara, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (VTA). The Habitat Plan was developed in association with the USFWS and CDFW. The plan is intended to provide an effective framework to protect, enhance, and restore natural resources in specific areas of Santa Clara County, while improving and streamlining the environmental permitting process for impacts to threatened and endangered species.

The project site is also located near the Coyote Creek riparian area and recreational trail and is comprised of an open field surrounded by a chain link fence with open gates. It contains non-native grassland dominated by ripgut grass (*Bromus diandrus*), foxtail chess (*Bromus madritensis* ssp. *rubens*), and wild oats (*Avena* spp.). Other weedy species commonly occurring include shortpod mustard (*Hirschfeldia incana*), yellow star-thistle (*Centaurea solstitialis*), curly dock (*Rumex crispus*), stinkwort (*Dittrichia graveolens*), telegraph weed (*Heterotheca grandiflora*), California burclover (*Medicago polymorpha*), and smilo grass (*Piptatherum miliaceum*).

This site also contains several native coyote brush shrubs (*Baccharis pilularis*) and native coast live oak trees (*Quercus agrifolia*). The U.S. Highway 101 off-ramp right-of-way adjacent to the western

edge of the site contains numerous trees, mainly coast live oaks and remnant orchard black walnuts (*Juglans* sp.). This right-of-way also contains a few non-native ornamental Raywood ash trees (*Fraxinus angustifolia "Raywood"*) and crape myrtles (*Lagerstroemia* sp.), along with a native blue elderberry (*Sambucus nigra* ssp. *caerulea*) (Barrie D. Coate and Associates 2014).

3.6.2 Environmental Consequences

Proposed Action

Federally-Listed Plant and Wildlife Species

As summarized above, no Federally-listed plant or wildlife species have been previously recorded at the project site, and none are anticipated to occur due to absence of appropriate habitat. Therefore, construction of the proposed action would not cause disruption to or removal of a Federally-listed endangered or threatened species, its habitat, migration corridors, or breeding areas.

State-Listed Plant and Wildlife Species

As summarized above, no State-listed special-status plant species have been previously recorded at the project site, and none are anticipated to occur due to absence of appropriate habitat, other than seasonally protected nesting birds which typically have potential to occur at all development sites. Therefore, construction of the proposed action would not result in adverse effects on state-listed special-status species.

Other

Common species would be affected through the removal of marginal habitat, and removal of existing vegetated areas within the project site. In addition, common wildlife would be subjected to increases in noise and dust associated with construction. However, potential impacts to common species and habitats would not be substantial due to the current low abundance of wildlife on the site and their adaptability to the built urban environment.

The conceptual site plan retains several on-site native coast live oaks to the extent feasible, but proposes the removal of a few on-site coast live oaks to accommodate facility construction. An Arborist Report (Barrie D. Coate and Associates 2013) (tree report) was prepared for the site and is included in Appendix I. Per the tree report, many native coast live oaks exist on and immediately adjacent to the site with varying levels of health and aesthetics, which were identified for each tree during a tree evaluation survey (Barrie D. Coate and Associates 2013). The tree report also contains recommendations for protecting retained trees during construction. The City of San Jose Municipal Code, *Chapter 13.32: Tree Removal Controls* includes provisions to

protect all live trees on private property, and requires a tree removal permit or development permit prior to removal of any tree(s); *Chapter 13.28: Street Trees, Hedges and Shrubs* requires approval by the director of transportation prior to impacting any public street tree(s) (City of San Jose 2014c).

The many trees on and adjacent to the site provide suitable nesting habitat for a variety of birds that are afforded protection under the MBTA and California Fish and Game Code during the nesting bird season (February 1 to August 31). Construction noise and/or tree removal associated with the proposed action may therefore potentially result in adverse effects to nesting birds, leading to nest abandonment or failure, which would violate these protective regulations.

Due to the high disturbance level and resulting low quality of existing biological resources present on the site, and the lack of suitable habitat for special-status species, no permanent or long-term impacts to regionally occurring special-status plants, animals, or natural communities are anticipated to result from implementation of the proposed action. However, adverse effects to special-status species would be limited to the potential temporary disturbance of protected nesting birds due to construction noise and/or tree removal. Implementation of the proposed avoidance and minimization measure below will ensure that these potential effects are minimal. The proposed action is not expected to adversely affect other special-status species, wildlife movement corridors, or wetlands/waterways, or to substantially reduce the population of any native species.

Coyote Creek recreational trail is located near the site; however, the creek and its high quality riparian habitat are not present on the site and would not be impacted by the proposed action.

According to the Habitat Plan "Geobrowser" data available online (Santa Clara Valley Habitat Agency 2014), development of the site does not require focused special-status species surveys for any plants, but does require a preconstruction survey for the tricolored blackbird (*Agelaius tricolor*); however, this requirement is based on an assumption that a small patch of riparian habitat is present on the site; which field observations determined to be inaccurate. Therefore, this survey would not be required. The Habitat Plan land cover mapping data is based on interpretation of aerial imagery and therefore requires on-the-ground verification for specific project sites. This site is mapped as "Urban-Suburban", with a small patch of vegetation at the southeastern corner mapped as "Willow Riparian Forest and Scrub" along Coyote Creek. These land cover conditions were deemed inaccurate during the biological field survey, as no riparian vegetation is present on the site, and the open field should be classified as "California Annual Grassland". Under the Habitat Plan, the site is zoned as "Private Development – Covered", and VA's chosen developer would need to obtain a Habitat Plan permit and pay applicable fees prior to site development to ensure consistency with the Habitat Plan.

No Action Alternative

The no action alternative would not result in any adverse effects.

3.6.3 Management Measures

BIO-1. VA will include the following language in all bid documents:

> To avoid potential adverse effects to nesting birds, noise-generating construction activities and any tree removal should be scheduled outside of the nesting bird season (which is February 1 to August 31). If construction activities begin during the nesting bird season, or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the applicant shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during implementation of the proposed action. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to VA for review and approval prior to construction activities.
>
> If no active bird nests are detected during the survey, then construction activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist. To avoid inadvertent impacts to an active bird nest, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

3.6.4 Mitigation

None

3.7 Noise and Vibration

Noise may be defined as unwanted sound. Sound is most commonly measured in decibels (dB) on an A-weighted scale. Sound is also expressed in average measurements such as the Day-Night Average Sound Level (DNL), which is commonly used as the standard for estimating sound impacts and establishing guidelines for compatible uses. Noise levels from a source decline as distance to the receptor increases. Other factors, such as the weather and reflecting or shielding structures, also may intensify or reduce the noise level at a location. Table 4, Typical Noise Levels in the Environment, lists common indoor and outdoor activities and the corresponding sound levels.

The effects of ground-borne vibration may include perceivable movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. In extreme cases, the vibration can cause damage to buildings. Construction activities can cause ground-borne vibration that varies in intensity depending on several factors. New development is required to minimize vibration impacts to adjacent uses during demolition and construction. A vibration limit of 0.20 in/sec PPV (peak particle velocity) is the standard for minimizing the potential for cosmetic damage at buildings of normal conventional construction.

Noise is federally regulated by the Noise Control Act of 1972, which establishes general guidelines related to what would be considered acceptable noise levels generated by a action alternative and perceived by adjacent or on-site receptors.

At the local level, the City of San Jose's Municipal Code contains a zoning ordinance that limits noise levels at adjacent properties. Noise levels resulting from a commercial/industrial use adjacent to a property used or zoned for residential purposes are limited to 55 dBA. The code is not explicit in terms of the acoustical descriptor associated with the noise level limit. A reasonable interpretation of this standard has been made based on similar codes of other Bay Area communities. This analysis assumes that the intent of the code is to limit noise levels at any residential property to 55 dBA Leq. In addition, the *Envision San José 2040 General Plan* sets forth city-wide objectives and guidance related to city-wide planning and noise and vibration control.

The City of San Jose requires construction operations to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers construction noise impacts to occur if a action located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction

schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Table 4 Typical Noise Levels in the Environment

Common Outdoor Noise Source	Noise Level (dBA)	Common Indoor Noise Source
	110	Rock Band
Jet Fly-over at 1,000 feet		
	100	
Gas Lawn Mower at 3 feet		
	90	
Diesel Truck at 50 feet Travelling 50 MPH		Food Blender at 3 feet
	80	Garbage Disposal at 3 feet
Noisy Urban Area, Daytime		
Gas Lawn Mower at 100 feet	70	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
Heavy Traffic at 300 feet	60	
		Large Business Office
Quiet Urban Daytime	50	Dishwasher in Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime		
	30	Library
Quiet Rural Nighttime		Bedroom at night, Concert Hall (Background)
	20	
		Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: Technical Noise Supplement (TeNS), Caltrans (2009)

3.7.1 Affected Environment

The project site is an undeveloped parcel. Existing land uses in the vicinity of the project site include an industrial/business park and Coyote Creek Trail to the east, open space and residential uses north of Silver Creek Valley Road; and U.S. Highway 101 and an exit ramp directly to the west and south. In addition, residential and commercial development is located further southwest, across from U.S. Highway 101. The closest sensitive noise receptors to the proposed action are two single-family residential units located adjacent to the northeastern boundary of the project site on Silver Creek Valley Place. The existing noise environment at the site and in the vicinity results primarily from traffic on U.S. Highway 101.

A noise monitoring survey was conducted between September 30, 2014 and October 3, 2014 to document existing noise conditions (Illingworth and Rodkin 2014). The noise monitoring survey included one 24-hour measurement (LT-3) and two ten-minute measurements (ST-3 and ST-4). Measurement site LT-3 was located in a tree in the center of the project site, approximately 350 feet from the center of U.S. Highway 101. Hourly average noise levels typically ranged from 63 to 68 dBA Leq during the day and 58 to 66 dBA at night. The calculated day-night average noise level at location LT-3 was 70 dBA DNL.

The short-term ST-3 was located at the southeast corner of the project site, approximately 300 feet from the center of U.S. 101. The ten-minute average noise level at this location was 63 dBA Leq. ST-4 was located at the northern portion of the site, adjacent to single family residences located to the north along Silver Creek Valley Place. The average noise level at ST-4 was recorded at 59 dBA Leq. Table 5, Short-Term Noise Measurement Data, summarizes the results of these measurements.

Table 5 Short Term Noise Measurement Data

Noise Measurement Location	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}	DNL
ST-3: ~300 feet from the center of U.S. 101. (10/4/2014, 9:50 a.m.-10:00 a.m.)	72	69	66	62	60	**63**	69
ST-4: Northern portion of project site, adjacent to single-family residences to the north. (10/4/2014, 10:00 a.m.-10:10 a.m.)	64	63	61	58	56	**59**	65

Source: Illingworth & Rodkin 2014

Note: Lmax – maximum sound level of an event

Lx – describes the sound level that is exceeded X-percent of the time over the observation period. For example, L50 is the level exceeded 50-percent of the time. L50 and L90 are often used to describe the ambient or background sound level.

Leq – the average sound level over a given period of time.

DNL – time-weighted average sound level over a 24-hour period

It should be noted that existing noise levels at the project site and at the adjacent to single family residences located to the north along Silver Creek Valley Place exceeds the 55 dBA limit identified in the City of San Jose's ordinance that limits noise levels at adjacent residential properties.

3.7.2 Environmental Consequences

Proposed Action

Construction Vibration and Noise

The proposed action under this alternative would generate temporary noise and vibration during construction. Construction activities would include excavation, grading, site preparation work, foundation work, and new building framing and finishing. Perceptible vibration could be generated by the use of heavy equipment or impact tools (e.g. jackhammers, etc.) in areas of the site that adjoin existing developed properties. Vibration levels from typical construction activities would be expected to be less than 0.2 in/sec PPV. As such the proposed action would not exceed the city's 0.2 in/sec PPV significance threshold. Although vibration generated by construction activities near the common property line of the Silver Creek Valley Place site would at times be perceptible, the extent of construction equipment vibration effects would not be expected to result in damage to residential buildings located north of the site.

Construction activities can generate considerable amounts of noise, especially when heavy equipment is used. Construction equipment necessary for the proposed action would be typical of any hospital action including, but not limited to, earth-moving equipment and trucks, mobile cranes, compressors, pumps, generators, paving equipment, various tools, and the possibility of pile driving activities for foundation work. The highest maximum noise levels generated by construction of the proposed action would typically range from about 90 to 95 dBA at a distance of 50 feet from the noise source.

Based on industry standards, typical hourly average construction noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average noise levels generated by the construction of the clinic would range from about 65 dBA to 88 dBA measured at a distance of 50 feet depending on the amount of activity at the site. During impact driving, if proposed, hourly average noise levels could reach 94 dBA Leq at 50 feet. Maximum noise levels generated during pile driving would typically range from 85 to 105 dBA Lmax at 50 feet. Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Barriers or buildings that interrupt the sound path between the source and receptors would provide an additional 5 to 10 decibels of attenuation.

The proposed action is anticipated to require a total of 15 months for site preparation work and building construction. Construction-related noise levels are normally less during building framing, finishing, and landscaping phases when less heavy equipment is present on site. Construction noise levels would be highest at existing residential receptors at the Silver Creek site vicinity when construction occurs near Silver Creek Valley Place, approximately 100 feet from these receptors located adjacent to the site. Hourly average noise levels generated by action construction activities would range from about 75 to 82 dBA Leq at these receptors during intense periods of construction. Pile driving (if used) noise levels would reach 88 dBA Leq at sensitive uses should pile driving occur near the northern periphery of the Silver Creek site. Construction activities would mostly take place at greater distances from existing receptors, and hourly average noise resulting from construction would be below ambient traffic noise levels from U.S. Highway 101.

Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive receptors, but this would be considered a less-than-significant adverse effect assuming that construction activities are conducted in accordance with the provisions of the City of San Jose and with implementation of construction best management practices.

Operational Noise and Vibration

The proposed action would result in an increase in on-site noise associated with operation of HVAC units as part of the use of proposed CBOC, emergency generators, loading docks, landscaping, maintenance, and parking areas. The most substantial noise generating equipment would most likely be emergency generators or rooftop air conditioning and ventilation systems. As illustrated by the conceptual site plan (Figure 4), the bulk of equipment areas and loading docks are located on the rear west side of the proposed building.

Given the proximity of noise-sensitive residences to the project site, there is a potential for noise from mechanical equipment to exceed the City's Municipal Code which limits noise levels at adjacent properties to 55 dBA Leq. However, it must be noted that existing noise conditions already exceed this limit. As a result, operation of stationary noise sources would not cause ambient noise levels at nearby sensitive receptors to increase substantially. Thus, the operational noise impacts from stationary sources would not be significant.

However, due to the number of variables inherent in the mechanical equipment needs of the proposed action (number and types of units, locations, size, housing or enclosures, etc.), the effect of mechanical equipment noise on nearby noise sensitive uses should be assessed during final stages of proposed action design. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise sensitive areas in combination with the use of noise attenuation features such as enclosures or roof parapets where feasible.

Noise resulting from the use of the hospital parking lots would be attributed to sources such as vehicular circulation, engine noise, car alarms, door slams, and human voices. The nearest residences to the north of the Silver Creek site are located approximately 50 feet from the nearest portion of the proposed parking lot. The maximum sound (Lmax) of a passing car at 15 mph typically ranges from 50 dBA to 60 dBA Lmax dBA at distance of 50 feet. The noise generated during an engine start is similar. Door slams create lower noise levels. The hourly equivalent noise level resulting from all of these noise-generating activities in a busy parking lot typically ranges from 45 dBA to 55 dBA Leq at a distance of 50 feet from the parking area. The resulting noise levels typically fall below ambient traffic noise levels resulting from traffic on U.S. 101.

Operation of the proposed CBOC would result in an increase in traffic volumes on the local roadway network, and consequently, in an increase in noise levels from traffic sources along affected roadway segments. Traffic noise levels along roadways serving the site are anticipated to increase by less than 1 dBA DNL as a result of the proposed action. Therefore, mobile-source noise generated by the proposed action would not result in a measureable increase in noise at sensitive receivers in the vicinity of the project site. Long-term operations of the proposed action would not include any major sources of vibration. Thus, environmental effects resulting from vibration would not be significant.

No Action Alternative

Under the no action alternative, no noise effects would occur.

3.7.3 Management Measures

N-1. To control construction-noise, VA will include the following language on all bid documents for the proposed action to avoid the potential for adverse, short-term noise impacts due to construction:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the City of San Jose Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Weekend construction hours, including staging of vehicles, equipment, and construction materials, shall be limited to Saturdays between the hours of 9:00 a.m. and 5:00 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Rules and regulation pertaining to all construction activities and

limitations identified in this permit, along with the name and telephone number of a developer-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.

- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices, when feasible. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- The contractor will implement the following measures to minimize construction noise impacts on the surrounding sensitive land uses to the fullest extent possible. The measures may include, but not be limited to, the following:
  - Early and frequent notification and communication with the neighborhood of the construction activities and construction schedule.
  - Prohibit unnecessary idling of internal combustion engines.
  - Best available noise control practices (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks in order to minimize construction noise impacts.
  - If impact equipment (e.g., jack hammers, pavement breakers, rock drills) is needed during action construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used if available and feasible.
  - Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. A telephone number for the disturbance coordinator should be conspicuously posted at the construction site.

N-2. Mechanical equipment noise levels shall be reduced to 55 dBA DNL/Leq at the property lines of the project site adjoining noise-sensitive land uses. An acoustical study shall be prepared during the final action design to evaluate the potential noise generated by buildings mechanical equipment and to identify the necessary noise controls are included in the design to meet the City's 55 dBA DNL/Leq City's Municipal Code limit.

3.7.4 Mitigation Measures

None

3.8 Land Use

3.8.1 Affected Environment

The project site is a 5.86 acre vacant parcel located at 5855 Silver Creek Valley Place. The site is bounded by U.S. Highway 101 to the west, Silver Creek Valley Road to the north, Coyote Creek to the east, and a vacant parcel to the south. Existing land uses in the vicinity of the site include an industrial business park to the east, residential uses north of Silver Creek Valley Road, two single-family homes located at the end of Silver Creek Valley Place, and vacant land to the south and south east. The general plan land use designation for this site is Combined Industrial/Commercial (City of San Jose 2014a). The site is zoned A(PD) – Agricultural (Planned Development) - with an overlay zone for healthcare and medical office uses (City of San Jose 2014d). As mentioned in Section 3.1, the site is also located within Area 5 of the city's Edenvale Development Policy area and development of the site is subject to community design standards in the City's general plan and the City of San Jose Municipal Code. The Edenvale Development Policy calls for increased development of this Area 5 with transit-oriented industrial and commercial uses.

The site is accessible via Silver Creek Valley Place from Silver Creek Valley Road and U.S. Highway 101. The Blossom Hill Cal Train Station is approximately 1.2 miles to the west, and access to light rail is available at the Cottle Station about 2.2 miles southwest of the site. The site falls approximately midway along the paved southern portion of the Coyote Creek Parkway, a 15-mile multi-use recreational trail extending roughly north-south and connecting nearby parks in the Santa Clara County park system. There currently are no active bus routes in service along Silver Creek Valley Road.

3.8.2 Environmental Consequences

Proposed Action

Development of a clinic on this site would be consistent with the City of San Jose general plan land use designation and zoning subject to obtaining approval of a site-specific planned development permit. As noted in Section 2, the VA's chosen developer will design and construct the proposed action consistent with the city's general plan and in conformance with community

design standards, zoning requirements, and the most current version of the building code. Site-specific design of the proposed action would be evaluated by the city as part of the required planned development permit process, which includes a public hearing on the merits of the proposed action. The planned development permit required for the site is a combined site/architectural permit and conditional use permit. The planned development permit process would ensure compliance with the city's standards for the proposed action. The proposed action would be consistent with the city's general plan land use designations and zoning subject to obtaining a planned development permit.

The built environment of the project site would change and include new land uses and activities, than under existing conditions. The proposed action would alter the existing land use character by converting the currently underutilized vacant parcel to productive uses; provide infrastructure improvements; and community services. As such, the proposed action would improve the existing land use condition and would result in a beneficial environmental effect.

Implementation of the proposed action would not physically divide an established community; conflict with substantive requirements of local land use plans or policies; the proposed action is compatible with and would not have a substantial adverse effect to, the existing character and planned uses of the surrounding community. Therefore, no significant adverse effects on land use would occur.

No Action Alternative

Under this alternative, no land use effects would occur.

3.8.3 Management Measures

LU-1. VA's chosen developer will ensure that the new San Jose CBOC design is consistent with community design standards, local zoning requirements, and is designed and constructed in accordance with the city's development guidelines and applicable building codes.

3.8.4 Mitigation

None

3.9 Floodplains, Wetlands, and Coastal Zone Management

3.9.1 Affected Environment

EO 11988 (Floodplain Management) requires that a Federal agency avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. The Federal Emergency Management Agency (FEMA) uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program.

Much of San Jose, including the locations of the proposed action alternatives, is in a dam failure inundation zone. The California Department of Water Resources (DWR), Division of Safety of Dams is responsible for regular inspection of dams in California. It is the responsibility of DWR and local agencies to minimize the risk of dam failure. Dams regulated by DWR are identified in California Water Code Sections 6002, 6003, and 6004 and regulations for dams and reservoirs are included in the California Code of Regulations. Additionally, the proposed action is an outpatient clinic and would not place a large concentration of non-ambulatory people within the inundation area for extended periods of time.

The project site is not located in the coastal zone and is not located within a 100-year floodplain (FEMA 2009a). There are no wetlands/waterways on or immediately adjacent to the site, though Coyote Creek is located nearby. The project site is located within the inundation area for Anderson Dam, which is located approximately 9.5 miles southeast of the site (City of San Jose 2011a).

3.9.2 Environmental Consequences

Proposed Action

No effect. The subject site is not located in the coastal zone and is not located within a 100-year floodplain (FEMA 2009a).There are no wetlands/waterways on or immediately adjacent to the site, though Coyote Creek is located nearby. As noted previously, this site is located within the inundation area for Anderson Dam. The city's general plan EIR acknowledged that development under the general plan could result in the placement of new development in dam failure inundation zones. The water district is currently undertaking seismic stability studies of its facilities, including the Anderson Dam. The water district is taking steps to ensure the safety of Anderson Dam, including a seismic retrofit project and the use of operating restrictions that limit storage until retrofit improvements are complete. A preliminary seismic report prepared for

the district as part of the seismic retrofit project indicates that a major earthquake could seriously damage the foundation of the dam, which could theoretically cause the top of the dam to slump down if the reservoir were full at the time an uncontrolled release of water would occur. However, water district policy is to maintain water level in the reservoir at less than 68 percent of its capacity to reduce the risks of that type of event.

No Action Alternative

The no action alternative would not result in adverse environmental effects associated with floodplains, wetlands, and coastal zone management.

3.9.3 Management Measures

None

3.9.4 Mitigation

None

3.10 Socioeconomics

3.10.1 Affected Environment

EO 12898, Environmental Justice in Minority Populations, requires Federal agencies, departments, and their contractors to consider any potentially disproportionate human health or environmental risks their activities, policies, or programs may pose to minority or low-income populations.

EO 13045, Protection of Children for Environmental Health Risks and Safety Risks, requires Federal agencies to identify and assess health risks and safety risks that may disproportionately affect children. As with EO 12898, FEMA and most Federal lead agencies determine impacts to children as part of the NEPA compliance process. Agencies must ensure that its policies, programs, activities, and standards address disproportionate risks to children that results from environmental health risks or safety risks.

3.10.2 Environmental Consequences

The proposed action would result in near- and long-term, direct, beneficial socioeconomic impacts to local employment and personal income, by providing temporary construction jobs in the private sector and long term employment opportunities during the operational phase of the action through expanded service provision in the new CBOC. Indirect benefits to the local economy also could occur by increased spending on the part of temporary and permanent workers on the site and facility. Beneficial effects to the regional economy are expected to be minimal as the proposed action replaces the existing facility and the expansion of services is not likely to have a measurable effect on the regional economy. The proposed action would not negatively affect housing patterns or displace people or housing.

During construction, health risks to children resulting from exposure to construction equipment emissions could increase at the two residences adjacent to the site; however, incorporation of the management measures identified in Section 3.2 would reduce these risks below unacceptable thresholds.

Therefore, the proposed action would not result in a significant adverse effect on socioeconomic resources.

No Action Alternative

Closure of the existing CBOC facility without a local replacement would result in the loss of or relocation of local jobs held by existing workers and a reduction in overall economic spending at the local and regional level. Also, under the no action alternative, no new construction-related jobs would be created. The area would experience the loss of incidental spending by the people that currently travel to the area for short- and long-term employment and for services at the facility.

3.10.3 Management Measures

None

3.10.4 Mitigation

None

3.11 Community Services

3.11.1 Affected Environment

The project site and its surrounding location are located within the existing community service areas for police and fire protection provided by the City of San Jose police and fire departments. Caltrans provides maintenance to State Route 85 and the segment of U.S. Highway 101, and the City of San Jose Department of Public Works maintains local street infrastructure.

The project site is located within the Oak Grove Elementary and Oak Grove High School Districts (City of San Jose 2011c). The school facility nearest to the site is Edenvale Elementary (approximately 0.75 miles northeast). The proposed action is not a residential action and would not have an affect on enrollment.

The Coyote Creek Parkway, a county-owned and maintained multi-use trail, is located on both sides of U.S. Highway 101 in the vicinity of the project site, with a sub-surface crossing just south of the U.S. Highway 101/State Route 85 interchange. The trail is located adjacent to the northern boundary of the project site (Google Earth 2014). In addition to the parkway, Shady Oaks park is located approximately 0.5 miles north (adjacent to Coyote Creek Parkway).

3.11.2 Environmental Consequences

Development of the project site was anticipated by the City's general plan. The proposed action would be accommodated by levels of service that are anticipated for general plan buildout and no adverse effect would result to community services. The proposed action would not result in an adverse environmental effect to Coyote Creek Parkway.

The proposed action will provide a benefit to the community by continuing to provide accessible health care services to local Veterans. The proposed action would result in significant long-term beneficial health effects by providing a new CBOC that would enhance the healthcare provided to regional Veterans. The state-of-the-art treatment facility would be designed around the principles of veteran- and family-centric care; integration of the family into treatment plans; and creating space to optimize health and wellness. Therefore, the proposed action would not result in a significant adverse effect to community resources.

No Action Alternative

Under the no action alternative, no construction by VA's selected developer would occur and no effects to community services would result. However, the no action alternative would result in the discontinuance of direct VA-provided healthcare services in the City of San Jose. Veterans

seeking services would need to travel to Palo Alto (20 miles), Oakland (45 miles), or Seaside (57 miles) for VA provided healthcare services (refer to Figure 5). Closure of the facility could also result in negative effects on the health and safety of the region's veterans who would then be forced to travel further distances to obtain needed services. As noted in Section 1, limitations to accessible health care have been shown to negatively affect veterans' participation and success rates in VA health care programs and treatment regimes.

3.11.3 Management Measures

None

3.11.4 Mitigation

None

3.12 Solid and Hazardous Materials

Hazardous and toxic materials or substances are generally defined as materials or substances that pose risks to human health or the environment, typically through chemical exposures and reactions. Regulated hazardous substances are identified through a number of Federal laws and regulations.

3.12.1 Affected Environment

Information regarding site-specific hazards for the proposed action is found in a Phase I Environmental Site Assessment prepared for a development project that was proposed but never implemented on this site, the results of which are available in the. *Phase I Update Silver Creek Center*, *San Jose, California*, prepared by Lowney Associates, November 22, 2005 (included in Appendix J). As reported in the site-specific assessment for this alternative, IBM operates a facility approximately 0.8 miles southwest of the project site and reportedly had numerous leaking underground storage tanks (USTs), including two Freon USTs, one acetone UST, one isopropyl alcohol UST, and a petroleum naphtha UST. To evaluate the extent of groundwater contamination, 400 monitoring wells were installed on and around the IBM facility. The ground water contaminant plume is approximately three miles in length and has migrated away from the IBM facility in a northwesterly direction, cross-gradient from the subject property. Migration of contaminated ground water is under control and additional ground water monitoring will be conducted to ensure confinement of the ground water contamination to its current area of impact (Resource Conservation and Recovery Information System Corrective Summary dated

December 28, 2000, as quoted in Lowney Associates 2005). No other reported nearby hazardous materials spills or releases with a potential to significantly and adversely affect the site were listed (Lowney Associates 2005).

3.12.2 Environmental Consequences

Proposed Action

The Phase I Environmental Site Assessment (Lowney Associates 2005) prepared for the project site concluded that, based on information in the database records regarding the type of release, current case status, and distance and direction from the site, the potential for site impact from the IBM hazardous materials release appears low, and that the planned use appears compatible with the known on-site environmental conditions. The Environmental Site Assessment also concluded that no further work appears required at this time (Lowney Associates 2005).

The proposed action does not include substantial grading and excavation that would penetrate underlying aquifers. The proposed action would result in short-term, less-than-significant adverse effects due to the increased presence and use of petroleum and hazardous substances during construction. An increase in construction vehicle traffic would increase the likelihood for release of vehicle operating fluids (e.g., oil, diesel, gasoline, antifreeze, etc.) and maintenance materials, which could be transported off-site through runoff. Implementation of standard construction best management practices and compliance with NPDES construction permit conditions would ensure this adverse effect minimized (refer to Section 3.5, Hydrology and Water Quality).

The proposed action would not result in a substantial increase in the generation of solid or hazardous wastes, increase the exposure of persons to hazardous or toxic substances, increase the presence of hazardous or toxic materials in the environment, or place substantial restrictions on property use due to hazardous waste, materials, or site remediation. Long-term operational solid and hazardous materials would be managed in accordance with VA solid and hazardous materials standard operating procedures and applicable Federal, state, and local laws. Therefore, no significant adverse effects would occur on or from known solid and hazardous materials.

No Action Alternative

Under the no action alternative, no adverse environmental effects related to hazardous materials would occur.

3.12.3 Management Measures

HAZ-1. Implementation of standard construction best management practices would ensure that potential adverse environmental effects resulting from the use of hazardous material during construction are further minimized. VA's chosen developer will ensure that these measures will be incorporated into the action construction documents.

3.12.4 Mitigation

None

3.13 Transportation and Parking

3.13.1 Affected Environment

Regional access to the project site is provided by State Route 85, U.S. Highway 101 and local access is available from Silver Creek Valley Road and Coyote Road (refer to Figure 2 and Figure 3). The primary service provider for public transportation in the San Jose area is Santa Clara Valley Transportation Authority (VTA). VTA provides bus, light rail, and paratransit service throughout Santa Clara County. Additionally, Monterey-Salinas Transit (MST) provides transportation between Monterey and San Jose in the vicinity of the project site. There are numerous local, community, and express bus routes in the vicinity of the proposed action.

Local Regulatory Context

Development of the alternative sites consistent with general plan land use designations was addressed in the general plan EIR (refer to related discussion in Section 3.8, Land Use). The proposed action is located within in the Edenvale Planning Area in the City of San Jose and is subject to compliance with general plan policies and the Edenvale Area Development Policy. The Edenvale Area Development Policy (City of San Jose 2014b) establishes special traffic level of service standards based on the conclusions of the Edenvale Area Development Policy EIR, which identified development impacts and mitigation measures including transfers of development project-related trip allotments within the planning area, area-wide traffic improvements, and payment of traffic impact fees that fully mitigate level of service traffic-related impacts within the Edenvale Planning Area.

However, traffic modeling conducted by the city during preparation of the Edenvale Area Development Policy and Edenvale Area Development Policy EIR only evaluated research and

development, or R&D land uses. The Edenvale Area Development Policy document has since been updated to include medical office uses, and site-specific trip generation analysis has been prepared for the proposed action Hexagon Transportation Consultants 2014). The results of the trip generation analysis are included in Appendix K.

Traffic

Public Transportation services in the vicinity of the project site include the VTA Route 42 along Monterey Road, with the nearest stop located approximately 1.2 miles from the site; two Monterey-San Jose express routes (MST 55 and 81) along U.S. Highway 101. These routes are largely used for working commuter purposes. There are no express route stops in the vicinity of the project site (MST 2014). The nearest light rail station is located at Cottle Road/State Route 85 approximately 2.4 miles (walking distance) from the site.

The project site is currently undeveloped. The proposed action would generate new vehicle trips in the vicinity. Staffing levels are anticipated at 134 full-time employees plus additional part-time employees. The CBOC is expecting 313 daily patient encounters. Patients would arrive on a steady schedule throughout the day.

Existing traffic conditions were represented by existing peak-hour traffic volumes on the existing roadway network. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from vacant buildings and approved but not yet constructed developments in the traffic analysis' study area. Background conditions represent the baseline conditions to which the proposed action is compared for the purpose of determining adverse effects resulting from the proposed action.

The trip generation analysis studied 15 intersections within the vicinity of both proposed action. Under existing conditions, all 15 intersections operate at an acceptable level of service (LOS A – D) during AM and PM peak hour traffic periods. Peak hour traffic is typically 7:00 to 9:00 AM and 4:00 to 6:00 PM when the most congested traffic conditions occur on an average day. Under background conditions, five of the intersections are expected to operate an unacceptable LOS F, with or without the proposed action.

For this analysis, significance criteria used to determine effects on intersections consider the Cities of San Jose, Santa Clara, Campbell, and Congestion Management Program (CMP) Level of Service standards. Per the City of San Jose, a project is said to create a significant adverse effect on traffic conditions at a signalized intersection in the City of San Jose if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions; or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e. the change in average stopped delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more.

The definition of a significant impact at a CMP intersection is the same as for the City of San Jose criteria, except that the CMP standard for acceptable level of service at a CMP intersection is LOS E or better. The city requires that CMP intersections located within their jurisdictions also meet their specific criteria, which are more stringent.

Parking

Parking requirements for the proposed action are set forth in the City of San Jose's general plan and Municipal Code Chapter 20.90 Parking and Loading.

3.13.2 Environmental Consequences

Proposed Action

The trip generation analysis was prepared to determine if the proposed action would generate traffic beyond levels expected to result from development of land uses planned in the Edenvale Area Development Policy.

The trip generation analysis assesses the environmental effect of trips generated from the proposed action by comparing Institute of Transportation Engineers (ITE) trip generation rates for a medical office use, trips generated from the proposed action based on operational characteristics for the existing CBOC facility provided by VA. The results for each site are presented in Table 6, Trip Generation.

As noted in Table 6, the proposed action would generate a greater average number of daily trips regardless of the applied trip rate. During AM and PM peak hours, a medical office use (ITE rate) would generate greater trips during AM and PM peak hours than would be generated by R&D uses. When based upon the operational data of the existing and proposed CBOC provided by VA, the proposed CBOC would generate fewer trips than the R&D uses during AM and PM peak hour.

Table 6 Trip Generation

Land Use	Daily Trips	AM Peak-hour	PM Peak-hour
R&D Land Use	828	125	109
Proposed Action (ITE Rates)[1]	2,601	172	257
Proposed Action (VA Rates)[2]	1,056	87	85

Source: Hexagon Transportation Consultants 2014

Notes: 1. Proposed medical office building, with trips estimated based on ITE rates.

2. Proposed medical office building, with trips estimated based on information provided by VA.

The trip generation analysis notes that trip generation rate based on actual CBOC activity is lower than the ITE rate and is likely due to the fact that the proposed action would serve a specific population unlike a typical medical office building which draws patients from the population as a whole. The analysis also notes that the estimated trip generation based on CBOC activity does not account for the potential use of shuttle services and public transportation to access the new facility, which could further reduce trips.

In addition to estimates of overall traffic volumes and trips, intersection LOS analysis was completed using projected traffic volumes for the proposed action based on both ITE rates and proposed action operational information provided by VA. The results of this analysis are presented below for each action alternative.

Results of the LOS analysis indicate that the following intersections would be significantly affected by developing the proposed action:

- U.S. Highway 101 and Blossom Hill Road (West) (Based on ITE Rates)
- U.S. Highway 101 and Blossom Hill Road (East) (Based on ITE & Activity Rates)

Both intersections are designated CMP intersections.

The U.S. Highway 101 and Blossom Hill Road (East) intersection would operation at LOS F during the AM peak hour, and both intersections would operate at LOS F during the PM peak hour under background conditions. Added trips as a result of the proposed action based on ITE trip generation rates would cause the average critical delay to increase by more than 4.0 seconds and the v/c ratio to increase by more than 0.01 at both intersections, which exceeds the city's significance threshold and is out of conformance with the CMP standard. These changes are considered adverse effects.

The Edenvale Area Development Policy identifies the following planned improvements at these intersections:

U.S. Highway 101 and Blossom Hill Road (West)

The planned improvements at this location include adding a third right-turn lane to the southbound U.S. Highway 101 off-ramp, adding a third eastbound through lane, adding a third westbound through lane, and updating pedestrian and bicycle facilities in conformance with the city's general plan. These improvements would require widening the Blossom Hill Road overpass.

U.S. Highway 101 and Blossom Hill Road (East)

The planned improvements at this location include converting the shared through-left-turn lane to a shared through-right-turn lane to the northbound U.S. Highway 101 off- ramp, adding a third eastbound through lane, adding a third westbound through lane, adding a second eastbound left-turn lane, and updating pedestrian and bicycle facilities in conformance with city's general plan. These improvements would require widening the Blossom Hill Road overpass.

Implementation of planned improvements would satisfactorily mitigate the adverse effects of the proposed action. The site owner and/or developer may be required to pay traffic fees, as required by the Edenvale Area Development Policy, equivalent to the net additional peak hour trips generated by the proposed action when compared to the approved R&D land uses on the site. The city would determine the need and amount of any applicable traffic fees during consideration of the planned development permit required for the proposed action.

The proposed action would contribute to adverse level of service effects on area roadways and intersections. This would be a cumulative environmental effect of the proposed action. To mitigate the proposed action's cumulative contribution to regional and local roadway capacity and intersection levels of service, VA's selected developer would participate in the design and installation of roadway improvements or the payment of fair share traffic impact fees as required by the city.

The proposed action would have no adverse effects on parking. The proposed action includes the provision of sufficient on-site parking spaces to accommodate the projected needs of patients and VA staff and conforms to the City of San Jose's general plan and Municipal Code.

No Action Alternative

Under the no action alternative, no traffic volume, LOS or adverse parking effects would occur. Traffic volumes and vehicle trips associated with current CBOC operations would be eliminated from area roadways when operations at the facility cease in November 2016.

3.13.3 Management Measures

T-1. To mitigate the proposed action's cumulative contribution to regional and local roadway capacity and intersection levels of service, VA shall include language on all bid documents stating that VA's selected developer would participate in the design and installation of roadway improvements or the payment of fair share traffic impact fees as noted in the trip generation analysis and as required by the Edenvale Area Development Policy.

3.13.4 Mitigation

None

3.14 Utilities

3.14.1 Affected Environment

Water Supply

The proposed action is located within the existing service area of the Santa Clara Valley Water District (Water District) and the Great Oaks Water Company, one of three retailers that deliver water to customers within the City of San Jose (SCVWD 2010; SCVWD 2014). Water distribution infrastructure is present within the public right-of-way adjacent to the project site. The Water District's 2010 Urban Water Management Plan provides information on water supply, water usage, recycled water, water use efficiency programs, water shortage planning, water quality, and water supply reliability in Santa Clara County. The Great Oaks Urban Water Management Plan 2010 provides similar information for its systems including detailed information required by the Water Conservation Bill Of 2009 and conservation measures to achieve a 20 percent reduction in water use by the year 2020 (Great Oaks Water Company 2010).

The city's general plan includes policies that call for reductions in citywide per capita water consumption of 25 percent by 2040 from a baseline established using the 2010 Urban Water

Management Plans of water retailers in San Jose. The general plan policies call for water conservation and the use of recycled water to increase water use efficiency to the extent necessary to achieve the 25 percent reduction. The general plan contains policies, regulations, adopted plans that require water conservation measures to be incorporated into new development, which will substantially reduce water demand, and other policies that allow new development to occur only when adequate water supply and facilities exist to serve that development.

Water demand resulting from development of the project site consistent with general plan land use designations was addressed in the city's general plan EIR. The general plan EIR determined that buildout of the general plan would increase the demand for water from the SCVWD and the three water retailers serving San Jose, to an extent that demand could exceed available supply during dry and multiple dry years after 2025. The general plan EIR also concluded that compliance with these water conserving regulations and general plan policies would substantially reduce demand resulting from current and future development. Compliance with general plan policies would ensure that water demand from increased development in San Jose, including the proposed action would not exceed water supply (City of San Jose 2011a).

Wastewater

Sanitary sewer service would be provided by the City of San Jose. The City owns and operates over 2,000 miles of sanitary sewer pipeline. This sewer system serves residents and businesses within the City, and also conveys flows from the West Valley Sanitation District, portions of the Cupertino Sanitary District, and portions of the City of Santa Clara (City of San Jose 2013). According to the city's 2014 Sewer System Master Plan (City of San Jose 2014e)., sanitary sewer infrastructure is present within the public right of way adjacent to each site The City sanitary sewer collection system maps are available online at https://cpms.sanjoseca.gov/emap/.

Wastewater generation and treatment demand resulting from development of the project site consistent with general plan land use designations was addressed in the city's general plan EIR. The general plan EIR determined that buildout of the general plan would increase the demand for wastewater treatment but not to an extent that additional wastewater treatment capacity would be necessary (City of San Jose 2011).

The general plan Sanitary Sewer LOS Policy 8-7 defines minimum service conditions and responses for new development. If a proposed development would create a level of service lower than LOS D or would add to sewer lines functioning at LOS E or F, it must be conditioned to either install improvements to maintain LOS D or to serve its own needs, or wait to proceed until construction of necessary capacity occurs through the City's Capital Improvement Program.

Electricity and Natural Gas, Telecommunications

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San Jose. Telecommunications are provided and maintained by a variety of service providers. All utility transmission lines are present within the right-of way adjacent to the project site.

3.14.2 Environmental Consequences

Proposed Action

The proposed action would connect to existing water and sanitary sewer system infrastructure in Silver Creek Valley Place, and would contribute to the increase in water demand and wastewater generation and subsequent demand for treatment identified in the general plan and general plan EIR.

The general plan policies call for water conservation and the use of recycled water to increase water use efficiency to the extent necessary to achieve the 25 percent reduction. The general plan contains policies, regulations, adopted plans that require water conservation measures to be incorporated into new development, which will substantially reduce water demand, and other policies that allow new development to occur only when adequate water supply and facilities exist to serve that development.

The general plan contains policies to ensure that proposed developments would be required to expand the sewer system capacity to meet the needs of new development. Additionally, new local sewer lines are typically provided by new development requiring the new or additional sewer line capacity. Compliance with general plan policy Sanitary Sewer LOS Policy 8-7 and its implementing ordinances is required for new development. The extent of compliance with this policy would be determined during city review of the planned development permit application. Required improvements and/or connection fees would be determined at that time.

The VA's chosen developer will design and construct required infrastructure improvements to meet the city's standards. Compliance with the relevant general plan policies will ensure that, under this alternative, the proposed action contribution to effects on the city's water distribution and sanitary sewer systems would not be significant.

No Action Alternative

The no action alternative would not result in adverse environmental effects related to utilities.

3.14.3 Management Measures

None

3.14.4 Mitigation

None

3.15 Environmental Justice

3.15.1 Affected Environment

Consistent with EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, the policy is to identify and address any disproportionately high and adverse human health or environmental effects of its actions on minority or low-income populations.

Environmental justice impacts refer to disproportionately high and adverse human health or environmental effects of a proposed action on low-income populations, minority populations, or Indian tribes. In order to identify if any potential disproportionate adverse environmental justice effects would be associated with the implementation of the proposed action, existing environmental justice characteristics (i.e., minority and low-income population) in the community directly affected (i.e., Census Tract 5120.01, 5120.39, and 5120.43) were identified. This data is presented for descriptive purposes and do not indicate the probable location of disproportionate impacts. A minority population concentration is identified as follows:

- The minority population in the community is equal to or greater than 50%; or
- The minority population in the community is 10 or more basis points higher than that of the "base" community (city or county, depending on location).

Minority groups include African American, Hispanic, Asian, American Indian and Alaska Native, and Native Hawaiian or Other Pacific Islander. A "low-income" person is defined as a person whose household income is at or below the income level stated in the U.S. Department of Health and Human Services' poverty guidelines, which in the 2010 guidelines was $22,050 for a family of four.

The communities in the immediate proposed action area (i.e., Census Tract 5120.01, 5120.39, and 5120.43) have a combined minority population of 69.2% and a combined percentage of individuals below the poverty level of 11.4%. Table 7, Environmental Justice Population

Characteristics (2010), presents statistics on low-income and minority population characteristics for the study area, including Census Tracts (i.e., Census Tract 5120.01, 5120.39, and 5120.43), City of San Jose, and Santa Clara County.

Table 7 Environmental Justice Population Characteristics (2010)

Geographic Area	Total Population	Percent Minority[1]	Percent Below Poverty Level, 2009-2013
Census Tracts[2]	6,774	69.2	11.4
City of San Jose	998,537	71.3	12.2
Santa Clara County	1,871,107	66.1	10.2

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

Note: 1. U.S. Census Bureau, includes all other races except for 'White alone, not Hispanic or Latino'

2. Includes Census Tract 5120.01, 5120.39, and 5120.43t

3.15.2 Environmental Consequences

Proposed Action

As identified in Table 7, the communities surrounding the project site do not have a disproportionally high minority or low-income population. In addition, there are no specific impacts on general health or quality of life that would adversely or disproportionately affect the surrounding population. Therefore, it was determined that no disproportionate adverse environmental justice effects would be associated with the implementation of the proposed action. There would be no significant effects to environmental justice.

No Action Alternative

No development by VA's selected developer would occur under this alternative and there would be no adverse environmental justice effect.

3.15.3 Management Measures

None

3.15.4 Mitigation

None

3.16 Cumulative Impacts

The CEQ defines cumulative impacts are those which "result from the incremental environmental effect of the proposed action when added to other past, present, and reasonably foreseeable future actions, without regard to the agency (Federal or non-Federal) or individual who undertakes such other actions" (40 CFR Part 1508.7). Cumulative environmental effect analysis captures the effects that would result from the proposed action in combination with the effects of other actions taken during the duration of the proposed action in the same geographic area. NEPA requires the analysis of cumulative environmental effects of a proposed action, or set of actions, on resources that may often be evident only at the cumulative level, such as traffic congestion, air quality, noise, biological resources, cultural resources, socioeconomic conditions, utility system capacities, and others.

The proposed action would result in the environmental effects identified throughout Section 3. The environmental effects of the proposed action would be similar to the impacts identified in the City of San Jose general plan EIR and the Edenvale Area Development Policy EIR for development on the project site. The proposed action would contribute to the cumulative traffic and air quality environmental impacts identified in these EIRs, which analyzed the cumulative environmental impacts of development of the alternatives sites in combination with other development under the city's general plan buildout conditions.

The general plan EIR found that, with the exception of agricultural resources, biological resources (specifically, serpentine grassland), greenhouse gases, jobs-housing balance, traffic, and noise, all cumulative environmental effects resulting from development of the general plan, were either not significant or could be reduced to less than significant through the coordination of standard conditions of approval and mitigation measures and/or compliance with regulatory requirements as identified throughout Section 3 of this EA. With the exception of traffic-related resulting from the proposed action, no significant cumulative adverse effects to any of these resource areas would occur at levels greater than those identified and mitigated by the general plan EIR. No adverse effects to wildlife and habitat, wetlands, floodplains, coastal zones, socioeconomics, community services, or environmental justice would occur as a result of the proposed action. As such, no cumulative adverse effects to any of these resource areas are anticipated.

As noted in Section 3.13, Transportation, the proposed action would contribute to potentially significant cumulative adverse effects to local area intersections levels of service identified in the Edenvale Area Development Policy EIR; however, compliance with the city's traffic impact fee program and payment of the proposed action's proportionate share of planned transportation improvement costs would reduce these effects. As a result, the proposed action's contributions to cumulative traffic effects would not be significant.

4.0
PUBLIC INVOLVEMENT

4.1 NEPA PROCESS AND PUBLIC INVOLVEMENT

NEPA establishes an environmental review process for actions undertaken by federal agencies. The review process is intended to help public officials make decisions based on an understanding of the environmental consequences and take actions that protect, restore, and enhance the environment (40 CFR 1500.1). Further, the NEPA process recognizes the importance of public involvement in the agency decision-making process.

The VA published a draft EA for the proposed action in order to solicit public comment for a period of thirty-three days, June 3, 2015 – July 6, 2015, having been extended slightly to accommodate the Fourth of July holiday weekend. The purpose of publication was to provide a public comment period for the draft EA, in accordance with the Council on Environmental Quality Regulations for Implementing NEPA, Section 1508.13. A Notice of Availability (NOA) announcing the availability of the Draft EA was published in the *San Jose Mercury News* June 5, 6, and 8, 2015, and mailed to federal, State, and local agencies, and interested members of the public. Hard- and electronic-copies of the Draft EA were mailed to federal, State, and local agencies, interested members of the public, and were posted to the VA Website (http://www.paloalto.va.gov/resplanning.asp). Copies of the Draft EA were also provided to individuals, including Native American community leaders, identified by the California Native American Heritage Commission, and others by request, and made available for review at the Santa Teresa Branch Library, 290 International Circle, San Jose, CA 95119.

No comments were received during the public review period. The VA has determined that preparation of an Environmental Impact Statement (EIS) is not required and a Finding of No Significant Impact (FONSI) has been issued for the proposed action.

4.2 AGENCY COORDINATION

Agency involvement has been sought in preparing this Draft EA. A listing of the federal, state, tribal, city, and local agencies that were contacted either by notification of the availability of the Draft EA through direct mailing and/or directly consulted during the preparation of the Draft EA is presented below. Copies of relevant correspondence with SHPO, the Cali and Native American community members are included in Appendix D. A copy of the NOA is included in Appendix L. No comments were received.

Federal Agencies

U.S. Army Corps of Engineers, San Francisco District
U.S. Environmental Protection Agency, Region IX
U.S. Department of Transportation: Federal Highway Administration

State Agencies

California Air Resources Board
California Department of Parks and Recreation, Office of Historic Preservation (SHPO)
California Department of Transportation
California Department of Veterans Affairs
California Environmental Protection Agency
California Native American Heritage Commission (NAHC)
California State Clearinghouse

Local Agencies (City of San Jose and Santa Clara County)

Santa Clara County: Department of Planning and Development
Santa Clara County: Office of Development Services
Santa Clara County: Office of Veterans Services
City of San Jose: Department of Transportation
City of San Jose: Development Services
City of San Jose: Planning Division
City of San Jose: Public Works Department

Native American Community Members

The list of Native American Community Members identified by the California NAHC is included in Appendix D.

4.3 Permits and Approvals

The proposed action comprises of a VA property lease for the construction and operation of a new CBOC in the City of San Jose. VA would enter into a build-to-suit lease agreement with a selected developer who would design and build the new CBOC to VA standards and consistent with local planning regulations, which would then be leased to the VA. Upon receiving a certificate of occupancy from the municipality, VA will occupy the space under a lease for a term up to 20 years. The proposed action will be required to comply with all applicable federal, state, and local laws and regulations.

The future developer and/or owner of the property will be responsible for complying with all applicable land use, zoning, environmental, and health and safety laws and regulations and obtaining all applicable local and state permits and approvals needed to construct and maintain the future CBOC. Such permits, regulations, and approvals may include a City of San Jose Planned Development Permit, applicable site and architectural design review, tree removal permit, building permits, encroachment permits, and any required compliance with the California Environmental Quality Act (CEQA).

This side intentionally left blank.

5.0
MITIGATION/MANAGEMENT MEASURES

This chapter describes the general measures VA agrees to implement to reduce or avoid potentially adverse environmental effects resulting from the proposed action as identified in Section 3.

5.1 AESTHETICS

Required Mitigation

None

Management Measures

AES-1. Aesthetic effects resulting from the proposed action would be minimized through action planning and development in accordance with the city's community design guidelines and general plan policies. VA's chosen developer will design and construct the proposed action consistent with applicable city community design guidelines, general plan policies, and other applicable local laws.

5.2 AIR QUALITY

Required Mitigation

None

Management Measures

AQ-1. To reduce the proposed action's construction emissions by 5 percent and fugitive dust emissions by over 50 percent, the VA's chosen developer will include the following best management practices in all construction activities consistent with Bay Area Air Quality Management District guidelines as follows:

The contractor shall implement the following Best Management Practices that are required of all construction projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;

4. All vehicle speeds on unpaved roads shall be limited to 15 mph;

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2. VA will include the following language on all bid documents to reduce on-site diesel exhaust emissions by over 82 percent by selection of construction equipment:

1. All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent;

2. All diesel-powered portable equipment (i.e., air compressors, concrete saws, forklifts, and generator sets) larger than 50 horsepower and tractors/loaders/backhoes operating on the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent; and

3. Minimize the number of hours that equipment will operate, including the use of idling restrictions.

AQ-3. The construction contractor may also use measures in addition to Management Measures AQ-1 and AQ-2 to minimize construction period DPM emissions. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), and/or added exhaust devices.

5.3 Cultural Resources

Required Mitigation

None

Management Measures

CR-1. The VA's chosen developer will provide a qualified archaeological monitor, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, will provide archaeological monitoring during all project related ground disturbing activities.

CR-2. The VA's chosen developer will ensure that in the unlikely event of an inadvertent discovery of previously undocumented archaeological resources or human remains, consultation with the SHPO, in accordance with 36 CFR 800.13, will occur and the following management measure will be followed.

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) or human remains is made during construction activities associated with the proposed action, ground disturbances in the area of the find will be halted and appropriate VA personnel and a qualified professional archaeologist will be notified regarding the discovery. In coordination with SHPO, VA will determine whether the resource is potentially significant per the evaluation criteria of

the National Historic Preservation Act (NHPA) and will develop appropriate mitigation. If human remains are encountered, the Santa Clara County Coroner will be notified immediately upon their discovery. If the coroner determines that the remains are of Native American origin, the provisions of Native American Graves Protection and Repatriation Act (NAGPRA) or other related federal, state, or local laws may apply.

5.4 GEOLOGY AND SOILS

Required Mitigation

None

Management Measures

GEO-1. VA's selected developer will prepare action-specific geo technical reports as required by the City of San Jose and will design and construct the building in compliance with the seismic safety and general construction standards contained in the most recent version of the building code. VA would include these requirements on all bid documents for the design and construction of the proposed action.

5.5 HYDROLOGY AND WATER QUALITY

Required Mitigation

None

Management Measures

HYD-1. The proposed action would be designed and constructed consistent with the policies of the City of San Jose general plan. As such, VA's selected developer would design and construct storm water drainage infrastructure consistent with the city's design standards, RWQCB design specifications and performance standards, and would prepare a SWPPP to reduce the proposed action's environmental effects to water quality. VA would include this requirement on all bid documents for the design and construction of the proposed action.

5.6 Wildlife and Habitat

Required Mitigation

None

Management Measures

BIO-1. VA will include the following language in all bid documents:

> To avoid potential adverse effects to nesting birds, noise-generating construction activities and any tree removal should be scheduled outside of the nesting bird season (which is February 1 to August 31). If construction activities begin during the nesting bird season, or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the applicant shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during implementation of the proposed action. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to VA for review and approval prior to construction activities.
>
> If no active bird nests are detected during the survey, then construction activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist. To avoid inadvertent impacts to an active bird nest, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

5.7 NOISE

Required Mitigation

None

Management Measures

The VA's chosen developer will ensure that the following measures are implemented.

N-1. To control construction-noise, VA will include the following language on all bid documents for the proposed action to avoid the potential for adverse, short-term noise impacts due to construction:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the City of San Jose Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Weekend construction hours, including staging of vehicles, equipment, and construction materials, shall be limited to Saturdays between the hours of 9:00 a.m. and 5:00 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.

- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices, when feasible. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

- The contractor will implement the following measures to minimize construction noise impacts on the surrounding sensitive land uses to the fullest extent possible. The measures may include, but not be limited to, the following:
  - Early and frequent notification and communication with the neighborhood of the construction activities and construction schedule.
  - Prohibit unnecessary idling of internal combustion engines.
  - Best available noise control practices (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks in order to minimize construction noise impacts.
  - If impact equipment (e.g., jack hammers, pavement breakers, rock drills) is needed during action construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used if available and feasible.
  - Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. A telephone number for the disturbance coordinator should be conspicuously posted at the construction site.

N-2. Mechanical equipment noise levels shall be reduced to 55 dBA DNL/Leq at the property lines of the project site adjoining noise-sensitive land uses. An acoustical study shall be prepared during the final action design to evaluate the potential noise generated by buildings mechanical equipment and to identify the necessary noise controls are included in the design to meet the City's 55 dBA DNL/Leq City's Municipal Code limit.

5.8 Land Use

Required Mitigation

None

Management Measures

LU-1. VA's chosen developer will ensure that the new San Jose CBOC design is consistent with community design standards, local zoning requirements, and is designed and constructed in accordance with the city's development guidelines and applicable building codes.

5.9 HAZARDS AND HAZARDOUS MATERIALS

Required Mitigation

None

Management Measures

HAZ-1. Implementation of standard construction best management practices would ensure that potential adverse environmental effects resulting from the use of hazardous material during construction are further minimized. VA's chosen developer will ensure that these measures will be incorporated into the action construction documents.

5.10 TRANSPORTATION AND PARKING

Required Mitigation

None

Management Measures

T-1. To mitigate the proposed action's cumulative contribution to regional and local roadway capacity and intersection levels of service, VA shall include language on all bid documents stating that VA's selected developer would participate in the design and installation of roadway improvements or the payment of fair share traffic impact fees as noted in the trip generation analysis and as required by the Edenvale Area Development Policy.

6.0
OTHER CONSIDERATIONS

6.1 RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Consideration of the "relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity" is required under NEPA (40 CFR §1502.16). For implementation of the Proposed action, short-term uses generally are those that are expected to occur within the construction period, while long-term uses refer to the post-construction, or operational, period lasting for several decades.

The proposed action would result in the construction and operation of a new CBOC on an existing undeveloped and vacant parcel. Short-term use of the environment during construction would involve building construction, excavating, paving, landscaping, utility installation, and other activities.

No known sensitive environmental resources would be affected by construction, such as wetlands, waters, coastal zones, or critical habitat for any endangered or threatened species. Resources temporarily affected as a result of construction activities potentially include air quality, greenhouse gas emissions and climate change, noise, transportation, public services, and geology and soils. Most of the temporary environmental effects would last only the duration of the construction activities and would be maintained at a minor level through the use of management and mitigation measures, when applicable. The effect of employment growth inducement would be beneficial during construction in the short-term and would also be beneficial in the long-term operation of the facility.

Over the long-term, operation of the CBOC would enhance the long-term productivity of the Federal government by providing enhanced patient care to Veterans and their families. The long-

term productivity of the site will be increased and would result ultimately in some beneficial long-term socioeconomic effects. The induced employment growth would continue due to long-term job opportunities being made available at VA facilities.

6.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

A commitment of resources is irreversible when options are lost to future generations. An irreversible commitment of resources suggests that a permanent or long-term – over 50 years – commitment of environmental resources would result from implementing the action alternative. Irreversible commitments of resources also generally occur from the use of nonrenewable resources, such as minerals, cultural resources, and fossil fuels, which have few or no alternative uses following completion of construction. Other factors are also considered such as resources like soils where productivity is renewable only over long time spans. Conversely, an irretrievable commitment of resources suggests that a short-term – less than 50-year – commitment of resources would result in the lost production or elimination of renewable resources such as timber, agricultural land, or wildlife habitat.

Implementation of the proposed action and associated infrastructure would result in an irretrievable and irreversible commitment of natural and physical resources, including an irreversible commitment of fuel energy and building materials.

Construction would result in both direct and indirect commitments of resources. In some cases, the resource committed would be recovered within a relatively short period of time. In others, resources would be irreversibly or irretrievably committed by virtue of being consumed. For example, construction of projects under the proposed action would require the commitment of various construction materials, including cement, aggregate, steel, asphalt, lumber and other building materials. However, much of the material dedicated to construction may be recycled at some future date. Construction of the projects under the proposed action would also require the use of fuels and electrical energy for a variety of construction activities and vehicle travel to and from the CBOC. These should be considered irretrievably committed to the proposed action.

6.3 POTENTIAL FOR GENERATING SUBSTANTIAL CONTROVERSY

Construction of the proposed action could generate controversy related to short term increases in construction-related noise and traffic and other nuisances typical of construction activities. In

many cases, construction-related effects are minimized through compliance with VA standard specifications and Federal, state and local regulations. Minimization measures are also included to minimize effects. For example, reducing construction-related noise and dust control measures.

Otherwise, the proposed action would not result in any significant adverse environmental effects to the human or natural environment and, therefore, is not anticipated to have any potential to generate substantial controversy.

This side intentionally left blank.

7.0
LIST OF PREPARERS

This Draft EA was prepared under the direction of VA. Staff who contributed to the preparation of this document is listed below.

7.1 DEPARTMENT OF VETERANS AFFAIRS

Ronald Bochenek, VAPAHCS Environmental Planning Manager

Samuel Perminter, Jr., OCFM Realty Specialist

7.2 PUBLIC PROPERTIES (REAL ESTATE SERVICES)

Edward Brennan II, President

Brad Seifert, Senior Vice President

7.3 ENVIRONMENTAL PLANNING TEAM (PREPARATION OF NEPA EA AND RELATED TECHNICAL REPORTS)

The environmental planning team is presented in Table 8, Environmental Planning Team.

Table 8 Environmental Planning Team

Name	Role	Qualifications	Years of Experience
EMC Planning Group			
Teri Wissler Adam	Principal In Charge EA	B.S., Business Administration; Environmental Management Concentration	20
Sally Rideout EMPA	Project Manager, EA	Executive M.P.A., Public Administration; B.S., Environmental Studies, Economics Emphasis	16
Gina Hamilton	EA	B.S., Earth Systems Science and Policy	4
Andrea Edwards	EA	B.S., Biology and Anthropology	16
William Self Associates			
James Allen Ph.D.	Principal in Charge, Cultural Assessments	Ph.D., Anthropology; RPA	33
Allen Estes Ph. D.	Project Director, Cultural Assessments	Ph.D., Near Eastern Studies (History and Archaeology)	20
David Buckley	Cultural Assessments	B.A., History and Geology	12
Nazih Fino	Cultural Assessments GIS	M.A., Urban Planning M.A., Archaeology	10
Hexagon Transportation Consultants			
Robert del Rio	Vice President, Trip Generation/Traffic Operations Analysis	B.S. Civil Engineering	17
Illingworth and Rodkin			
Joshua Carman	Project Manager Air Quality Analysis	BA, Environmental Studies	15
Jared McDaniel	Noise Assessment	BA, Geography; Environmental Issues certificate	8
William Popenuck	Health Risk Assessment	MS, Civil Engineering; BS Environmental Resources Engineering	30

8.0
REFERENCES CITED

References

Barrie D. Coate and Associates. *Inspection of the Trees at the Proposed Development Site for a Hospital Facility and Shopping Center at Silver Creek Valley Place, San Jose*. Los Gatos, California, November 2013.

Barrie D. Coate and Associates. *Inspection of the Trees Located on the Caltrans Right of Way Adjacent to the Proposed Development Site for a Hospital and Shopping Center at Silver Creek Valley Place*. Los Gatos, California, January 2014.

Bay Area Air Quality Management District (BAAQMD). Air Quality Standards and Attainment Status webpage. Accessed on December 1, 2014 at: http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm.

California Department of Fish and Wildlife (CDFW). *California Natural Diversity Database (CNDDB).* Records of Occurrence for Milpitas, Calaveras Reservoir, Mount Day, San Jose West, San Jose East, Lick Observatory, Los Gatos, Santa Teresa Hills, and Morgan Hill USGS quadrangles. Sacramento, California. Accessed on November 12, 2014 at: http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp.

California State Parks, Office of Historic Preservation Project Review Unit. Email Correspondence between Associate State Archaeologist and VAPAHCS Environmental Program Manager; Subject: VAPAHCS - Proposed Testing Locations for San Jose CBOC. April 30, 2015.

California Department of Transportation (Caltrans), California Scenic Highways Program, Eligible and Designated Routes webpage. Updated: December 19, 2013. Accessed on December 1, 2014 at: http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm.

California Department of Transportation (Caltrans). *Technical Noise Supplement to the Traffic Noise Analysis Protocol.* September 2013. Aailable online at: http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013A.pdfCalifornia

Geological Survey (CGS). Seismic Hazard Zonation Program (SHZP) Data Access Page. Accessed on December 4, 2014 at: http://gmw.consrv.ca.gov/shmp/MapProcessor.asp?Action=SHMP&Location=All&Version=5&Browser=Netscape&Platform=Win.

California Native Plant Society (CNPS). *Inventory of Rare and Endangered Plants.* Records of Occurrence for Milpitas, Calaveras Reservoir, Mount Day, San Jose West, San Jose East, Lick Observatory, Los Gatos, Santa Teresa Hills, and Morgan Hill USGS quadrangles. Sacramento, California. Accessed on November 12, 2014 at: http://www.cnps.org/inventory

City of San Jose. *General Plan Diagram, Sheet 130.* Updated January 1, 2014. 2014a.

City of San Jose. *Edenvale Area Development Policy.* Updated April 2014. 2014b.

City of San Jose. *San Jose Municipal Code, Chapter 13.32: Tree Removal Controls* and *Chapter 13.28: Street Trees, Hedges and Shrubs*. Current through August 26, 2014. Accessed on November 21, 2014 at: http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/sanjosemunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanjose_ca. 2014c.

City of San Jose. Zoning Maps webpage. Accessed on December 4, 2014 at: http://www.sanjoseca.gov/index.aspx?NID=2037. 2014d.

City of San Jose. Sewer System Management Plan. October 2014. Available online at: http://www.sanjoseca.gov/documentcenter/view/7. 2014e.

City of San Jose. *Sanitary Sewer Master Plan Capacity Assessment Phase II and Update of Phase I. Final Report.* Prepared by RMC. April 2013.

City of San Jose. *Program Environmental Impact Report for the Envision San José 2040 General Plan.* June 2011. 2011a

City of San Jose. *Envision San José 2040 General Plan.* Adopted November 2011. 2011b.

City of San Jose. *San Jose Area School Districts map.* May 2011. 2011c.

City of San Jose. San Jose Municipal Water System 2010 Urban Water Management Plan. 2011.Available online at http://www.sanjoseca.gov/documentcenter/view/1039. 2011d.

Cornerstone Earth Group (Cornerstone). *Environmental Setting Summary, Planned VA San Jose Community Based Outpatient Clinic, San Ignacio Avenue and Via Del Oro, San Jose, California.* September 25, 2014.

Council of Environmental Quality (CEQ). *Draft NEPA Guidance on Consideration of the effects of Climate Change and Greenhouse Gas Emissions.* February 18, 2010. Accessed on December 1, 2014 at: http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance.

Clean Air Act of 1970 (42 USC 7401 et. seq.; 40 CFR Parts 50-87) Section 176(c).

EMC Planning Group, Inc. Site visit. Andrea Edwards, Senior Biologist. November 13, 2014.

EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.* 1994.

EO 13045. *Protection of Children From Environmental Health Risks and Safety Risks*. 1997.

EO 13175. *Consultation and Coordination with Indian Tribal Governments*. November 2000.

EO 13514 *Federal Leadership in Environmental, Energy, and Economic Performance.* 2009.

Federal Emergency Management Agency (FEMA). Flood Insurance Rate Map (FIRM) #06085C0268H, Effective May 18, 2009. 2009a.

Federal Emergency Management Agency (FEMA). Flood Insurance Rate Map (FIRM) #06085C0406H, Effective May 18, 2009. 2009b.

Google Earth. Accessed December 2014.

Google Maps. Accessed December 2014.

Great Oaks Water Company. *Great Oaks Water Company Urban Water Management Plan 2010.* available online at: http://www.greatoakswater.com/GreatOaksWaterCompany2010UWMP.pdf

Hexagon Traffic and Transportation Consultants Inc. *San Jose Veterans Affairs (VA) Outpatient Clinic Trip Generation and Operations Analysis.* October 24, 2014.

ICF International. *Final Santa Clara Valley Habitat Plan*. August 2012. Available at http://scv-habitatplan.org/www/site/alias__default/346/final_habitat_plan.aspx.

Illingworth & Rodkin, Inc. VA San José Outpatient Clinic Project Environmental Noise Assessment San Jose, California. November 25, 2014.

Lowney Associates. *Phase I Update Silver Creek Center, San Jose, California*. November 22, 2005.

Monterey-Salinas Transit (MST). Monterey-Salinas Transit Route List webpage. Accessed on December 3, 2014 at http://mst.org/maps-schedules/route-list/

Native American Heritage Commission (NAHC). Correspondence subject: *Department of Veterans Affairs (VA) Proposed Outpatient Clinic, San Jose, Santa Clara County*. April 30, 2015.

Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser. Accessed on November 21, 2014 at http://www.hcpmaps.com/habitat/.

Santa Clara Valley Transportation Authority (VTA). Santa Clara Valley Transportation Authority website. Accessed on December 3, 2014 at http://www.vta.org/.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Coyote Watershed information webpage. Accessed on December 2, 2014 at: http://www.scvurppp-w2k.com/ws_coyote.shtml.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Guadalupe Watershed information webpage. Accessed on December 2, 2014 at: http://www.scvurppp-w2k.com/ws_guadalupe.shtml.

Santa Clara Valley Water District (SCVWD). *Urban Water Management Plan.* 2010.

Santa Clara Valley Water District (SCVWD). Water retailer database. Accessed on December 3, 2014 at: http://gis.valleywater.org/WaterRetailer/.

URS. *Geotechnical Engineering Report. The California Center for Health Care and Biomedical Technology. Silver Creek Valley Place, San Jose, CA.* February 2007.

U.S. Census Bureau. 2010 Census. Accessed December 3, 2014: http://factfinder2.census.gov

U.S. Census Bureau, *2009-2013 5-Year American Community Survey*. Accessed May 27, 2015 online at: http://www.census.gov/data/developers/updates/acs-5-yr-summary-available-2009-2013.html

U.S. Fish and Wildlife Service (USFWS). *Endangered Species Database.* Species list for Santa Clara County. Washington, D.C. Accessed on November 12, 2014 at: http://www.fws.gov/endangered/.

U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS). Soil data for Santa Clara County, California. April 2009. Accessed December 4, 2014 at: http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

U.S. Environmental Protection Agency (EPA). Website on Global Climate Change. Accessed November 19 at: http://www.epa.gov/climatechange/index.html.

U.S. Department of Veterans Affairs (VA) Office of Construction and Facilities Management. *NEPA Interim Guidance for Projects.* September 30, 2010. Accessed online at: http://www.cfm.va.gov/

US Federal Properties Company. *Technical Proposal Department of Veterans Affairs San Jose Outpatient Clinic* (Concept Plan for San Ignacio Avenue site). August 22, 2014.

William Self Associates (WSA). Archaeological Survey Report, Department of Veterans Affairs Outpatient Clinic Project, Santa Clara County, California. December 2014.

This side intentionally left blank.