MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: 1090 S. De Anza Boulevard Hotel Project

PROJECT FILE NUMBERS: C16-041 & H16-032

PROJECT DESCRIPTION: The project proposes a Conventional Rezoning from CP (PD) Commercial Pedestrian Planned Development Zoning District to CP Commercial Pedestrian Zoning District for commercial uses and a Site Development Permit to allow the construction of a four-story, 90-room hotel with one-level of underground parking on a 0.61-gross acre site.

PROJECT LOCATION: Northeasterly corner of Via Vico and South De Anza Boulevard, at 1090 S. De Anza Boulevard in San José

ASSESSORS PARCEL NO.: 372-25-015 **COUNCIL DISTRICT:** 1

APPLICANT CONTACT INFORMATION: Jerry Kwok, Cupertino De Anza Hospitality, LLC Post Office Box 466, Cupertino, CA 95109

FINDING

The Director of Planning, Building, and Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

C. **AIR QUALITY**– The project will not have a significant impact on this resource, therefore no mitigation is required.

D. **BIOLOGICAL RESOURCES**

Impact BIO-1: Construction activities associated with the proposed project would remove

existing trees that could potentially support nesting birds protected under the Migratory Bird Treaty Act.

Mitigation Measure BIO-1-1: To avoid disturbance of nesting and special-status birds, the project applicant shall schedule activities related to the project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

Mitigation Measure BIO-1.2: If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. The nesting bird pre-construction survey shall be conducted within the project boundary, including a 300-foot buffer (500-foot for raptors), on foot. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive).

If active nests are found, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

The project applicant shall submit a report to the City's Environmental Supervising Planner indicating the results of the survey and any designated buffer zones, and is to be completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permits.

E. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

F. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

G. GREENHOUSE GAS EMISSIONS – The project will not have a significant impact on this resource, therefore no mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS

<u>Impact HAZ 1:</u> The proposed project has the potential to expose the public or the environment to on-site hazardous materials.

Mitigation Measure HAZ-1: UST Violation Clearance. To avoid potential on-site hazardous material exposure to the public or the environment, the project applicant shall confirm proper administrative actions are taken by the onsite underground storage tank (UST) system permit holder to clear the two existing violations in order to bring the system into compliance. The violations must be closed with the California EPA and Santa Clara County Department of Environmental Health. Documentation confirming the closure of these violations shall be provided to the City's Environmental Supervising Planner prior to issuance of any grading or building permit.

Impact HAZ-2: The proposed project site has the potential to contain soils that are contaminated with residual agricultural pesticides and/or pesticide based metals.

Mitigation Measure HAZ-2: Organochlorine Pesticide and Pesticide-Based Metal Testing. The project applicant shall retain a qualified hazardous materials specialist to collect and analyze shallow soil samples for organochlorine pesticides (OCPs) using the EPA Test Method 8081A and for pesticide-based metals (arsenic and lead) using EPA Test Method 6010B/7471.

Based upon the analytical results, if pesticides are found and are above regulatory environmental screening levels for public health and the environment, the project applicant shall implement the appropriate soil management mitigation under regulatory oversight from the Santa Clara County Department of Environmental Health or the Department of Toxic Substances Control. These soil management mitigation measures shall be required and implemented prior to issuance of any grading or building permit. Copies of the environmental investigations shall be submitted to the City's Environmental Supervising Planner and the Environmental Services Department Compliance Officer prior to issuance of any building or grading permits.

Impact HAZ-3: Project implementation could expose construction workers, future employees, and/or the environment to a significant health risk during earthwork activities.

Mitigation Measure HAZ-3: Site Management Plan. The project applicant shall prepare a Site Management Plan (SMP) to establish management practices for identifying, handling, and disposing of contaminated soils encountered during construction activities. At a minimum, the SMP shall include the following:

- Stockpile management including; dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Mitigation of soil vapors (if required)
- Proper disposal procedures of contaminated materials (if required)
- Monitoring, reporting, and regulatory oversight notifications.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities. If applicable, cleanup and remediation activities on the site shall be conducted in accordance with the SMP prior to construction activities. All measures shall be printed on all construction documents, contracts, and project plans. The SMP shall be reviewed and approved by the City's Supervising Environmental Planner and Environmental Services Department Compliance Officer prior to issuance of any grading or building permit.

I. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

J. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

K. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

L. **NOISE**– The project will not have a significant impact on this resource, therefore no mitigation is required.

M. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.

N. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

P. **TRANSPORTATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

Q. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

R. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Thursday September 14th, 2017** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

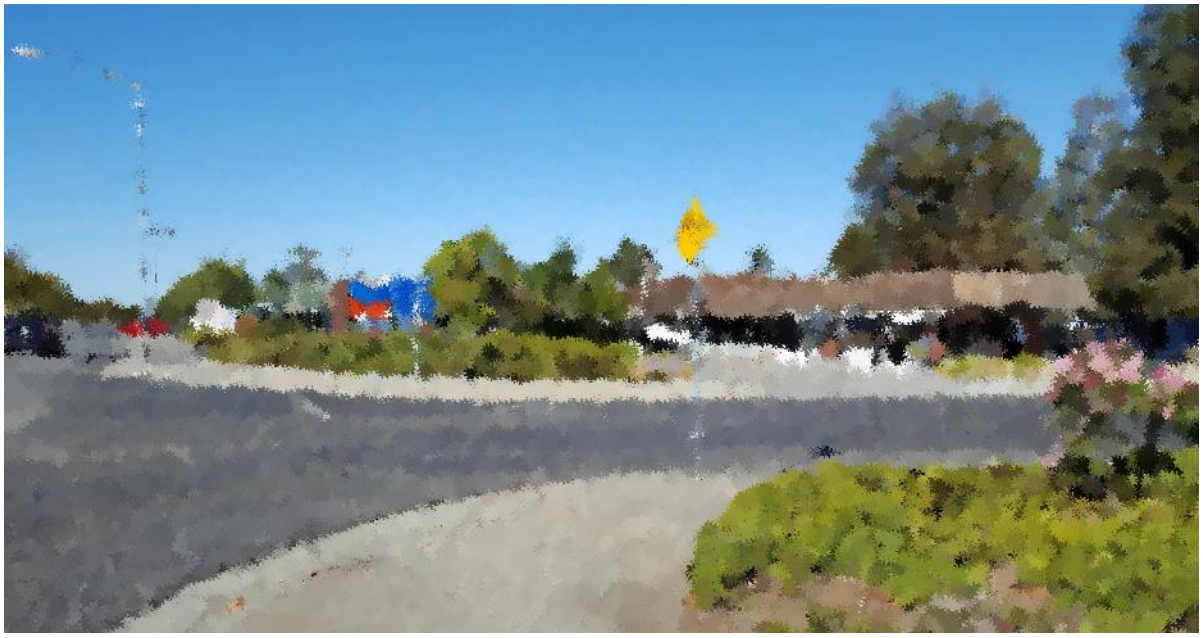
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

8/22/17
Date

Deputy

Circulation period: August 25, 2017 to September 14, 2017



1090 S. De Anza Boulevard Hotel Project

Initial Study – Mitigated Negative Declaration

File Nos. C16-041 & H16-032

prepared by
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Contact: Krinjal Mathur, Planner, (408) 535-7874

prepared with the assistance of
Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

August 2017

Rincon Consultants, Inc.
Environmental Scientists Planners Engineers
www.rinconconsultants.com

1090 S. De Anza Boulevard – Hotel Project

Initial Study – Mitigated Negative Declaration

File Nos. C16-041 & H16-032

prepared by
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Contact: Krinjal Mathur, Planner, (408) 535-7874

prepared with the assistance of
Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

August 2017

Rincon Consultants, Inc.
Environmental Scientists Planners Engineers
www.rinconconsultants.com

This report prepared on 50% recycled paper with 50% post-consumer content.

Table of Contents

Tables

Figures

Appendices

This page intentionally left blank.

Initial Study

1 Project Title

1090 S. De Anza Boulevard Hotel Project

2 Lead Agency Name and Address

City of San José
Department of Planning, Building and Code Compliance
200 East Santa Clara Street, 3rd Floor
San José, California 95113

3 Contact Person and Phone Number

Krinjal Mathur
Environmental Project Manager
(408) 535-7874

4 Project Location

The 26,502 square-foot (approximately 0.6-acre) project site is located at 1090 South De Anza Boulevard, at the northeast corner of the intersection of South De Anza Boulevard and Via Vico, in the City of San José. Regional access to the site is available from the I-280 Freeway and State Route 85.

Figure 1 shows the location of the site in the region and Figure 2 shows the project site in its neighborhood context. The Assessor's Parcel Number is 372-25-015.

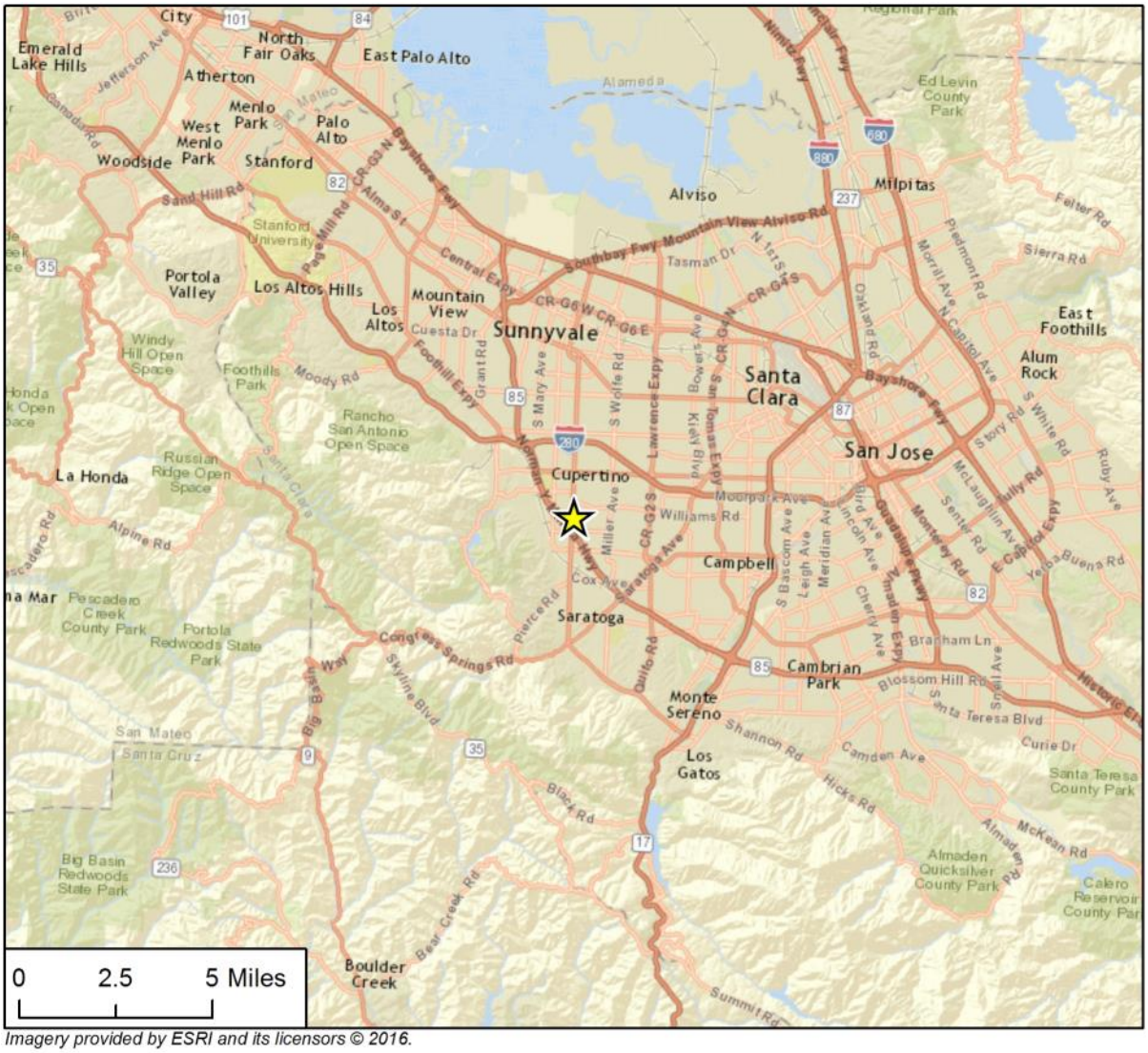
5 Project Sponsor's Name and Address

Applicant: Jerry Kwok
Cupertino De Anza Hospitality, LLC
Post Office Box 466
Cupertino, California 95109

6 Existing Setting

The project site is a generally flat and slightly irregularly shaped (but essentially rectangular) parcel currently developed with a Chevron gas station and carwash. The site has driveway access directly from both South De Anza Boulevard and Via Vico. South De Anza Boulevard is a six lane major arterial roadway running north to south through the western portion of the San José. The project site is located approximately 1,800 feet north of State Route 85. The site is surrounded by one-story commercial buildings on all sides. Figure 3, Figure 4, and Figure 5 show the current site setting.

Figure 1 Regional Location



Imagery provided by ESRI and its licensors © 2016.

Project Location

N

Figure 2 Project Location

Figure 3 Site Photographs

Photograph 1. Existing gas station and carwash on the project site as viewed from the southeast corner of S. De Anza Boulevard and Via Vico

Photograph 2. Existing gas station and carwash on the project site as viewed from the west side of S. De Anza Boulevard

Figure 4 Site Photographs

Photograph 3. Existing residences along Via Vico attproximately 100 feet east of the project site

Photograph 4. Existing commercial uses adjacent to the north side of the project site along S. De Anza Boulevard

Figure 5 Site Photographs

Photograph 5. Existing commercial development along S. De Anza Boulevard, looking northwest from the project site

Photograph 6. Via Vico looking east from **the** southern edge of the project site

7 Existing General Plan Designation

Neighborhood/Community Commercial

The City of San José's General Plan establishes the Neighborhood/Community commercial designation to support a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood / Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.

8 Existing Zoning

Commercial Pedestrian (Planned Development) – CP(PD)

The City's General Plan defines the Commercial Pedestrian (CP) District as a district intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to Neighborhood Business Districts. The CP District also encourages mixed residential/ commercial development where appropriate, and is designed to support the commercial goals and policies of the general plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies. The City's General Plan states that new development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

The City's General Plan establishes the Planned Development (PD) District to allow the construction of a planned development with an effective development permit. Any use or combination of uses provided in the effective development permit is allowed in accordance with and in strict compliance with all terms, provisions and conditions of the permit. Unless and until a planned development permit has been issued and is effective, property in the PD District may be used only as if it were in its base district alone, which is Commercial Pedestrian for the project site. The specifics of this Planned Development zoning district can be found under File No. PDC13-022.

9 Surrounding Land Uses and Setting

Surrounding land uses include single story commercial buildings on all sides. Land immediately surrounding the project is designated as Neighborhood/Community Commercial and zoned as a Commercial Pedestrian District. A neighborhood of single- and multifamily residences begins approximately 100 feet east of the site. Approximately 300 feet west of the project site is the City of San José limit.

10 Description of the Project

The proposed project would involve the rezoning of the property (File No. C16-041) and a site development permit (File No. H16-032). The project includes changing the project site's zoning district from CP (PD) Commercial Pedestrian Planned Development Zoning District to CP Commercial

Pedestrian Zoning District. Additionally, the project includes a site development permit that proposes the construction of a four story hotel with one level of subterranean parking, and an outdoor swimming pool. The project would require the demolition of the existing Chevron gas station and carwash currently on the project site.

The proposed hotel would cover approximately 46 percent of the total 26,502 square feet lot area. It would have a total building area of approximately 51,279 square feet and would include 90 guestrooms, a lobby, fitness area, breakfast and food prep area, meeting room, and linen/laundry area. The project would have a floor area ratio (FAR) of 1.93. The proposed height of the four story hotel would be approximately 55 feet and 3 inches at the higher parapet, 51 feet and 10 inches at the lower parapet, and 61 feet at the proposed tower at the southwest corner of the building. An exterior pool area is proposed at the central portion of the project site on an elevated pool deck. The project would also include one level of subterranean parking with approximately 50 vehicle parking spaces, including 3 ADA accessible spaces. The project would also provide 13 bicycle parking spaces onsite. Table 1 provides a summary of the main project components. Figure 6 shows the proposed site plan and Figure 7 shows the proposed project elevations from S. De Anza Boulevard and Via Vico.

Table 1 Project Summary

Project Site Size	
Project site area	26,502 square feet
Proposed Number of Rooms	
Guest Rooms	90
Building Area	
Hotel – First Floor	12,297 square feet
Hotel – Second Floor	12,936 square feet
Hotel – Third Floor	13,023 square feet
Hotel – Fourth Floor	13,023 square feet
Total	51,279 square feet (46 % site coverage)
Landscaping	
Pool, landscape, and hardscape areas	14,205 sf (54% site coverage)
Floor Area Ratio	
FAR	1.93
Building Height	
Parapet	55 feet and 3 inches high; 51 feet 10 inches low
Highest point (proposed tower)	61 feet
Parking Stalls	
Standard	Approximately 47 stalls
ADA Accessible	3 stalls
Total	Approximately 50 stalls 26,502 square feet (subterranean)
Bicycle Parking	
Exterior stalls	7 stalls
Bike locker stalls	6 stalls
Total	13 stalls

Access to the project site would be provided via a driveway off of S. De Anza Boulevard at the northwest corner of the project site. Project egress would be to a driveway on Via Vico at the southeast corner of the site. Pedestrian access would be provided at both the northwest corner and southeast corner of the site.

The project would involve the removal of existing trees on the project site. (There are also several existing trees immediately adjacent to the project site on the adjoining property, which are outside of the scope of the project and would remain.) The project would also plant new trees along S. De Anza Boulevard and Via Vico at the south and west sides of the project site. Additionally, the project

would include at grade and raised planter beds along Via Vico and the project driveways, as well as benches, planting containers and enhanced paving along S. De Anza Boulevard and Via Vico. The project driveway and building entrance would have specialized linear pavers. Figure 8 shows the preliminary site landscaping plan.

Sustainable design features of the project would include:

- Use of sun shades for passive cooling
- Light colored roof and paving materials
- Variable refrigerant flow (VRF) guest room heating, ventilation, and air conditioning (HVAC) equipment when needed
- Solar hot water panels
- FSC approved wood framing; interior materials that are non-toxic, have recycled content and are recyclable

Construction

Project construction would occur over an estimated 12 to 14 month period and would include typical construction phases such as demolition, site preparation and grading, building construction, paving, and architectural coating.

During project construction, typical construction equipment that would be used on the project site would include backhoes, dozers, pavers, concrete mixers, trucks, air compressors, saws, and hammers. Trucks providing deliveries to the project and hauling from the project site would be anticipated to access the site primarily from South De Anza Boulevard. The project would require excavation to accommodate the proposed subterranean parking structure. The maximum depth of excavation would be approximately 12 feet below grade and would result in roughly 8,500 cubic yards of soil export from the project site.

11 Required Approvals

The project would require the following review and permit approvals from the City of San José:

- Rezoning
- Site Development Permit
- Public Works Clearance: Grading Permits
- Building Clearance: Demolition, Building, and Occupancy Permits

12 Other Public Agencies Whose Approval is Required

The City of San José is the lead agency with responsibility for approving the proposed project. Approval from other public agencies is not required.

Figure 6 Proposed Site Plan

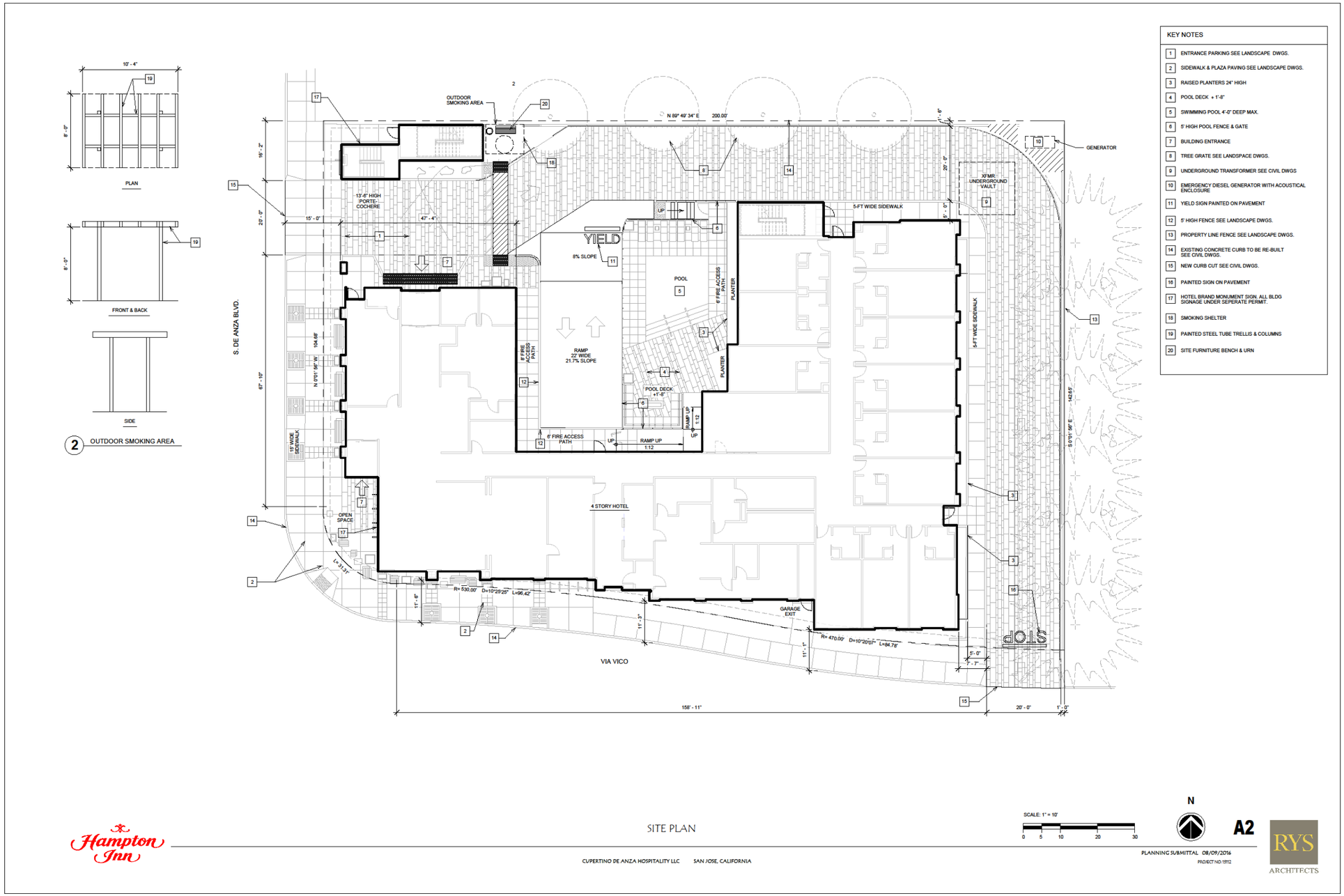


Figure 7 Proposed Project Elevations

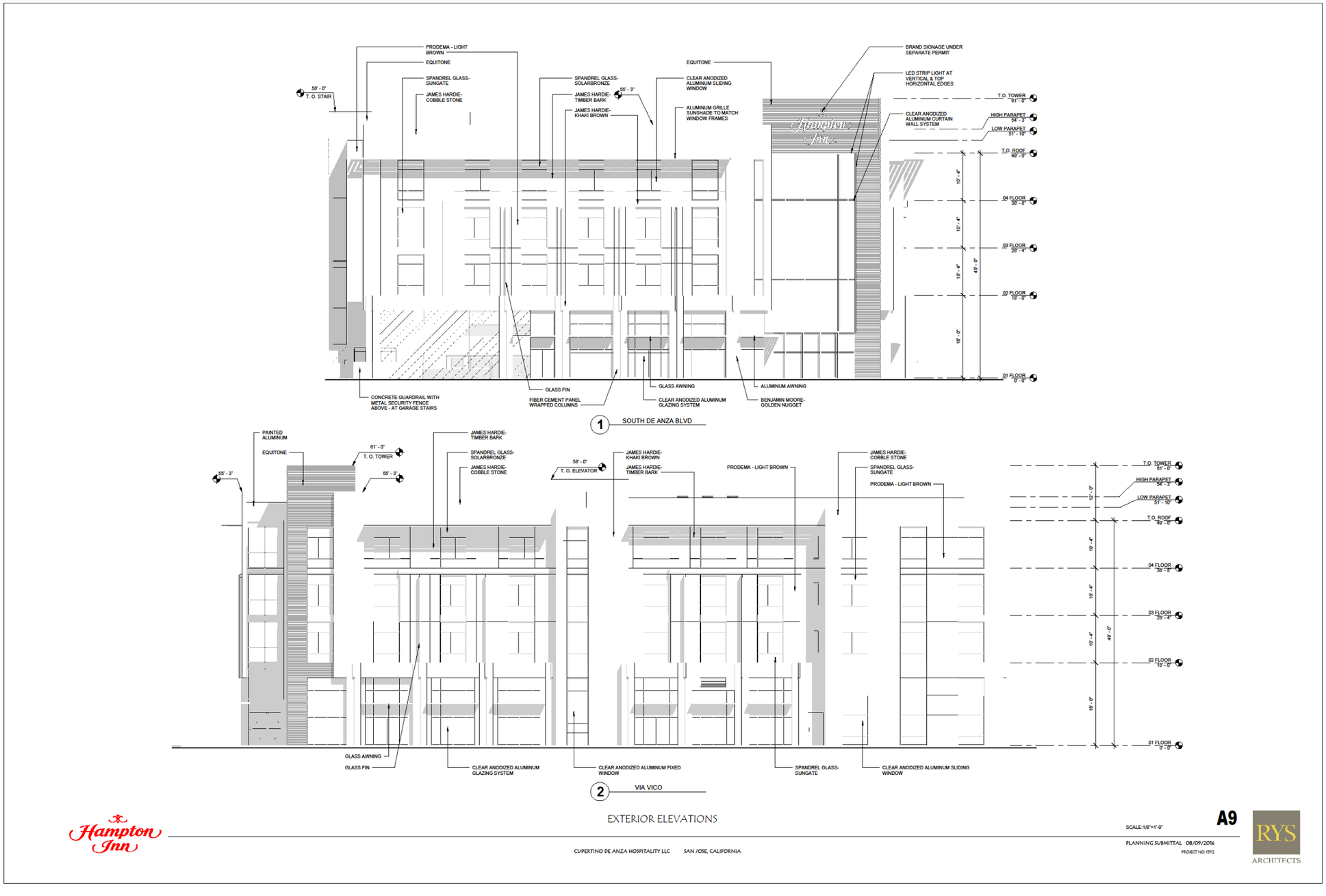
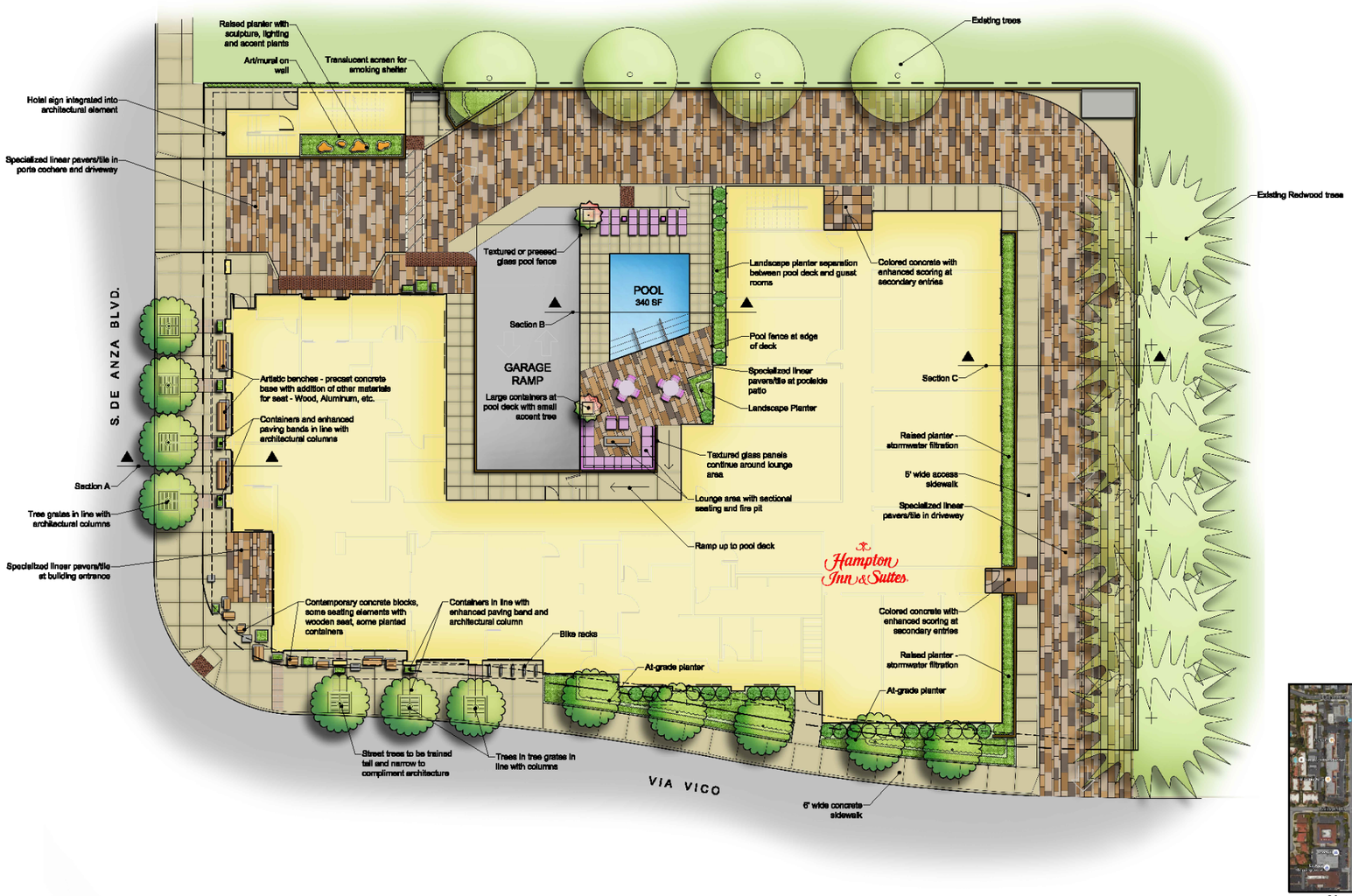


Figure 8 Preliminary Landscape Plan



This page left intentionally blank.

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Substantial adverse effect on a scenic vista	☐	☐	■	☐
b. Substantial damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a state scenic highway	☐	☐	■	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings	☐	☐	■	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area	☐	☐	■	☐

Setting

The project site is a roughly rectangular-shaped property bounded on the west by S. De Anza Boulevard, a six-lane arterial road; Via Vico to the south; and parking lots of the bordered businesses to the north and east. The site presently contains a gas station and car wash. The existing street frontages have sidewalks with landscaped strips between driveways, which contain trees, shrubs, and grass. The project site does not currently have any walls bordering the boundaries.

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The General Plan includes Community Design Goals, Policies, and Implementation Actions that guide the form of future development in the City of San José and help tie individual projects to the vision for the surrounding area and City as a whole. The following policies are specific to aesthetic resources and are applicable to the proposed project (City of San José 2011c):

Policy CD-1.5 Encourage incorporation of publicly accessible spaces, such as plazas or squares, into new and existing commercial and mixed-use developments.

Policy CD-1.7 Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

Policy CD-1.8 Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

Policy CD-1.9 Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street facing property line with entrances directly to the public sidewalk, provide high quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings.

Policy CD-1.11 To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

Policy CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.13 Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.16 Strongly discourage gates and fences at the frontage of commercial properties to maintain an open and inviting commercial character and avoid the inhospitable appearance of security barriers.

Policy CD-1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles

from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

SAN JOSÉ OUTDOOR LIGHTING POLICY

The San José Council approved Council Policy 4-3 on March 1, 1983, and later revised on June 20, 2000, for an outdoor lighting on private developments. The policy includes the use of low-pressure sodium lights, downward directed light, shielding, and lumen limits to promote energy-efficient outdoor lighting and reduces light pollution and sky glow during the night.

SAN JOSÉ COMMERCIAL DESIGN GUIDELINES

Commercial Design Guidelines were developed by the City Planning Department and adopted by the Planning Commission in May 1988. The guidelines include "common elements" and "specific development types" to address issues of neighborhood compatibility, project function and aesthetics.

CALIFORNIA STATE SCENIC HIGHWAY PROGRAM

The State Highway Program was established in 1963 to "establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with adjacent scenic corridors, require special conservation treatment" (Department of Transportation [Caltrans] 2008).

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. Would the project have a substantial adverse effect on a scenic vista?

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?

The project site is currently developed with a gas station and carwash. The project would involve demolition of these existing structures and construction of a four-story hotel with an outdoor pool. The project site is located in a fully urbanized area of the City of San José that supports a mixture of commercial and residential land uses in buildings that are generally one to two stories in height.

According to Chapter 4, Quality of Life, of the City's General Plan, scenic resources within the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the Baylands and the urban skyline, particularly high-rise development. Scenic corridors that afford aesthetic views have been designated to help preserve thoroughfares that provide vistas of City's scenic resources. Additionally, the City's General Plan identifies gateways and urban corridors as important scenic resources. Gateways announce to a visitor or resident that they are entering the city, or a unique neighborhood. Urban Corridors designated in the General Plan are all State and Interstate Highways within the City's Sphere of Influence. Together, Gateways and Urban Corridors contribute greatly to the overall image of the city and the image of its individual communities.

The project site is located at the corner of S. De Anza Boulevard and Via Vico. Neither of these roadways are designated as scenic corridors in the General Plan. Further, the project site is not located at a designated City Gateway. The nearest Gateway is the intersection of Prospect Road and

Saratoga Avenue, approximately three miles southeast of the project. The nearest designated Urban Corridor is SR 85, approximately 1,800 feet to the south. The project would be 61 feet tall at its highest point. Due to intervening structures, the project site would not be visible from SR 85. The topography of the area is generally flat and there are no scenic views of designated resources such as the Santa Clara Valley, the hills and mountains which frame the Valley floor, or the Baylands available from or through the project site. Therefore, the project would have a less than significant impact on scenic vistas and scenic resources.

The project would involve the removal of six existing redwood trees on the project site. However, none of these trees are included on the City Council-adopted Heritage Tree list (City of San José 2004a). Additionally, there are no rock outcropping or historic buildings on the project site, and it is not located within clear view of a State designated scenic highway. The proposed tree removals would be required to comply with the City's Tree Replacement Ratios. Therefore, the project would not damage scenic resources along a scenic highway. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The visual character of the area surrounding the site is characterized predominantly by single and two-story commercial development along S. De Anza Boulevard, which is a six lane major arterial roadway. East of the project site along Via Vico are two story multifamily residential buildings. The site itself has generally low visual quality, consisting of a one-story gas station, carwash and paved circulation and parking areas, although landscaping at the site perimeters helps to soften the street view and add visual interest. Figure 3, Figure 4, and Figure 5 above show photographs of the project site and its surroundings.

The project involves the demolition of the existing gas station and carwash and the construction of a four-story hotel with an outdoor pool area. The maximum height of the project would be 61 feet. As such, the project would result in a substantial change in the visual character of the site, with greater height, massing and lot coverage than the current development. Additionally, the project would include the removal of six redwood trees currently on the project site. (There are also six existing redwood trees located on the adjoining property immediately adjacent to the east side of the project site that are outside of the scope of the project and thus would remain.)

Design of the project would include a "zero lot line" at the street sides, high ground floor ceiling heights, transparent ground floor materials showing activated spaces, 15- foot wide sidewalks along S. De Anza Boulevard with enhanced pavement design, a pedestrian entrance to the plaza area, and multi layered street facades to help scale down the building at the pedestrian level. Landscape design along S. De Anza Boulevard would provide some relief to the surrounding hardscapes. Figure 7 shows the proposed project's S. De Anza Boulevard and Via Vico elevations.

Although the project would replace a single story gas station and carwash with a four-story hotel, incorporation of the above design elements would make the project consistent with the character of the commercial development in the area. Additionally, the project applicant would be required to comply with the City's standards for tree removals and be replaced on-site per the required tree replacement ratios. Additionally, the existing trees on the adjoining property that are to remain would be protected to the extent feasible during construction per City requirements (SJMC Chapter 13.32.130). Therefore, impacts to visual character would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is in an urban are with high levels of existing lighting. The project site is currently developed with a gas station and carwash. Existing light sources within the project site include lights from gas station convenience store and carwash, lights at the fuel pumps, and pole-mounted site lights. Light sources at the surrounding land uses include parking lot lighting and exterior structure lighting at the adjacent commercial land uses, as well as streetlights and vehicle lights along both S. De Anza Boulevard and Via Vico. The primary source of glare in the project area is the sun's reflection from light colored and reflective building materials, and finishes, metallic, and glass surfaces of vehicles parked in the existing commercial parking lots on all sides of the project site.

The project would involve replacing the existing development with a new four story hotel. The windows proposed on the exterior elevations of the hotel could generate glare from reflected sunlight during certain times of the day. However, the level of glare would be similar to that already experienced at the surrounding commercial areas and residences.

The project would incorporate exterior lighting in the form of pedestrian walkway lighting, building mounted lighting, and other safety oriented lighting. Additionally, the project would have LED strip lighting at the vertical and top horizontal edges of the building tower at the southwest corner of the site. These light sources would not have a significant impact on the night sky, as they would only incrementally add to the existing background light levels already present as a result of the surrounding urban development. Headlights of vehicles entering and exiting the project site at night would be similar to existing conditions and would not affect nearby light-sensitive receptors. The building's commercial signage will be reviewed through the current entitlement process and will be a conditional of approval in the permit. Prior to construction of the sign, a sign permit will be required. Signage would be required to adhere to the regulations set under the City's Sign Ordinance (SJMC Chapter 23.04). Additionally, the project signage would be required to adhere to the lighting regulations which state that light from any signage shall be concealed from view from vehicular traffic in the public right-of-way, and the light shall not travel from the light source directly to vehicular traffic in the public right-of-way but instead shall be visible only from a reflecting or diffusing surface (SJMC Chapter 23.02.970). Therefore, proposed project signage would not cause a significant source of light or glare.

Further, the project would be required to comply with the City of San José Policy 4-3, "Outdoor Lighting on Private Developments", which promotes energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities. This policy is aimed to benefit the continued enjoyment of the night sky and the continued operation of the Lick Observatory. In compliance with Policy 4-3 the use of low-pressure (LPS) sodium lighting is required for all unroofed areas. Further, Policy 4-3 states that lighting shall not be directed skyward, shall be fully shielded if over 4,050 lumens and partially shielded if under 4,050 lumens, and shall be turned off within one hour of closing or reduced to the minimum level necessary for safety and security.

Because the proposed structure would be four stories in height, it may cast shadows in the immediate area surrounding the site. Shadow-sensitive uses include nurseries, outdoor-oriented retail uses, or routinely useable outdoor spaces associated with recreational, institutional, or residential uses. These uses are considered sensitive because sunlight is important to their function, physical comfort, and/or commerce. Shadow sensitive land uses in the project area include balconies at the multifamily residences approximately 220 feet east of the project site, farther than

the proposed building's shadows would reach during the majority of daylight hours. Therefore, the proposed project would not result in significant shading of shadow-sensitive areas.

As noted above, the project site is in an urban environment with numerous existing sources of light and glare. The project would not substantially alter this condition and would be required to adhere to the City of San José requirements regarding nighttime lighting. Additionally, project signage would be required to adhere to the requirements set in the SJMC Chapter 13.02.970. Therefore impacts related to project light and glare would be less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Agriculture and Forest Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use	☐	☐	☐	■
b. Conflict with existing zoning for agricultural use or a Williamson Act contract	☐	☐	☐	■
c. Conflict with existing zoning for or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use	☐	☐	☐	■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use	☐	☐	☐	■

Setting

The project site is currently developed with commercial uses. The site is located in a developed, urban area of San José and is surrounded by development including roadways, commercial and retail, and residential uses. The project site is currently zoned Commercial Pedestrian (Planned Development) – CP (PD), and the General Plan land use designation for the site is Neighborhood/Community Commercial.

The California Department of Conservation manages the Farmland Mapping and Monitoring Program to assess and record how suitable a particular tract of land is for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is

designated as Prime Farmland. The project site and vicinity does not have any identified agricultural or forest land (Department of Conservation 2016).

Regulatory Setting

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land. This includes the Forest and Range Assessment Project and the Forest Legacy Assessment Project, along with the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The General Plan includes Community Design Goals, Policies, and Implementation Actions that guide the form of future development in the City of San José and help tie individual projects to the vision for the surrounding area and City as a whole. The following policies are specific to agriculture and forest resources and are applicable to the proposed project (City of San José 2011c):

Policy LU-12.3 Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

- Limit residential uses in agricultural areas to those which are incidental to agriculture.
- Restrict and discourage subdivision of agricultural lands.
- Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
- Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
- Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project is located in a highly urbanized area of the City of San José at the corner of S. De Anza Boulevard and Via Vico. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within or near the project site (Department of Conservation 2016). Further, there are no

Williamson Act contract lands within or adjacent to the project area. Therefore, the project would not result in the conversion of farmland to non-agricultural uses. There would be no impact.

NO IMPACT

The following discussion is an analysis for criteria (c) and (d):

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The project site is within the highly urbanized area of the City of San José and is currently zoned Commercial Pedestrian (Planned Development). There are no identified timberland production zones or forest land within the project site. Therefore, the project would have no impact to zoning for forest land or timberland production and would not convert any forest land to non-forest use. There would be no impact.

NO IMPACT

e. Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

The project would develop a four story hotel on a currently developed site within the highly urban area of the City of San José. This would represent a continuation of the current urban setting of the project area. Therefore, the location or nature of the project would not result in the conversion of any farmland to non-agricultural use. There would be no impact.

NO IMPACT

This page intentionally left blank.

3 Air Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Conflict with or obstruct implementation of the applicable air quality plan	☐	☐	■	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation	☐	☐	■	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)	☐	☐	■	☐
d. Expose sensitive receptors to substantial pollutant concentrations	☐	☐	■	☐
e. Create objectionable odors affecting a substantial number of people	☐	☐	■	☐

Setting

The project site is located within the San Francisco Bay Area Air Basin (SFAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards. Air quality studies generally focus on four pollutants, referred to as criteria pollutants, which are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$).

Depending on whether or not the standards are met or exceeded, the SFFAB is classified as being in "attainment" or "nonattainment." Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The BAAQMD is in non-attainment for the state and federal ozone standards, the state and federal $PM_{2.5}$ (particulate matter up to 2.5 microns[1] in size) standards, and the state PM_{10} (particulate matter up to 10 microns in size) standards. Additionally, the BAAQMD is required to prepare a plan for improvement for these pollutants in nonattainment (BAAQMD, "Air Quality Standards and Attainment Status"

[1] One micron equals one-millionth of a meter; i.e. 10^{-6}

webpage, accessed July 2015). The health effects associated with criteria pollutants for which the SFAAB is in non-attainment are described in Table 2.

Table 2 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM_{10})	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma).[a]
Suspended particulate matter ($PM_{2.5}$)	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma.[a]

Source: U.S. EPA, *http://www.epa.gov/airquality/urbanair/*, accessed November 21, 2014.

[a] More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the following documents: EPA, Air Quality Criteria for Particulate Matter, October 2004.

Regulatory Setting

Air Quality Management

The BAAQMD is primarily responsible for assuring that the national and State ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities. The BAAQMD has jurisdiction over much of the nine-county Bay Area, including Santa Clara County.

The BAAQMD adopted the 2017 Clean Air Plan (2017 Plan) as an update to the 2010 Clean Air Plan. The 2017 Plan provides a regional strategy to protect public health and protect the climate. Consistent with the GHG reduction targets adopted by the State, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050 (BAAQMD 2017a). To fulfill State ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—reactive organic gases (ROG) and nitrogen oxides (NO_X)—and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (BAAQMD 2017a).

Air Emission Thresholds

The BAAQMD's May 2017 CEQA Air Quality Guidelines are used in this analysis to evaluate air quality. This update includes revisions made to the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist., 62 Cal. 4th 369* (BAAQMD 2017b). Table 3 shows the significance thresholds for construction and operational-related criteria air pollutant and precursor emissions being used for the purposes of this analysis. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. For the purposes of this analysis, the proposed project would result in a significant impact if construction or operational emissions would exceed thresholds as shown below.

Table 3 BAAQMD Air Quality Significance Thresholds

Pollutant/ Precursor	Construction Emissions (lbs/day)[3]	Operational Emissions (lbs/day)
ROG	54	54
NO_X	54	54
PM_{10}	82	82
$PM_{2.5}$	54	54

Notes: lbs/day = pounds per day; NO_X = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ROG = reactive organic gases

[3] Note the thresholds for PM_{10} and $PM_{2.5}$ apply to construction exhaust emissions only.

Source: BAAQMD 2017a.

In addition, a significant air quality impact would occur if the project design or project construction does not incorporate control measures recommended by the BAAQMD to control emissions during construction (as listed in Table 8-1 of the BAAQMD CEQA Guidelines).

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter 3 in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Goals and Policies of this chapter relate to Green Building design, construction, location, and operation. The following are applicable goals and policies that relate to the proposed project (City of San José 2011c):

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

Policy MS-10.1 Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.8 Minimize vegetation removal required for fire prevention. Require alternatives to disking, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage alternatives that limit the exposure of bare soil.

Goal MS-11: Toxic Air Contaminants: Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

Policy MS-11.1 Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Goal MS-13: Construction Air Emissions: Minimize air pollutant emissions during demolition and construction activities.

Policy MS-13.1 Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Impact Analysis

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The California Clean Air Act requires that air districts create a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The most recently adopted air quality plan is the BAAQMD 2017 Plan. As described in the Air Quality Management section above, the 2017 Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, pursuant to air quality planning requirements defined in the California Health & Safety Code. To fulfill State ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—reactive organic gases (ROG) and nitrogen oxides (NO_X)—and reduce transport of ozone and its precursors to neighboring air basins. In addition, the CAP builds upon and enhances the Air District's efforts to reduce emissions of fine particulate matter and toxic air contaminants. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 CAP focuses on two paramount goals:

- Protect air quality and health and the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the most recently adopted clean air plan (2017 Plan) should demonstrate that a project:

- Supports the primary goals of the air quality plan
- Includes applicable control measures from the air quality plan
- Does not disrupt or hinder implementation of any air quality plan control measures

Any project that would not support the 2017 Plan's goals would not be considered consistent with the 2017 Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support for the clean air plan's goals. As shown in the response to checklist items b and c (see below), the project would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants and thus would not conflict with the 2017 Plan's goal to attain air quality standards. Therefore, consistent with the City's CEQA thresholds, the proposed project would result in a less than significant impact with implementation of the 2017 Plan.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (b) and (c):

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Construction of the project would involve site preparation, grading, excavation, building construction, and other construction-related activities that have the potential to generate air pollutant emissions. Temporary construction emissions from these activities were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.1, based on parameters that include the duration of construction activity, area of disturbance, and anticipated equipment used during construction. Based on the applicant's proposed schedule, demolition and construction would be completed in approximately 12-14 months. In addition, watering of exposed surfaces twice daily was included in construction modeling, as recommended by BAAQMD (BAAQMD 2017b).

The temporary construction emissions and long term operational emissions for the proposed project are discussed below.

Construction Emissions

Construction of the proposed project would generate temporary criteria pollutant emissions primarily due to the operation of construction equipment and truck trips. Estimated emissions associated with the demolition of the existing gas station and carwash are included in the demolition phase of the project. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. Additionally, the grading

phase of the project includes the excavation of an estimated 8,500 cubic yards of soil to account for the construction of the subterranean parking structure. This assumes an excavation depth of 12 feet.

As shown in Table 4, construction emissions would not exceed the BAAQMD thresholds of 54 pounds per day of ROG, NO_X and $PM_{2.5}$ and 82 pounds per day of PM_{10}. Complete results from CalEEMod and assumptions are included in Appendix A.

Table 4 Construction Emissions (pounds/day)

Pollutant	Maximum Daily Emissions	BAAQMD Significance Threshold	Significant Impact?
ROG	9.4	54	No
NO_x	18.2	54	No
PM_{10}	19.8	82	No
$PM_{2.5}$	17.2	54	No

See Appendix A for CalEEMod worksheets.

Even for projects that would not generate construction emissions exceeding these thresholds, BAAQMD requires implementation of its Basic Construction Mitigation Measures, which will be included in the project as a standard permit condition, as outlined below. Therefore, impacts from construction emissions would be less than significant.

Standard Permit Conditions:

Consistent with the BAAQMD CEQA Air Quality Guidelines, the project shall implement the following measures during all phases of construction on the project site, to reduce dust fall-out emissions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered
- 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
- All vehicle speeds on unpaved roads shall be limited to 15 mph
- 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
- 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
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator

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

LESS THAN SIGNIFICANT IMPACT

Operational Emissions

The BAAQMD screening level size regarding operational criteria pollutants for the land use category of "hotel" is 489 rooms. As this project is proposing 90 rooms, it is below the screening size and would result in a less than significant impact. Long-term emissions associated with project operation, as shown in Table 5, would include emissions from vehicle trips (mobile sources), natural gas and electricity use (energy sources), and landscape maintenance equipment, consumer products and architectural coating associated with on site development (area sources). Estimated operational emissions were calculated for the proposed hotel and subterranean parking structure.

Table 5 Operational Emissions (pounds/day)

Pollutant	Total Emissions	BAAQMD Significance Threshold	Significant Impact?
ROG	2.6	54	No
NO_x	5.1	54	No
PM_{10}	3.1	82	No
$PM_{2.5}$	0.9	54	No

See Appendix A for CalEEMod worksheets.

As shown in Table 5, emissions from the operation of the project would not exceed BAAQMD thresholds for any criteria pollutant. Consequently, the impact of the proposed project's operational emissions on regional air quality would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Sensitive receptors are defined as population groups that are more susceptible to exposure to pollutants and examples include health care facilities, retirement homes, school and playground facilities, and residential areas. The sensitive receptors nearest to the project include existing residences approximately 100 feet to the southeast and 200 feet to the east and northeast.

As discussed above, grading and construction of the project site would not create emissions that would exceed BAAQMD thresholds for any pollutant. Therefore, it would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project create objectionable odors affecting a substantial number of people?

Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The proposed project involves development of a four story hotel. This type of use would not generate objectionable odors that would affect a substantial number of people. Further, odors associated with construction machinery would be those of diesel machinery, which includes the smells of oil or diesel fuels. The odors would be limited to the time that construction equipment is operating. As a result, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

4 Biological Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	☐	■	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	☐	☐	■	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	☐	☐	☐	■
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	☐	☐	■	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	☐	☐	■	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	■	☐

Environmental Setting

The project site is located within an urbanized area of San José. The existing property is currently occupied by a gas station and car wash facility. The project site has redwood trees and limited landscaping bordering the site. According to the Envision San José 2040 General Plan Final Program EIR, there are thirteen special status plants and 41 special status animals are potentially occurring within the City of San José and its urban growth boundary; however, due to the disturbed nature of the site, it has a relatively low habitat value (San José 2011b).

Regulatory Setting

Federal

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) 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 pursuant to Federal regulations. These regulatory standards include disturbance of nests during construction.

Regional

Regulatory authority over biological resources is shared by Federal, State, and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of San José). The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the state under CEQA and also has direct jurisdiction under the Fish and Game Code of California. Under the State and Federal Endangered Species Act, the CDFW and the U.S. Fish and Wildlife Service (USFWS) also have direct regulatory authority over species formally listed as Threatened or Endangered. The U.S. Army Corps of Engineers (USACE) has regulatory authority over specific biological resources, namely wetlands and waters of the United States, under Section 404 of the federal Clean Water Act. Statutes within the Clean Water Act, California Fish and Game Code, and Regional Water Quality Control Boards (RWQCB) protect wetlands and riparian habitat.

SANTA CLARA VALLEY HABITAT PLAN

The project site is located within the Santa Clara Valley Habitat Plan (Habitat Plan). The Habitat Plan provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities (Santa Clara Valley Habitat Agency 2012). The project site has a designation of “Urban Development” in the Santa Clara Valley Habitat Plan.

City of San José

CITY OF SAN JOSÉ TREE REMOVAL ORDINANCE

The purpose of the City of San José’s Tree Removal Ordinance (San José Municipal Code [SJMC] Chapter 13.32) is to promote the health, safety, and welfare of the city by controlling the removal of trees in the city, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems

through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to biological resources and applicable to the proposed project.

Policy CD-1.22 Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-1.24 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Policy MS-21.4 Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5 As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6 As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Impact Analysis

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

The project site consists of an existing gas station and carwash within a highly urbanized area of the City. The City's General Plan Final Program EIR identifies the project as entirely within urban and suburban environment where biological resources are limited. Special-status plants are not expected to occur in areas of the City that are already urbanized due to previous land modifications and removal of native plants, and because they do not support natural plant communities (San José 2011b).

Further, special-status animals are generally not expected to occur in urban areas of the City that are developed with structures and paving and do not support natural plant communities since these areas do not meet their habitat requirements for nesting, foraging, or cover. Other than in riparian areas, vacant areas that support grassland and serpentine grassland vegetation, and agricultural habitats, special-status animal species are not expected to occur within most developed areas within the City (San José 2011b). However, the site currently contains six redwood trees that could potentially support nesting birds protected under the Migratory Bird Treaty Act of which six are proposed for removal with this development. Removal of trees within the project site may affect protected nesting birds. Therefore, Mitigation Measure BIO-1 is required to protect nesting birds.

Impact BIO-1

Construction activities and removal of trees associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measure

The following mitigation measure would be required to reduce impacts to protected nesting birds to a less than significant level. With implementation of Mitigation Measure BIO-1.1 and BIO-1.2, impacts would be less than significant.

Mitigation Measure BIO-1.1

To avoid disturbance of nesting and special-status birds, the project applicant shall schedule activities related to the project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

Mitigation Measure BIO-1.2

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. The nesting bird pre-construction survey shall be conducted within the project boundary, including a 300-foot buffer (500-foot for raptors). The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days

prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive).

If active nests are found, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

The project applicant shall submit a report to the City's Environmental Supervising Planner indicating the results of the survey and any designated buffer zones, and is to be completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permits.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Plant communities are considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. CDFW ranks sensitive communities as "threatened" or "very threatened" and keeps records of their occurrences in the California Natural Diversity Database (CNDDB). Similar to special-status plant and wildlife species, vegetation alliances are ranked 1 through 5 based on NatureServe's (2010) methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive.

As discussed above, the project site has been identified as entirely within an urban/suburban habitat (San José 2011b). The nearest sensitive habitat to the project site is the riparian habitat along Calabazas Creek, approximately 0.4 miles to the southeast. Development of the project site would therefore not result in a loss of sensitive habitat. Impacts would be less than significant.

Additionally, the City's Riparian Corridor Policy Study analyzed streams and riparian corridors found within the City of Sn José, and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council Policy 6-34) supplements the regulations for riparian corridor and provides guidance for proposed project design that protects and preserves the City's Riparian Corridors. As discussed above, the nearest riparian corridor to the project site is Calabazas Creek, which is located approximately 0.4 miles to the southeast. The Riparian Corridor Policy applies to riparian projects, which are defined to be projects within 300 feet of a riparian corridor's top of bank or vegetative edge, whichever is greater. Therefore, development of the project would not affect any riparian corridors and would not conflict with the Riparian Corridor Policy. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The National Wetlands Inventory (NWI) was reviewed to determine if any wetland and/or non-wetland waters had been previously documented and mapped on or in the vicinity of the proposed survey area (United States Fish and Wildlife Service 2016). No habitat of quality to support native riparian plant/wildlife species is present on the project site. Additionally, federally protected wetlands or waters as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) do not occur on-site. Calabazas Creek, a riverine wetland resource, is located approximately 0.4 miles southeast of the project site. The proposed project would not involve the direct removal, filling, hydrological interruption, or other means to the bed, bank, channel or adjacent upland area of Calabazas Creek. No impact would occur.

NO IMPACT

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is located in the highly urbanized area along of the City of San José and is surrounded by existing urban development on all sides. Urban portions of the City are not considered important for regional movement of reptiles, amphibians, mammals, or other wildlife species (San José 2011b). Therefore, because the project would be infill development within an urbanized portion of the City, impacts to wildlife movement would be less than significant.

Migratory fish species that occur within the City would potentially use streams and local waterways. As discussed above, the project site is located approximately 0.4 miles from Calabazas Creek. Therefore, the project would not impede movement of fish species. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project site contains mature trees that would be removed during implementation of the project. Specifically, the project would include the removal of six redwood trees currently on the project site. (There are also six existing redwood trees located on the adjoining property immediately adjacent to the east side of the project site that are outside of the scope of the project and thus would remain.) Pursuant to Chapter 13.28 of the Municipal Code, none of the proposed trees to be removed are heritage trees.

The removal of trees within the project site would be required to meet the City's tree replacement ratios, as outlined in the standard permit condition below. Existing trees that would remain are located on the adjoining property adjacent to the project's north and east perimeter. The project would avoid impacts to the adjacent trees during construction activities. Therefore, impacts would be less than significant.

Standard Permit Condition

The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 6 below.

Table 6 City of San José Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
56 inches or greater	5:1	4:1	3:1	24-inch box
38-56 inches	3:1	2:1	none	24-inch box
Less than 38 inches	1:1	1:1	none	15-gal. container

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 18-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.
Per City of San José Municipal Code Section 13.32

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Supervising Planner, prior to issuance of a development permit:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact the Department of Parks, Recreation & Neighborhood Services (PRNS) Landscape Maintenance Manager for specific park locations in need of trees.
- Donate $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

LESS THAN SIGNIFICANT IMPACT

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is located within the plan area of the Santa Clara Valley Habitat Plan (Habitat Plan) (Santa Clara Valley Habitat Agency 2012). As shown in Figure 2-2 of the Habitat Plan, the project site is located entirely within the urban development land use area of the City of San José and is therefore considered urban development under the Habitat Plan. Additionally, the project is located within the Urban-Suburban land cover and the Urban Areas land cover fee zone. All covered activities within the Habitat Plan area are required to conform with two conditions (Condition one and Condition three), in addition Condition two pertains to this project, which addresses the edge of new urban development in relationship to the Reserve System, and Condition one of the Habitat Plan covers the avoidance of direct impacts on legally protected plant and wildlife species. Species listed under this condition include contra costa goldfields as well as a number of wildlife species that are common to the area, including:

- Golden eagle
- Bald eagle
- American peregrine falcon
- Southern bald eagle
- White-tailed kite
- California condor
- Ring-tailed cat

The species that are protected are listed under Sections 3511 and 4700 of the California Fish and Game Code. In addition, as discussed under criteria (a), above, migratory birds and their nests are also protected. Implementation of Mitigation Measures BIO-1.1 and BIO-1.2 would ensure the avoidance of any protected wildlife species listed under Sections 3511 and 4700 of the California Fish and Game Code, and those listed above, which may be impacted by the proposed project. Therefore, with implementation of Mitigation Measure BIO-1, the proposed project's impacts to legally protected plant and wildlife species would be less than significant.

Condition two of the Habitat Plan aims to minimize impacts from development along the interface of existing or future urban development and the Reserve System. As discussed above, the project would be infill development of a currently developed site that is completely surrounded by existing urban development. Therefore, the project would not be located near an interface with the Reserve System. Additionally, the project is located approximately 0.4 miles from Calabazas Creek and would result in any in-stream activities. Therefore impacts would be less than significant.

Condition three of the Habitat Plan addresses potential impacts to watershed health through changes in hydrology and water quality and applies to all projects within the Habitat Plan area. The project would be required to comply with stormwater management regulations under the City of San José's National Pollutant Discharge Elimination System (NPDES) permit, which is administered by the San Francisco Bar Regional Water Quality Control Board (SFBRWQCB). Additionally, the project would be subject to the City's Industrial/Commercial Facility stormwater inspection program that ensures the continued protection of storm drains, creeks, and the San Francisco Bay from polluted discharges originating from industrial and commercial facilities. Further, Table 6-2 of the Habitat Plan identifies avoidance and minimization measures for all covered activities within the Habitat Plan area, which would be administered by the City of San José. The project would be required to adhere to the applicable avoidance and minimization measures identified in Table 6-2 of the Habitat Plan.

Compliance with the Habitat Plan, as outlined in the standard permit conditions below, would result in impacts would be less than significant.

Standard Permit Conditions

The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permit. The project applicant shall submit a Santa Clara Valley Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

LESS THAN SIGNIFICANT IMPACT

5 Cultural and Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Cause a substantial adverse change in the significance of an historical resource as defined in § 15064.5	☐	☐	☐	■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5	☐	☐	■	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	☐	☐	■	☐
d. Disturb any human remains, including those interred outside of formal cemeteries	☐	☐	■	☐
e. Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	■	☐
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.	☐	☐	■	☐

Setting

The City of San José was founded on November 29, 1777, making it the first town or "pueblo" (non-military settlement) in what was at that time the Spanish colony of Nueva California. It is the oldest civilian settlement in California and retains many remnants of its evolution (City of San José 2011c).

The project site is an existing gas station and car wash facility. The gas station was constructed in the 1976 (Alpha Environmental, Inc. 2015). None of the structures on site are listed on the City's Historic Resources Inventory. The project site is paved and has been graded previously for the existing development, and partially excavated for underground storage tanks (USTs).

Regulatory Setting

Regional

ASSEMBLY BILL 52

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter three in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Environmental Resources subsection discusses archaeology- and paleontology-related Goals, Policies, and Actions. Chapter six, Land Use and Transportation, within the General Plan discuss the land use policies that focus on historically-

significant buildings and areas of the City. In addition, Chapter 7, Implementation, in the General Plan, provides environmental clearance goals and policies that relate to cultural resources. The following are applicable policies that relate to the proposed project (City of San José 2011c):

Policy ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3 Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy LU-13.9 Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

Policy IP-12.3 Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

Impact Analysis

This section analyzes the proposed project's potential impacts to archaeological, historical, and paleontological resources.

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The project site is currently developed with a gas station and carwash. According to the City of San José's Historic Resources Inventory, the project site and adjacent properties do not contain historic resources defined under the California Public Resources Code §15064.5 (San José 2016a). Additionally, the property has not been the location of known important events and is not associated with any persons important to local, state, or national history. No impact would occur.

NO IMPACT

The following discussion is an analysis for criteria (b) and (d):

b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

d. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The project site is located within a highly urbanized area and is currently developed with a gas station and car wash. The project would include grading as well as excavation for the subterranean parking garage. The site has been previously disturbed during construction of the existing gas station and car wash. New ground disturbance would be approximately 12 feet below surface grade to accommodate the parking garage. Although the site has been highly disturbed, because of the proximity of Calabazas Creek approximately 0.4 miles to the east, and the known presence of archaeological sites in the greater vicinity, there is a relatively high probability of encountering unrecorded archaeological resources or human remains during ground disturbing activities on the project site. As part of the development permit approval by the City of San José, the project would be required to conform to the following standard permit conditions.

Standard Permit Conditions

Implementation of the following conditions would avoid impacts associated with disturbance to buried archaeological resources during construction:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.
- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines

Implementation of the above standard permit conditions would reduce impacts to the currently unknown cultural resources to a less than significant level.

LESS THAN SIGNIFICANT IMPACT

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project site is located within a highly urbanized area and is currently developed with a gas station and carwash. The project would include grading as well as excavation for the subterranean

parking garage. The site has been previously disturbed during construction of the existing gas station and carwash. New ground disturbance would be approximately 12 feet below surface grade to accommodate the parking garage. As a result, there is the possibility of encountering undisturbed subsurface paleontological resources during project excavation.

The project site is directly underlain by Pleistocene-aged older alluvial fan sediments (Helley et al. 1994). Pleistocene alluvium has a record of abundant and diverse vertebrate fauna throughout California, including northern California (Bell et al. 2004; Jefferson 1985, 1991; Maguire and Holroyd 2016; Merriam 1911; Reynolds et al. 1991; Savage 1951; Scott and Cox 2008; Springer et al. 2009; Stirton 1939; Wilkerson et al. 2011; Winters 1954). These deposits within the project site in particular have been especially productive, yielding dozens of specimens of Pleistocene vertebrates including mammoths, horses, ground sloths, camels, cats, bison, antelope, rodents, and turtles from at least nine separate localities (Maguire and Holroyd 2016). Notably, several of these localities are dated with radiocarbon techniques and ages confirm that the transition between the Irvingtonian and Rancholabrean North American Land Mammal Ages is captured (Maguire and Holroyd 2016). This has important implications for our understanding of late Pleistocene vertebrate evolution and paleoclimate in the region just prior to the beginning of the Holocene. Therefore, the Pleistocene older alluvial fan deposits on the project site are considered to have high paleontological sensitivity.

Ground disturbance associated with the construction of the proposed project has a high potential to directly disturb a geologic unit with high paleontological sensitivity. Impacts to paleontological resources resulting from ground disturbing construction activity at depths below 2-3 feet (i.e., below the level of recent grading activities or fill materials underlying pavement on the site) and in undisturbed sediment could include the destruction of fossils. In accordance with the Envision San José 2040 General Plan Policy ER-10.3, the following standard permit conditions would be applied to project permits, reducing impacts to the currently unknown paleontological resources to a less than significant level.

Standard Permit Conditions

Implementation of the following standard permit conditions would avoid potential impacts to as yet unidentified buried paleontological resources:

- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent would be responsible for implementing the recommendations of the paleontological monitor.

LESS THAN SIGNIFICANT IMPACT

Tribal Cultural Resources

The following discussion is an analysis for criteria (e.1) and (e.2):

e. Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or*
2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.*

Tribal Cultural Resources (TCRs) consider the value of a resource to tribal cultural tradition, heritage, and identity, to establish potential mitigation options for TCRs, and to recognize that California Native American tribes have expertise concerning their tribal history and practices.

The City of San José has not received a request for notification regarding projects per AB 52. For that reason, no project-specific tribal consultation was completed and impact to TCRs is not expected. Impacts to TCRs would be less than significant.

LESS THAN SIGNIFICANT IMPACT

6 Geology and Soils

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	■	☐
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault	☐	☐	■	☐
2. Strong seismic ground shaking	☐	☐	■	☐
3. Seismic-related ground failure, including liquefaction	☐	☐	■	☐
4. Landslides	☐	☐	☐	■
b. Result in substantial soil erosion or the loss of topsoil	☐	☐	■	☐
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse	☐	☐	■	☐
d. Be located on expansive soil, as defined in Table 1-B of the *Uniform Building Code*, creating substantial risks to life or property	☐	☐	■	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater	☐	☐	☐	■

Setting

The project site is generally level and is fully developed with pavement and structures. The site is underlain by alluvial fan and fluvial deposits (Pleistocene, Qpaf) which are described as "brown dense gravely and clayey sand or clayey gravel that fines upward to sandy clay" (United States Geological Survey [USGS] 1998).

Regulatory Setting

Regional

INTERNATIONAL BUILDING CODE (IBC)

The IBC is a model building code that provides the basis for the California Building Code (CBC), described below. The IBC defines different regions of the United States and ranks them according to their seismic hazard potential (Seismic Design Category A through E, from lowest to highest). The three project sites, like all of coastal Southern California, are located in Design Category E.

CALIFORNIA BUILDING CODE

California law provides a minimum standard for building design through the CBC. The CBC specifies acceptable design criteria for construction of facilities with respect to seismic design and load-bearing capacity, as summarized below:

- Chapter 23 contains specific requirements for seismic safety.
- Chapter 29 regulates excavation, foundations, and retaining walls.
- Chapter 33 contains specific requirements pertaining to site demolition, excavation, and construction to protect people and property from hazards associated with excavation cave-ins and falling debris or construction materials.
- Chapter 70 regulates grading activities, including drainage and erosion control.

Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Division of Occupational Safety and Health (Cal/OSHA) regulations (Title 8 of the California Code of Regulations [CCR]) and in Section A33 of the CBC.

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT

The Alquist-Priolo Earthquake Fault Zoning Act was signed into law in 1972, in response to widespread damage caused by the 1971 San Fernando Earthquake. The purpose of this Act is to avoid or reduce damage to structures in the future, by prohibiting the location of most structures intended for human occupancy across the traces of active faults, thereby mitigating the hazard of fault rupture. Under the Act, the State Geologist is required to delineate "Earthquake Fault Zones" along known active faults in California. Cities and counties affected by the zones must regulate certain development projects within the zones by withholding development permits for sites within the zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting.

SEISMIC HAZARDS MAPPING ACT

The California Geologic Survey, formerly the California Department of Conservation, Division of Mines and Geology (CDMG), provides guidance with regard to seismic hazards. Under CDMG's Seismic Hazards Mapping Act (1990), seismic hazard zones are identified and mapped in order to assist local governments in land use planning. The intent of this publication is to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes. In addition, CDMG's Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, provides guidance for the evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigations.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter three in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Environmental Considerations/Hazards subsection discusses natural hazards as well as the related Goals, Policies, and Actions. The following are applicable policies that relate to the proposed project (City of San José 2011c):

Policy EC-3.1 Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1 Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2 Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4 Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Action EC-4.11 Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review

and implementation of mitigation measures as part of the project approval process.

Action EC-4.12 Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

Impact Analysis

a.1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

The project site is located in the seismically active San Francisco Bay Area. However the nearest fault to the project site is the San Andreas Fault, approximately 10 miles west of the project site (State of California Department of Conservation, 2015). No known fault lines cut through the site. As a result, the direct ground rupture from an earthquake fault would be unlikely and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

As with any site in the Bay Area region, the project site is susceptible to strong seismic ground shaking in the event of a major earthquake. Nearby active faults include the San Andreas Fault, the Hayward and Calaveras fault system, as well as potentially active faults such as the Berryessa, Crosley, Clayton, Quimby, Shannon, Evergreen, and Silver Creek faults. These faults are capable of producing strong seismic ground shaking at the project site. The City of San José's Geologic Hazard Regulations (SJMC Chapter 17.10) requires that no discretionary approval for development, grading, or building permit shall be issued for any property located in the geologic hazard zone unless the director has first issued a certificate of geologic hazard clearance. However, Figure 3.6-1 of the Envision San José 2040 General Plan EIR shows that the project site is not located in an identified geologic hazard zone (San José 2012). Therefore, the project would not require a special geologic clearance. Additionally, with modern construction and adherence to geology and soil provisions of the California Building Code (CBC), which sets forth seismic design standards (Ch. 16, 18) and geohazard study requirements (Ch. 18), impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction is a process whereby soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. As shown in Figure 3.6-1 of the Envision San José 2040 General Plan EIR, the project site is not located within a liquefaction hazard zone (San José 2012). Further, the project site is not identified as being within a potential liquefaction zone as identified on the California Emergency Management Agency Earthquake Hazard map (Department of Conservation 2002). Additionally, a geotechnical investigation conducted for the project site by Romig Engineers, Inc. concluded that soils within the project site were found to have low

liquefaction potential (Romig Engineers, Inc. 2017) (see Appendix B). Therefore, impacts associated with liquefaction would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Earthquakes can trigger landslides that may cause injuries and damage to many types of structures. Landslides are typically a hazard on or near slopes or hillside areas, rather than generally level areas like the project site and vicinity. The project site is generally flat and is not subject to landslides. As shown in Figure 3.6-1 of the Envision San José 2040 General Plan EIR, the project site is not located within a landslide hazard area (San José 2012). Additionally, according to the State of California Seismic Hazard Zone map, the project site is not located within an earthquake-induced landslide hazard zone (Department of Conservation 2002). Therefore, no impact would occur.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The project site is developed and generally level, which limits the potential for substantial soil erosion. The grading and excavation phase when soils are exposed has the highest potential for erosion. Ground-disturbing activities that would occur with implementation of the project would include site-specific grading for foundations, the project parking garage, access driveways, and utility trenches. Temporary erosion could occur during project construction. The project would be required to comply with Chapter 17.04 of the SJMC, which requires a grading permit prior to ground disturbing activities and calls for protection of slopes and the use of erosion and sediment controls on construction sites as necessary to protect water quality.

The project site is less than one acre in size, and would not require a Stormwater Pollution Prevention Plans (SWPPP). However, the proposed project would be required to comply with erosion control standards administered by the San Francisco Bay Regional Water Quality Control Board (RWQCB) through the National Pollutant Discharge Elimination System (NPDES) permit process, which requires implementation of nonpoint source control of stormwater runoff.

With compliance with above listed requirements, impacts of the proposed development associated with soil erosion and the loss of topsoil would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The predominant soil types within the project site are Botella complex soils. The Botella complex soils are generally composed of deep or very deep, well-drained clay loams with deeper water tables (US Department of Agriculture 2016). Further, as discussed above, the project is not located within a Geologic Hazard Area or a liquefaction hazard zone as defined by the City of San José in (San José 2012). Additionally, a geotechnical investigation conducted on the project site concluded that soils within the project site have low liquefaction potential and that soils within the site are dense to very dense clayey sands which are not considered susceptible to liquefaction (Romig Engineers, Inc. 2017). Therefore, the project site is not located on soils identified as being prone to liquefaction or collapse, and impacts would be less than significant.

Lateral spreading is the horizontal movement or spreading of soil toward an open face. When soils located on a sloping site liquefy, they tend to flow downhill. The potential for failure from lateral spreading is highest in areas where the groundwater table is high and where relatively soft, where recent alluvial deposits exist, and in areas with liquefaction risks. As discussed above, the project site is generally flat and not located in a liquefaction hazard zone. Additionally, the project is not located in an identified landslide hazard area. Therefore, the project site is not located on soils susceptible to lateral spreading or landslides. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?

A geotechnical investigation conducted at the project site by Romig Engineers concluded that soils within the project site have low expansive potential (Romig Engineers 2017; see Appendix B to this Initial Study). All new habitable structures within the City of San José are required to be constructed in accordance to the most recent CBC as adopted by the City of San José, which includes provisions for expansive soils. Additionally, the City of San José requires a grading permit and adherence to the Geologic Hazard Regulation Ordinance (SJMC Chapter 17.10), as outlined in the standard permit condition below.

Standard Permit Conditions

Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of applicable City ordinances No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards, such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California

Therefore, with compliance with the CBC and SJMC provisions and implementation of standard engineering practices, impacts from expansive soils would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed project would be connected to the local wastewater treatment system. Septic systems would not be used. No impact would occur.

NO IMPACT

7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	☐	☐	■	☐
b. Conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of greenhouse gases	☐	☐	■	☐

Setting

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. The baseline against which these changes are measured originates in historical records identifying temperature changes that have occurred in the past, such as during previous ice ages. The global climate is continuously changing, as evidenced by repeated episodes of substantial warming and cooling documented in the geologic record. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming during the past 150 years. Per the United Nations Intergovernmental Panel on Climate Change (IPCC, 2013), the understanding of anthropogenic warming and cooling influences on climate has led to a high confidence (95 percent or greater chance) that the global average net effect of human activities has been the dominant cause of warming since the mid-20th century (IPCC, 2013).

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

GHGs are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills. Observations of CO_2 concentrations, globally-averaged temperature, and sea level rise are generally well within the range of the extent of the earlier IPCC projections. The recently observed increases in CH_4 and N_2O concentrations are smaller than those assumed in the scenarios in the previous assessments. Each IPCC assessment has used new projections of future climate change that have become more detailed as the models have become more advanced. CEQA

Guidelines provide regulatory direction for the analysis and mitigation of GHG emissions appearing in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

Regulatory Setting

California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. California has numerous regulations aimed at reducing the state's GHG emissions. These initiatives are summarized below:

Assembly Bill 1943

Assembly Bill (AB) 1493 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now referred to as "LEV (Low Emission Vehicle) III GHG" will cover 2017 to 2025. Fleet average emission standards would reach 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emissions Vehicles (LEV), Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011).

Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA] 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report") (CalEPA 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015 the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05), and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. California is on track to meet or exceed the current target of reducing

GHG emissions to 1990 levels by 2020, as established in AB 32. California's new emissions reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent under 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 degrees Celsius - the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

After completing a comprehensive review and update process, CARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CO2e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted over the last five years. Implementation activities are ongoing and CARB is currently the process of updating the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 goals set forth in EO S-3-05. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

CARB Resolution 07-54

CARB Resolution 07-54 establishes 25,000 MT of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005 percent of California's total inventory of GHG emissions for 2004.

Senate Bill 375

Senate Bill 375, signed in August 2008, requires the inclusion of sustainable communities' strategies (SCS) in regional transportation plans (RTPs) for the purpose of reducing GHG emissions. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted an SCS in July 2013 that meets greenhouse gas reduction targets. The *Plan Bay Area* is the SCS document for the Bay Area, which is an integrated long-range plan that discusses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040, which is expected to be adopted in July of 2017 (MTC 2017).

Executive Order S-13-08

Executive Order S-13-08 indicates that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy (California Natural Resources Agency 2009) was adopted, which is the "...first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Senate Bill 2X

In April 2011, the governor signed SB 2X requiring California to generate 33 percent of its electricity from renewable energy by 2020.

Senate Bill 32

On September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 is an extension of AB 32. The other provisions of AB 32 remain unchanged. CARB is currently working to update the Scoping Plan to provide a framework for achieving the 2030 target. The updated Scoping Plan is expected to be completed and adopted by CARB in 2017 (CARB 2016).

For more information on the Senate and Assembly Bills, Executive Orders, and reports discussed above, and to view reports and research referenced above, please refer to the following websites: www.climatechange.ca.gov and www.arb.ca.gov/cc/cc.htm.

Methodology and Significance Thresholds

Regional Thresholds

The significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan). Neither the State nor the City of San José have adopted GHG emissions thresholds, and no GHG emissions reduction plan with established GHG emissions reduction strategies has yet been adopted. The BAAQMD adopted significance thresholds for GHGs in June 2010 (see Table 7). For land use development projects (residential, commercial, industrial), the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/year) of CO_2e; or 4.6 MT CO_2e per service population (residents + employees) per year.

Table 7 GHG Significance Thresholds

GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,100 MT of CO2E/year OR 4.6 MT of CO2E/SP/year (residents + employees)
Stationary Sources	10,000 MT/year
Plans	6.6 MT of CO2E/SP/year (residents + employees)

Notes: SP = Service Population.

Project emissions can be expressed on a per-capita basis as metric tons of CO2E/Service Population/year, which represents the project's total estimated annual GHG emissions divided by the estimated total number of new residents and employees that would result from development of a project.

Local Thresholds

The City of San José has adopted a GHG Reduction Strategy in conjunction with the Envision San José 2040 General Plan Update and consistent with the implementation requirements of Assembly Bill 32 (AB32) – the Global Warming Solutions Act of 2006. The Strategy was adopted by the City Council as an appendix to the Envision Plan on November 1, 2011 and was updated in December 2015. The Strategy establishes mandatory and voluntary GHG reduction measures. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. Applicable mandatory reduction measures include the following:

- Compliance with the City Green Building Ordinance
- New construction must be developed as green buildings
- Increase Density of development
- Increase location efficiency
- Provide Bike Parking in Non-Residential Projects

Project construction and operation emissions were calculated using the California Emissions Estimator Model (CalEEMod) version 2013.2.2 (see Appendix A for calculations).

Construction Emissions

Although construction activity is addressed in this analysis, California Air Pollution Control Officers Association (CAPCOA) does not discuss whether any of the suggested threshold approaches adequately address impacts from temporary construction activity. As stated in the *CEQA and Climate Change* white paper, "more study is needed to make this assessment or to develop separate thresholds for construction activity" (CAPCOA, 2008). The BAAQMD has not established a threshold of significance for construction-related GHG emissions. Nevertheless, air districts such as the SLOACPD (2012) have recommended amortizing construction-related emissions over a 25-year period for commercial projects and a 50-year period for residential projects in conjunction with the project's operational emissions. In order to estimate the annual emissions that would result from construction activity associated with the project, GHGs from construction projects are quantified and amortized over a 25-year period. The amortized construction emissions are added to the annual average operational emissions and then compared to the applicable operational threshold.

Construction of the proposed project would generate temporary GHG emissions primarily due to the operation of construction equipment on-site as well as from vehicles transporting construction workers to and from the project site and heavy trucks to export earth materials offsite. Site

preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. CalEEMod provides an estimate of emissions associated with the construction period, based on parameters such as the duration of construction activity, area of disturbance, and anticipated equipment used during construction.

Operational Emissions

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

CalEEMod provides operational emissions of CO_2, N_2O, and CH_4. Emissions from energy use include electricity and natural gas use. The emissions factors for natural gas combustion are based on EPA's AP-42, (Compilation of Air Pollutant Emissions Factors) and CCAR. Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (CalEEMod User Guide, 2013). The default electricity consumption values in CalEEMod include the CEC-sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey (RASS) studies.

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and utilize standard emission rates from CARB, U.S. EPA, and emission factor values provided by the local air district (CalEEMod User Guide, 2013).

Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CalEEMod User Guide, 2013). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle).

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the CEC's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for Northern and Southern California.

For mobile sources, CO_2 and CH_4 emissions were quantified in CalEEMod. Because CalEEMod does not calculate N_2O emissions from mobile sources, N_2O emissions were quantified using the California Climate Action Registry General Reporting Protocol (CAPCOA, 2009) direct emissions factors for mobile combustion (see Appendix A for calculations). The estimate of total daily trips associated with the proposed project was based on the project traffic analysis conducted by RKH Civil and Transportation Engineering (RKH) and was calculated and extrapolated to derive total annual mileage in CalEEMod. Emission rates for N_2O emissions were based on the vehicle mix output generated by CalEEMod and the emission factors found in the California Climate Action Registry General Reporting Protocol.

Impact Analysis

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. CalEEMod was used to calculate emissions resulting from project construction and long-term operation. Project-related construction emissions are confined to a relatively short period of time in relation to the overall life of the proposed project. Therefore, construction-related GHG emissions were amortized over a 25-year period to determine the annual construction-related GHG emissions over the life of the project. As shown in Table 8, the project construction would result in an average of approximately 9.1 MT of CO_2e per year.

Table 8 Estimated Construction GHG Emissions

Year	Project Emissions MT/yr CO_2e
Total	226.5
Total Amortized over 25 Years	9.1

See Appendix A for CalEEMod worksheets.

Operation

Operational Emissions include area sources (consumer products, landscape maintenance equipment, and painting), energy use (electricity and natural gas), solid waste, electricity to deliver water, and transportation emissions and are shown in Table 9. In accordance with AB 939, this analysis assumes that the proposed project would achieve at least a 50 percent waste diversion rate. As discussed in Section 17, *Utilities and Service Systems*, the City of San José currently achieves a diversion rate of 73 percent. Therefore, the 50 percent diversion rate presents a conservative estimation of waste related emissions. CalEEMod does not calculate N_2O emissions related to mobile sources. As such, N_2O emissions were calculated based on the proposed project's VMT using calculation methods provided by the California Climate Action Registry General Reporting Protocol (January 2009).

As shown in Table 9, total emissions associated with the project are estimated to be about 880.8 metric tons per year. This estimate does not account for the elimination of the emissions associated with the existing gas station and carwash currently on the project site and is therefore a highly conservative estimate. GHG emission associated with the proposed project would not exceed the 1,100 metric tons CO_2e per year threshold of significance and impacts would be less than significant.

Table 9 Combined Annual Emissions of Greenhouse Gases

Emission Source	Annual Emissions (CO_2e) in metric tons
Construction	9.1
Operational	
Area	< 0.1
Energy	279.2
Solid Waste	24.8
Water	7.0
Mobile	
CO_2 and CH_4	533.5
N_2O	27.1
Total	880.8

See Appendix A for CalEEMod worksheets.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed in the setting section above, the City of San José has an adopted GHG Reduction Strategy as an appendix to the Envision San José 2040 General Plan. The GHG Reduction Strategy includes both mandatory measures for all projects and other measures which are considered voluntary. Voluntary measures could be incorporated in the project as mitigation measures for proposed projects, at the discretion of the City.

As demonstrated in Table 10, the project would be consistent with the goals, targets, and policies of Plan Bay Area and the City of San José GHG Reduction Strategy.

Table 10 Project Consistence with Plan Bay Area and the City of San José GHG Reduction Strategy

Goals, Targets, and Policies	Consistency
Plan Bay Area	
Plan for housing sufficient to house 100% of the Bay Area's future workers and residents from all income levels, without displacing current low-income residents.	**Consistent** The proposed project would be infill development that would add a new hotel on a site currently developed with a gas station and carwash. As discussed in Section 13, *Population and Housing*, the project would not add substantial additional residents or employees.
Reduce vehicle miles traveled (VMT) per capita by 10%.	**Consistent** The proposed project is infill development. Additionally, four Santa Clara Valley Transit Authority (SCVTA) bus stops along route 53 are located within one-quarter mile of the project site. With viable alternative transportation options, people are encouraged to drive less to the project site. In addition, a TDM plan to be developed in consultation with City staff is proposed by the applicant.

Goals, Targets, and Policies	Consistency
City of San José GHG Reduction Strategy	
Compliance with the City Green Building Ordinance	**Consistent** The project would be required to comply with the City's green building ordinance.
New construction must be developed as green buildings.	Consistent The project would include the following green building features: ▪ Use of sun shades for passive cooling ▪ High performance building envelope ▪ Light colored roof and paving ▪ Variable refrigerant flow (VRF) guest room HVAC equipment ▪ Solar hot water panels ▪ FCS approved wood framing, ▪ Non-toxic and high recycled content interior finishes
Increased Density of Development	**Consistent** The project would be infill development, constructing a four story hotel on a site currently developed with a gas station and carwash. Therefore, the project would be increasing development density on the site.
Increase location efficiency.	**Consistent** The project site would be located near the VTA Route 53, which operates along S. De Anza Boulevard between West Valley College and the Sunnyvale Transit Center on weekdays, VTA Route 25 operates daily on Bollinger Road connecting De Anza College with the Alum Rock Transit Center, and VTA Route 102 operates on Route 85 freeway between South San José and Palo Alto weekdays during the morning and afternoon peak traffic hours. Further, the project would be located along the Type II bike lane along S. De Anza Boulevard. Therefore, the project would increase location efficiency.
Provide Bike Parking in Non-Residential Projects	**Consistent** The project would provide seven bike racks and six bike lockers in the subgrade parking garage.

As mentioned above, according to BAAQMD GHG significance thresholds, a proposed project's GHG emissions would be less than significant if it is less than 1,100 metric tons per year (MT/year) of CO_2e. The estimated emissions from the project would be 888 MT/year CO_2e. Therefore, the project would not conflict with the BAAQMD GHG standards. Further, as shown in Table 10, the project would be consistent with the Plan Bay Area as well as the City of San José GHG Reduction Strategy. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

This page intentionally left blank.

8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	☐	☐	■	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	☐	■	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school	☐	☐	■	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	■	☐	☐
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area	☐	☐	☐	■
f. For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area	☐	☐	☐	■
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	☐	☐	■	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	☐	☐	☐	■

Setting

The project site consists of an irregularly shaped parcel approximately 0.6 acre in size. The site is designed and used for commercial purposes. Currently, the project site is developed with one structure that was constructed in 1976 and is utilized as a gasoline station and car wash. The site offers two tenant spaces for commercial use.

The project site is flat and is at an approximate elevation of 265 feet above mean sea level. Based upon topographic map interpretation and site observations completed by Alpha Environmental Services, Inc. and discussed in the Phase I Environmental Assessment (ESA) (2015), the presumed groundwater flow beneath the site is inferred to be in a northeastern direction.

The project site was part of a larger agricultural field in 1939 and remained so until 1976 when the commercial buildings which occupy the site today, and operate as a car wash and gas station, were constructed. In 1999 an underground storage tank (UST), holding gasoline, was found to be leaking. Only soil contamination was reported. The three underground gasoline tanks were removed along with the associated piping. Contamination levels of 2.2 parts per million (ppm) were discovered and due to the relatively low levels, the state of California closed the file and issued a no further action determination. Two additional tanks were installed in the ground: one 20,000 gallons, and the other 15,000 gallons, which hold gasoline. The project site continues to operate as a Chevron gas station with attached car wash.

Regulatory Setting

Federal

THE FEDERAL TOXIC SUBSTANCES CONTROL ACT AND THE RESOURCE CONSERVATION RECOVERY ACT

These Acts, signed in 1976, established a program administered by the United States Environmental Protection Agency for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The Resource Conservation and Recovery Act (RCRA) was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes. Among other things, the use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by HSWA.

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT

This Act was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

Among other things, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan (NCP), which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List (NPL).

HAZARDOUS MATERIALS TRANSPORTATION ACT

The Secretary of the U.S. Department of Transportation (DOT) receives the authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act (HMTA). This act administers container design, labelling, shipper and carrier responsibilities, training requirements, and incident reporting requirements. These regulations are contained in Title 49 – Transportation, Code of Federal Regulations, Parts 100 to 180 and includes all modes of transportation – air, highway, rail, and water (Federal Motor Carrier Safety Administration [FMCSA] 2014).

State

THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

This department of the California Environmental Protection Agency is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

DTSC also administers the California Hazardous Waste Control Law (HWCL) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both State and federal laws apply in California. The HWCL lists 791 chemicals and approximately 300 common materials that may be hazardous; establishes criteria for identifying, packaging, and labeling hazardous wastes; proscribes management controls; establishes permit requirements for treatment, storage, disposal, and transportation; and identifies some wastes that cannot be disposed of in landfills.

Government Code section 65962.5 requires the DTSC, the State Department of Health Services, the SWRCB, and CalRecycle to compile and annually update lists of hazardous waste sites and land designated as hazardous waste sites throughout the State. The Secretary for Environmental Protection consolidates the information submitted by these agencies and distributes it to each city and county where sites on the lists are located. Before the lead agency accepts an application for any development project as complete, the applicant must consult these lists to determine if the site at issue is included.

If any soil is excavated from a site containing hazardous materials, it would be considered a hazardous waste if it exceeded specific criteria in Title 22 of the California Code of Regulations. Remediation of hazardous wastes found at a site may be required if excavation of these materials is performed; it may also be required if certain other activities are proposed. Even if soil or groundwater at a contaminated site does not have the characteristics required to be defined as hazardous waste, remediation of the site may be required by regulatory agencies subject to jurisdictional authority. Cleanup requirements are determined on a case-by-case basis by the agency taking lead jurisdiction.

Regional

REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

San Francisco Bay RWQCB regulates discharges and releases to surface and groundwater in the project area. The RWQCB generally oversees cases involving groundwater contamination. Within the San Francisco Bay RWQCB, the County of Santa Clara Department of Environmental Health handles most leaking underground storage tank (LUST) cases, so the RWQCB may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Clean-up (SLIC) cases. In the case of spills at a project site, the responsible party would notify the County of Santa Clara and then a lead regulator (County, RWQCB or DTSC) would be determined.

City of San José

CITY OF SAN JOSÉ EMERGENCY OPERATIONS PLAN

The City of San José's Emergency Operations Plan provides guidance for City response to emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime. This plan does not address ordinary day-to-day emergencies; rather, this plan concentrates on operational concepts and response procedures relative to large-scale disasters (City of San José 2004b).

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter Three in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Hazardous Materials and Environmental Contamination subsections discuss Goals, Policies, and Actions relating to the transport, distribution, use, storage, and disposal of hazardous materials, as well as protection of the community and environment from exposure to hazardous soil, soil vapor, groundwater, indoor air contamination, hazardous building materials in existing and proposed structures and developments, and on public properties, such as parks and trails. In addition, the Emergency Management subsection also describes goals and policies that describe the City's plans for emergency responses. The following are applicable policies that relate to the proposed project (City of San José 2011c):

Policy EC-6.1 Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.

Policy EC-6.2 Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities

Policy EC-6.6 Address through environmental review all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Policy EC-7.1 For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2 Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5 On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.

Action EC-7.10 Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11 Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Goal ES-4: Emergency Management. Promote community safety through planning, preparedness, and emergency response to natural and human-made disasters. Strive to protect the community from injury and damage resulting from natural catastrophes and other hazard conditions. Use emergency management planning to mitigate the effects of emergency situations.

Policy ES-4.4 Implement the ABAG multi-jurisdictional local hazard mitigation plan through the Safety Element of the Envision General Plan, the requirements for project review of the California Environmental Quality Act (CEQA), and on-going capital improvement programs.

Policy ES-4.9 Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.

Impact Analysis

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project would involve the construction of a new four story hotel with 90 guest rooms. Hotel uses typically do not involve the use or store large quantities of hazardous materials. The proposed project would not involve the use, storage, transportation, or disposal of hazardous materials other than those typically used for cleaning, maintenance and landscaping. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (b) and (d):

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

d. Would the project be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is currently developed with a gas station and a carwash. As discussed above, a Phase I ESA was conducted for the project site by Alpha Environmental Services, Inc. (2015), which is included as Appendix C. A record search of State and Federal environmental records was conducted in the ESA. The record search identified that the project site is listed as a leaking underground storage tank (LUST) facility. A LUST was identified on the project site in 1999 with only soil contamination reported. Contamination from Xylene Ethylbenzene, Methyl tert-butyl ether (MTBE), and gasoline were detected. Three gasoline tanks were removed along with the associated piping. The State has closed the file and issued a no further action determination with the conclusion that "due to the low severity of contamination detected beneath the tanks, Santa Clara Valley Water District (SCVWD) staff does not believe that there is substantial release. Therefore, further corrective action is not required at this time" (SCVWD 1999). Therefore, the previous LUST on site represents a low environmental risk and contaminated soils are not anticipated to be encountered during excavation for the proposed project.

Due to prior remediation activities on the project site, soils within the project site are not anticipated to have significant levels of contaminants. Therefore, excavation and hauling of soils would not create a significant hazard to the public or the environment. Further, the State has determined that the previous LUST on the project site does not require any further action and represents a low environmental risk. Therefore, impacts would be less than significant.

The record search conducted in the Phase I ESA found that the project site is listed as an active registered underground storage tank (UST) facility with two underground tanks. The USTs are located on the southwest corner of the project site. The Chevron gas station was inspected by the Department of Environmental Health on December 23, 2014 and was found non-compliant with current regulations regarding UST financial responsibility and training for facility employees. These two violations remain unresolved. These violations are administrative in nature, but may result in civil enforcement and penalties; thus, the status of the UST facility (Chevron gas station) represents a Business Environmental Risk for the property. Therefore, based on the ESA recommendation,

Mitigation Measure HAZ-1 is required to reduce potential on-site hazardous material exposure to the public or the environment to less than significant levels.

Impact HAZ-1

The proposed project has the potential to expose the public or the environment to on-site hazardous materials.

Mitigation Measure

The following mitigation measure would be required to reduce impacts to the project site's potential on-site hazardous material exposure to the public or the environment to a less than significant level. With implementation of Mitigation Measure HAZ-1 impacts would be less than significant.

Mitigation Measure HAZ-1: UST Violation Clearance

To avoid potential on-site hazardous material exposure to the public or the environment, the project applicant shall confirm proper administrative actions are taken by the onsite underground storage tank (UST) system permit holder to clear the two existing violations in order to bring the system into compliance. The violations must be closed with the California EPA and Santa Clara County Department of Environmental Health. Documentation confirming the closure of these violations shall be provided to the City's Environmental Supervising Planner prior to issuance of any grading or building permit.

In addition, due to the historical agricultural use of the project site, on-site soils could be contaminated with residual agricultural pesticides and/or pesticide based metals (arsenic and lead). Due to the future use of the property as a hotel, the City of San José Municipal Environmental Compliance (MEC) department requires mitigation to test soils and analyze for organochlorine pesticides and pesticide based metals. Mitigation Measure HAZ-2 summarizes this requirement.

Impact HAZ-2

The proposed project site has the potential to contain soils that are contaminated with residual agricultural pesticides and/or pesticide based metals.

Mitigation Measure

The following mitigation measure would be required to reduce impacts from the project on-site's soils that could potentially be contaminated with residual agricultural pesticides and/or pesticide based metals to a less than significant level. With implementation of Mitigation Measure HAZ-2 impacts would be less than significant.

Mitigation Measure HAZ-2: Organochlorine Pesticide and Pesticide-Based Metal Testing

The project applicant shall retain a qualified hazardous materials specialist to collect and analyze shallow soil samples for organochlorine pesticides (OCPs) using the EPA Test Method 8081A and for pesticide-based metals (arsenic and lead) using EPA Test Method 6010B/7471.

Based upon the analytical results, if pesticides are found and are above regulatory environmental screening levels for public health and the environment, the project applicant shall implement the appropriate soil management mitigation under regulatory oversight from the Santa Clara County

Department of Environmental Health or the Department of Toxic Substances Control. These soil management mitigation measures shall be required and implemented prior to issuance of any grading or building permit. Copies of the environmental investigations shall be submitted to the City's Environmental Supervising Planner and the Environmental Services Department Compliance Officer prior to issuance of any building or grading permits.

Lastly, the project site has operated as an automobile service station from approximately 1976 to present day. As the development plans require an excavation depth of approximately 10 feet below ground surface, if any as yet undetected residual hazardous waste was spilled or released during the sites' former gasoline service station use it could be encountered during excavation. Although this risk is low as detailed in the Phase I ESA, it is recommended by the City of San José MEC to manage this potential risk by developing a Site Management Plan (SMP). This requirement is summarized as Mitigation Measure HAZ-3.

Impact HAZ-3

Project implementation could expose construction workers, future employees, and/or the environment to a significant health risk during earthwork activities.

Mitigation Measure

The following mitigation measures would be required to reduce hazardous materials exposure to construction workers, future employees, and/or the environment to a less than significant level. With implementation of Mitigation Measure HAZ-3 impacts would be less than significant.

Mitigation Measure HAZ-3: Site Management Plan

The project applicant shall prepare a Site Management Plan (SMP) to establish management practices for identifying, handling, and disposing of contaminated soils encountered during construction activities. At a minimum, the SMP shall include the following:

- Stockpile management including; dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Mitigation of soil vapors (if required)
- Proper disposal procedures of contaminated materials (if required)
- Monitoring, reporting, and regulatory oversight notifications.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities. If applicable, cleanup and remediation activities on the site shall be conducted in accordance with the SMP prior to construction activities. All measures shall be printed on all construction documents, contracts, and project plans. The SMP shall be reviewed and approved by the City's Supervising Environmental Planner and Environmental Services Department Compliance Officer prior to issuance of any grading or building permit.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Meyerholz Elementary School, located approximately 0.25 miles to the east, is the nearest school to the project site. The project involves the construction of a four story hotel that would not typically involve to use, storage, transportation, or disposal of hazardous materials. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (e) and (f):

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f. For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?

The project site is located approximately eight miles southwest of the San José International Airport and is not located within the airport land use plan area (Santa Clara County Airport Land Use Commission 2011). Therefore the project would not result in safety hazards to people residing in the project area. There would be no impact.

NO IMPACT

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would not involve the development of structures or changes in circulation or access routes that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The design of new access points would be reviewed and approved by the San José Fire Department to ensure that emergency access meets City standards. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

h. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located within an urbanized area of the City of San José and is surrounded by existing urban development. Further, the project site is identified as not being within a very high fire hazard severity zone (VHFHSZ) and being within an area of local responsibility (California Department of Forestry and Fire Protection [CAL FIRE] 2008). Therefore, the project would not expose people or structures to a significant risk involving wildland fires. There would be no impact.

NO IMPACT

This page intentionally left blank.

9 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Violate any water quality standards or waste discharge requirements	☐	☐	■	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)	☐	☐	■	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	■	☐
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or offsite	☐	☐	■	☐
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	☐	☐	■	☐
f. Otherwise substantially degrade water quality	☐	☐	■	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map	☐	☐	☐	■
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows	☐	☐	☐	■
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam	☐	☐	☐	■
j. Result in inundation by seiche, tsunami, or mudflow	☐	☐	■	☐

Setting

The generally level and fully developed site is located approximately 0.4 mile northwest of the Calabazas Creek, which flows in a northerly direction, east of the project site, towards San Francisco Bay.

The project site is not located in a flood hazard zone (i.e., a 100-year flood zone) identified by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 06085C0216H. The project site is designated by FEMA as Zone X, which is designated for areas determined to be outside the 0.2 percent annual chance floodplain. The majority of the approximate 0.6-acre project site is covered with impermeable surfaces, including a gas station, car wash, and pavement.

Regulatory Setting

Federal

CLEAN WATER ACT

Congress enacted the Clean Water Act (CWA), formerly the Federal Water Pollution Control Act of 1972, with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and non-point source discharges to surface water. NPDES permit process regulates those discharges (CWA Section 402). NPDES permitting authority is administered by the California State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs). The project site is in a watershed administered by the San Francisco Bay RWQCB (San Francisco Bay RWQCB 2017).

Individual projects in the city that disturb more than one acre would be required to obtain NPDES coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) describing Best Management Practices (BMP) the discharger would use to prevent and retain storm water runoff. The SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a waterbody listed on the 303(d) list for sediment.

Section 401 of the CWA requires that any activity that would result in a discharge into waters of the U.S. be certified by the RWQCB. This certification ensures that the proposed activity does not violate State and/or federal water quality standards. Section 404 of the CWA authorizes the U.S. Army Corps of Engineers to regulate the discharge of dredged or fill material to the waters of the U.S. and adjacent wetlands. Discharges to waters of the U.S. must be avoided where possible, and minimized and mitigated where avoidance is not possible. Section 303(d) of the CWA requires states to establish TMDL programs for streams, lakes and coastal waters that do not meet certain water quality standards.

NATIONAL FLOOD INSURANCE ACT/FLOOD DISASTER PROTECTION ACT

The National Flood Insurance Act of 1968 made flood insurance available for the first time. The Flood Disaster Protection Act of 1973 made the purchase of flood insurance mandatory for the protection of property located in Special Flood Hazard Areas. These laws are relevant because they led to mapping of regulatory floodplains and to local management of floodplain areas according to guidelines that include prohibiting or restricting development in flood hazard zones.

Regional

CALIFORNIA PORTER COLOGNE WATER QUALITY CONTROL ACT

The Porter Cologne Water Quality Control Act of 1967 requires the SWRCB and the nine RWQCBs to adopt water quality criteria to protect State waters. These criteria include the identification of beneficial uses, narrative and numerical water quality standards, and implementation procedures. The criteria for State waters within the region are contained in the *Water Quality Objectives* Chapter of the Basin Plan for the San Francisco Bay RWQCB (San Francisco Bay RWQCB 2017). The Water Quality Control Plan, or Basin Plan, protects designated beneficial uses of State waters through the issuance of Waste Discharge Requirements (WDR) and through the development of TMDL. Anyone proposing to discharge waste that could affect the quality of the waters of the State must make a report of the waste discharge to the RWQCB or SWRCB as appropriate, in compliance with Porter-Cologne.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter three in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Environmental Resources subsection discusses Goals, Policies, and Actions relating to stormwater discharge into the City's storm drain system. In addition, the Environmental Considerations/Hazards subsection, as described above in the *Hazards*

and Hazardous Materials Section, describes flooding hazards. The following are applicable policies that relate to the proposed project (City of San José 2011c):

Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

Policy ER-8.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.2 Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.

Policy ER-8.3 Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.4 Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

Policy ER-8.5 Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Goal EC-5: Flooding Hazards. Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

Policy EC-5.1 The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

Policy EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Action EC-5.16 Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Action EC-5.17 Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

GRADING ORDINANCE

Grading permits are required prior to any grading on a development site, unless exempt per Section 17.04.310 of the City of San José Municipal Code. Per Section 17.04.340, *Grading Permit Requirements,* site plans as well as a soil engineering report and/or an engineering geology report is required when applying for this permit, including specific information on cuts, fills, setbacks, drainage and terracing, erosion control, grading inspections, and final reports for completion of work.

POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT POLICY AND HYDROMODIFICATION MANAGEMENT POLICY

The City of San José City Council approved a council policy (Policy 6-29) on post-construction urban runoff management in February 1988, and was last revised in October 2011. The San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or MRP) mandates that stormwater management measures such as site design, pollutant source control and treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires use of Low Impact Development (LID) techniques including infiltration, harvest and reuse, evapotranspiration, or biotreatment to manage stormwater. The City's Post-Construction Hydromodification Management Policy (Policy 8-14) is a related companion policy that addresses the management of stormwater runoff to minimize erosion and sedimentation in local rivers and creeks (City of San José 2011a).

Impact Analysis

The following discussion is an analysis for criteria (a), (e), and (f):

a. Would the project violate any water quality standards or waste discharge requirements?

e. Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f. Would the project otherwise substantially degrade water quality?

The project site is currently developed with a gas station and carwash and is predominantly developed with impermeable surfaces. The project would involve demolition of the existing gas station and carwash and development of a four story hotel with an access driveway and subterranean parking. Construction of the project could potentially result in temporary impacts to water quality of runoff leaving the site. Additionally, implementation of the project would incrementally increase the amount of impervious surfaces on the project site with the removal of the existing landscaped areas and the construction of the hotel as shown in Figure 8 above.

Construction of the project would not disturb more than one acre of soil and therefore would be in compliance with the required NPDES General Permit for Construction Activities. However, all development projects in San José must comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the BMPs that would be implemented to prevent the discard of stormwater pollutants. With the implementation of the below standard permit conditions, the project, would not result in significant construction-related water quality impacts.

Consistent with the NPDES Municipal Regional Stormwater Permit, the City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects.

Additionally, the project would be required to comply with the City of San José General Plan standard permit conditions implemented during construction. These standard permit conditions include in the project are listed below.

Standard Permit Conditions

The following conditions shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction.

- Utilize onsite sediment control BMPs to retain sediment on the project site
- Utilize standardized construction entrances and/or wash racks
- Implement damp street sweeping
- Provide temporary cover of disturbed surfaces to help control erosion during construction
- Provide permanent cover to stabilize the disturbed surfaces after construction is complete.

Compliance with applicable City ordinances and General Plan requirements for construction activities would ensure that construction of the project does not result in significant impacts to water quality and does not result in a violation of any water quality standards.

Implementation of the project would incrementally increase the impermeable surfaces on the project site. However, the project would include planter beds to promote filtration and infiltration of stormwater from the proposed hotel roof area. The incremental increase in impermeable surfaces and the use of planters to promote infiltration of stormwater would result in a negligible increase in runoff leaving the project site. Therefore, implementation of the project would not exceed the capacity of the existing City of San José storm drain facilities.

Operation of the existing gas station and carwash has the potent to introduce contaminants associated with motor vehicles, such as fuels and lubricants. Operation of the proposed hotel and subterranean parking structure would not represent a significant increase in generation of pollutants that could potentially impact water quality; in fact, replacement of an automotive use with a hotel with an enclosed parking garage would likely reduce potential contaminants in runoff. Additionally, the proposed project would be required to comply with the current NPDES Regional Municipal Stormwater Permit during operation. The Regional Municipal Stormwater Permit convers stormwater discharges from municipalities and local agencies in Santa Clara County and other parts of the Bay Area. This permit identifies low impact development (LID) techniques that the City of San José, as a permitee, must require of new development and redevelopment projects, for the purpose of reduction the discharge of pollutants in stormwater runoff and preventing increases in runoff flows (California Regional Water Quality Control Board 2009).

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The project will not be required to comply with the hydromodification requirements of the NPDES Municipal Regional Stormwater Permit since it is located in a catchment that is more than 65 percent impervious.

Further, the Envision San José 2020 General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development will have a less than significant impact on stormwater quality.

Therefore, with compliance with the Regional Municipal Stormwater Permit requirements and the City's regulatory policies pertaining to stormwater runoff, the project would have a less than significant impact on water quality.

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Potable water for the proposed development would be supplied by the San José Water Company (SJWC). SJWC receives approximately one third of its potable water supply from the Santa Clara subbasin. The remaining potable water supply is provided by surface water purchased from the SCVWD from and imported from the State Water Project and The Central Valley Project, as well as local surface water supplies originating from the Santa Cruz Mountains (SJWC 2016). The Santa Clara Subbasin is an un-adjudicated basin. However, the basin is managed by the SCVWD, who ensures that the basin does not become over drafted. As the groundwater manager, the SCVWD is tasked with maintaining adequate storage in the Santa Clara basin to optimize reliability during extended dry periods. As groundwater is pumped by SJWC and other subretailers and municipalities in Santa Clara County, SCVWD influences groundwater pumping reductions and thus reliability through financial and management practices to protect groundwater storage and minimize the risk of land subsidence. However, SCVWD does not yet have direct control over the amount of groundwater SJWC can extract from the basin. The SCVWD plans to update their Groundwater Management Plan to meet the requirements of the Sustainable Groundwater Management Act. As of 2016, the Santa Clara subbasin is not in a condition of chronic overdraft, and long-term average yields are sustainable (SCVWD 2016a).

Additionally, available water groundwater supply available to San José Water District is predicted to increase approximately 8,059 million gallons per year by 2040 (San José Water District 2016). As discussed in Section 17, *Utilities and Service Systems*, the project would require approximately 14,000 gallons of water per day, which would be provided by a blend of groundwater and surface water. Therefore, the project would not result in substantially deplete groundwater resources.

The project site is currently developed with a gas station and carwash, and is predominantly developed with impermeable surfaces. Development of the project would result in an incremental increase in the amount of impermeable surfaces within the project area. However, this incremental increase would not substantially interfere with groundwater recharge. In addition, the proposed project would not pump groundwater for discharges back to the groundwater table; as discussed in the geotechnical investigation (see Appendix B), the historical high ground water level in the area of the site is greater than 50 feet below grade and therefore well below the proposed depth of excavation. The impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (c) and (d):

c. Would the project substantially alter the existing drainage pattern of the site or area, including by altering the course of a stream or river, in a manner that would result in substantial erosion or siltation on or offsite?

d. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or offsite?

The project site is located in an urbanized area of the City of San José. Calabazas Creek is approximately 0.4 miles from the project site and does not flow through or adjacent to the site. There is existing development between the project site and Calabazas Creek, including roadways and single-family residences. Construction of the project would not alter the course of this creek or any other streams or rivers. As discussed the project site and surrounding area is predominantly paved with impermeable surfaces. The project would not introduce new impermeable areas to the extent that the rate or amount of surface runoff would substantially increase.

The project site would connect to the City of San José storm drain system, which delivers water to local creeks and ultimately to the San Francisco Bay. The project site is currently developed with predominantly impermeable surfaces. Development of the project would incrementally increase impermeable surfaces in the project site, but would not substantially alter drainage from the project site or increase stormwater runoff to the extent that it would result in flooding. Therefore, the project would not result in flooding on or off site or substantial erosion or siltation of a creek or river. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (g) and (h):

g. Would the project place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?

h. Would the project place in a 100-year flood hazard area structures that would impede or redirect flood flows?

The project site is located in a Zone D flood area as identified on the FEMA Flood Insurance Rate Map Number 06085C0216H (FEMA 2009). Zone D indicates areas that have undetermined flood hazards. Therefore the project would not develop housing within a 100-year flood hazard area and would not place structures within a 100-year flood area that would impede or redirect flood flows. There would be no impact.

NO IMPACT

i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding including that occurs as a result of the failure of a levee or dam?

The project site is located approximately 2.5 miles northeast of Stevens Creek Reservoir and eight miles northwest of Lexington Reservoir. However, the project site is not located within the inundation zone of either of these reservoirs (United States Geological Survey 1994a, 1994b,) (SCVWD 2016b). Calabazas Creek is approximately 0.4 miles east of the site. However, there are no levees on Calabazas Creek does that would subject the project site to flooding in the event of a failure. There would be no impact.

NO IMPACT

j. Would the project result in inundation by seiche, tsunami, or mudflow?

The project site is located approximately 10 miles south of the San Francisco Bay and 20 miles from the Pacific Ocean. The project site is not within a tsunami inundation zone (AMBAG 2009). The San Francisco Bay is also the closest body of water that could experience a seiche event. Due to the distance from the project site and intervening development, a seiche in the San Francisco Bay would not have potential to affect the project site. Additionally, the project site and surrounding area is predominantly flat and surrounded by urban development away from crests and steep ridges. Therefore, the project is located in a low hazard area for tsunami, seiche and mudflow. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

This page intentionally left blank.

10 Land Use and Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts?				
a. Physically divide an established community	☐	☐	☐	■
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect	☐	☐	■	☐
c. Conflict with an applicable habitat conservation plan or natural community conservation plan	☐	☐	■	☐

Setting

The site is currently occupied by a gas station and car wash, with landscaping along the outer edge of the site with shrubs and grass as well as some redwood trees along the eastern boundary and trees along the northern boundary. The site is predominately paved. The project site is in the Commercial Pedestrian-Planned Development - CP(PD) zone. As discussed in the San José Municipal Code, this zone is intended for pedestrian-oriented retail activity and mixed residential/commercial development, and must be developed under a planned development permit.

The project site is bordered by S. De Anza Boulevard to the west, Via Vico to the south, and a parking lot to the east and north. The adjacent properties to the north and east of the project site consist of strip mall-type commercial businesses, with multi-family residential further east. Development on the west side of S. De Anza Boulevard includes restaurants and a tea house, and development on the south side of Via Vico includes commercial businesses and single-family residences.

Regulatory Setting

Regional

SANTA CLARA VALLEY HABITAT PLAN

The project site is within the Santa Clara Valley Habitat Plan. As described in the *Biological Resources* Section, the Habitat Plan provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting

process for planned development, infrastructure, and maintenance activities (Santa Clara Valley Habitat Agency 2012). The project site is located within the Santa Clara Valley Habitat Plan, with a designation of "Urban Development".

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The project site is within the Urban Village area for S. De Anza Boulevard, although an Urban Village Plan has not been drafted or adopted by City Council.

A primary strategy of the Envision San José 2040 General Plan is to direct new employment and housing growth to identified Urban Village Growth Areas that have the potential to develop into vibrant, walkable, mixed-use urban communities. The Urban Village Area Boundary delineates these areas of the City identified as having the potential to support growth through redevelopment and intensification to implement the Envision General Plan Focused Growth Major Strategy.

The project site is within the Neighborhood/Community Commercial zone. The following is a summary of the Neighborhood/Community Commercial Zone:

- Density: FAR Up to 3.5 (1 to 5 stories)
- Supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development.
- These uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction.
- General office uses, hospitals and private community gathering facilities are also allowed in this designation.

Urban Villages

Goal CD-7: Urban Villages Design. Create thriving, attractive Urban Villages that reflect unique urban characteristics of an area and provide complete neighborhoods for residents, workers, and visitors.

Policy CD-7.3 Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with any applicable design policies pertaining to the proposed use. Review proposed mixed-use projects that include residential units for consistency with the Design Policies for Urban Villages. Following adoption of an Urban Village Plan, review new development for consistency with design policies included within the Urban Village Plan as well as for consistency with any other applicable design policies.

Policy CD-7.6 Incorporate a full range of uses in each Urban Village Plan to address daily needs of residents, businesses, and visitors in the area. Consider retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, private community gathering facilities, and other neighborhood-serving uses as part of the Urban Village planning process. Encourage multi-use spaces wherever possible to increase flexibility and responsiveness to community needs over time.

Goal CD-8: Building Height. Regulate the height of new development to avoid adverse land use incompatibility while providing maximum opportunity for the achievement of the *Envision General Plan* goals for economic development and the provision of new housing within the identified Growth Areas.

Policy CD-8.1 Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories expected for new development; however specific height limitations for buildings and structures in San José are not identified in the *Envision General Plan*.

Policy CD-8.4 For properties subject to a Planned Development Zoning which makes reference to a General Plan height limit and/or which does not specify a height limit, provide that the allowable height is the greater of either 35 feet or the height that was allowed through the General Plan at the time of the adoption of the Planned Development Zoning.

Impact Analysis

a. Would the project physically divide an established community?

The project would involve the removal of an existing gas station and carwash and the construction of a four-story hotel, all contained on a single assessor's parcel. Therefore, the project would continue the existing urban development of the area and would not cut off connected neighborhoods or land uses from each other. There would be no new roadways, linear infrastructure, or other development features that would divide an established community or limit movement, travel, or social interaction between established land uses.

NO IMPACT

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project would involve construction of a four-story hotel on a parcel that is designated as Neighborhood/Community Commercial in the City's General Plan and zoned Commercial Pedestrian (Planned Development) - CP(PD). The project includes a rezoning of the project site from CP (PD) to the Commercial Pedestrian (CP) Zoning District Therefore, the proposed development would comply with the proposed CP zoning. Hotels are a permitted use in CP zoning (SJMC Chapter 20.40) and require a site development permit for the new structure.

The Neighborhood/Community Commercial land use designation establishes a maximum floor to area Ratio (FAR) of 3.5 and a maximum number of five stories. The project would have a FAR of 1.93 and four stories. Further, the Neighborhood/Community Commercial land use designation allows a broad range of commercial activities that serve the communities and neighboring areas. Therefore, the project would not conflict with the City's land use designation.

LESS THAN SIGNIFICANT IMPACT

c. Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?

As discussed in Section 4, *Biological Resources*, the project site is located in the plan area for the Santa Clara Valley Habitat Plan. The project is located within the urban development zone of the plan area and is not located near an interface with any Reserve System land. Additionally, the project is located within the Urban-Suburban land cover and the Urban Areas land cover fee zone. The project would be required to adhere to the applicable avoidance and minimization measures identified in Table 6-2 of the Habitat Plan to avoid potential impacts to water quality and Conditions one through three in relation to any activity within the Habitat Plan area (Condition one) and to new urban development (Conditions two and three). Therefore, the project would not conflict with the Habitat Plan. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

11 Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project have any of the following impacts:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	■

Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. All of these have provided building materials to the construction industry. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century (City of San José 2011c).

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA (City of San José 2011c). The project site is 9.4 miles northwest of Communications Hill.

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter Three in the General Plan) sets forth sustainability goals for the City of San José through 2040. The Environmental Resources subsection discusses extractive resources-related Goals, Policies, and Actions, summarized below (City of San José 2011c):

Goal ER-11: Extractive Resources. Conserve and make prudent use of commercially usable extractive resources.

Policy ER-11.1 When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

Policy ER-11.2 Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

Policy ER-11.3 When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.

Policy ER-11.4 Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.

Policy ER-11.5 When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is currently developed with a gas station and carwash and is surrounded by existing urban development within the City of San José. The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA. The project site is not located in a portion of the City that has been identified as containing mineral deposits by the City's General Plan (San José 2011c). Therefore the project would not result in the loss of any known mineral resources. There would be no impact.

NO IMPACT

12 Noise

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	☐	☐	■	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	☐	☐	■	☐
c. A substantial permanent increase in ambient noise levels above those existing prior to implementation of the project	☐	☐	■	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above those existing prior to implementation of the project	☐	☐	■	☐
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	☐	☐	☐	■
f. For a project near a private airstrip, would it expose people residing or working in the project area to excessive noise	☐	☐	☐	■

Noise Fundamentals

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while arterial streets are in the 50-60+ dBA range.

Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate (or drop off) at a rate of 6 dBA per doubling of distance from point sources (such as construction equipment). Noise from lightly traveled roads typically attenuates at a rate of approximately 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at a rate of 3 dBA per doubling of distance; while noise from a point source typically attenuates at a rate of 6 dBA per doubling of distance. Noise levels may also be reduced by the introduction of intervening structures. For example, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm that breaks the line-of-sight reduces noise levels by 5 to 10 dBA. The construction style for dwelling units in California generally provides a reduction of exterior-to-interior noise levels of about 20-25 dBA with closed windows (Federal Highway Administration [FHWA] 2006).

In addition to the instantaneous measurement of sound levels, the duration of sound is important because sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, Leq is summed over a one-hour period. Lmax is the highest root mean squared (RMS) sound pressure level within the measurement period, and Lmin is the lowest RMS sound pressure level within the measurement period.

The time period during which noise occurs is also important since nighttime noise tends to disturb people more than daytime noise. Community noise is usually measured using a Day-Night Average Level (DNL), which is the 24-hour average noise level with a 10 dBA penalty for noise occurring during nighttime (10 PM to 7 AM) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a 5 dBA penalty for noise occurring from 7 PM to 10 PM and a 10 dBA penalty for noise occurring from 10 PM to 7 AM Noise levels described by DNL and CNEL usually do not differ by more than 1 dB and are used interchangeably in practice.

Vibration

Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas sound is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise (e.g., the rattling of windows from passing trucks). This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, ground-borne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. The ground motion caused by vibration is measured as particle velocity in inches per second (PPV [in/sec]) and is measured in vibration decibels (VdB).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude/decibels (FTA 2006). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources inside buildings such as the operation of mechanical equipment, movement of people, or the

slamming of doors. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads.

Construction vibration is generally assessed in terms of PPV. The relationship of PPV to VdB is expressed in terms of the "crest factor", defined as the ratio of the PPV amplitude to the VdB amplitude. PPV is typically a factor of 1.7 to 6 times greater than VdB (FTA 2006).

Setting

Environmental Setting

The project site is adjacent to other commercial land uses. The nearest sensitive noise receptors are residences approximately 100 southeast and 200 feet to the east and northeast. The predominant noise source in the project area is traffic on S. De Anza Boulevard, an arterial roadway directly adjacent to the project site. In addition, traffic-generated noise from Via Vico and the existing site's car wash are secondary noise sources. Rincon Consultants, Inc. conducted three 15 minute noise measurements on Monday, March 27, 2017 between 5:00 PM and 5:50 PM (see Appendix D). Figure 9 shows the locations of the conducted noise measurements.

Existing noise levels range from 73 dBA Leq at the west side of the project site along S. De Anza Boulevard to 56.6 dBA Leq at nearby residences along Via Vico. Table 10 shows the measured noise levels.

Table 11 Noise Monitoring Results

Measurement Number	Measurement Location	Primary Noise Source	Traffic Counts[1]	Sample Time	Leq [15] (dBA)
1	West side of project site along S. De Anza Boulevard	Traffic on S. De Anza Boulevard	NA	5:00 PM – 5:15 PM	73.0
2	South side of project site along Via Vico	Traffic on S. De Anza Boulevard and Via Vico	11	5:17 PM – 5:32 PM	62.9
3	Southeast of the project site at existing residence along Via Vico	Traffic on Via Vico and S. De Anza Boulevard	22	5:35 PM – 5:50 PM	56.6

Source: Field visit using ANSI Type II Integrating sound level meter, March 27, 2017
[1]Note that the traffic counts traveling down the road versus the vehicles driving past the noise meter differ. See Appendix D "Ambient Noise Survey Data Sheet".

Appendix D provides noise monitoring data sheets and monitoring locations.

Figure 9 Noise Measurement and Sensitive Receptor Locations

Regulatory Setting

FEDERAL TRANSIT ADMINISTRATION (FTA)

The FTA has recommended noise criteria related to traffic-generated noise. Recommendations contained in the FTA (2006) *Transit Noise and Vibration Impact Assessment* can be used as guidance to determine whether or not a change in traffic would result in a substantial permanent increase in noise. Under the FTA standards, the allowable noise exposure increase is reduced with increasing ambient existing noise exposure, such that higher ambient noise levels have a lower allowable noise exposure increase. Table 12 shows the significance thresholds for increases in traffic-related noise levels. These standards are applicable to project impacts on existing sensitive receptors (as defined under *Environmental Setting* above).

Table 12 Significance of Changes in Operational Roadway Noise Exposure

Existing Noise Exposure (dBA DNL or Leq)	Allowable Noise Exposure Increase (dBA DNL or Leq)
45-49	7
50-54	5
55-59	3
60-64	2
65-74	1
75+	0

Source: Federal Transit Administration 2006

In addition to the groundborne vibration thresholds outlined above, the FTA outlined human response to different levels of groundborne vibration. The FTA also recommends vibration impact thresholds to determine whether groundborne vibration would be "excessive." According to the FTA, groundborne vibration impact criteria for residential receptors are 72 vibration decibels (VdB) for frequent events, 75 VdB for occasional events, and 80 VdB for infrequent events (FTA 2006). With regard to groundborne vibration impacts on structures, the FTA states that groundborne vibration levels in excess of 100 VdB would damage fragile buildings (FTA 2006).

CITY OF SAN JOSÉ

City of San José Municipal Code

The City of San José regulates noise through the City's Zoning Ordinance (SJMC Chapter 20) as well as the City's General Plan. Chapter 20 of the SJMC establishes a maximum noise level of 60 dBA Lmax at the property line of commercial land uses when adjacent to other commercial uses or non-residential uses and 55 dBA Lmax when adjacent to residential uses.

Chapter 20.100.450 limits the hours of construction on sites within 500 feet of a residential land use between the hours of 7:00 AM and 7:00 PM Monday through Friday, and allows for no construction at any time on weekends.

Envision San José 2040 General Plan

The City's General Plan establishes interior and exterior noise thresholds for different land uses within the City and vibration thresholds during demolition and construction. The following are applicable policies to the proposed project (City of San José 2011c):

Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

Policy EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 13).

Table 13 City of San José Noise and Land Use Compatibility Guidelines

Land Use Category	Noise Exposure Levels (DNL, dBA)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
1. Residential, Hotels and Motels, Hospitals, and Residential Care	50-60	60-75	75<
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	50-65	65-80	80<
3. Schools, Libraries, Museums, Meeting Halls, Churches	50-60	60-75	75<
4. Office Buildings, Business Commercial, and Professional Offices	50-70	70-80	80<
5. Sports Arena, Outdoor Spectator Sports	50-70	70-80	80<
6. Public and Quasi Public Auditoriums, Concert Halls, Amphitheaters	NA	50-70	70<

Source: San José 2011c

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-2.3 Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Impact Analysis

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Exposure of Hotel Guests to Ambient Noise

The project would introduce a new hotel with guests who would be sensitive to ambient noise. Hotel guests would be exposed to ambient noise primarily from nearby roadways. The main source of noise in the project vicinity is traffic on S. De Anza Boulevard, which is a major arterial roadway, and Via Vico. Noise on nearby roadways is generated by private cars, trucks, buses, and other types of vehicles.

In December 2015, the California Supreme Court found in the *California Building Industry Association (CBIA) v. Bay Area Air Quality Management District* case (62 Cal. 4th 369, No. S 213478) that, with several specific exceptions, CEQA does not require analysis of the existing environment's impacts on a project. Therefore, this section evaluates the exposure of new hotel guests to ambient noise for informational purposes only.

As shown in Table 13, the City has set a maximum acceptable exterior noise level of 60 dBA DNL for hotel land uses. To determine if new hotel guests would be exposed to ambient noise exceeding this City standard, the Department of Housing and Urban Development (HUD) Day/Night Noise Level (DNL) Calculator (HUD 2017) was used to estimate noise levels in the project area in terms of dBA DNL. Noise levels were modeled at four locations: (1) the proposed location of the outdoor pool area, which is the only exterior usable space of the project, located in the center of the project site; (2) at the proposed hotel rooms along the western boundary of the project site, adjacent to S. De Anza Boulevard; (3) at the multi-family residences to the east of the project site; and (4) at the single-family residences to the southeast of the project site (see Figure 9).

The HUD DNL calculations are based on average daily traffic volumes (ADT) for automobiles and trucks. Based on traffic volumes from the City of Cupertino General Plan Amendment Draft EIR, ADT along S. De Anza Boulevard in the project area is assumed to be 36,756 ADT (Cupertino 2014). Existing traffic along Via Vico is from vehicle counts taken by Rincon Consultants during the noise measurements on March 27, 2017, during PM peak hours. Because vehicle counts along Via Vico represent 15 minute increments, counts have been multiplied by four to estimate peak hour traffic counts. Peak-hour traffic trips are then assumed to account for 10 percent of the ADT. Based on this estimate, the ADT along Via Vico is approximately 1,320.

The distribution of trips across modes of travel was assumed to be 95 percent passenger vehicles, 2.5 percent medium trucks, and 2.5 percent heavy trucks on S. De Anza Boulevard, in accordance with standard industry practice for arterial roadways when the volume of truck trips is not known. Because Via Vico is a low-volume local roadway, passenger vehicles were assumed to account for 98 percent, with one percent of medium trucks and one percent of motorcycles on this roadway. Further, this analysis assumes an average speed of 40 miles per hour for passenger vehicles and medium duty trucks, and 25 miles per hour for heavy duty trucks on S. De Anza Boulevard and 25 miles per hour for all vehicles on Via Vico.

Table 14 summarizes the HUD DNL Calculator estimates for existing ambient noise levels at the four locations listed above.

Table 14 Modeled Existing Ambient Sound Levels (dBA DNL)

Modeled Location Number	Modeled Location	Approximate Existing Conditions (dBA DNL)	City of San José Exterior Noise Threshold	Applicable Noise Threshold Exceeded?
1	East of S. De Anza Boulevard, approximate center of project site	70.3	60	Yes
2	East of S. De Anza Boulevard, western boundary of project site	76.6	60	Yes
3	North of Via Vico, east of the project site	61.3	60	Yes
4	South of Via Vico, southeast of the project site	64.9	60	Yes

Notes: dBA = A-weighted decibel; DNL = Day/night noise level

See Figure 9 for Noise Sensitive Receptor locations (modeled number 3 and 4)

Applicable City of San José threshold is Policy EC-1.1

Refer to Appendix E for full HUD DNL Calculator outputs.

Table 14 shows that the existing ambient noise levels exceed the City's threshold of "normally acceptable" exterior noise for the proposed land use as well as the existing sensitive land uses in the vicinity (see Table 13).

However, the use of standard modern building materials in construction of the proposed hotel would reduce exterior noise by an estimated 25 dBA in the indoor environment of hotel rooms facing S. De Anza Boulevard and Via Vico. In addition, the proposed building itself would shield hotel rooms in the interior of the site from roadway noise, providing further attenuation of ambient noise. The estimated reductions of the exterior noise levels for the proposed hotel rooms along S. De Anza Boulevard is reduced from approximately 70.3 dBA DNL to approximately 45.3 dBA DNL. The proposed pool would not have reduced exterior-to-interior noise levels. However, there could

be reduction of noise levels due to the outdoor pool being located on the ground floor of the site, surrounded by four story walls and a five-foot high fence.

To ensure noise levels are within the City's interior noise thresholds, noise reduction methods will be required by the City as part of standard plan check prior to issuance of a building permit, as outlined in the standard permit condition below. Site plan changes could include interior noise reduction, such as air conditioning to ensure windows and doors are closed and exterior wall and window construction requirements.

Standard Permit Conditions

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. The project shall include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. A design-level acoustical analysis will be completed at the building permit stage as a routine step, in conformance with the Building Code, to document the noise attenuation measures necessary to reduce interior noise to 45 dBA DNL or lower prior to the issuance of building permits.

LESS THAN SIGNIFICANT IMPACT

On-site Operational Noise

The proposed project would generate non-mobile operational noise that would be typical of hotel uses, including periodic instantaneous sounds such as conversations in outdoor activity areas, music, general vehicular movement, and doors slamming. These noises produced by the project would be similar in character to the existing noise environment associated with surrounding residential uses. The subterranean location of the proposed parking would minimize the exposure of surrounding residences to on-site noise generated by vehicular traffic; in addition, hotel activity would primarily take place indoors and the building's walls would substantially attenuate noise spillover from indoor activity. Assuming compliance with City of San José noise regulations, on-site noise associated with operation of the proposed hotel would have a less than significant impact on existing sensitive receptors near the site and proposed sensitive receptors.

LESS THAN SIGNIFICANT IMPACT

Increase in Traffic Noise

Implementation of the project would result in an increase in the average number of daily vehicle trips along the segments of S. De Anza Boulevard, west of the project site, and Via Vico, south of the project site. The Preliminary Traffic Analysis prepared for the proposed project (RKH 2016) determined the existing traffic levels at the intersection of S. De Anza Boulevard and Via Vico/Rollingdell Drive, as well as the traffic levels expected as a result of the project. These traffic levels were used to estimate existing and with-project sound levels at offsite sensitive receptors along Via Vico and at on-site noise-sensitive locations including the proposed outdoor pool and hotel rooms along S. De Anza Boulevard. Figure 10 shows the location of the two modeled receptors along Via Vico that would experience the largest noise level increase based on the distance from the

project site, including sensitive receptors 1 (multi-family residences) and 2 (single-family residences).

Table 15 compares the HUD DNL Calculator estimated existing noise levels to the estimated existing noise levels with the project-generated traffic.

Table 15 Modeled Existing and Existing plus Project Sound Levels (dBA DNL)

Measurement Number	Receptor Location	Approximate Existing Conditions (dBA DNL)	Approximate Existing plus Project Conditions (dBA DNL)	Change in Sound Levels (dBA DNL)	City of San José Increase of Noise Threshold	Applicable Noise Thresholds Exceeded?
1	East of S. De Anza Boulevard, approximate center of project site	70.3	70.4	+0.1	+3.0	No
2	East of S. De Anza Boulevard, western boundary of project site	76.6	76.7	+0.1	+3.0	No
3	North of Via Vico, east of the project site	61.3	61.5	+0.2	+3.0	No
4	South of Via Vico, southeast of the project site	64.9	64.9	0.0	+3.0	No

Notes: dBA = A-weighted decibel, DNL = Day/night noise level, HUD = Department of Housing and Urban Development, ADT = average daily traffic, FTA = Federal Transit Administration

The Traffic Analysis p.m. peak hour estimate was multiplied by 10 to equate the average daily traffic generated by the project (total of 630 vehicles, distributed in the same manner as existing ADT).

See Figure 9 for Noise Sensitive Receptor locations

Refer to Appendix E for full HUD DNL Calculator estimates.

City of San José Noise Increase Thresholds provided in under the *Regulatory Setting* (EC-1.2).

As shown in Table 15, it is estimated that the addition of project-generated traffic would increase ambient noise levels at noise-sensitive receptors by no more than 0.2 dBA DNL. These projected noise levels would not exceed the City of San José's threshold for hotel and residential uses, as described in General Plan Policy EC-1.2, of 3 dBA Ldn where existing ambient noise already equals or exceeds 60 dBA DNL.

As discussed in the *Noise Setting* Section, above, the manner in which newer homes in California are constructed generally provides a reduction of exterior-to-interior noise levels of about 25 dBA with closed windows (FHWA 2006). Therefore, the interior noise level at existing multi-family residences along Via Vico would not be expected to exceed 36.5 dBA DNL (61.5 – 25.0 = 36.5) and the single family residences along Via Vico would not be expected to exceed 39.9 dBA DNL (64.9 – 25.0 = 39.9) as a result of project-generated roadway noise. Sensitive receptors along Via Vico would not experience a substantial increase in roadway noise conditions, or an exceedance of the City's interior noise standard of 45 dBA DNL, including the City of San José General Plan policies EC-1.1 and EC-1.2. Therefore, roadway noise from project-generated traffic would not result in a significant impact.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The proposed project would involve standard construction activities that would result in some vibration that may be felt on properties in the immediate vicinity of the project site, as commonly occurs with construction projects.

The closest sensitive receptors to the project site are existing residences approximately 100 feet southeast of the project site. In accordance with the SJMC, noise- and vibration-generating construction activity is limited to the hours of 7 AM to 7 PM Monday through Friday and at no time on weekends because the project is located within 500 feet of a residence (SJMC 20.100.450). Timing restrictions on construction activity would avoid vibration during normal sleeping hours. The proposed project also would be required to comply with General Plan Policy EC-2.3, which requires new development to minimize vibration impacts to adjacent uses during demolition and construction, limiting the vibration to 0.20 in/sec PPV (approximately 94 VdB at 25 feet distance), to avoid potential cosmetic damage at buildings of normal conventional construction. Table 16 provides a summary of the vibration levels at a distance of 25 and 100 feet for potential construction equipment used for the project. Therefore, no damage to adjacent structures would occur. Vibration impacts would be less than significant.

Table 16 Vibration Source Levels for Construction Equipment

	Approximate VdB		Approximate PPV (in/sec)	
Equipment	**25 Feet**	**100 Feet**	**25 Feet**	**100 Feet**
Large Bulldozer	87	69	0.089	0.011
Loaded Trucks	86	68	0.076	0.010
Jackhammer	79	61	0.035	0.004
Vibratory Roller	94	76	0.210	0.026

Notes: A crest factor of 4 has been used to calculate the approximate VdB from the PPV values.

Source: FTA 2006

LESS THAN SIGNIFICANT IMPACT

c. Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?

Pursuant to General Plan Policy EC-1.2, the project would have a significant impact on ambient noise levels if it would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level

Operation of the proposed hotel would potentially increase ambient noise due to vehicle trips to and from the project site, parking lot operation, HVAC equipment operation, and trash hauling trucks.

Long-Term Traffic Noise Impacts

As discussed above in impact analysis (a), it is estimated that project-generated traffic would increase ambient noise by no greater than 0.2 dBA DNL. This incremental increase in traffic noise would not approach the City's threshold of 3 dBA DNL where existing ambient noise equals or exceeds 60 dBA DNL. Therefore, the project would have a less than significant impact from increasing long-term traffic noise.

LESS THAN SIGNIFICANT IMPACT

Parking Lot

Typical noise sources associated with parking lots include tire squealing, doors slamming, car alarms, horns, and engine start-ups. However, parking for the project would be located in a subterranean parking structure. Because the parking structure would be located below grade, noise generated in the parking garage would be attenuated by the surrounding concrete, soil, and building structure above. As such, noise generated from the parking structure would produce minimal noise to the surrounding environment. Therefore, parking lot noise impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Heating, Ventilation, and Air Conditioning Equipment

Commercial ventilation and air conditioning equipment has noise shielding cabinets and are not usually significant sources of noise impacts. Typically, the shielding and location of these units reduces noise levels to no greater than 55 dBA at 50 feet from the source (USEPA, 1971). Based on the project plans, the HVAC equipment for the project would be placed at the northeast corner of the roof of the proposed four story hotel, approximately 50 feet above grade and 50 feet from the northern and eastern property line. Therefore, the operation of HVAC equipment is not expected to exceed 55 dBA at the project property line. This would not exceed the City standard of 60 dBA at the property line for commercial property adjacent to other commercial land uses. Therefore, noise from the commercial HVAC equipment would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Delivery and Trash Trucks

Onsite activities would include trash hauling. However, per the project plans, dumpsters for the proposed project would be located in the subterranean garage. Because the parking structure would be located below grade, noise generated by trash hauling trucks in the garage would be attenuated by the surrounding concrete, soil, and building structure above. As such, noise generated from the trash hauling trucks would produce minimal noise to the surrounding environment. Therefore, noise impacts from trash hauling trucks would be less than significant.

Operation of the project would not result in an exceedance of 60 dBA DNL at the project property line (General Plan Policy EC-1.1). Further, operation of the project is not anticipated to result in an increase of 3 dBA DNL over the existing ambient volume. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Demolition of the existing gas station and carwash on-site and construction of a hotel would generate temporary noise that would exceed existing ambient noise levels, but such noise would cease upon the completion of construction activity. Noise impacts associated with construction activity are a function of the noise generated by construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. The City of San José does not currently have any established quantitative noise standards for construction associated noise. Therefore, the following construction noise levels are for informational purposes.

Table 18 shows typical peak noise levels associated with common types of heavy construction equipment expected during each construction phase. Noise levels are based on the FHWA Highway Construction Noise Handbook (2006). Peak noise levels associated with the use of individual pieces of heavy equipment range from about 70 to 89 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction (FHWA 2006).

Table 17 Typical Noise Levels Generated by Construction Equipment

Equipment	Typical Lmax (dBA) 50 feet from the Source
Air Compressor	81
Backhoe	80
Compactor (ground)	83
Concrete Mixer	85
Dump Truck	76
Excavator	81
Flat Bed Truck	74
Front End Loader	79
Generator	81
Paver	89
Pickup Truck	75
Pneumatic Tools	85
Roller	80
Saw	70
Warning Horn	83
Welder/Torch	74

Source: FHWA 2006

Noise-sensitive uses near the project site include residential units located approximately 100 feet to the southeast and 200 feet to the east and northeast. These sensitive land uses may experience a temporary increase in noise during construction activities on the project site. Table 18 shows the maximum expected noise levels at sensitive receptors nearest the project site during different phases of construction. Equipment noise levels are based on a standard noise attenuation rate of 6 dBA per doubling of distance from the highest-volume individual pieces of equipment shown in Table 17.

Table 18 Construction Noise Levels During Different Phases of Construction

Phase	Combined Maximum Hourly Noise Level at 100 Feet (dBA Leq)	Estimated CNEL at 100 Feet (dBA DNL)
Demolition	69	65
Site Preparation	75	71
Grading	72	68
Building Construction	79	74
Architectural Coating	69	65

See Appendix F for calculations.

As shown in Table 19, operation of equipment during the different phases of construction could generate noise levels of approximately 74 dBA DNL at the sensitive receptors approximately 100 feet to the southeast of equipment operation.

With existing residences approximately 100 feet from the project site, construction activities would be subject to the regulations of the SJMC Chapter 20.100.450, which is outlined in the standard permit condition below.

Standard Permit Conditions

Consistent with the, General Plan Policy EC-1.7 and Municipal Code, the project proposes to implement the following standard measure to reduce construction-related noise impacts to a less than significant level:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, hotels, and other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Consider the use of "acoustical blankets" for receptors located within 100 feet of the site during pile driving activities.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Further, per the City's General Plan, the project would be considered to have a significant impact if it involves substantial noise generating activities continuing for more than 12 months within 500 feet of a residence. The project would have an anticipated construction schedule of 12 to 14 months. It is assumed that the final two months of project construction would be dedicated to finish work and fixture installation, which would not include substantial noise generating activities. Therefore, construction of the proposed project is not anticipated to involve substantial noise generating activities continuing for more than 12 months. Therefore, with adherence to the regulations of SJMC Chapter 20.100.450, impacts from construction related noise would be less than significant impact.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (e) and (f):

e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?

The nearest airport to the project sit is the San José International Airport, which is approximately eight miles from the project site. The project site is not located within the airport land use plan area (Santa Clara County Airport Land Use Commission 2011). Therefore, the project would not expose people to excessive noise associated with an airstrip. There would be no impact.

NO IMPACT

This page intentionally left blank.

13 Population and Housing

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)	☐	☐	☐	■
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere	☐	☐	☐	■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere	☐	☐	☐	■

Setting

According to the California Department of Finance (DOF), the City of San José has an estimated current (2016) population of approximately 1,042,094 (DOF 2016a), with a total of 329,824 estimated housing units, as of January 2016 (DOF 2016b). The average number of persons per household in the City is estimated at 3.22 (DOF 2016b). Based on the City's General Plan, the projected population in 2040 would be 1.3 million persons occupying 430,000 households (City of San José 2011c).

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Quality of Life Chapter (Chapter four in the General Plan) address how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well maintained infrastructure, urban services, and cultural and entertainment options. The following summarizes the Housing subsection, which discusses Goals, Policies, and Actions relating to housing in the City (City of San José 2011c):

Goal H-1 Housing: Social Equity and Diversity: Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population.

Goal H-3 Housing: High Quality Housing and Great Places. Create and maintain safe and high quality housing that contributes to the creation of great neighborhoods and great places.

Policy H-3.1 Require the development of housing that incorporates the highest possible level of amenities, fit and finish, urban design and architectural quality.

Policy H-3.2 Design high density residential and mixed residential/commercial development, particularly development located in identified Growth Areas, to: 1. Create and maintain safe and pleasant walking environments to encourage pedestrian activity, particularly to the nearest transit stop and to retail, services, and amenities. 2. Maximize transit usage. 3. Allow residents to conduct routine errands close to their residence, especially by walking, biking, or transit. 4. Integrate with surrounding uses to become a part of the neighborhood rather than being an isolated project. 5. Use architectural elements or themes from the surrounding neighborhood when appropriate. 6. Provide residents with access to adequate on- or off-site open space. 7. Create a building scale that does not overwhelm the neighborhood. 8. Be usable by people of all ages, abilities, and needs to the greatest extent possible, without the need for adaptation or specialized design.

Policy H-3.3 Situate housing in an environment that promotes the health, safety, and wellbeing of the occupants and is close to services and amenities.

Goal H-4 Housing: Environmental Sustainability. Provide housing that minimizes the consumption of natural resources and advances our City's fiscal, climate change, and environmental goals

Policy H-4.1 Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.

Policy H-4.2 Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.

Policy H-4.3 Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

Impact Analysis

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project involves the construction of a four story hotel with 90 guest rooms, and would not include any permanent residences. Additionally, it is anticipated that employees of the hotel would be primarily drawn from existing residents or from nearby communities. No new roads or infrastructure are proposed. Therefore, the project would not result in direct or substantial indirect population growth within the City of San José or the region. There would be no impact.

NO IMPACT

The following discussion is an analysis for criteria (b) and (c):

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project would involve the construction of a hotel on a site currently occupied by a gas station and carwash. Therefore, no housing or people would be displaced as a result of project implementation. There would be no impact.

NO IMPACT

This page intentionally left blank.

14 Public Services

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1. Fire protection	☐	☐	■	☐
2. Police protection	☐	☐	■	☐
3. Schools	☐	☐	☐	■
4. Parks	☐	☐	☐	■

Setting

The San José Fire District (SJFD) provides fire protection to the project site. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD consists of four bureaus: Administrative Services, Field Operations, Fire Prevention and Permits, and Fire Dispatch. In addition to fire and emergency response, the SJFD provides permitting, inspection, and planning services through the Fire Prevention and Permits Bureau. The City's General Plan establishes a goal of a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

Police protection services in San José are provided by the City of San José Police Department (SJPD). The SJPD is administered by a command staff including the Chief, Assistant Chief and four Deputy Chiefs, presiding over an Operations Command divided into four Bureaus: the Bureaus of Administration, Field Operations, Investigations, and Technical Services. SJPD is authorized to employ approximately 1,400 employees including both sworn and non-sworn. Department employees are assigned to one of four Bureaus comprised of 11 divisions with more than 50 specialized Units and assignments (SJPD 2016).

Schools nearest the project site include R.I. Meyerholz Elementary School, located approximately 0.3 mile east of the project site, Joaquin Miller Middle School, located approximately 1.0 mile southeast of the project site, and Lynbrook High School, located approximately 1.5 miles southeast of the project site. R.I. Meyerholz Elementary School has approximately 773 students, with a

student-teacher ratio of 26:1. Joaquin Miller Middle School has approximately 1,328 students, with a student teacher ratio of 23:1. Lynbrook High School has approximately 1,853 students with a student-teacher ratio of 24:1. Both R.I. Meyerholz Elementary School and Joaquin Miller Middle School are within the Cupertino Union School District, while Lynbrook High School is within the Fremont Union High School District (StartClass 2017a, 2017b, 2017c).

As of 2010, the City of San José provides and manages approximately 3,520 acres of parks (regional/city-wide and neighborhood/community), community gardens and open space lands as well as provides management for over 50 community facilities. As described in the San José 2040 General Plan, the City has plans to implement a 100-mile network of multiuse trails (City of San José 2011c). Parks nearest the project site include Calabazas Park, located approximately 0.4-mile southeast of the project site, Murdock Park, located approximately 1.8-miles east of the project site; and Rainbow Park, located approximately 1.3-miles east of the project site. Calabazas Park has a number of amenities, such as a BMX Park, which includes dirt jumps, picnic areas, a basketball court, sand volleyball court, two horseshoe pits, three unlit tennis courts, two playgrounds, an unlit softball field that can be used as a soccer field with a permit, public art displays, and a community garden (City of San José 2017a, 2017c). Murdock Park provides multiple amenities, such as four lit tennis courts, two handball courts, a turf area for informal sports (with a permit), six picnic tables, and two playgrounds (City of San José 2017b). Rainbow Park offers multiple amenities, such as two horseshoe pits, two children's water play features, and two playgrounds (City of San José 2017d).

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

Education

Education Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.

Policy ES-1.1 Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.

Policy ES-1.2 Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.

Policy ES-1.5 Cooperate with school districts in identifying and evaluating the impacts of population and demographic changes that may lead to the need for new schools,

school closures, re-opening of closed schools, or the decision that existing school sites should be preserved for meeting future needs.

Policy ES-1.9 Provide all pertinent information on General Plan amendments, re-zonings and other development proposals to all affected school districts in a timely manner.

Libraries

Goal ES-2: Libraries. Maintain and expand Library Information Services within the City to:

- Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
- Give all members of the community opportunities for educational and personal growth throughout their lives
- Develop partnerships to further the educational, cultural and community missions of organizations in San José
- Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship
- Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development
- Maximize branch library hours of operation to facilitate daily patronage

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Law Enforcement and Fire Protection

Goal ES-3: Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

Policy ES-3.1 Provide rapid and timely Level of Service (LOS) response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.2 Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

Policy ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

Policy ES-3.8 Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy ES-3.9 Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.

Policy ES-3.10 Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.15 Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy ES-3.17 Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.

Policy ES-3.20 Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

Action ES-3.22 Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.

Action ES-3.23 Engage public safety personnel in the land use entitlement process for new development projects.

Parks

Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Policy PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2 Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3 Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.9 As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Impact Analysis

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

The SJFD Fire Station 15 currently serves the project site, being the closest station, located at 1248 Blaney Avenue, approximately 0.8 miles southeast of the project site. The site is within the existing service area of the SJFD and onsite construction would be required to comply with applicable Fire Code requirements. In addition, the project site is located within an already developed area and involves a transient occupancy use, and the structure's size and construction features would be generally similar to other existing buildings in the area; therefore, there would be no need for new or expanded fire department facilities in order to serve the project (Lee 2017). Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

Officers patrolling the City are dispatched from police headquarters, located at 201 West Mission Street. The City has four patrol divisions, which consist of a total of 16 patrol districts. The patrol districts consist of 83 patrol beats, and the patrol beats consist of 357 patrol beat building blocks. The City General Plan establishes the goal for response times of six minutes of less for 60 percent of all Priority 1 calls, and eleven minutes or less for 60 percent of all Priority 2 calls.

The proposed project is located within the SJPD service area, and would create a new building within the City, which could warrant police response. However, the City does not have a service ratio percentage for each new development, but each new development is a part of the goal

response times as provided in the City's General Plan (Tibaldi 2017). As discussed in Section 13, *Population and Housing*, the project would not result in an increased population within the SJPD service area. Therefore, there would be no need for new or expanded police department facilities to serve the project, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

The proposed project involves the construction of a four story hotel on a site currently occupied by a gas station and carwash. The project would be located in Cupertino Union School District for elementary and middle school, as well as Freemont Union High School District for high school (San José 2011c). As discussed in Section 13, *Population and Housing*, the project would not substantially increase permanent residents within the City of San José. Therefore, the project would not significantly impact school enrollment within the Cupertino Union School District or Fremont Union High School District and would not result in the need for new or expanded school facilities. There would be no impact.

NO IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

The City's General Plan establishes a goal to provide 3.5 acres per 1,000 population of neighborhood/community serving parkland, 7.5 acres per 1,000 population of citywide/regional park and open space lands, and 500 square feet per 1,000 population of community center space. As discussed in Section 13, *Population and Housing*, the project would not result in a substantial increase in permanent population within the City of San José. Therefore, the project would not significantly affect the City's parkland ratios and would not result in the need for new or expanded park facilities. There would be no impact.

NO IMPACT

15 Recreation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated	☐	☐	☐	■
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment	☐	☐	☐	■

Setting

There is currently a total of 16,067 acres of parkland within the City of San José (The Trust for Public Land 2016). Parklands within the City are managed by the United States Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The park nearest the project site is the 17.2-acre Calabazas Park, located approximately 0.4-mile southeast of the project site. Calabazas Park has a number of amenities, such as a BMX Park, which includes dirt jumps, picnic areas, a basketball court, sand volleyball court, two horseshoe pits, three unlit tennis courts, two playgrounds, an unlit softball field that can be used as a soccer field with a permit, public art displays, and a community garden (City of San José 2017a, 2017c).

Regulatory Setting

Please see the "Parks" subsection within the Public Services *Regulatory Setting* subsection.

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project would involve the construction of a four story hotel and would not include any public recreational facilities. Hotel guests could potentially utilize neighborhood or regional parks and recreational facilities within the City. However, this use would be temporary and intermittent and would not result in substantially increased demand or significant deterioration of recreation

facilities. As discussed in Section 13, *Population and Housing*, the project would not result in a substantial increase in population within the City of San José. Therefore, the project would not affect the City's parkland ratio goals established in the General Plan. The project would not substantially alter citywide demand for parks. No impacts to parks or recreational facilities would occur.

NO IMPACT

16 Transportation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	■	☐
e. Result in inadequate emergency access?	☐	☐	■	☐
f. Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	☐	☐	■	☐

Setting

The following analysis of the potential traffic impacts resulting from the proposed project is based primarily on the Preliminary Traffic Analysis conducted for the project by RKH on October 14, 2016. This study is included as Appendix G. The Preliminary Traffic Analysis analyzed the projected trip generation to and from the project site, pedestrian and bicycle facilities, transit facilities, on-site circulation and access, and onsite parking. For a more detailed description of existing facilities, please see Appendix G.

Regulatory Setting

City of San José

CONGESTION MANAGEMENT PROGRAM

In accordance with California Statute, Government Code Section 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. Santa Clara Valley Transportation Authority (VTA) serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the county's CMP.

CMAs are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. VTA conducts CMP monitoring and produces the CMP Monitoring & Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. VTA also prepares and adopts guidelines for preparing Transportation Impact Analyses (TIAs) as well as Traffic Level of Service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the Congestion Management Program (CMP) facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same level of service (LOS) methodology as the CMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 6, *Land Use and Transportation*, includes the City of San José's Circulation Element. The Circulation Element includes a set of balanced, long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable.

San José's Transportation Goals, Policies and Actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The following goals, policies, and actions are applicable to the proposed project (City of San José 2011c):

Goal TR-1: Balanced Transportation System. Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4 Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards. TR-1.7 Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.7: Require that private streets be designed, constructed and maintained to provide safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.10 Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

Goal TR-2: Walking and Bicycling. Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

Policy TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Policy TR-5.3 The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas.

How this policy is applied and exceptions to this policy:

- **Vehicular Traffic Mitigation Measures**. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

Policy TR-5.5 Require that new development, which includes new public or private streets, connect these streets with the existing public street network and prohibit the gating of private streets with the intention of restricting public access. Furthermore, where possible, require that the street network within a given project consists of integrated short blocks to facilitate bicycle and pedestrian travel and access

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

Policy TR-8.1 Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.

Policy TR-8.4 Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-8.5 Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

Policy TR-8.6 Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.

Policy TR-8.7 Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?*

b. *Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

The proposed project would involve replacing a gas station and carwash with a 90 guest room hotel. This would change the number of vehicular trips generated by the use and development of the site. Traffic impacts associated with the proposed hotel are analyzed in the Preliminary Traffic Analysis conducted by RKH. RKH developed trip estimates using trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation*, 9th Edition (2012), which are based on a compilation of empirical trip generation surveys at locations throughout the country to forecast the number of trips that would be generated by the project. The average trip rates for the land use category of Hotel (ITE code 310) were used to estimate the daily and peak-hour trip generation for the proposed project, and Service Station (ITE code 946) used to estimate the daily and peak-hour trip generation for the existing land use. As shown in Table 20, the project is expected to generate a net increase of four AM peak hour trips, and 14 PM peak hour trips.

Table 20 Estimated Project Traffic Trip Generation with PCE Conversion

	Weekday Peak Hour	
ITE Land Use	**AM**	**PM**
Proposed Project		
310: Hotel	40	63
Existing Land Use		
946: Service Station End Trips	(36)	(49)
Net Change in Peak Hour Traffic	4	14

Source: RKH Civil and Transportation Engineering 2016 (Appendix G)
Notes: () indicate a negative number

Intersection Level of Service

The City of San José level of service methodology for signalized intersections is the 2000 Highway Capacity Manual (HCM) method. The City of San José level of service standard for signalized intersections is LOS D or better. The project is located at the intersection of S. De Anza Boulevard and Via Vico. This intersection is not currently signalized. The peak hour signal warrant analysis conducted by RKH found that the increase in peak hour vehicle trips to and from the project site would not meet the peak hour criteria for signalization. Therefore, the intersection would remain non-signalized and the project would not result in a significant impact to the City's level of service standards.

Pedestrian, Bicycle, and Public Transit

The City's Envision San José 2040 General Plan includes policies aimed to improve transportation throughout the City. Policy TR-1.2 states that new developments or infrastructure projects must consider impacts to overall mobility and all travel modes, including pedestrian, bicycle, and public transit.

The project site is situated at the corner of S. De Anza Boulevard and Via Vico. All the streets in the project area have existing sidewalks. The project would not alter the existing pedestrian sidewalks in the project area. Additionally, S. De Anza Boulevard, Rainbow Drive, and Bolinger Road all have Class II bike lanes in the project vicinity. It is estimated that the hotel would employ approximately 19 people, 11 of which would likely work the day shift, five would work the swing shift, and three work the night shift. If 10 percent of the employees rode a bike to work, that would mean one, possible two persons, might be riding during the peak traffic hours of the day. The impact the project may have on the bike lanes would be negligible.

Valley Transportation Authority, VTA, operates local bus service on S. De Anza Boulevard. Route 53 operates between West Valley College and the Sunnyvale Transit Center on weekdays. Route 25 operates daily on Bollinger Road connecting De Anza College with the Alum Rock Transit Center. Express Bus Route 102 operates on Route 85 freeway between South San José and Palo Alto weekdays during the morning and afternoon peak traffic hours. As with the bike facilities, if 10 percent of the employees use transit to get to and from work, that would be four transit trips daily generated by the project. The project would have a negligible impact on local bus service. This analysis assumes that hotel guests would primarily use personal vehicles or taxi services to get to and from the hotel.

Therefore, the project would not conflict with any applicable standards or policies establishing a measure of effectiveness for the performance of pedestrian, bicycle, or public transit.

Onsite Parking

Onsite parking is not identified as an environmental impact topic in the CEQA Appendix G checklist; therefore, the following discussion of available parking is included for informational purposes only. The applicant currently proposes a total of approximately 50 parking spaces including three ADA accessible parking spaces. All of the parking would be in an underground parking structure beneath the hotel. Section 20.90.060 SJMC requires one parking space per room or suite plus one space per employee, which would result in a requirement of approximately 100 spaces for the proposed project. However, the Municipal Code (Section 20.90.220[G]) does allow for up to a 20 percent reduction in the number of required parking spaces for hotels/motels with an approved development permit or an approved development exception if the project is found to be within 2,000 feet of an existing or proposed bus or rail transit stop or the use is clustered with other uses that share all parking spaces on a site. The project site is located in the proximity of four existing bus stops within two blocks, along S. De Anza Boulevard. In addition, according to the ITE publication *Parking Generation*, 4th Edition, the peak parking demand on a weekday in a suburban location for a 90 room hotel is 40 spaces, lower than the code-required number of spaces.

The proposed project would not conflict with any plan, ordinance, or policy and would meet the required transportation standards. Therefore, the proposed project would result in less than significant impacts to traffic and circulation.

LESS THAN SIGNIFICANT IMPACT

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

As discussed in Section 8, *Hazards and Hazardous Materials*, and Section 12, *Noise*, the project site is located approximately eight miles from the nearest airport and is not located within the airport land use plan area. Therefore the project would not result in a change in air traffic patterns that would result in a substantial safety risk. There would be no impact.

NO IMPACT

d. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Presently the on-site gas station and carwash has two driveways on S. De Anza Blvd. and two on Via Vico. The proposed project would have only one driveway on S. De Anza Boulevard and only one driveway on Via Vico. The driveway on S. De Anza Boulevard would be the entrance to the parking garage. Vehicles coming from the north on S. De Anza Boulevard would have to make a U-turn at Via Vico from a dedicated right hand turn lane. With three lanes in each direction plus the bike lanes there is adequate width for vehicles making the U-turn. The driveway on Via Vico would be exit-only, allowing vehicles to exit the site, turn right onto Via Vico and then be able to turn left, right or go straight through the intersection on S. De Anza Boulevard.

Per the recommendations of the Preliminary Traffic Analysis (RKH 2016), the project would include on-site signage indicating ENTER ONLY at the S. De Anza Boulevard driveway and EXIT ONLY on the Via Vico driveway. Internally there should be a ONE WAY, RIGHT TURN ONLY, or EXIT sign facing the ramp from the underground parking directing vehicles to turn right to exit the site. With the incorporation of these recommended turn restrictions, the project would not increase hazards due to design features. Impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project result in inadequate emergency access?

The proposed project would be required to conform to traffic and safety regulations that specify adequate emergency access measures. In addition, the project site would be required to meet the standards set forth by the San José Fire Department. Adherence to existing state and federal regulations and City's Envision San José 2040 General Plan policies and goals would reduce impacts. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?

Policy TR-2.8 of the City's General Plan calls for new development to include on-site facilities such as bicycle storage and showers and to provide connections to existing and planned facilities, dedicate land to expand existing facilities, or provide new facilities such as sidewalks and or bike lanes. As discussed above under impacts a and b, the proposed project is located along S. De Anza Boulevard, which has existing pedestrian sidewalks as well as Type II bike lanes in both directions. The project would not alter or impact the existing sidewalks or bike lanes. The proposed project is not anticipated to result in an increased number of bicyclists or pedestrians such that the performance or safety of the local bike lanes and sidewalks would be impacted (RKH 2016). Additionally, the

project would include seven bike racks and six bike lockers in the subgrade parking garage. Therefore, the project would provide adequate bicycle storage facilities.

As discussed above under impact a and b, the project is located along the VTA Route 53 on S. De Anza Boulevard, which operates between West Valley College and the Sunnyvale Transit Center on weekdays. Route 25 operates daily on Bollinger Road connecting De Anza College with the Alum Rock Transit Center. Express Bus Route 102 operates on Route 85 freeway between South San José and Palo Alto weekdays during the morning and afternoon peak traffic hours. The project is not anticipated to result in an increase in public transit users that would affect the performance or safety of any public transit.

The project would not conflict with any existing or planned multi-modal transportation facilities. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

17 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in any of the following impacts?				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board	☐	☐	■	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	☐	☐	■	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects	☐	☐	■	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	☐	☐	■	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments	☐	☐	■	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs	☐	☐	■	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste	☐	☐	■	☐

Setting

Potable Water

Potable water would be provided to the project by the SJWC, which currently provides water to commercial and residential customers in the project area. Water in the project area is

predominantly provided by water imported and treated by the SCVWD (SJWC 2015). The Santa Clara Valley Water Company currently operates three water treatment plants (WTP): the Penitencia WTP, Rinconada WTP, and Santa Teresa WTP. The SJWC also treats local surface water resources at the Montevina WTP and Saratoga WTP (SJWC 2015).

Wastewater

The City of San José oversees a wastewater collection system consisting of over 2,200 miles of sewer lines. The City's Department of Environmental Services administers and operates the San José/ Santa Clara Regional Wastewater Facility (RWF), which provides primary, secondary, and tertiary treatment of wastewater. After treatment, approximately 13 percent of the water from the RWF is delivered to the adjacent South Bay Water Recycling pump station, with the remainder being discharged into the San Francisco Bay (San José Department of Environmental Services 2016).

The RWF has a maximum permitted capacity of 167 million gallons per day (MGD). As of April 2016, average flows are approximately 110 MGD (San José Department of Environmental Services, 2016). Therefore, the current available capacity of the WPCP is 57 MGD. The plant capacity is sufficient for current dry and wet weather loads. However, the Plant Master Plan prepared for the WPCP projects that population growth will lead to an increase in wastewater flows to 172 MGD by 2040, which would require modifications to RWF facilities and to the RWF NPDES permit (San José Department of Environmental Services 2013). The RWF currently does not experience any major treatment system constraints. Approximately 1.4 million people and 17,000 businesses are served by the RWF (San José 2016b).

Solid Waste

Solid waste from the project site would be collected by Republic Services. Landfills serving the City include Guadalupe Mines, Kirby Canyon, and Newby Island.

Other Utilities

Gas and electric utilities to the project site would be provided by Pacific Gas and Electric Company (PG&E) (PG&E 2014a; PG&E 2014b).

Regulatory Setting

State of California

CALIFORNIA GREEN BUILDING STANDARDS CODE

In January 2010, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Under the Environmental Leadership Chapter (Chapter three in the *General Plan*), sets forth sustainability goals for the City of San José through 2040. The Goals and Policies of this chapter relate to Green Building design, construction, location, and operation. The following are applicable policies that relate to the proposed project (City of San José 2011c):

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

Policy MS-3.2 Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3 Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Under the Infrastructure subsection of Chapter three, the following policies apply to the proposed project (City of San José 2011c):

Policy IN-1.5 Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

Under the Police and Fire Protection subsection of Chapter three, the following policies apply to the proposed project (City of San José 2011c):

Policy ES-3.11 Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Impact Analysis

The following discussion is an analysis for criteria (a), (b), and (e):

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed below under criteria (d), the project site would be served by adequate water supplies from the SJWC. Therefore, implementation of the project would not result in the need for new or expanded water treatment facilities.

The proposed project would replace a gas station and carwash with a new hotel with 90 guest rooms. The City of San José currently does not have any published wastewater generation factors. Therefore, wastewater generation rates from the 2016 California Plumbing Code (CPC) and the International Carwash Association, Inc. were used to estimate the amount of wastewater that would be generated by the proposed project (California Building Standards Commission 2015, International Carwash Association, Inc. 2002). As shown in Table 21, the proposed project would generate a net increase of approximately 5,632 gallons of wastewater per day. This increase would be less than 0.01 percent of the existing unused capacity of the RWF. Therefore, there would be sufficient wastewater capacity to serve the project site. The proposed project would not exceed wastewater treatment requirements or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, impacts would be less than significant.

Table 21 Estimated Wastewater Generation

Type of Land Use/ Occupancy	Generation Factor (gallons per day)	Quantity	Wastewater Generation (gallons per day)
Existing Land Use			
Gas Station[1]	20/employee	7 employees	(140)
Car Wash[2]	29.6/vehicle	230 vehicles	(6,808)
Proposed Project			
Hotel[3]	70/bed	154 beds[4]	10,780
Swimming Pools, Public	10/person	180 guests/persons	1,800
Net Increase in Wastewater Generation			5,632

Notes: [1]A store with a public restroom was used as a comparable land use for the gas station.

[2]The International Carwash Association, Inc. study found that a car wash with multiple wash packages with a hand wash preparation of the vehicle uses approximately 26.9 gallons of water per vehicle, with approximately 1607 vehicles per week. This was calculated to 230 vehicles per day, for a total of 6,187 gallons of water per day, and an assumed wastewater generation of 1.1 times the water amounts used.

[3]Hotel is considered with an additional 10 gallons per day, per bed, to include kitchen waste (using motel generation rates) and assume 2 persons per bed.

[4]Bed count provided in site plans by project applicant.

() indicates negative number

Source: California Building Standards Commission 2015, International Carwash Association, Inc. 2002

LESS THAN SIGNIFICANT IMPACT

c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project site would continue to connect to the existing storm drain system operated and maintained by the City of San José. The City's storm drain system delivers water to local creeks and ultimately to the San Francisco Bay. The project would involve construction of a new hotel on a site that is currently developed with a gas station and carwash. Development of the project would incrementally increase impermeable surfaces on the project site. In accordance with the NPDES Municipal Regional Permit, City Council Policy 6-29, roof drains would convey runoff into the flow-thru planters as shown in Figure 8. This would reduce runoff from the project site routed to the City's stormwater drainage facilities. The incremental increase in permeable surfaces from the existing land use and the use of planters to filter and infiltrate stormwater would result in a minimal increase in runoff generated from the project site. The project would not necessitate the construction of new stormwater drainage facilities or expansion of existing facilities. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Potable water for the proposed development would be supplied by SJWC. The SJWC receives approximately one third of its potable water supply from the Santa Clara subbasin. The remaining potable water supply is provided by surface water purchased from the SCVWD from and imported

from the State Water Project and The Central Valley Project, as well as local surface water supplies originating from the Santa Cruz Mountains (SJWC 2016).

The SJWC projects that water supply availability will increase from 35,369 million gallons per year in 2015 to approximately 55,213 million gallons in 2040. Projected population grown within the City of San José coupled is anticipated to result in water demand increase from 34,729 million gallons in 2015 to 55,213 million gallons in 2040. This increase would account for 100 percent of water supply available through 2040 under average conditions (Table 21). However, as shown in Table 22, under a multiple year drought scenario, it is anticipated that the water demand would exceed available water supply by as much as approximately 21,437 million gallons during the third year of drought in 2040 (SJWC 2016).

Table 22 San José Water Company Supply/Demand Balance Normal Year (million gallons)

	2020	2025	2030	2035	2040
Supply Total	47,144	49,561	51,648	53,390	55,213
Demand Total	47,144	49,561	51,648	53,390	55,213
Difference	0	0	0	0	0

Source: San José Water Company 2016

Table 23 San José Water Company Supply/Demand Balance Multiple Years of Drought (million gallons)

		2020	2025	2030	2035	2040
First Year	Supply Total	45,871	47,328	48,927	50,663	52,486
	Demand Total	45,871	47,328	48,927	50,663	52,486
	Difference	0	0	0	0	0
Second Year	Supply Total	40,909	47,134	45,293	43,316	42,890
	Demand Total	45,817	47,328	48,927	50,663	52,486
	Difference	(4,908)	(194)	(3,634)	(7,347)	(9,596)
Third Year	Supply Total	31,843	40,120	36,857	32,901	31,094
	Demand Total	45,817	47,328	48,927	50,663	52,486
	Difference	(13,974)	(7,208)	(12,070)	(17,762)	(21,437)

Source: San José Water Company 2016

() indicates a negative number

To account for the potential water shortage under severe drought conditions, the SJWC has adopted a Water Shortage Contingency Plan (WSCP). The WSCP establishes staged mandatory water use reductions that reduce water supply from 10 percent under stage 1 with voluntary conservation to 50 percent under stage 5 with emergency conservation. Further, the WSCP established prohibited end uses of water under each water shortage stage (SJWC 2016). Further, the City of San José General Plan contains policies and actions that require the installation of water-efficient landscaping, and water efficient fixtures and appliances.

Assuming that water demand is approximately 120 percent of the estimated 130 gallons of wastewater per room generated by the hotel land use, the proposed project would require

approximately 14,000 gallons of water per day. Therefore, implementation of the project would result in a water demand of approximately 5 million gallons per year. This is a conservative estimate because it does not account for the existing water demand from the carwash facility currently operating on the project site. This water demand would represent approximately 0.02 percent of the anticipated 20,484 million gallon increase in water demand from SJWC by 2040.

In years of drought, the project would be subject to all San José Water Company rules and regulations to reduce water demand. With compliance with the City's General Plan policies and building standards, as well SJWC's rules and regulations, the project would not require new or expanded water entitlements. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

The following discussion is an analysis for criteria (f) and (g):

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Solid waste from the project site would be collected by Republic Services. Landfills serving the City include Guadalupe Mines, Kirby Canyon, and Newby Island. Table 24 shows the estimated remaining capacity and anticipated closure dates of landfills serving the City.

Table 24 Estimated Landfill Capacities and Closure Dates

Landfill Facility	Permitted Capacity (Cubic Yards)	Remaining Capacity (Cubic Yards)	Anticipated Closure Date
Guadalupe Mines	28,600,000	11,055,000[1]	2048
Kirby Canyon	34,400,000	16,191,600[2]	2022
Newby Island	57,500,000	21,200,000[3]	2041

[1] estimated remaining capacity date January 2011 from CalRecycle: http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0015/Detail

[2] Estimated remaining capacity date July 2015 from CalRecycle: http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0008/Detail/

[3] Estimated remaining capacity date October 2014 from CalRecycle: http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/

Assuming a waste generation rate of 1.31 tons of waste per guest room per year for hotel land uses, the project would generate approximately 118 tons of waste per year (CalRecycle 2015). However, the City of San José currently has one of the highest diversion rates in the nation and diverts approximately 73 percent of their waste (San José 2016c). Therefore, the project would result in an increase of approximately 32 tons of waste per year would be added to landfills serving the City. This is a conservative estimate that does not account for waste generated from the existing gas station land uses. Further, the proposed project would be required to conform to City plans and policies to reduce solid waste generation. The City is therefore served by landfills with adequate capacity to accommodate project waste. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

This page intentionally left blank.

18 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a. Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	■	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Impact Analysis

a. Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As noted in Section 4, *Biological Resources*, impacts to nesting birds could be potentially significant and therefore Mitigation Measure BIO-1 has been required to reduce potential nesting bird impacts. Incorporation of this mitigation measure would reduce impacts to wildlife to a less than significant level. As noted under Section 5, *Cultural Resources*, the proposed project would not impact known cultural or historic resources. However, the standard permit conditions for the City of San José would be implemented to avoid potential impacts to unknown archaeological and paleontological resources, and impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

As described in the discussion of environmental checklist Sections 1 through 17, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues. Cumulative impacts with some of the resource areas have been addressed in the individual resource sections above: Air Quality, Greenhouse Gases, Water Supply, Traffic, and Solid Waste (see CEQA Guidelines Section 15064(h)(3)). Some of the other resource areas were determined to have no impact or would result in improvements in comparison to existing conditions and therefore would not contribute to cumulative impacts and did not warrant further analysis, such as Mineral Resources, and Agricultural Resources. There are no other known projects in development or under consideration that would affect the other resource areas. As such, cumulative impacts would also be less than significant (not cumulatively considerable).

LESS THAN SIGNIFICANT IMPACT

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, geology and soils, traffic hazards, and noise impacts. As detailed in the preceding responses, the proposed project would not result, either directly or indirectly, in significant adverse impacts related to traffic, noise or air quality. Mitigation measures HAZ-1 through HAZ-3 would reduce impacts related to hazardous materials t less than significant levels. As noted in Section 6, *Geology and Soils*, adherence to the applicable CBC and SJMC rules and regulations would avoid potentially significant impacts from expansive soils. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

References

Bibliography

Alpha Environmental Services, Inc. 2015. *Phase I Environmental Site Assessment Report* [for the Chevron Gasoline Station at 1090 South De Anza Boulevard, San José, California 95129]. Beaverton, OR. February 27, 2015.

Association of Bay Area Governments (AMBAG). 2009. Resilience Program: Interactive tsunami inundation map." AMBAG. http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami. (Accessed May 2017).

Bay Area Air Quality Management District (BAAQMD). 2017a. *Final 2017 Clean Air Plan*. San Francisco, CA. April 19, 2017. http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

____. 2017b. *California Environmental Quality Act: Air Quality Guidelines.* San Francisco, CA. May 2017. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.A. Semken, Jr., S.D. Webb, and R.J. Zakrzewski. 2004. *The Blancan, Irvingtonian, and Rancholabrean Mammal Ages*. In Woodburne, M.O. (ed.) Late Cretaceous and Cenozoic Mammals of North America: Biostratigraphy and Geochronology. Columbia University Press, New York, pp. 232-314.

California Air Resources Board (CARB). 2011. *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider the "LEV III" Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles.* Sacramento, CA. December 7, 2011. https://www.arb.ca.gov/regact/2012/leviiighg2012/levisor.pdf.

____. 2016. *2030 Target Scoping Plan Update.* [Discussion Draft.] Sacramento, CA. December 2, 2016. https://www.arb.ca.gov/cc/scopingplan/2030target_sp_dd120216.pdf.

____. 2017. "AB 32 Scoping Plan." California Environmental Protection Agency. Last modified: January 23, 2017. https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm. (Accessed February 2017).

California Building Standards Commission. 2015. *2016 California Plumbing Code.* Sacramento, CA. http://epubs.iapmo.org/2016/CPC/mobile/index.html#p=475.

California Department of Conservation (DOC). 2016. "California Important Farmland Finder." State of California. http://maps.conservation.ca.gov/ciff/ciff.html. (Accessed September 2016).

California Department of Forestry and Fire Protection (CAL FIRE). 2008. *Santa Clara County: Very High Fire Hazard Severity Zones in LRA as Recommended By CAL FIRE*. [map.] Tabular digital data and vector digital data. Sacramento, CA. State of California. http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf. (Accessed May 2017).

California Department of Resources Recycling and Recovery (CalRecycle). 2015. *2014 Generator-Based Characterization of Commercial Sector Disposal and Diversion in California*. Sacramento, CA. September 10, 2015. http://www.calrecycle.ca.gov/Publications/Documents/1543/20151543.pdf.

California Environmental Protection Agency (CalEPA). 2006. *Climate Action Team Report to Governor Schwarzenegger and the Legislature.* Sacramento, CA. March 2006. http://www.climatechange.ca.gov/climate_action_team/reports/2006report/2006-04-03_FINAL_CAT_REPORT.PDF.

California Geological Survey. n.d. *Earthquake Zones of Required Investigation Cupertino Quadrangle.* [map.] Tabular digital data and vector digital data. Sacramento, CA. California Department of Conservation. http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/CUPERTINO_EZRIM.pdf. (Accessed May 2017).

____. 2002. *State of California Seismic Hazard Zones: Cupertino Quadrangle*. [map]. Tabular digital data and vector digital data. Sacramento, CA. California Department of Conservation. http://gmw.consrv.ca.gov/shmp/download/quad/CUPERTINO/maps/ozn_cup.pdf. (Accessed May 2017).

California Natural Resources Agency. 2009. *2009 California Climate Adaptation Strategy: A Report to the Governor of the State of California in Response to Executive Order S-13-2008.* Sacramento, CA. http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf.

Cupertino, City of. 2014. General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR for the City of Cupertino. Cupertino, CA. June 18, 2014. http://www.cupertinogpa.org/files/managed/Document/197/CupertinoGPA_HEU_EIR_V1_061814.pdf.

Department of Finance (DOF). 2016a. "Report E-1 Population Estimates for Cities, Counties, and the State January 1, 2016 and 2016." State of California. Last modified: May 1, 2016. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/documents/E-1_2016_InternetVersion.xls. (Accessed January 2017).

____. 2016b. "Report E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2016, with 2010 Benchmark." State of California. Last modified: May 1, 2016. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. (Accessed January 2017).

Department of Transportation. 2008. *Scenic Highway Guidelines.* Sacramento, CA. October 2008. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/guidelines/scenic_hwy_guidelines_04-12-2012.pdf.

Federal Emergency Management Agency (FEMA). 2009. *Flood Insurance Rate Map: Santa Clara County, California and Incorporated Areas: No. 06085C0216H*. [map.]. Tabular digital data and vector digital data. Washington, D.C. United States Department of Homeland Security. http://map1.msc.fema.gov/idms/IntraList.cgi?displ=wsp/item_06085C0216H.txt. (Accessed May 2017).

Federal Highway Administration (FHWA). 2002. *Validation of FHWA's Traffic Noise Model I® (TNM): Phase 1.* United States Department of Transportation. Washington, D.C. https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/model_validation/phase_one/tnmph1va.pdf.

____. 2006. *Highway Traffic Noise: Construction Noise Handbook.* United States Department of Transportation. Washington, D.C. http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.

Federal Motor Carrier Safety Administration (FMCSA). 2014. "How to Comply with Federal Hazardous Materials Regulations." U.S. Department of Transportation. Last modified: December 17, 2014. https://www.fmcsa.dot.gov/regulations/hazardous-materials/how-comply-federal-hazardous-materials-regulations. (Accessed January 2017).

Federal Transit Administration (FTA). 2006. *Transit Noise and Vibration Impact Assessment.* Washington, D.C. May 2006. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf.

Helley, E.J., R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth. 1994. *Quaternary geology of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California: a digital database*. [map.] U.S. Geological Survey. Open-File Report OF-94-231, scale 1:50,000.

Institute of Transportation Engineers (ITE). 2012. *Trip Generation Manual,* 9th Edition. Washington, D.C.

Intergovernmental Panel on Climate Change (IPCC). 2013. *Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. http://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_SPM_FINAL.pdf.International Carwash Association, Inc. 2002. *Water Use in the Professional Car Wash Industry.* Chicago, IL. September 2002. http://www.carwash.org/docs/default-document-library/Water-Use-in-the-Professional-Car-Wash-Industry.pdf.

Jefferson, George T. 1985. *Review of the Late Pleistocene avifauna from Lake Manix, central Mojave Desert, California*. Contributions in Science, Natural History Museum of Los Angeles County, 362:1-13. https://nhm.org/site/sites/default/files/pdf/contrib_science/CS362.pdf.

____. 1991. *A catalogue of late Quaternary vertebrates from California. Part Two, Mammals*. Natural History Museum of Los Angeles County Technical Report, 7:1-129.

Lee, DC Ivan D. 2017. BFP/Fire Marshal San José Fire Department. Personal communication via email. *New or expanded fire department facilities resulting from proposed project*. May 18, 2017.

Los Angeles, City of. 2006. *Los Angeles CEQA Thresholds Guide*. http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf.

Maguire, K.C. and P.A. Holroyd. 2016. *Pleistocene vertebrates of Silicon Valley (Santa Clara County, California)*. PaleoBio 33:1-14.

Merriam, J.C. 1911. *The Fauna of Rancho La Brea; Part I: Occurrence*. Memoirs of the University of California, 1(2):197-213.

Metropolitan Transportation Commission (MTC).2013. *Plan Bay Area: Strategy for a Sustainable Region*. San Francisco, CA. July 18, 2013. http://files.mtc.ca.gov.s3.amazonaws.com/pdf/Plan_Bay_Area_FINAL/pbafinal/index.html.

____. 2017. "Timeline." Metropolitan Transportation Commission. http://planbayarea.org/the-plan/Timeline.html. (Accessed February 2017).

Pacific Gas and Electric Company (PG&E). 2014a. *Electric Service Area Maps.* San Francisco, CA. December 17, 2014. https://www.pge.com/nots/rates/tariffs/tm2/pdf/GAS_MAPS_Service_Area_Map.pdf.

____. 2014b. *Gas Service Area Maps*. San Francisco, CA. December 17, 2014. https://www.pge.com/tariffs/tm2/pdf/ELEC_MAPS_Service_Area_Map.pdf.

Plan Bay Area. July 2013. Adopted Plan Bay Area 2013. Available: http://planbayarea.org/the-plan/adopted-plan-bay-area-2013.html.

Reynolds, R.E., R.L. Reynolds, and A.F. Pajak, III. 1991. Blancan, Irvingtonian, and Rancholabrean(?) land mammal age faunas from western Riverside County, California. In Inland southern California: the last 70 million years. M.O. Woodburne, R.E. Reynolds, and D.P. Whistler (eds.) San Bernardino County Museum Association Quarterly, 38(3-4):37-40.

Romig Engineers, Inc. 2017. *Geotechnical Investigation: Hampton Inn 1090 S. De Anza Boulevard, San Jose, California 95129.* San Carlos, CA. April 18, 2017.

San Francisco Regional Water Quality Control Board (SFRWQCB). 2009. *Municipal Regional Stormwater NPDES Permit: Order R2-2009-0074, NPDES Permit No. CAS612008*. Oakland, CA. October 14, 2009. http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2009/R2-2009-0074.pdf.

San Francisco Bay Regional Water Quality Control Board. 2017a. *San Francisco Bay Basin*. [map]. Vector digital data. Oakland, CA. State of California. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/fig/fig_1-01.pdf. (Accessed January 2017).

____. 2017b. "Chapter 3: Water Quality Objectives." State of California. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/bp_ch3.shtml. (Accessed January 2017).

San José, City of. 2004a. *Heritage Tree List*. San José, CA. August 29, 2014. http://www3.sanJoséca.gov/tree/pdf/HeritageTreeList.pdf

____. 2004b. *City of San José Emergency Operations Plan*. San José, CA. August 17, 2004 [Revised May 15, 2006]. https://www.sanJoséca.gov/DocumentCenter/View/47603.

____. 2011a. *City of San José, California Council Policy Post-Construction Urban Runoff Management.* San José, CA. October 4, 2011. https://www.sanJoséca.gov/DocumentCenter/View/3891.

José____. June 2011b. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.* San José, CA. June 2011.. http://www.sanJoséca.gov/index.aspx?NID=4974

José____. November 2011c. *Envision San José 2040 General Plan*. San José, CA. November 2011. https://www.sanJoséca.gov/DocumentCenter/Home/View/474.

José____. 2012. *Harker Elementary School Project Noise Assessment: San José, California*. San José, CA. August 20, 2012.http://www.sanJoséca.gov/DocumentCenter/View/9280.

José____. 2016a. *City of San José Historic Resources Inventory*. San José, CA. February 8, 2016. http://www.sanJoséca.gov/DocumentCenter/View/35475.

José____. 2016b. "San José – Santa Clara Regional Wastewater Facility." http://www.sanJoséca.gov/index.aspx?NID=1663. (Accessed October 2016).

José____. 2016c. "Goal 5: Divert 100% of waste from Landfill and Convert Waste to Energy." http://www.sanJoséca.gov/index.aspx?NID=2950. (Accessed October 2016.)

____. 2017a. "Calabazas Park." City of San José. https://sanJoséca.gov/Facilities/Facility/Details/64. (Accessed May 2017).

____. 2017b. "Castle Glen Picnic Area (Murdock Park)." City of San José. http://www.sanJoséca.gov/Facilities/Facility/Details/Castle-Glen-Picnic-Area-Murdock-Park-356. (Accessed May 2017).

____. 2017c. "Facilities." City of San José. http://www.sanJoséca.gov/Facilities?clear=False. (Accessed May 2017).

____. 2017d. "Rainbow Park." City of San José. http://www.sanJoséca.gov/Facilities/Facility/Details/Rainbow-Park-75. (Accessed May 2017).San José Department of Environmental Services. 2016. *San José-Santa Clara Regional Wastewater Facility*. San José, CA. April 25, 2016. http://www.sanJoséca.gov/DocumentCenter/View/34681.

San José Police Department (SJPD). 2016. "Inside SJPD – Department Information." City of San José. http://www.sjpd.org/InsideSJPD/. (Accessed October 2016.)

San José Water Company (SJWC). 2015. *Annual Water Quality Report 2016*. San José, CA. https://s3-us-west-1.amazonaws.com/sjwater/files/documents/SJWC_Water_Quality.pdf.

José____. June 2016. San José Water Company 2015 Urban Water Management Plan.

Santa Clara County Airport Land Use Commission. 2011. *Comprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport*. San José, CA. May 25, 2011. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf.

Santa Clara Valley Habitat Agency. 2012. *Final Santa Clara Valley Habitat Plan*. Santa Clara County, CA. August 2012. http://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Santa Clara Valley Water District (SCVWD). 1999. *Case Closure Summary: Leaking Underground Fuel Storage Tank Program".* San José, CA. December 29, 1999. http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/3995198130/CLOS_L_2000-01-07.pdf.

____. 2016a. *Groundwater Management Plan.* San José, CA. November 2016. http://www.valleywater.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=14955.

____. 2016b. Lenihan (Lexington) Dam Flood Inundation Maps. [map]. Tabular digital data and vector digital data. San José, CA. http://www.valleywater.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=15514. (Accessed June 2017).Savage, D.E. 1951. Late Cenozoic vertebrates of the San Francisco Bay Region. University of California Publications, Bulletin of the Department of Geological Sciences.

Scott, E. and S.M. Cox. 2008. Late Pleistocene distribution of Bison (Mammalia; Artiodactyla) from the Mojave Desert of southern California and Nevada. In X. Wang and L.G. Barnes (eds.) Geology and vertebrate paleontology of western and southern North America: Contributions in Honor of David P. Whistler. Natural History Museum of Los Angeles County, Science Series, 41:359-82.

Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

Springer, K., E. Scott, J.C. Sagebiel, and L.K. Murray. 2009. The Diamond Valley Lake local fauna: Late Pleistocene vertebrates from inland southern California. In Albright, L.B. III (ed.), Papers on Geology, Vertebrate Paleontology, and Biostratigraphy in Honor of Michael O. Woodburne. *Museum of Northern Arizona Bulletin* 65:217-36.

StartClass by Graphiq. 2017a. "Joaquin Miller Middle School in San José, California." Graphiq Inc. http://public-schools.startclass.com/l/7672/Joaquin-Miller-Middle#District%20Info&s=VVxMj. (Accessed May 2017).

____. 2017b. "Lynbrook High in San José, California." Graphiq Inc. http://public-schools.startclass.com/l/8462/Lynbrook-High#District%20Info&s=VVxMj. (Accessed May 2017).

____. 2017c. "R.I. Meyerholz Elementary in San José, California." Graphiq Inc. http://public-schools.startclass.com/l/7671/R-I-Meyerholz-Elementary#District%20Info&s=VVxMj. (Accessed May 2017).

Stirton, R.A. 1939. Cenozoic mammal remains from the San Francisco Bay region. *University of California Publications, Bulletin of the Department of Geological Sciences*, v. 24, no. 13, p. 339-410.

The Trust for Public Land. 2016. *2016 City Park Facts*. San Francisco, CA. April 2016. https://www.tpl.org/sites/default/files/2016%20City%20Park%20Facts_0.pdf.

Tibaldi, Gina. 2017. Lieutenant of San José Police Department. Personal communication via phone. *New or expanded police department facilities resulting from proposed project*. May 23, 2017.

United States Fish and Wildlife Service. "National Wetlands Inventory: Wetlands Mapper." Last modified: September 2016. https://www.fws.gov/wetlands/data/mapper.html. (Accessed October 2016).

United States Geological Survey (USGS). 1994a. *Inundation Map of Stevens Creek Dam: Sheet 1 of 2*. [map]. Tabular digital data and vector digital data. Reston, VA. United States Department of the Interior. http://www.valleywater.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=13813. (Accessed June 2017).

____. 1994b. *Inundation Map of Stevens Creek Dam: Sheet 2 of 2*. [map]. Tabular digital data and vector digital data. Reston, VA. United States Department of the Interior. http://www.valleywater.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=13812. (Accessed June 2017).

____. 1998. *Geology of the Palo Alto 30x60 Minute Quadrangle, California: Derived from the Digital Database Open*-File 98-348, Sheet 2 of 2. Washington, D.C.: U.S. Department of the Interior.

Wilkerson, G., T. Elam, and R. Turner. 2011. Lake Thompson Pleistocene mammalian fossil assemblage, Rosamond. In Reynolds, R.E. (ed.) The Incredible Shrinking Pliocene: The 2011 Desert Symposium Field Guide and Proceedings. California State University Desert Studies Consortium, Pp. 88-90.

Winters, H.H. 1954. The Pleistocene fauna of the Manix Beds in the Mojave Desert, California. Master's Thesis, California Institute of Technology. 71 pp.

List of Preparers

Rincon Consultants, Inc. prepared this IS-MND under contract to the City of San José. Krinjal Mathur is the Environmental Project Manager from the City of San José. Persons involved in data gathering analysis, project management, and quality control include the following.

RINCON CONSULTANTS

Abe Leider, AICP CEP, Project Manager
Skyler Murphy, MESM, Associate Planner
Abagale Taylor, Associate Planner
Josephine Fong, Associate Planner
Jonathan Berlin, MESM, Senior Environmental Planner
Kyle Brudvik, Paleontologist/Geoarchaeologist/Archaeologist
Laura Hoffman, M.A., RPA, Archaeological Resources Program Manager & Principal Investigator
Chris Thomas, Graphic Illustrator
Allysen Valencia, GIS Analyst
Debra Jane Seltzer, Production Specialist

This page intentionally left blank.