Initial Study/Mitigated Negative Declaration

North 4th Street Hotel

File No: SP16-034

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

May 2018

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.

PROJECT NAME: North 4th Street Hotel

PROJECT FILE NUMBER: SP16-034

PROJECT DESCRIPTION: The project proposes to demolish the existing on-site motel, known as the Charles Motel, and redevelop the site with a four-story, 59-room hotel building constructed above one level of below-grade parking containing 54 parking spaces.

PROJECT LOCATION: East side of North 4th Street, approximately 320 feet north of East Younger Avenue in San José

ASSESSORS PARCEL NO.: 235-09-021 **COUNCIL DISTRICT:** 3

APPLICANT: Patel Nanu D and Lakhiben N Trustee et al.

APPLICANT CONTACT INFORMATION: Eugene H. Sakai, AIA, LEED AP, Studio S Squared Architecture, Inc., San José, California 95128

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 (MND), 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**

Impact AIR-1: Diesel exhaust emissions during project construction activities would expose sensitive receptors in the project area to substantial pollutant concentrations.

MM AIR-1: The project applicant shall develop a plan demonstrating that the off-road equipment used on site to construct the project would achieve a fleet-wide average 86 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Measures that can be implemented to achieve this reduction include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

- Implementation of additional measures that reduce construction period DPM emissions such as the use of equipment with CARB-certified Level 3 Diesel Particulate Filters, alternatively-fueled equipment (i.e., non-diesel), or additional exhaust devices shall be considered.

The plan to achieve a fleet-wide average 86 percent reduction in DPM emissions shall be submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.

D. BIOLOGICAL RESOURCES

Impact BIO-1: Development of the proposed project could impact nesting birds and raptors.

MM BIO-1: The project applicant shall schedule construction between September 1st and January 31st (inclusive) to avoid the nesting season for raptors and other migratory birds. If construction cannot avoid the nesting season, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of the onset of construction. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct preconstruction surveys no more than 30 days prior to the initiation of construction activities. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction- free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to

ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any 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 – The project will not have a significant impact on this resource; therefore, no mitigation is required.

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 AND VIBRATION

Impact NOI-1: Existing structures adjacent to the project site could be exposed to excessive groundborne vibration during project demolition and construction activities.

MM NOI-1: Per General Plan Policy EC-2.3, the project applicant shall ensure that vibration at adjacent structures during project demolition and construction activities does not exceed 0.20 in/sec PPV. As specified in the Noise Assessment completed for the project, this can be accomplished by limiting the use of construction equipment near adjacent structures to the distances shown in Table 4.12-2, below. This measure shall be printed on all project construction, grading, and demolition plans, which shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for review and approval.

Table 4.12-2: Construction Equipment Vibration Distances from Adjacent Structures	
Construction Equipment Type	Distance for 0.20 PPV Limit*
Backhoe	15
Bulldozer (Large)	13
Bulldozer (Small)	1.5
Clam Shovel	23
Compactor	25
Concrete Mixer	12
Concrete Pump	12
Crane	3
Dump Truck	12
Excavator	13
Front Loader	13
Grader	13
Hoe Ram	13
Hydra Break Ram	35
Jackhammer	7
Loaded Trucks	12
Paver	12
Soil Sampling Rig	13
Tractor	12
Vibratory Roller (Large)	39
Vibratory Roller (Small)	20
*Measured in feet	

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/TRAFFIC** – 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**

With implementation of the mitigation measures identified above, and the standard permit conditions identified in the Initial Study, the project would not degrade the quality of the environment, substantially affect biological resources, or eliminate important examples of

California history or prehistory. The mitigation measures and standard permit conditions would also ensure that the project's contribution to cumulative impacts would not be cumulatively considerable, and the project would not cause substantial adverse effects on human beings, either directly or indirectly.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, June 25, 2018** any person may:

1. Review the Draft 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, Director
Planning, Building and Code Enforcement

5/22/18
Date

Deputy

Circulation period: May 29, 2018 to June 25, 2018

Environmental Project Manager: Reema Mahamood

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for the North 4th Street Hotel project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to redevelop the site of an existing 10-room motel with a 59-room hotel. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, CA 95113

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

North 4th Street Hotel

2.2 LEAD AGENCY CONTACT

City of San José
Planning, Building and Code Enforcement
Reema Mahamood
reema.mahamood@sanjoséca.gov
(408) 535-6872
200 East Santa Clara Street, Tower 3
San José, CA 95113

2.3 PROJECT APPLICANT

Mr. Anil Patel
1036 North 4th Street
San José, CA 95112

2.4 PROJECT LOCATION

The approximately 0.35-acre project site is located at 1036 North 4th Street in central San José. The site is comprised of a single parcel on North 4th Street, between Burton Avenue and East Younger Avenue. Regional and vicinity maps and an aerial photograph of the project site are shown on Figures 2-1, 2-2, and 2-3, respectively.

2.5 ASSESSOR'S PARCEL NUMBER

235-09-021

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

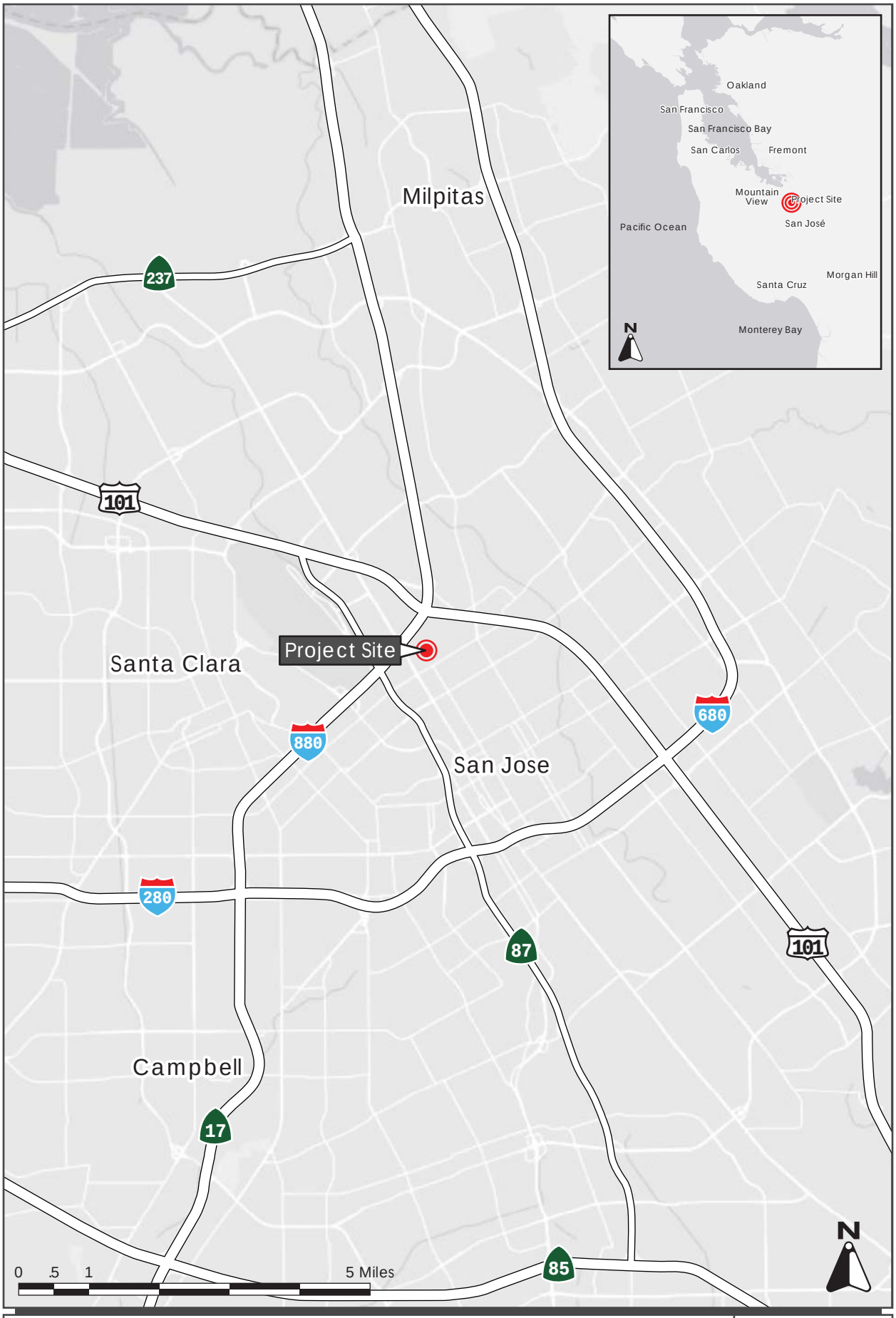
The project site is designated *Neighborhood/Community Commercial* under the City of San José's General Plan and has a zoning designation of *CP Commercial Pedestrian*.

2.7 HABITAT PLAN DESIGNATION

Urban-Suburban

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Special Use Permit
- Demolition Permit
- Grading Permit
- Building Permit
- Public Works



REGIONAL MAP | FIGURE 2-1

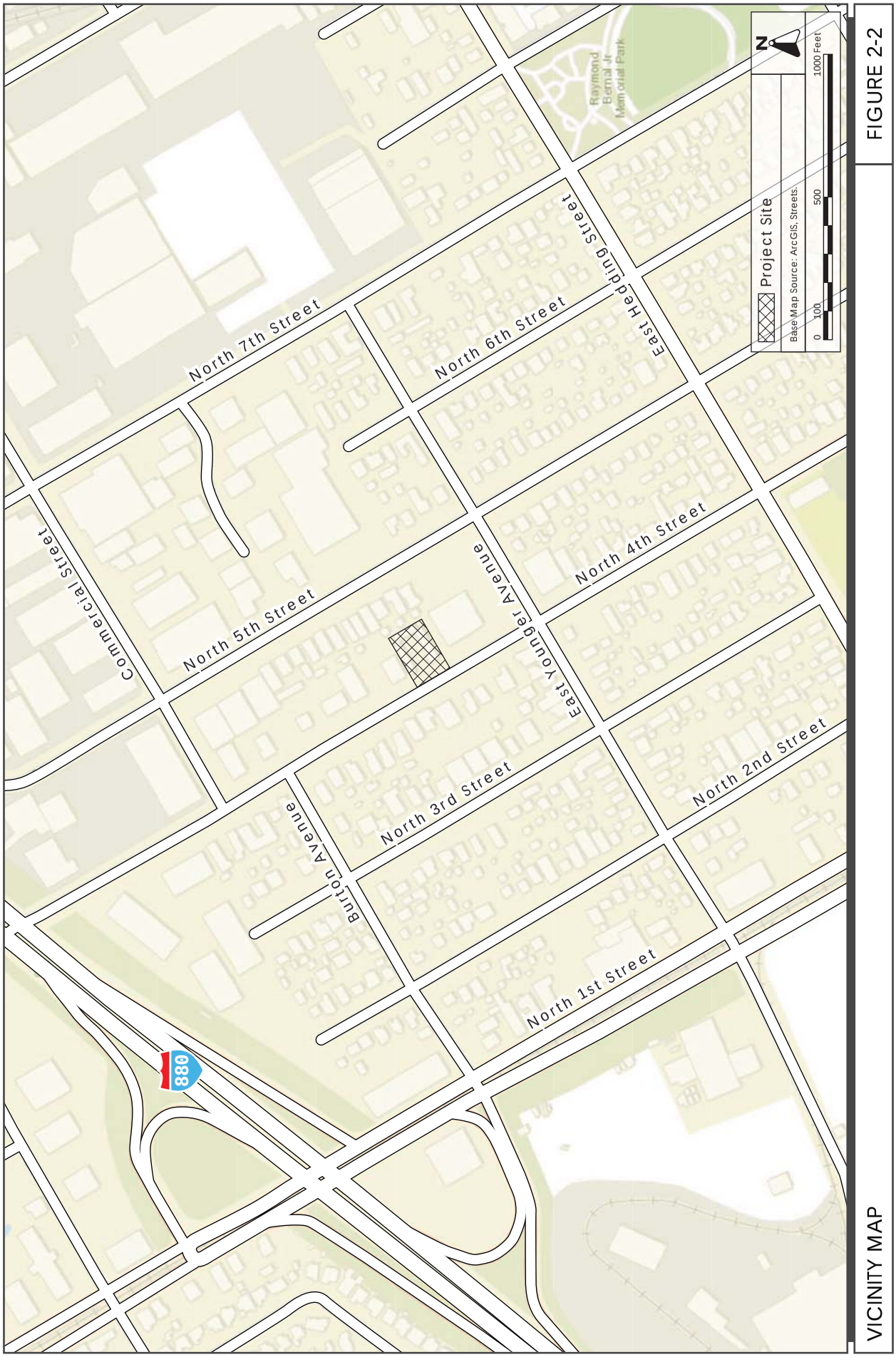


FIGURE 2-2

VICINITY MAP

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The approximately 0.35-acre project site is comprised of one parcel (APN 235-09-021) located on North 4th Street, between Burton Avenue and East Younger Avenue, in central San José. The site is currently developed with a 10-room motel (Charles Motel) that is up to two-stories tall. The project site is designated *Neighborhood/Community Commercial* in the Envision San José 2040 General Plan and zoned *CP Commercial Pedestrian*.

The project proposes to demolish the existing on-site motel, known as the Charles Motel, and redevelop the site with a four-story, 59-room hotel building constructed above one level of below-grade parking containing 54 parking spaces. The conceptual site plan and building elevations for the proposed project are shown on Figures 3-1, 3-2, and 3-3.

3.2 PROPOSED DEVELOPMENT

3.2.1 Hotel Building

The project proposes to demolish the existing on-site motel and redevelop the site with a 59-room, four-story hotel building that would be constructed above one level of below-grade parking. The proposed hotel building would have a maximum height of 50 feet. As shown on Figures 3-2 and 3-3, the first and second levels of the building would be set back 25 feet from the rear property line, and levels three and four would each be stepped back an additional 15 feet. The front of the hotel would be setback approximately 1.6 feet from the back of sidewalk, the setback along the north side of the hotel would vary from six to 13 feet from the property line, and there would be zero setback along the southern property line.

3.2.2 Outdoor Common Area and Landscaping

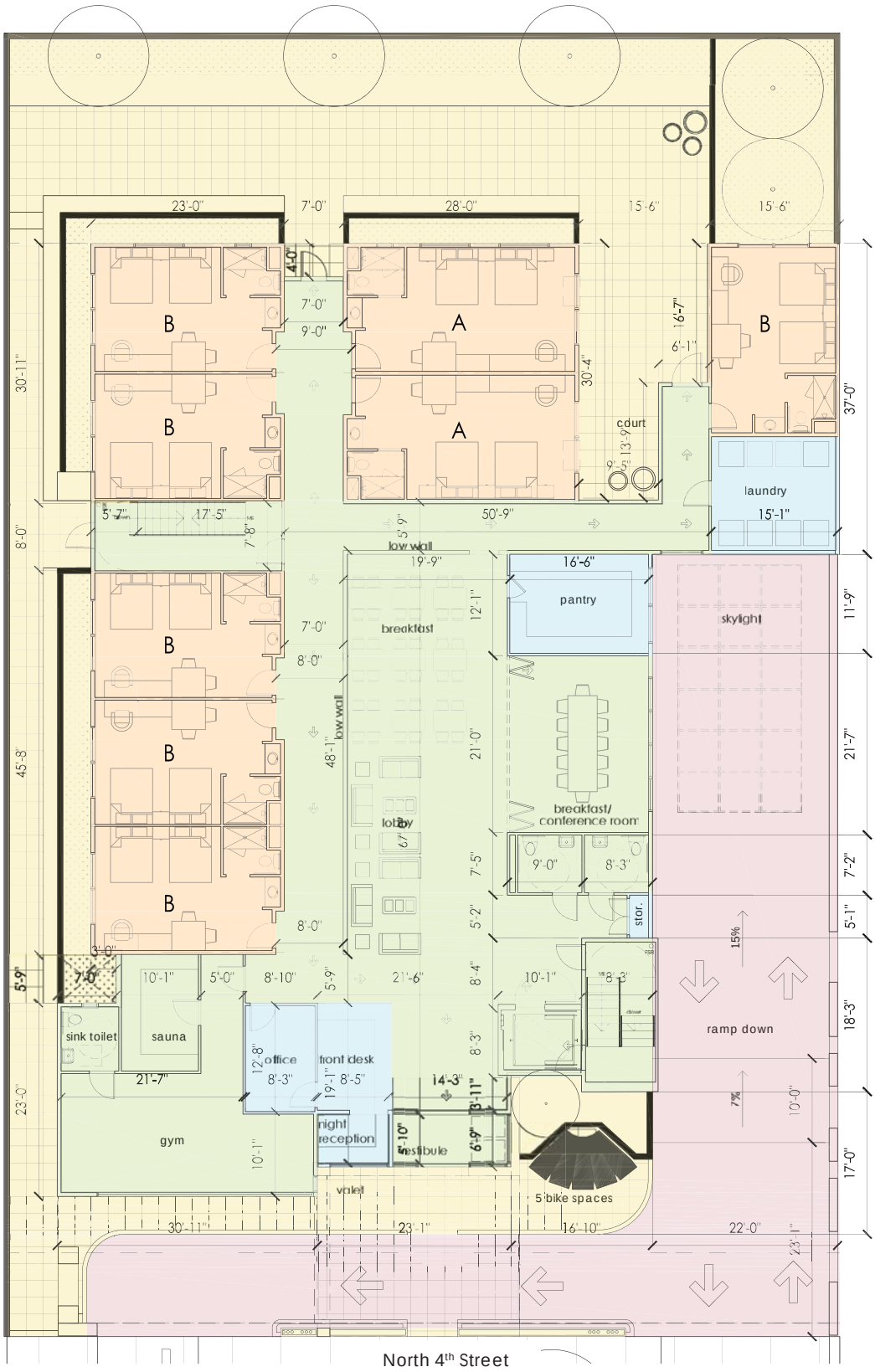
The proposed hotel includes a private outdoor common area for hotel guests that would be located within the 25-foot building setback area at the rear of the building. The outdoor common area would be landscaped with trees and shrubs. On-site landscaping also includes planter boxes along the perimeter of the building and a street tree along North 4th Street.

3.2.3 Site Access and Parking

3.2.3.1 *Access*

The existing sidewalk along North 4th Street, which would be improved by the proposed project along the site frontage, would provide hotel pedestrian access. The proposed frontage improvements include replacing the existing curb, gutter, and sidewalk with a 12-foot attached sidewalk containing wells located at back of curb.

As shown on Figure 3-1, two driveways onto North 4th Street would provide hotel vehicular ingress/egress. The southern driveway would provide site vehicular ingress and egress and access to the hotel below-grade parking garage and the main entrance covered carport area. Vehicles would exit the site using either the north or south driveways. The north driveway would provide site egress only. The north and south driveways would be 12 feet and 20 feet wide, respectively, per City standards.



SITE PLAN | FIGURE 3-1

East Elevation

North Elevation

EAST AND NORTH CONCEPTUAL BUILDING ELEVATIONS | FIGURE 3-2

West Elevation

South Elevation

WEST AND SOUTH CONCEPTUAL BUILDING ELEVATIONS | FIGURE 3-3

3.2.3.2 *Parking*

Parking for the project would be provided on site in the below-grade parking garage, which would contain 54 automobile, two bicycle, and three motorcycle parking spaces. An additional five bicycle spaces would be located on the ground floor.

3.2.4 Utility Improvements

The existing utilities in the project area would serve the proposed hotel. A new six-inch sanitary sewer lateral from the proposed hotel would connect to the existing six-inch sanitary sewer main along North 4th Street.

The project proposes to construct a new on-site catch basin and an eight-inch storm lateral that would connect the proposed catch basin to an existing 60-inch storm main along North 4th Street. All stormwater runoff generated by the project would be treated on-site and directed to the proposed catch basin prior to discharge to the City's stormwater system.

3.2.5 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at minimum, Leadership in Energy and Environmental Design (LEED) Certification. This would be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

3.2.6 On-site and off-site improvements and Construction

It is currently anticipated that project construction would take 12 months to complete.

Construction activities associated with the proposed project include site demolition and clearing, utility connections (e.g., new lateral connections to the existing water, sewer, and storm drain mains in North 4th Street), building construction, frontage improvements (e.g., new curb, gutter, sidewalk and driveway construction, and street tree planting), and landscaping on the site. The estimated amount of cut and fill during project construction would be 1,305 and 726 cubic yards, respectively. Therefore, approximately 579 cubic yards of soil would be exported off-site during construction. No soil be would be imported on site during construction.

During construction, staging activities (e.g., equipment and material storage) would occur on and off the project site. The location of the off-site staging area has not been determined. The construction workers would park on the project site, along North 4th Street, and/or at the off-site staging area.

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist –** The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines

and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2,3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.2 Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

The project site is not located on nor within a scenic vista. There are two scenic gateways (North First Street and Oakland Road/North 13th Street), both within one mile of the project, but only visible from the gateway streets themselves.[1] As such, the proposed four-story hotel would not obstruct views of the nearby gateways nor have a substantial adverse effect on a scenic vista. **[No Impact]**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There is one officially designated state scenic highway (State Route 9) and four eligible state scenic highway (Interstate 280, State Route 35, State Route 17, and State Route 152) in Santa Clara County.[2] The project site is located approximately 9.59 miles north of State Route 9. Interstate 280 is within five miles (3.49 miles) of the project site. As such, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **[No Impact]**

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The project site and surrounding area are flat and developed with a mix of older and newer, one and two-story residential and commercial uses. Existing development in the project area limits

[1] San José, City of. *Envision San José 2040 General Plan.* November 2011.
[2] California Department of Transportation. California Scenic Highway Mapping System, Santa Clara County. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed November 29, 2017.

views to the immediate vicinity. The project site is developed with an old, 10-room motel that is up to two-stories tall. The project proposes to demolish the existing motel and construct a four-story, 59-room hotel on the site.

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character differs among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The proposed project is consistent with the existing project site General Plan land use designation and zoning district, and would be subject to the City's design review process. Construction of the proposed hotel would result in a visual change; however, the proposed development would generally be consistent with the scale and type of existing and planned for development in the project area. For these reasons, the proposed project would have a less than significant impact on the visual character and quality of the site and surround area. [**Less Than Significant Impact]**

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Existing development on the project site and in the surrounding area is a source of light and glare (e.g., windows, signs, headlights, streetlights, parking lot lights, and security lights). The light and glare created by the proposed project would be similar to that created by the existing development in the project area. All lighting proposed by the project would be consistent with the policies, guidelines, and controls in the City of San José Municipal Code and City Council Policy. For these reasons, the proposed project would not create a substantial new source of light and glare that would adversely affect day or nighttime views in the area. **[Less Than Significant Impact]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or 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?	☐	☐	☐	☒	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	5
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))?	☐	☐	☐	☒	1,2,6
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2
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 or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

4.2.2 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

The project site is designated Urban and Built-Up Land; the project site is not Farmland. [3] Therefore, the proposed project would not convert Farmland to a non-agricultural use. **[No Impact]**

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is zoned *CP Commercial Pedestrian* and is not under a Williamson Act contract.[4] Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **[No Impact]**

[3] State of California, Department of Conservation. *Santa Clara County Important Farmland Map 2014.* October 2016

[4] State of California, Department of Conservation. *Santa Clara County Williamson Act Map FY 2015/2016.* 2016

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is located in central San José and is zoned *CP Commercial Pedestrian*. The project site and surrounding area are not zoned forest land, timberland, or Timberland Production.[5] Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **[No Impact]**

d) Result in a loss of forest land or conversion of forest land to non-forest use?

The project site is developed with a motel and is located in central San José. The project site and surrounding area are not forest land. Therefore, the proposed project would not result in a loss of forest land or conversion of forest land to non-forest use. **[No Impact]**

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 or conversion of forest land to non-forest use?

The proposed project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **[No Impact]**

[5] According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

4.3 AIR QUALITY

The following discussion is based, in part, upon an Air Quality Assessment completed for the proposed project by Illingworth & Rodkin, Inc., and included as Appendix A of this Initial Study.

4.3.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1, 2, 7, 8, 9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1, 2, 8,9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1, 2, 8, 9
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, 2, 7, 8, 9
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1, 2, 7, 8, 9

4.3.2 Impact Discussion

4.3.2.1 *Significance Thresholds*

The analysis in this Initial Study is based upon the general methodologies in the most recent Bay Area Air Quality Management District (BAAQMD) *CEQA Air Quality Guidelines* (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 *BAAQMD CEQA Air Quality Guidelines*, as shown in Table 4.3-1, below.

Table 4.3-1: Air Quality Significance Thresholds

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Maximum Annual Emissions** (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hr average)	20.0 ppm (1-hr average)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	

Note: μ/m^3 = micrograms per cubic meter.
ROG = Reactive Organic Gases
NOx = Nitrogen Oxides
PM_{10} = Coarse Particulate Matter
$PM_{2.5}$ = Fine Particulate Matter

4.3.3 Impact Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

The Bay Area Air Quality Management District (BAAQMD) prepared and adopted the 2017 Clean Air Plan (2017 CAP) in April 2017.[6] The 2017 CAP defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, Toxic Air Contaminants (TACs), ozone precursors, and Greenhouse Gas (GHGs). The proposed control strategy is

[6] BAAQMD. Final 2017 Clean Air Plan. April 2017.

designed to complement efforts to improve air quality and protect the climate that are being implemented by partner agencies at the State, regional, and local scale. The control strategy encompasses 85 individual control measures. The control measures describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

Project consistency with applicable control measures is shown in Table 4.3-2, below.

Table 4.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures

Number	Control Measure	Description	Project Consistency
Transportation Control Measures			
TR9	Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The proposed project includes on-site bicycle parking and sidewalk improvements along the site's N. 4th Street frontage per City standards.
TR10	Land Use Strategies	Support implementation of *Plan Bay Area*, maintain and disseminate information on current climate action plans and other local best practices, and collaborate with regional partners to identify innovating funding mechanisms to help local governments address air quality and climate change in their general plans.	The proposed project is consistent with the Envision San José 2040 General Plan and City of San José Zoning Ordinance.
Energy Control Measures			
EN2	Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The proposed building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code (Part 11 of Title 24, California Code of Regulations).

The proposed project supports the primary goals of the 2017 CAP in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that is consistent with the Envision San José 2040 General Plan. As summarized in Table 4.3-2, the proposed project includes applicable transportation, energy, and mobile source control measures and is generally consistent with the 2017 CAP's control measures. The project would not hinder the implementation of the 2017 CAP control measures and would not conflict with or obstruct implementation of the 2017 CAP. The project by itself, therefore, would not result in a significant impact related to consistency with the 2017 CAP. **[Less Than Significant Impact]**

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

As discussed below, the project would have emissions less than the BAAQMD screening size for evaluating impacts related to ozone and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from project-generated traffic would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any eight-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes less than the BAAQMD screening criteria; therefore, the proposed project would not violate an ambient air quality standard or contribute substantially to an existing or projected air quality violation.[7] **[Less Than Significant Impact]**

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

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort. Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular

[7] For projects such as the proposed hotel, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The Bay Area is also considered nonattainment for PM_{10} under the California Clean Air Act, but not the federal act. The Bay Area has attained both State and federal ambient air quality standards for carbon monoxide.

As part of an effort to attain and maintain ambient air quality standards for ozone, $PM_{2.5}$ and PM_{10}, the BAAQMD has established thresholds of significance for PM_{10}, $PM_{2.5}$, and ozone precursors (ROG and NOx). The 2011 update to the BAAQMD CEQA Air Quality Guidelines identifies screening size criteria for land use projects that could exceed the thresholds and result in substantial air pollutant emissions.

For operational and construction impacts, the screening sizes for hotel projects are identified as 489 rooms and 554 rooms, respectively. Per the BAAQMD CEQA Air Quality Guidelines, hotel projects below these screening sizes are expected to have less than significant criteria pollutant impacts. For these reasons, construction and operation of the proposed 59-room hotel would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard. **[Less Than Significant Impact]**

d) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive Receptors

There are groups of people more affected by air pollution than others. California Air Resources Board (CARB) has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks.

The closest sensitive receptors are the residences located immediately north of the project site. Residences are also located to the east, west, and south. The proposed hotel is not considered a sensitive receptor use.

Toxic air contaminants

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs tend to be localized and are found in relatively low concentrations in ambient air, however, exposure to low concentrations over long periods can result in adverse chronic health effects. Diesel exhaust is a predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures

such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common source is motor vehicles on roadways and freeways.

Operational TAC Impacts

Project impacts related to increased TAC exposure can occur either by introducing a new sensitive receptor (e.g., residential use) in proximity to an existing TAC source or by introducing a new TAC source with the potential to adversely affect existing sensitive receptors in the project area. Operation of the project is not expected to generate any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACs, such as diesel generators, are proposed as part of the project. The proposed hotel would not introduce new sensitive receptors to the project area. For these reasons, operation of the proposed hotel would not expose sensitive receptors to substantial pollutant concentrations. [**Less than Significant Impact]**

Construction TAC Impacts

The exhaust from diesel construction equipment and associated heavy-duty diesel truck traffic diesel particulate matter (DPM), which is a known TAC. Construction activities are also a source of $PM_{2.5}$. A community risk assessment of the project construction activities, including emissions and dispersion modeling, was completed to evaluate the potential health effects of project construction activities on the sensitive receptors in the project area. The closest sensitive receptors are the multi-family residences adjacent to the northern project boundary. Residences are also located to the east, west, and south.

The maximum modeled DPM and $PM_{2.5}$ concentrations occurred at the second floor of a residential receptor north of the project site. Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated. The results of the assessment indicate that the maximum increased residential cancer risks resulting from project construction activities would be 70.0 in one million. The maximum residential excess cancer risk would exceed the BAAQMD significance threshold of 10 in one million and, therefore, is considered a significant impact.

The maximum modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, was 0.43 $\mu g/m^3$. This annual $PM_{2.5}$ concentration would exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$ and, therefore, is also considered a significant impact. The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.4261 $\mu g/m^3$. The maximum computed hazard index (HI) based on this DPM concentration is 0.09, which is lower than the BAAQMD significance threshold of a HI greater than 1.0.

A review of the project area did not identify any substantial sources of mobile TAC emissions within 1,000 feet of the residential receptor north of the project site (i.e., the maximum exposed receptor). BAAQMD's Google Earth map tool did not reveal any stationary sources with the potential to affect the maximum exposed receptor (MEI). For these reasons, the combined community risk impacts at the MEI would be less than significant.

Impact AIR-1: Diesel exhaust emissions during project construction activities would expose sensitive receptors in the project area to substantial pollutant concentrations. **(Significant Impact)**

Mitigation Measures: The project includes the following measures to reduce diesel exhaust emissions during project construction to a less than significant level:

MM AIR-1: The project applicant shall develop a plan demonstrating that the off-road equipment used on site to construct the project would achieve a fleet-wide average 86 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. Measures that can be implemented to achieve this reduction include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

- Implementation of additional measures that reduce construction period DPM emissions such as the use of equipment with CARB-certified Level 3 Diesel Particulate Filters, alternatively-fueled equipment (i.e., non-diesel), or additional exhaust devices shall be considered.

The plan to achieve a fleet-wide average 86 percent reduction in DPM emissions shall be submitted to the Supervising Environmental Planner of the Planning, Building and Code Enforcement Department prior to issuance of any grading permits.

Implementation of the BAAQMD basic construction measures included in the proposed project as standard permit conditions (see below) would reduce exhaust emissions by an additional five percent. Combined, implementation of mitigation measure MM AIR-1 and the BAAQMD basic construction measures would proportionally reduce the cancer risk to 5.1 in one million. Annual $PM_{2.5}$ concentration would be reduced to less than 0.1 μg/m3. Therefore, with implementation of mitigation measure MM AIR-1 and standard permit conditions, the project would have a less than significant impact with respect to community risk caused by construction activities. **[Less Than Significant Impact with Mitigation Incorporated]**

Construction Dust Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of respirable particulate matter (PM_{10} and $PM_{2.5}$). Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines and City consider these impacts to be less than significant if best management practices are employed to reduce these emissions. The following standard permit conditions, based on the BAAQMD basic construction measures, shall be implemented during all phases of project construction.

Standard Permit Conditions

- 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]**

The proposed project, with implementation of the mitigation measures and standard permit conditions listed above and included in the project, would not result in a significant construction emissions impact. [**Less Than Significant Impact with Mitigation Incorporated]**

e) Create objectionable odors affecting a substantial number of people?

Operation of the proposed hotel would not generate odors. Construction of the proposed project would generate localized emissions of diesel exhaust during equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. Odors would, however, be localized and temporary. For these reasons, the proposed project would not create objectionable odors affecting a substantial number people. **[Less Than Significant Impact]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, upon a Tree Survey completed for the proposed project by Kielty Arborist Services, LLC., and included as Appendix B of this Initial Study.

A total of five trees would be removed by the project, including three trees located on the project site and two street trees located along the project site frontage. The trees on the site are not considered ordinance size under the City's San José Municipal Code Title 13. One of the street trees to be removed by the project is dead.

4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐	1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2
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, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1, 10
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?	☐	☐	☐	☒	1, 2, 11

4.4.2 Impact Discussion

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 CDFW or USFWS?

Special-status Species

The project site is located in a developed, urban area in central San José. No sensitive habitats or wetlands are on or adjacent to the project site. The nearest waterway, Guadalupe River, is located approximately 3,239.97 feet west of the project site. Habitat in developed areas, such as the project site, are extremely low in species diversity. Species using developed habitat are predominantly urban adapted birds and animals, such as doves, squirrels, and domestic and feral cats. Rare, threatened, endangered and sensitive plants, animals and natural communities are not expected or likely to occur on the project site.

Nesting Raptors and Migratory Birds

Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance.

Although the project site is located in a developed, urban area, trees on and adjacent to the project site provide nesting and/or foraging habitat for raptors and migratory birds adapted to urban environments. As described below, the proposed project includes measures to reduce this impact to a less than significant level.

Impact BIO-1: Development of the proposed project could impact nesting birds and raptors. **[Significant Impact]**

Mitigation Measures: The project includes the following measures to reduce impacts to nesting birds and raptors to a less than significant level:

MM BIO-1: The project applicant shall schedule construction between September 1st and January 31st (inclusive) to avoid the nesting season for raptors and other migratory birds. If construction cannot avoid the nesting season, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of the onset of construction. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct preconstruction surveys no more than 30 days prior to the initiation of construction activities. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all trees within 250 feet of the site. If the survey does not identify any

nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction- free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any grading permits.

With implementation of the mitigation measures listed above and included in the proposed project, the project would not result in significant impacts to sensitive species. **[Less Than Significant Impact with Mitigation Incorporated]**

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is located in a developed, urban area of San José. There are no streams, creeks, waterways, or wetlands located on or adjacent to the project site. The nearest waterway (i.e., the Guadalupe River) is located approximately 3,240 feet west of the site. Therefore, development of the site would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **[No Impact]**

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?

The project site is located in a developed, urban area of San José. There are no wetlands on or within the vicinity of the site. Therefore, the proposed redevelopment of the project site with a hotel would not impact wetlands. The project would not result in significant impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act. **[No Impact]**

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, impede the use of native wildlife nursery sites?

The project site is located in a developed, urban area of San José. The site, which is developed with a motel, does not serve as a wildlife corridor, nor does the site contain a native wildlife nursery. Therefore, the proposed redevelopment of the project site with a hotel would not

interfere with the movement of native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. **[No Impact]**

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.32) serve to protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. The ordinance protects both native and non-native tree species.

The existing trees on and adjacent to the site that would be affected by the proposed project were surveyed (refer to Appendix B). A total of five trees would be removed by the project, including three trees located on the project site and two street trees located along the project site frontage. One of the street trees to be removed by the project is dead. The species and diameter of the five trees to be removed by the project are shown in Table 4.4-1, below.

Table 4.4-1: Trees to be Removed

	Species	Diamete[1]
1.	Lemon	4 and 2
2.	Persimmon	10
3.	Curly leaf tree	7 and 4
4.	Black pine	10
5.	Black pine	2[2]

[1]Measured in inches at 24 inches above grade.
[2]This tree is dead.

As shown in Table 4.4-1, the trees to be removed by the project are below the size requirement protected under the City Tree Removal Controls.

Standard Permit Condition

- Trees removed by the proposed project shall be replaced at the ratios shown in Table 4.4-2, below.

Table 4.4-2: City of San José Standard Tree Replacement Ratios

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18 inches diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The species and exact number of trees to be planted on the site shall be according to the proposed landscape plan. Project applicant shall provide replacement with native species. If a non-native species is proposed for tree replacement, project applicant must demonstrate that replacement a native species is not a feasible option.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, at the development permit stage:

1) The size of a 15-gallon replacement tree may be increased to one 24-inch box and count as two replacement trees.
2) An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening.
3) A donation of $300 per mitigation tree to Our City Forest or San José Beautiful 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 3 years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.
4) Tree removal and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31. If this is not possible, the project shall comply with the mitigation measure MM BIO-1.

The proposed project, with implementation of the standard permit condition identified above, would not result in a significant impacts to trees and would not conflict with the City's Tree Removal Controls.[8] **[No Impact]**

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?

The Santa Clara Valley Habitat Plan (SCVHP) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres in southern Santa Clara County.[9] The SCVHP is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The SCVHP identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is both to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities as well as to enhance the long term viability of endangered species. Species of concern include, but are not limited to, the California tiger salamander, California red-legged frog, western burrowing owl,

[8] Tree removal and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February, 1st through August 31st. If this is not possible, the project shall comply with the Mitigation Measure BIO-1.
[9] Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan.* August 2012 (adopted October 2013)

Bay Checkerspot butterfly, and numerous plant species endemic to serpentine grassland and scrub.

The project site is located in the Urban Areas Land Cover Fees Zone within the SCVHP study area and supports *Urban Suburban* land cover. There are no land cover fees for impacts to this fee zone or land cover type. The only SCVHP fee applicable to the proposed project is the Nitrogen Deposition Fee, which was adopted by the SCVHP to mitigate the indirect impacts of airborne nitrogen deposition to covered species, in particular the Bay Checkerspot butterfly, from covered activities. The fee is applied to all zones in the same way, which is calculated for a specific project based on the number of new vehicle trips over existing conditions.

Standard Permit Condition

- The project applicant is required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit.

Through payment of the SCVHP fee for nitrogen deposition, the proposed project's contribution to cumulative nitrogen deposition impacts would not be cumulatively considerable. For this reason and those stated above, the proposed project would not conflict with the SCVHP. **[No Impact]**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, upon a California Department of Parks and Recreation Primary Record historic resource evaluation form (DPR form) and a San José Evaluation and Tally completed for the proposed project by Urban Programmers and a peer review completed by Archives and Architecture.[10] The DPR form, San José Evaluation and Tally, and peer review are included as Appendix C of this Initial Study.

4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 2, 12, 13, 30
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1, 2
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1, 2
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1, 2
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
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	☐	☐	☒	☐	1, 2

[10] As part of the entitlement application for SP16-034, the applicant submitted a historic report prepared by Urban Programmers dated 8/11/2017. City practice is to receive CEQA documents, including technical studies directly from the environmental or technical consultants. The City requested a peer review to verify technical accuracy and ensure completeness of the findings. Archives and Architecture submitted a peer review report dated 11/30/2017.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1, 2

4.5.2 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

A California Department of Parks and Recreation Primary Record historic resource evaluation form and a San José Evaluation and Tally were completed for the existing Charles Motel, which was constructed in 1948.[11] The Charles Motel is not currently listed on the City of San José Historic Resource Inventory, the California Register of Historic Resources (CRHR), or the National Register of Historic Places (NRHP). Based on the information contained in the DPR form and San José Evaluation and Tally, the motel does not appear eligible for listing in these registers for the following reasons:

- The motel buildings are a transition style of vernacular architecture that lack design distinction.
- Alterations and additions to the motel buildings have changed the original design.
- The motel had a minor role in the history of the travel and lodging commerce industry.
- The motel has no association with important events or people.
- The San José Evaluation and Tally rated the property 37.3 points, which is below the rating (i.e., 67 points) necessary to qualify as a Candidate City Landmark under the San José Historic Preservation Ordinance.

The existing motel does, however, does qualify as a Structure of Merit under the San José Evaluation and Tally.[12] Therefore, the following standard permit condition would be implemented.

Standard Permit Conditions

- **Documentation.** Prior to demolition, the Structure of Merit shall be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black and white views of the building to the following standards, and conducted by a qualified consultant

[11] Urban Programmers. *California Department of Parks and Recreation Primary Record, Charles Motel, 1036 N 4th St. San José CA.* August 11, 2017.
[12] Archives and Architecture. *Peer Review, 1036 North Fourth St. Historic Evaluation, North Hotel Project, San José, Santa Clara County, California (APN#235-09-021).* November 30, 2017.

meeting the professional qualification standards of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Department of Parks and Recreation, Primary Record (DPR A) and Building, Structure, and Object (DPR 523B) forms:

- *Cover sheet* – The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
- *Camera* – A 35 mm camera.
- *Lenses* – No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
- *Filters* – Photographer's choice. Use of a pola screen is encouraged.
- *Film* – Must use black and white film; tri-X, Plus X, or T-Max film is recommended.
- *View* – Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
- *Lighting* – Sunlight is usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
- *Technical* – All areas of the photograph must be in sharp focus

Evidence that the photo documentation, including the original prints and negatives, has been submitted to History San José (1650 Senter Road, San José, CA 95112-2599), shall be provided to the City's Historic Preservation Officer. Digital photos may be provided as a supplement to, but not in place of, the above photo documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted in fulfillment of standard measures for the loss of the Structure of Merit, which shall be named and the address stated.

- **Relocation.** Prior to demolition and/or issuance of Public Works clearance, the structure(s) shall be advertised for relocation. The project applicant shall provide evidence that the structure has been retained and advertised for relocation by placing an advertisement in a newspaper of general circulation, posting on a website, and on-site posting for 60 days. The draft public notice shall be submitted to the City's Historic Preservation Officer for review prior to publication.

- **Salvage.** If relocation is not successful, prior to issuance of Public Works Clearance, the structure and site shall be retained and advertised for salvage by placing an advertisement in a newspaper of general circulation, posting on a website, and on-site posting for 30 days.

While the City deems Structures of Merit as important local resources, they are not considered significant historic resources under CEQA. Therefore, demolition of this structure would have a less than significant impact on historic structures.

With the standard permit conditions, the proposed redevelopment of the project site would not cause a substantial adverse change in the significance of an historical resource. **[Less Than Significant Impact]**

b) Cause a substantial adverse change in the significance of an archaeological resource?

Per the archaeological sensitivity mapping completed as part of the Envision San José 2040 General Plan Environmental Impact Report, the project site is not located in an archaeologically sensitive area.[13] Therefore, the potential for archaeological resources to be uncovered during construction of the proposed project is low. The following standard permit conditions are included in the project to protect archaeological resources in the unlikely event they are discovered during construction grading and excavation activities.

Standard Permit Conditions

In the event that human remains and/or cultural materials are found, all Project related construction shall cease within 50 feet in order to proceed with testing and development of mitigation measures as required. 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, the following actions shall occur should human remains and/or cultural materials be found:

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- A final report shall be submitted to the City of San José Planning Division's Environmental Team Supervising Planner (Environmental Supervising Planner). This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Environmental Supervising Planner.

With implementation of the standard permit conditions listed above, the proposed project would not result in a significant impact to archaeological resources. **[Less than Significant Impact]**

c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

Paleontological resources comprise fossils, together with the geologic context in which they occur. The project site, along with the majority of the City of San José, is within an area of high paleontological sensitivity at depth. Based on the age and type of surface soils, the site is not

[13] Basin Research Associates. *Cultural Resources Existing Setting, Envision San José 2040 General Plan, Santa Clara County, California*. July 2009.

within an area of high paleontological sensitivity at the surface.[14] Additionally, the soil on the project site was previously disturbed during construction of the existing motel development. Construction of the proposed hotel, which would include one level of below grade parking, would require excavating to a depth of approximately 20 feet. Therefore, construction activities may result in the accidental destruction or disturbance of paleontological resources, which could convey important information. The following standard permit conditions are included in the project to reduce and avoid impacts to as yet unidentified paleontological resources during grading and excavation activities.

Standard Permit Conditions

- **Provide Preconstruction Worker Awareness Training.** The project proponent will ensure that all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training will be prepared and presented by a qualified paleontologist.

- **Stop Work.** If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist 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 City will be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented.

With implementation of the standard permit conditions listed above, the proposed project would not result in a significant impact to paleontological resources. **[Less than Significant Impact]**

d) Disturb any human remains, including those interred outside of dedicated cemeteries?

As discussed above, it is unlikely human remains would be uncovered during construction of the proposed project. The following standard permit condition is included in the project to protect human remains in the unlikely event they are discovered during construction grading and excavation activities.

Standard Permit Condition

- 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

[14] C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

- A report of findings documenting any data recovery shall be submitted to the Director of PBCE and the Northwest Information Center.

With implementation of the standard permit condition listed above, the proposed project would not result in a significant impact to human remains. **[Less than Significant Impact]**

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

California Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. No tribes have sent written project notification requests to the City of San José except for projects in Coyote Valley (approximately 14 miles southeast of the site). Additionally, on September 5, 2017, the City of San José resent notification letters via certified mail to the Native American Heritage Commission identified tribal contacts. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes.

As discussed above, the project site is not located in an archaeologically sensitive area. Therefore, it is unlikely that archaeological resources would be uncovered during construction of the proposed project. The proposed project, with implementation of the standard permit conditions listed above to protect archaeological resources in the unlikely event they are discovered during construction grading and excavation activities, would result in a less than significant impact to tribal cultural resources. **[Less than Significant Impact]**

4.6 GEOLOGY AND SOILS

The following discussion is based, in part, upon a Geotechnical Investigation completed for the project by Romig Engineers, Inc, which is included as Appendix D to this Initial Study.

4.6.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☐	☒	1, 2, 17
2. Strong seismic ground shaking?	☐	☐	☐	☒	1, 2, 17
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	1, 2, 17
4. Landslides?	☐	☐	☐	☒	1, 2, 17
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 2, 17
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	1, 2, 17
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☐	☒	1, 2, 17
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?	☐	☐	☐	☒	1

4.6.2 Impact Discussion

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?

The project site is located within the seismically-active San Francisco Bay region; however, the site is not located within a designated Alquist-Priolo Earthquake Fault Zone or a State or County Fault Rupture Hazard Zone.[15] [16] Therefore, active faults are not believed to exist beneath the site, and the potential for fault rupture to occur at the site is considered low.[17] Local ground cracking, however, is possible due to the high seismic activity of the region, and the potential exists for strong ground shaking at the site from a large earthquake.

The site is not located within a State or County Landslide Hazard Zone, and based on the findings of the Preliminary Geotechnical Investigation completed for the site, the proposed project would not be subject to impacts from seismic-related hazards including lateral spreading, slope instability, or landslides.

The project site is located within a State and County Seismic Hazard Zone for liquefaction, and the Geotechnical Investigation completed for the proposed project confirmed that liquefiable soils are located beneath the site. This can result in ground failure (e.g. fissures), foundation bearing failure, and settlement of the ground surface, which can damage structures and endanger future building occupants. As described below, the project includes measures to reduce the site's susceptibility to strong seismic ground shaking and liquefaction.

Standard Permit Conditions

- The proposed project shall be designed and constructed in accordance with the most recent California Building Code, which contains the regulations that govern the construction of structures in California. Adherence to the California Building Code would ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse.

- A geotechnical investigation report addressing the potential liquefaction hazard shall be submitted to, reviewed, and approved by the City Geologist prior to the issuance of a Grading Permit or Public Works clearance for Building Permits.

The proposed project would not change or exacerbate the geologic or soil conditions in the project area and, therefore, would not result in a significant seismic hazards impact. **[No Impact]**

b) Result in substantial soil erosion or the loss of topsoil?

Although the project site is flat, ground disturbance during construction of the proposed project would expose soils, increasing the potential for wind and/or water erosion at the site. As discussed in *Section 4.3, Air Quality* and *Section 4.9, Hydrology and Water Quality*, measures are included in the proposed project to reduce the impacts from wind and water erosion to a less than significant level. **[Less Than Significant Impact]**

[15] Santa Clara County. "Geologic Hazard Zones Geobrowser". Accessed December 7, 2017. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.
[16] California Department of Conservation. "CGS Information Warehouse: Regulatory Maps". Accessed December 7, 2017. Available at: http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[17] Romig Engineers, Inc. *Geotechnical Investigation for 1036 N. 4th Street*. May 2016.

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

The topography of the project site and surrounding area is flat and there are no open faces or channels located in the project vicinity. For these reasons, the site is not susceptible to on- or off-site landslides or lateral spreading. The project site is, however, located within a liquefaction hazard zone. Implementation of the standard permit conditions identified above under checklist question a) and included in the project would reduce project susceptibility to liquefaction.

The proposed project would not change or exacerbate the geologic or soil conditions in the project area and, therefore, would not result in a significant impact related geologic or soil instability. **[No Impact]**

d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2007), creating substantial risks to life or property?

As indicated in the Preliminary Geotechnical Investigation completed for the project, soil on the project site is moderately expansive. Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. Structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils are not considered during project design and construction. Implementation of the standard permit conditions identified under checklist question a) and included in the project would reduce project susceptibility to on-site expansive soils.

The proposed project would not change or exacerbate expansive soil conditions in the project area and, therefore, would not result in a significant impact related expansive soil. **[No Impact]**

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?

The project does not propose the use of septic tanks or other alternative wastewater disposal systems. **[No Impact]**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1, 2, 8
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	1, 2, 8

4.7.2 Impact Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction

Construction of the proposed hotel would temporarily generate Greenhouse Gas (GHG) emissions due to the operation of construction equipment and vehicles traveling to and from the project site. Construction-related GHG emissions vary depending on the amount, duration, and type of construction. Because project construction would be temporary and would not result in a permanent increase in emissions that would interfere with long-term GHG reduction goals, the temporary increase in emissions would be less than significant. **[Less Than Significant Impact]**

Operational Emissions

The existing project site is developed with a 10-room motel. GHG emission associated with the existing motel are the result of vehicle trips to and from the motel and operation of the motel's heating, cooling, and electrical systems. Consistent with the project site's existing Envision San José 2040 General Plan land use designation (i.e. *Neighborhood/Community Commercial*) and zoning district (*CP Commercial Pedestrian*) the project proposes to redevelop the site with a 59-room hotel. The proposed project would intensify the uses on the project site, increasing vehicle trips and energy usage compared to existing conditions.

The City of San José has an adopted Greenhouse Gas (GHG) Reduction Strategy. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies. The proposed project is consistent with the project site's existing Envision San José 2040 General Plan land use designation and, therefore, is consistent with the land use assumptions of the San José GHG Reduction Strategy. As discussed below under checklist question b), the proposed project would implement the mandatory and voluntary GHG reduction measures required by the City and, therefore, is consistent with the City of San José

GHG Reduction Strategy. Per the BAAQMD CEQA Air Quality Guidelines, in jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the GHG Reduction Strategy reduces a project's contribution to cumulative GHG emission impacts to a less than significant level. For these reasons, the proposed project would have a less than significant GHG emissions impact. **[Less Than Significant Impact]**

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The City of San José GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures would be considered mandatory for all proposed development projects, while others would be considered voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the discretion of the City. Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy.

The primary test for consistency with the GHG Reduction Strategy is conformance to the Envision San José 2040 General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for all development proposals are required to address the consistency of individual projects with the goals and policies in the Envision San José 2040 General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020. If approved, the proposed project would be constructed and operational prior to the year 2020.

The proposed project's consistency with these measures is discussed below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (Envision San José 2040 General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinances and Policies
   - Consistency with GHG Reduction Strategy Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (Envision San José 2040 General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (Envision San José 2040 General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (Envision San José 2040 General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (Envision San José 2040 General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the Envision San José 2040 General Plan designation for the site. The proposed hotel building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and California Building Code requirements. The project would be designed to achieve minimum LEED certification in compliance with Policy 6-32. Given the project's consistency with the Envision San José 2040 General Plan land use designation and compliance with Policy 6-32, the project would be consistent with the mandatory criteria 1, 2, and 3.

Criteria 4 - 7 are not applicable to the proposed project because there are no historic structures on site, the project is not an energy-intensive use, nor would it be a large employer, and the project does not propose drive-through or vehicle serving uses. For these reasons and those stated above, the proposed project would not conflict with the City of San José GHG Reduction Strategy. **[No Impact]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, upon a Phase I Environmental Site Assessment completed for the project site by Romig Engineers, Inc., and included as Appendix E to this Initial Study.

4.8.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:						
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 2, 19
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?	☐	☐	☒	☐	1, 2, 19
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1, 2, 19
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1, 14, 15, 16, 19
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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1, 2, 20
f)	For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1, 2
g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2, 26

4.8.2 Impact Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Hazardous materials used in hotels are those commonly found in residential and office uses, such as cleaning products, pesticides, paint, oil and batteries. The proposed hotel would not use acutely or extremely hazardous materials. For these reasons, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **[Less Than Significant Impact]**

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?

On-site

Topographic maps dating to 1899 and aerial photographs dating back to 1939 show that the project site was undeveloped vacant land prior to construction of the existing on-site motel in 1948. State and local file review materials did not reveal underground storage tanks or hazardous materials use or contamination issues reported for the project site.

Asbestos-Containing Materials and Lead-Based Paint

The existing motel on the project site was constructed in 1948 and, therefore, most likely has asbestos containing materials (ACMs) and/or lead-based paint. As a result, asbestos and/or lead-based paint particles could be released into the air during demolition of the motel, exposing construction workers and/or nearby residents and building occupants to harmful levels of asbestos and/or lead.

Standard Permit Conditions – Asbestos and Lead

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with the Division of Occupational Safety and Health (Cal/OSHA) Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The proposed project, with implementation of standard permit conditions, would not result in a significant impact from on-site hazardous materials. **[Less Than Significant Impact]**

Off-site

The project site is surrounded by a mix of residential and commercial uses. Regulatory databases were reviewed to identify known or suspected off-site sources of contamination. No off-site spill incidents were reported that appear likely to significantly impact soil, soil vapor, or groundwater beneath the site. The potential for impact was based on the types of incidents reported in the project area, the locations of the reported incidents in relation to the site, and the assumed groundwater flow direction (north/northeast). For these reasons, development of the proposed hotel would not result in a significant impact from off-site hazardous materials conditions. **[Less Than Significant Impact]**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is located within one-quarter mile of Burnett Academy Middle school. The proposed project, however, would not emit hazardous emissions or handle acutely hazardous materials. The project would not result in a significant impact due to hazardous emissions or hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **[Less Than Significant Impact]**

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and update (at least annually) a list of hazardous waste and substances sites. This list is used by the State, local agencies, and developers to comply with CEQA requirements. The list includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

Based on a search of the State regulatory databases (i.e., Geotracker databases managed by SWRCB, a list of solid waste disposal sites identified by SWRCB, a list of "active" Cease and Desist Orders and Cleanup and Abatement Orders managed by the SWRCB, Envirostor managed by DTSC, and a list of hazardous waste facilities subject to corrective action identified by DTSC), the project site is not listed on the hazardous waste or substances sites updated annually per Section 65962.5 of the Government Code.[18] **[No Impact]**

[18] CalEPA. "Cortese List Data Resources." Accessed December 20, 2017. Available at: http://www.calepa.ca.gov/site-cleanup/cortese-list-data-resources/.

e) Result in a nearby airport-related safety hazard for people residing or working in the project area?

The primary hazard related to airport operations is the potential for accidents. Norman Y. Mineta San José International Airport is located approximately 3,200 feet west of the project site. There are no other airports located in the immediate project area. Based on the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP), the site is not within an Airport Safety Zone or within the Airport Influence Area.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. For the project site, any proposed structure of a height greater than approximately 45 feet above ground level (AGL) would trigger FAR Part 77 safety review by the Federal Aviation Administration (FAA). The proposed hotel would have a maximum height of 50 feet; therefore, the project requires FAR Part 77 safety review by the FAA.

The proposed project, with implementation of FAA determination conditions identified during the FAR Part 77 safety review process, would not result in a significant impact related to public airport and aircraft related hazards. **[Less Than Significant Impact]**

f) Result in a private airstrip-related safety hazard for people residing or working in the project area?

There are no private airstrips in the vicinity of the project site. The proposed project would not result in significant impacts related to private airstrip safety hazards. **[No Impact]**

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The proposed redevelopment of the site with a hotel would not affect emergency evacuation routes or otherwise impair or interfere with the implementation of the City's Emergency Operations Plan or statewide emergency response or evacuation plan. The proposed project would not result in significant impacts related to the impairment of an adopted emergency response plan or emergency evacuation plan. **[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?

The project site is located in central San José in an area developed with urban uses. There are no wildlands located near the site. The project site is not located within a Very High Fire Hazard Severity Zone and is not subject to hazards from wildland fire.[19] Therefore, implementation of the proposed project would not expose people or structures to risk from wildland fires. **[No Impact]**

[19] CalFire. *Santa Clara County – Very High Fire Hazard Severity Zones in LRA.* October 2008.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1, 2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1, 2, 17, 27
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 which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1, 2
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1, 2
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1, 2
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1, 2, 21
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1, 2, 21
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1, 2, 28
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1, 2, 22

4.9.2 Impact Discussion

a) Violate any water quality standards or waste discharge requirements?

Construction Water Quality Impacts

Construction of the proposed project, including grading and excavation activities, could result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction activity that results in land disturbance equal to or greater than one acre must obtain coverage under the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities, which is administered by the State Water Resources Control Board. The project would disturb less than one acre of soil and, therefore, would not require coverage under the NPDES General Permit for Construction Activities.

Whether subject to the NPDES General Permit for Construction Activities or not, all development projects in the City shall comply with the City of San José's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while the site is under construction. Consistent with the City of San José's Grading Ordinance, the following standard project conditions shall be implemented to prevent stormwater pollution and minimize potential erosion and sedimentation during construction.

Standard Permit Conditions

- Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project shall submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Post-Construction Water Quality Impacts

The proposed project would incrementally increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 1,475 square feet. Under Provision C.3 of the RWQCB's Municipal Regional Stormwater NPDES Permit (MRP), redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require that all post-construction runoff be treated by using Low Impact Development (LID) treatment controls (e.g., biotreatment facilities). Development of the proposed project would result in the replacement of more than 10,000 square feet of impervious surfaces. Therefore, the project would be required to comply with Provision C.3 of the MRP to reduce potential post-construction water quality impacts.

The MRP 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 increase in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project will not be required to comply with the hydromodification requirements of the MRP because it will replace less than one acre of impervious surface and is located in a subwatershed greater than or equal to 65 percent impervious.

The City has developed polices that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts form development projects. The project shall comply with applicable provisions of City Council Policy 6-29 Post-Construction Urban Runoff Management. As noted above, the proposed project would not be subject to the hydromodification requirements of the MRP; therefore, City Council Policy 8-14 Post-Construction Hydromodification Management is not applicable to the project. As described below, measures are included in the proposed project to reduce post-construction impacts to water quality.

Standard Permit Condition

- In order to meet the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP, the project will design and construct (Low-impact development) LID stormwater treatment control measures to treat runoff from impervious surfaces. Stormwater from these areas will drain into the treatment area prior to entering the storm drainage system. The proposed stormwater treatment would reduce the rate of stormwater runoff while also removing pollutants. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the MRP will be included in the project design to the satisfaction of the Director of Planning, Building and Code Enforcement prior to issuance of a development permit.

The proposed project, with implementation of the standard permit conditions listed above and included in the project, would not violate any water quality or water discharge requirements. **[Less Than Significant Impact]**

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

According to the Phase I Environmental Site Assessment completed for the project site, the site lies at the edge of the Santa Clara Valley Ground Water Basin. Groundwater is present beneath the site at approximately 15 feet below ground surface. Deeper large aquifers underlie the alluvial plain below about 250 feet that supply large quantities of groundwater for municipal, drinking water, and industrial use.[20] The site is developed and consists of mostly impervious surfaces. The proposed project would incrementally increase impervious surfaces on the

[20] Romig Engineers, Inc. *North Fourth Street Hotel Phase I ESA.* April 2016.

project site by approximately 1,475 square feet. This incremental increase in impervious surfaces would not interfere substantially with groundwater recharge. Furthermore, the site is not located within a designated groundwater recharge zone.[21] For these reasons, the proposed project would not result in a significant impact to groundwater supplies or groundwater recharge. **[Less Than Significant Impact]**

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 which will result in substantial erosion or siltation on- or off-site?

The existing stormwater system collects untreated stormwater from the site and surrounding area and discharges it directly into Guadalupe River through an existing outfall. The proposed project would incrementally increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 1,475 square feet. The drainage pattern under the proposed project would be similar to existing conditions, except the runoff generated by the project site would be treated by on-site stormwater treatment control measures, prior to entering the stormwater drainage system and discharging to the Guadalupe River. The proposed stormwater treatment would reduce the rate of stormwater runoff while also removing pollutants. For these reasons, the proposed project would not substantially alter the existing drainage pattern of the site and would not result in substantial erosion or siltation. **[Less Than Significant Impact]**

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

As discussed above, the proposed project would not substantially alter the drainage pattern of the site or area. All stormwater runoff generated by the proposed project would be diverted to on-site stormwater treatment control measures, prior to entering the City's stormwater drainage system and discharging to the Guadalupe River. The on-site stormwater treatment control measures would reduce both the rate and volume of runoff generated by the project. For these reasons, development of the proposed project would not substantially alter the existing drainage pattern of the site and would not substantially increase the rate or volume of surface runoff in a manner that will result in flooding on- or off-site. **[Less Than Significant Impact]**

e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The existing project site is mostly developed with impervious surfaces. All stormwater runoff generated by the existing project site enters the City storm drainage system untreated and is discharged to the Guadalupe River via an existing outfall. The proposed project would incrementally increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 1,475 square feet. All stormwater runoff generated by the proposed project would be diverted to the proposed on-site stormwater treatment control measures, prior to entering the City's stormwater drainage system and discharging to

[21] Santa Clara Valley Water District. *Groundwater Management Plan.* November 2016.

Guadalupe River. The proposed stormwater treatment control measures would reduce both the rate and volume of runoff generated by the project while also removing pollutants. For these reasons, the proposed project would not create or contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. **[Less Than Significant Impact]**

f) Otherwise substantially degrade water quality?

As discussed above, the proposed project would implement measures to reduce water quality impacts during construction and operation of the proposed project to a less than significant level. Groundwater may be encountered during construction of the proposed below-grade parking garage and, as a result, excavation dewatering may be necessary. If excavation dewatering is necessary during construction, the pumped water would be treated and discharged to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region (Regional Water Board) NPDES permit. The proposed project does not include other components or features that could degrade water quality. **[Less Than Significant Impact]**

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project site is not within a designated Federal Emergency Management Agency's (FEMA) 100-year floodplain. The project site is located in Flood Zone X. Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.[22] **[No Impact]**

h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

As described above, the proposed project is not located within a 100-year flood hazard area. Therefore, the proposed project would not impede or redirect 100-year flood flows. **[No Impact]**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The Association of Bay Area Governments compiled the dam failure inundation hazard maps submitted to the California State Office of Emergency Services by dam owners throughout the Bay Area. The project site is located within the Anderson Reservoir (Anderson Dam)/Lake Elsman (Austrian Dam)/Lexington Reservoir (Lenihan Dam) failure inundation zone.[23] The potential for dam failure is reduced by several regulatory inspection programs and the risk to people and property, if damage were to occur, is reduced by local hazard mitigation planning. As such, implementation of the proposed project would not expose people or structures to a

[22] Federal Emergency Management Agency. *National Flood Hazard Map, Community Panel Number 06085C0232H*. November 2017.
[23] Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for NW* San José*/Milpitas/Santa Clara*. October 2003.

significant risk of loss, injury, or death due to levee or dam failure. **[Less Than Significant Impact]**

j) Result in inundation by seiche, tsunami, or mudflow?

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that would affect the project in the event of a seiche.

A tsunami or tidal wave is a series of water waves caused by displacing a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. The project site is not located within a tsunami inundation hazard area.[24]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site and surrounding area are flat. Therefore, the site is not susceptible to mudflows.

For these reasons, the proposed project would not be subject to inundation by seiches, tsunamis, or mudflows. **[No Impact]**

[24] California Department of Conservation. "Santa Clara County Tsunami Inundation Quads". Accessed December 5, 2017. Available at: http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/SantaClara

4.10 LAND USE AND PLANNING

4.10.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2, 6
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1, 2, 11

4.10.2 Impact Discussion

a) Physically divide an established community?

Impacts to an established community can occur if the project physically divides a community. Examples of projects that have the potential to physically divide an established community typically include linear projects such as freeways, railways, and aqueducts. The project site is located in central San José in an area developed with residential and commercial uses. The layout and design of the proposed project does not include any features that would physically divide the surrounding community. **[No Impact]**

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is currently developed with a motel and is designated *Neighborhood/Community Commercial* in the Envision San José 2040 General Plan and zoned *CP Commercial Pedestrian*. Hotels, such as the proposed project, are an allowed use under the *Neighborhood/Community Commercial* land use designation and a hotel is permitted in the *CP Commercial Pedestrian* zoning district with a Special Use Permit. As such, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigation an environmental affect. **[No Impact]**

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project site is located in the Urban Areas Land Cover Fees Zone within the SCVHP study area and supports Urban Suburban land cover. As discussed in *Section 4.4, Biological*

Resources, the proposed project would not conflict with the SCVHP and would pay applicable fees to reduce the project's indirect impacts due to nitrogen deposition. As such, the project would not conflict with the SCVHP. **[No Impact]**

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2

4.11.2 Impact Discussion

a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?

The City of San José contains mineral resources including construction aggregate deposits such as sand, gravel, and crushed stone. Communications Hill, in central San José, is the only area that is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975.

The project site is located approximately 5.67 miles northwest of Communications Hill. Therefore, the project site does not contain and the proposed project would not result in the loss of availability of known mineral resources. **[No Impact]**

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?

As discussed above, the project site is not located in an area containing known mineral resources. Therefore, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site. **[No Impact]**

4.12 NOISE AND VIBRATION

The following discussion is based, in part, upon Noise Assessment completed for the project by Edward L. Pack Associates, Inc., and included as Appendix F to this Initial Study.

4.12.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
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?	☐	☐	☒	☐	1, 2, 29
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐	1, 2, 29
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 29
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 29
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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 2, 20, 29
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 2, 29

4.12.1.1 *Noise and Vibration Thresholds*

Noise

State of California Code of Regulations, Title 24

The State of California Title 24 standards use the day-night sound level (DNL) descriptor and specify an exterior noise criterion of 60 dB DNL for the requirement of a noise analysis.

City of San José Policies and Thresholds

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 Accept- able" level.

Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

- For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

The noise and land use compatibility guidelines set forth in the Envision San José 2040 General Plan are shown in Table 4.12-1, below.

Table 4.12-1: Envision San José 2040 General Plan Land Use Compatibility Guidelines

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

Notes: [1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Vibration

City of San José Policies and Thresholds

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.

There are no vibration sensitive historic structures located proximate to the project site. Therefore, consistent with Policy EC-2.3, a significant impact would be identified if vibration levels at adjacent structures have the potential to exceed 0.20 in/sec PPV as a result of project demolition and construction activities.

4.12.2 Impact Discussion

a) 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?

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Noise is typically expressed using one of several noise averaging methods, including: L_{eq}, L_{max}, DNL, and CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time. The most common averaging period is hourly but L_{eq} can describe any series of noise events in arbitrary duration. L_{max} is the maximum A-weighted noise level during a measurement period. DNL and CNEL are described below.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most household noise also decreases at night, making exterior noises more noticeable. Furthermore, most people sleep at night and are very sensitive to noise intrusion. The DNL descriptor was developed to account for human sensitivity to nighttime noise levels. The DNL divides the 24-hour day into the daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM). The nighttime noise level is weighted 10 dB higher than the daytime noise level. The Community Noise Equivalent Level (CNEL) is another 24-hour average descriptor which includes both an evening and nighttime weighting.

Noise Exposure and Generation

The highest noise levels at the project site are along North 4th Street and are the result of vehicular traffic.

Exterior Noise Levels

Taking into account the shielding provided by the proposed hotel building, noise levels at the proposed ground floor common area located at the rear of the site is predicted to be 41 dBA DNL. Predicted noise levels at the proposed outdoor common area would be below the City's 60 dBA DNL threshold. **[Less Than Significant Impact]**

Interior Noise Levels

The proposed hotel would be set back approximately 72 feet from the centerline of North 4th Street. As a result, the hotel rooms nearest North 4th Street would be exposed to exterior noise levels up to 66 dBA DNL, which exceeds the City's exterior noise goal and the State Building Standards Code criterion of 60 dBA DNL for hotel uses.

Standard Permit Condition

- Consistent with City policy and as required under Title 24 of the State Building Standards Code, an acoustical analysis shall be performed. All recommendations from the acoustical

analysis shall be incorporated into project design. Conformance with State Building Standards Code will ensure interior noise levels at all hotel rooms would be at or below the 45 dBA DNL standard.

With implementation of the standard permit condition, interior noise levels at all hotel rooms would be at or below the 45 dBA DNL standard. **[Less Than Significant Impact]**

Operational Noise Exposure

Operational noise generated by the proposed project would be caused by project traffic and roof-top mechanical equipment. The project is estimated to generate approximately 453 daily trips (see *Section 4.16 Transportation*). The existing traffic volume on North 4th Street is approximately 11,438 average daily trips (ADT). With project implementation, the ADT would increase to 11,991 vehicles, resulting in a less than one decibel increase in noise exposure. This represents a less than significant increase in noise levels in the project vicinity. Given the planned growth of the area and accompanying increase in traffic, the noise increase resulting from project-generated traffic would be less than significant.

The proposed project includes roof-top mechanical equipment, consisting of two air-conditioning units centrally located on the rooftop and surrounded by a five-foot screening wall. Noise levels during operation of the proposed air conditioning units were projected at the nearest residential properties. Project roof-top mechanical equipment noise at the residential property lines north and east of the site would be 39 dBA and 28 dBA, respectively, which is below the 55 dBA limit specified in the City of San José Zoning Ordinance. Project roof-top mechanical equipment, therefore, would not result in a significant operational noise impact. **[Less Than Significant Impact]**

b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Project construction is expected to take less than 12 months to complete. The use of heavy equipment or impact tools (e.g., jackhammers, hoe rams) and heavy tracked vehicles (e.g. excavators) during demolition of the existing structures and construction of the proposed hotel would generate short-term groundborne vibration.

Construction of the proposed below-grade parking garage would occur at the property lines within approximately 12.5 and six feet of the existing two-story apartment building and two residential garages located to the north and east, respectively. These structures are of light wood framed construction with stucco sides and built on post beam foundations. There are no sensitive historic structures located proximate to the project site. The proposed project does not require pile driving. Given their proximity, the existing buildings nearest to the project site could be exposed to excessive groundborne vibration during project demolition and construction activities.

Impact NOI-1: Existing structures adjacent to the project site could be exposed to excessive groundborne vibration during project demolition and construction activities.

Mitigation Measures: The following measures are included in the project to reduce short-term construction vibration impacts to a less than significant level:

MM NOI-1: Per General Plan Policy EC-2.3, the project applicant shall ensure that vibration at adjacent structures during project demolition and construction activities does not exceed 0.20 in/sec PPV. As specified in the Noise Assessment completed for the project, this can be accomplished by limiting the use of construction equipment near adjacent structures to the distances shown in Table 4.12-2, below. This measure shall be printed on all project construction, grading, and demolition plans, which shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement for review and approval.

Table 4.12-2: Construction Equipment Vibration Distances from Adjacent Structures

Construction Equipment Type	Distance for 0.20 PPV Limit*
Backhoe	15
Bulldozer (Large)	13
Bulldozer (Small)	1.5
Clam Shovel	23
Compactor	25
Concrete Mixer	12
Concrete Pump	12
Crane	3
Dump Truck	12
Excavator	13
Front Loader	13
Grader	13
Hoe Ram	13
Hydra Break Ram	35
Jackhammer	7
Loaded Trucks	12
Paver	12
Soil Sampling Rig	13
Tractor	12
Vibratory Roller (Large)	39
Vibratory Roller (Small)	20
*Measured in feet	

With implementation of mitigation measure MM NOI-1, the existing buildings nearest to the project site would not be exposed to excessive groundborne vibration during project demolition and construction activities. **[Less Than Significant Impact with Mitigation Incorporated]**

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Similar to the existing motel use on the project site, the vehicles of hotel guests and employees driving to and from the site would generate noise. Additionally, as discussed above under checklist question a), operation of project rooftop mechanical equipment would also generate noise. Vehicles traveling on the surrounding roadways are the predominant noise source in the project area. Existing traffic volumes on these roadways are relatively high. Typically, roadway traffic volumes must double to result in a noticeable (i.e., three dBA) noise increase. Traffic volumes on the surrounding roadways would not double as a result of the proposed project. The project is anticipated to generate approximately 453 daily trips (see *Section 4.16 Transportation*). The existing average daily trip volume of North 4th Street is approximately 11,438 trips. Therefore the addition of project-generated traffic would not noticeably increase noise levels in the project area. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity. **[Less Than Significant Impact]**

d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Project construction would generate noise, temporarily increasing noise levels at the nearby residential properties for approximately 12 months. The potential for noise impacts during project demolition and construction activities would depend on the type of construction equipment used, the timing and duration of noise generating activities, and the distance between construction noise and noise sensitive receptors.

Construction equipment would generate noise levels ranging from 68 to 96 dBA at a 50-foot distance from the source. Construction noise levels drop off at a rate of about six dBA per doubling of distance between the noise and the receptor. The residences located immediately north and east of the project site would be the most susceptible to construction noise impacts.

Construction noise impacts are greatest when construction occurs during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when the construction extends for a long period of time. The hourly average noise levels at the nearest residences to the north and east would range from 65 to 93 dBA L_{eq} and 46 to 74 DBA L_{eq}, respectively. The highest hourly average noise levels would occur during site demolition and grading activities. The noise exposures would be as high as 90 dBA DNL and 71 dBA DNL at the residences to the north and east, respectively, on the noisiest days. Typical noise exposures from construction would range from approximately 57 to 85 dBA DNL at the residences to the north and approximately 38 to 66 dBA DNL at the residences to the east. Because the duration of substantial noise generating activities would be less than 12 months and the project includes measures to reduce construction noise (see below), the project construction noise impact is considered less than significant.

Standard Permit Conditions

- 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 within 500 feet of residences.

- Construct solid eight to 10 high plywood fences around the perimeter of the construction site adjacent to operational businesses, residences, or other noise-sensitive land uses.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- 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 five dBA.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Notify all adjacent businesses, 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.

- Additional temporary noise control blanket barriers could be erected, if necessary, along other residential building façades facing the site if determined to be necessary during construction. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and 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.

[Less Than Significant Impact]

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

The project site is located outside of the City of San José's projected 60 CNEL noise contour for the Norman Y. Mineta San José International Airport. Therefore, the proposed project would not be exposed to excessive noise levels due to airport operations. **[No Impact]**

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

The project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not be exposed to excessive noise levels due to airport operations. **[No Impact]**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) 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)?	☐	☐	☒	☐	1, 2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1, 2

4.13.2 Impact Discussion

a) 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)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Consistent with the existing Envision San José 2040 General Plan land use designation (*Neighborhood/Community Commercial*) and zoning (*CP Commercial Pedestrian*) for the project site, the project proposes to redevelop the project site with a 59-room hotel. The hotel is anticipated to have eight employees. Except for incrementally increasing on-site employment compared to the existing motel, the hotel does not include features that could induce population growth, and the incremental increase in jobs is consistent with the Envision San José General Plan, and would not induce substantial population growth. As such, the project would not induce substantial population growth in San José, either directly or indirectly. **[Less Than Significant Impact]**

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

The existing project site is developed with a motel, which includes one residence above the motel lobby for the motel operator. Therefore, the proposed project would displace one residence. The displacement of one residence is not substantial and would not necessitate the construction of replacement housing elsewhere. **[Less Than Significant Impact]**

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

There is one existing residence on the project site located above the motel lobby. The existing on-site residence does not provide housing for a substantial number of people. Therefore, the proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. **[Less Than Significant Impact]**

4.14 PUBLIC SERVICES

4.14.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:					
- Fire Protection?	☐	☐	☒	☐	1, 2
- Police Protection?	☐	☐	☒	☐	1, 2
- Schools?	☐	☐	☐	☒	1, 2
- Parks?	☐	☐	☐	☒	1, 2
- Other Public Facilities?	☐	☐	☐	☒	1, 2

4.14.2 Impact Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services?

Fire Protection and Police Protection

The project site, which is currently developed with a 10-room motel, is located in an urban area in central San José that is served by San José Fire Department and San José Police Department. Development. The proposed redevelopment of the site with a 59-room hotel would intensify the use of the site and, as a result, may incrementally increase the demand for fire and police protection services. The project, however, is not expected to substantially affect fire or police response times, or require the construction of new facilities. The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, the project would result in a less than significant impact on fire and police protection services. **[Less Than Significant Impact]**

Schools, Parks, and Libraries

The proposed project does not include residential development and, therefore, would not generate students or residents, which would increase the demand upon schools, parks, and

libraries in the project area. The project would not result in impacts to school, park, or library facilities. **[No Impact]**

4.15 RECREATION

4.15.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 will occur or be accelerated?	☐	☐	☐	☒	1, 2
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?	☐	☐	☐	☒	1, 2

4.15.2 Impact Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?

The proposed project, a 59-room hotel, does not include residential uses that would increase demand upon the existing recreational facilities in the project area. **[No Impact]**

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project includes on-site recreational facilities for the private use of hotel patrons. The impacts from construction and operation of these on-site facilities are evaluated in this Initial Study as part of the proposed project. The project does not propose or require the construction of off-site recreational facilities that could have an adverse effect on the physical environment. **[No Impact]**

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based, in part, upon a Traffic Analysis completed for the proposed project by the City of San José Department of Public Works, and included as Appendix G of this Initial Study.

4.16.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures 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?	☐	☐	☒	☐	1, 2, 23
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?	☐	☐	☒	☐	1, 2, 23
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?	☐	☐	☒	☐	1, 2, 20
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1, 2, 23
e) Result in inadequate emergency access?	☐	☐	☐	☒	1, 2, 23
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1, 2, 23

4.16.2 Impact Discussion

a) Conflict with an applicable plan, ordinance or policy establishing measures 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?

As established in City Council Policy 5-3 *Transportation Impact Policy* (2005), the City of San José uses the same level of service (LOS) method as the Santa Clara County Congestion Management Program (CMP), although the City's standard is LOS D rather than LOS E. The City's Transportation Impact Policy (also referred to as the Level of Service Policy) also protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, an in-house traffic analysis was completed for the project by the City of San José Department of Public Works. The proposed project would generate 453 net daily trips, of which 31 would occur during the PM peak hour. The results of the traffic analysis show that project-generated traffic would not impact intersections in the project area; therefore, the proposed project would meets the City's Transportation Impact Policy. The traffic analysis is included as Appendix G to this Initial Study.

As discussed below under checklist question f), the proposed project would not result in impacts to pedestrian, bicycle, or transit facilities. For this reason and those stated above, the proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. **[Less Than Significant Impact]**

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?

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara County CMP. State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The legislation requires that the CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element. As discussed above under checklist question a), in accordance with the CMP, an in-house traffic analysis was completed for the project by the City of San José Department of Public Works (refer to Appendix G). The proposed project would generate 31 net new PM peak hour trips. The results of the traffic analysis show that project-generated traffic would not impact intersections in the project area; therefore, the proposed project would not conflict with the CMP. **[Less Than Significant Impact]**

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?

Norman Y. Mineta San José International Airport is located approximately 3,200 feet west of the project site. There are no other airports located in the immediate project area. Based on the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP), the site is not within an Airport Safety Zone or within the Airport Influence Area.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. For the project site, any proposed structure of a height greater than approximately 45 feet above ground level (AGL) would trigger FAR Part 77 safety review by the Federal Aviation Administration (FAA). The proposed hotel would have a maximum height of 50 feet; therefore, the project requires FAR Part 77 safety review by the FAA.

The proposed project, with implementation of FAA determination conditions identified during the FAR Part 77 safety review process, would not result in a significant impact related to public airport and aircraft related hazards. **[Less Than Significant Impact]**

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

As shown on the site plan (refer to Figure 3-1), the proposed project would not substantially increase hazards due to a design feature. Similar to existing conditions, two driveways onto North 4th Street would provide vehicular ingress and egress for the proposed hotel. The proposed project is consistent with the existing Envision San José 2040 General Plan land use designation (Neighborhood/Community Commercial) and zoning district (*CP Commercial Pedestrian*) for the project site and compatible with the surrounding residential and commercial uses in the project area. The proposed site plan has been reviewed by the City and is consistent with applicable City design standards pertaining to driveway operations and sight distance, on-site vehicular circulation, and pedestrian access and circulation. For these reasons, the proposed project would not substantially increase hazards due to a design feature or incompatible land uses. **[Less Than Significant Impact]**

e) Result in inadequate emergency access?

The proposed site plan was reviewed by the San José Fire Department and Department of Public Works to ensure adequate emergency access. Project design complies with City standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius). **[No Impact]**

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

The existing sidewalks along the project frontage on North 4th Street would provide pedestrian access to the proposed hotel. The network of sidewalks and crosswalks in the project area has good connectivity and would provide the hotel patrons and employees safe pedestrian access to transit and surrounding uses in the project area. The project would not impact existing bicycle

or transit facilities (e.g., result in the removal of a bike lane or transit stop). As stated in the project description (*Section 3.2.3.2, Parking*), the project would provide seven on-site bicycle parking spaces (i.e., one space plus one per 10 guest rooms) for employees and guests. **[Less Than Significant Impact]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1, 2, 24
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?	☐	☐	☒	☐	1, 2, 24
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1, 2
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?	☐	☐	☒	☐	1, 2, 24
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 2, 29
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☐	☒	1, 2

4.17.2 Impact Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Wastewater from the project site is treated at the San José – Santa Clara Regional Wastewater Facility (RWF). The RWF is the largest tertiary treatment plant in the western United States with a 167 million gallons per day (mgd) treatment capacity. The RWF, however, is currently operating under a 120 mgd (dry weather) flow requirement. This requirement is based upon the SWRCB and the San Francisco Bay RWQCB concerns over the effects of additional freshwater discharges from the RWF on saltwater marsh habitat and pollutant loading to the Bay from the RWF. The RWF currently treats an average of 110 mgd. The proposed hotel would generate a

net increase of approximately 0.0035 mgd of wastewater.[25] The incremental increase in wastewater generated by the proposed project would not exceed the treatment requirements of the SWRCB or the San Francisco Bay RWQCB. **[Less Than Significant Impact]**

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?

Wastewater from the project area is treated at the RWF. The RWF has a 167 mgd treatment capacity. On average, the RWF treats 110 mgd of wastewater. The resulting freshwater is discharged from the RWF into the San Francisco Bay, or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 mgd of dry weather wastewater flow. The City's share of the RWF treatment capacity is 108.6 mgd, leaving the City approximately 38.8 mgd of excess treatment capacity.[26] Therefore, the 0.0035 mgd net increase of wastewater generated by the proposed hotel would not cause the RWF to exceed its capacity or discharge limit, and would be within San José's treatment allocation.

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. The existing sanitary sewer system downstream of the project site has sufficient capacity to serve the incremental increase in demand (i.e., 0.0035 mgd) generated by the proposed project. For these reasons, the construction of new water or wastewater treatment facilities would not be required for the proposed project. **[Less Than Significant Impact]**

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Under existing conditions, stormwater runoff from the project site enters the storm drainage system untreated. An existing 48-inch storm drain line on North 4th Street serves the site. Compared to existing conditions, the proposed project would incrementally increase the amount of on-site impervious surfaces (and associated runoff) by approximately 1,475 square feet. As discussed in *Section 4.9, Hydrology and Water Quality*, development of the proposed project would comply with provision C.3 of the MRP, requiring the provision of permanent on-site stormwater treatment controls. In addition to removing pollutants, the stormwater treatment controls would reduce the rate and volume of stormwater runoff generated by the project. For this reason, the runoff generated by the project would not exceed the capacity of the storm drainage facilities serving the project site and would not require new or expanded stormwater drainage facilities. **[Less Than Significant Impact]**

[25] Assumes 90 percent of total water use.
[26] San José, City of. *Envision* San José *General Plan Integrated Final Program EIR*. November 2011.

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

The water demand for the existing on-site 10-room motel is estimated to be approximately 770 gpd. The water demand for the proposed 59-room hotel is estimated to be 4,555 gpd, a net increase in demand of approximately 3,785 gpd above existing conditions.[27]

The project site is served by San José Water Company (SJWC). SJWC plans to meet future demand through increased groundwater pumping, increased treated water delivery, increased recycled water use, and conservation. SJWC does not anticipate additional storage capacity would be required to meet projected demand from planned development under the Envision San José 2040 General Plan. As discussed in *Section 4.10, Land Use and Planning*, the proposed project is consistent with development assumptions in the Envision San José 2040 General Plan. For these reasons, water supplies from existing entitlements and resources are sufficient to serve the incremental increase in water demand generated by the project. **[Less Than Significant Impact]**

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?

As discussed above, wastewater from the project area is treated at the RWF, which has a 167 mgd treatment capacity. The City's share of the RWF treatment capacity is 108.6 mgd. The City generates approximately 69.8 mgd of sewage, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[28] For these reasons, the 0.0035 mgd net increase of wastewater generated by the proposed hotel would not cause the RWF to exceed its capacity or discharge limit, and would be within San José's treatment allocation. **[Less Than Significant Impact]**

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

The existing 10-room motel is estimated to generate approximately 5.5 tons of solid waste a year.[29] The proposed 59-room hotel is estimated to generate approximately 32.5 tons of solid waste a year, a net increase of approximately 27 tons of solid waste a year to be served by local landfills. The solid waste generated by the proposed would be disposed at the Newby Island Landfill, which has an estimated remaining capacity to operate through 2041.[30] With implementation of Envision San José 2040 General Plan polices and the zero Waste Strategic Plan, the Envision San José 2040 General Plan FEIR concluded that solid waste generated by future development under the Envision San José 2040 General Plan would not exceed the permitted or actual capacity of existing landfills. For these reasons, the incremental increase in solid waste generated by the project would be accommodated by a landfill with sufficient permitted capacity. **[Less Than Significant Impact]**

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[27] California Emissions Estimator Model (CalEEMod). *Water Use Rates, Table 9.1*. 2016.
[28] San José, City of. *Envision* San José *General Plan Integrated Final Program EIR*. November 2011.
[29] California Emissions Estimator Model (CalEEMod). *Solid Waste Disposal Rates, Table 10.1*. 2016.
[30] City of San José. *Solid Waste Facility Permit. Facility Number: 43-AN-0003*. February 9, 2015. Available: http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Document.

g) Complies with federal, state, and local statutes and regulations related to solid waste?

Future development in San José, including the proposed project, would be required to comply with existing local and State programs and regulations. For example, in accordance with the current CALGreen Code, specific projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measure. With implementation of the existing programs, State regulations, Envision San José 2040 General Plan polices, and the City's Zero Waste Strategic Plan, the project would comply with federal, State, and local statutes and regulations related to solid waste. **[No Impact]**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?	☐	☒	☐	☐	1-30
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)?	☐	☒	☐	☐	1-30
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	1-30

4.18.2 Impact Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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 discussed in the prior sections of this Initial Study, the proposed project would not degrade the quality of the environment, substantially affect biological resources or eliminate important examples of California history or prehistory with implementation of the identified standard permit conditions and mitigation measures, consistent with applicable policies in the Envision San José 2040 General Plan. **[Less Than Significant Impact with Mitigation Incorporated]**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable."

As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

With the implementation of the mitigation measures and standard permit conditions identified in this Initial Study, consistent with applicable Envision San José 2040 General Plan policies, the proposed project's contribution to cumulative impacts would not be cumulatively considerable. **[Less Than Significant Impact with Mitigation Incorporated]**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. The potential for the proposed project to indirectly affect human beings is represented by all of the designated CEQA issue areas; those that could directly affect human beings include construction air quality and noise. Implementation of the mitigation measures and standard permit conditions identified in this Initial Study, consistent with applicable Envision San José 2040 General Plan policies, would reduce these impacts to a less than significant level. **[Less Than Significant Impact with Mitigation Incorporated]**

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. *Envision San José 2040 General Plan*. November 2011.
   ---. *Envision San José 2040 General Plan Integrated Final Program EIR*. November 2011.
   ---. Cultural Resources Existing Setting, Envision San José 2040 General Plan, Santa Clara County, California. July 2009.
   ---. *Paleontological Evaluation Report for the Envision San José 2040 General Plan.* September 2010.
   ---. *Supplemental Program Environmental Impact Report for the Envision San José 2040 General Plan*. December 2015.
3. California Department of Transportation. *California Scenic Highway Mapping System, Santa Clara County*. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed November 29, 2017.
4. California Department of Conservation. *Santa Clara County Important Farmland Map 2014*. October 2016
5. California Department of Conservation. *Santa Clara County Williamson Act Map FY 2015/2016*. 2016
6. City of San José. *Zoning Ordinance (Title 20)*. Available at: <http://sanjoseca.gov/index.aspx?nid=1751>. Revised August 17, 2017.
7. Bay Area Air Quality Management District. *Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area. Final 2017 Clean Air Plan*. April 2017
8. Bay Area Air Quality Management District. *California Environmental Quality Act: Air Quality Guidelines*. May 2017
9. Illingworth & Rodkin, Inc. *North Hotel Air Quality Assessment*. November 2017.
10. Kielty Arborist Services LLC. *1036 North 4th Street Tree Survey*. July 2016.
11. Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012
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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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