Initial Study

459 and 469 Piercy Road Hotel Projects

File No. C18-029, H18-016 & H18-029

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

January 2019

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: 459 and 469 Piercy Road Hotel Projects

PROJECT FILE NUMBERS: C18-029, H18-016 & H18-029

PROJECT DESCRIPTION: Conventional Rezoning from IP Industrial Park to CIC Combined Industrial/Commercial Zoning District on a 5.08-gross acre site; Site Development Permit to allow the construction of a five-story, 112-room hotel building on a 3.6-gross acre site at 459 Piercy Road; and Site Development Permit to allow the demolition of two existing structures approximately 4,800 square feet and 1,661 square feet, the construction of a six-story, 175-room hotel building with a public eating establishment, and the removal of five ordinance size trees a 2.02 gross acre site at 469 Piercy Road.

PROJECT LOCATION: 459 Piercy Road located east of Hellyer Avenue, between Piercy Road and Silver Creek Valley Road and 469 Piercy Road located on the northeast corner of Hellyer Avenue and Piercy Road

ASSESSORS PARCEL NOS.: 678-93-039 and 678-93-040 **COUNCIL DISTRICT:** 2

APPLICANT CONTACT INFORMATION:
File No. C18-029: Sunny Bhanot, 18181 Butterfly Boulevard Unit 125, Morgan Hill, CA 95037
File No. H18-016: Knowhere Holdings LLC (Attn: Bryan Robertson), 160 Main Street, Los Altos, CA 94022
File No. H18-029: Sunny Bhanot, 18181 Butterfly Boulevard Unit 125, Morgan Hill, CA 95037

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant 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 would not have a significant impact on this resource, therefore no mitigation is required.

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

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

D. **BIOLOGICAL RESOURCES.**

Impact BIO-1: Construction and demolition activities, including the removal of trees from the 469 Piercy Road project site, could impact nesting migratory birds.

MM BIO-1: The project applicants shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area extends from February 1st through August 31st (inclusive).

If demolition and construction activities cannot be scheduled between September 1st and January 31st (inclusive) to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. The pre-construction survey for nesting birds shall be conducted prior to initiation of construction, demolition activities, or tree removals no more than 14 days during the early part of the nesting season between February 1st and April 30th (inclusive) and no more than 30 days prior to initiation of these activities during the late part of the nesting season between May 1st and August 31st (inclusive).

If an active nest is found in or close enough to the project area to be disturbed by construction activities, a qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading, demolition, and/or building permit, and any tree removal, whichever occurs first in time.

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

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

G. **GREENHOUSE GAS EMISSIONS.**

Impact GHG-1: Operation of the 459 and 469 Piercy Road hotel projects would generate greenhouse gas (GHG) emissions that would have a cumulatively considerable contribution to global climate change.

MM GHG-1: Prior to issuance of any Public Works clearances, the project applicants for each hotel project shall implement separately for each hotel the following mitigation measures according to the hotel's date of occupancy.

- Develop a GHG emissions reduction plan that would (1) reduce emissions from implementation of the hotel projects, and (2) demonstrate reduction of GHG emissions resulting from implementation of the 459 and 469 Piercy projects will be reduced by a sufficient amount for each site to achieve the 2020 standard of 1,100 MT of CO2e/year, and the 2030 standard of 660 of CO2e/ year, which is based on the year each hotel would become operational, i.e. begin emitting GHG emissions from occupancy.
    - If both hotels are operational prior to January 1, 2021 they are subject to 2020 GHG reduction targets, and the projects would require GHG emission reductions of at least 458 MT of CO2e/year for the 459 Piercy project, and at least 1,335 MT of CO2e/year for the 469 Piercy project, such that each project would have GHG emissions not exceeding 1,100 MT of CO2e/year.
    - If both hotels are operational after December 31, 2020 they are subject to 2030 GHG reduction targets, the projects would require GHG emission reductions of at least 898 MT of CO2e/ year for the 459 Piercy project and at least 1,775 MT of CO2e/ year for the 469 Piercy project, such that each project would have GHG emissions not exceeding 660 MT of CO2e/ year. Elements of this plan may include, but would not be limited to, the following:

Elements of this plan the GHG emissions reduction plan may include, but would not be limited to, the following:

- Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
- Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise be approved by the BAAQMD in order to be used to offset Project emissions;
- Purchase of carbon credits to offset project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City;
- Develop and implement a transportation demand management (TDM) program to reduce mobile GHG emissions.

The GHG reduction plan for each hotel shall be submitted to the City of San José Supervising Environmental Planner, for approval prior issuance of any Public Works Clearances for each hotel.

H. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Historic activities on the project sites may have impacted subsurface soil from previous agricultural uses.

MM HAZ-1.1: The project applicants shall retain a qualified consultant to conduct soil sampling

to test shallow soils on the site for organochlorine pesticides and pesticide-based metals (e.g. lead and arsenic). The qualified consultant shall prepare documentation to outline the soil sample data and testing. If the residual contaminants are not detected and/or are found to be below the environmental screening levels (ESLs) for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.

If residual contaminants are found and are above ESLs, the project applicants shall implement appropriate management procedures, such as removal of the contaminated soil and/or capping the contaminated soil under clean soil or hardscape must be implemented under regulatory oversight from the SCCDEH or DTSC. Copies of all environmental investigations shall be submitted to the City's Environmental Services Department and the Supervising Environmental Planner prior to issuance of any grading permits.

I. HYDROLOGY AND WATER QUALITY.

Impact HYD – 1: The 469 Piercy Road project site has a water supply well on-site which could result in long-term contribution of pollutants in the groundwater if improperly abandoned.

MM HYD – 1: Prior to the issuance of any grading permits, the project applicant shall ensure the on-site well at 469 Piercy Road has been properly abandoned with oversight from the Santa Clara Valley Water District (SCVWD). A well destruction permit shall be obtained from the SCVWD and the well decommissioned in accordance with the conditions of the permit. A copy of the issued destruction permit shall be provided to the Public Works Engineer and the City's Environmental Supervising Planner along with SCVWD verification of implementation of, and compliance with, the well destruction permit.

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

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

L. NOISE AND VIBRATION.

Impact NOI-1: Mechanical equipment associated with the projects could generate noise in excess of the City's noise policy goal of 55 dBA DNL.

MM NOI-1: Consistent with the General Plan FEIR and City of San José Municipal Code, the project proposes to implement the following measures to ensure that project operational noise does not exceed 55 dBA DNL at residential property lines:

- A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits.

- Ensure that noise generating activities such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

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

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

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

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

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

R. **MANDATORY FINDINGS OF SIGNIFICANCE**

The project would not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday February 19, 2019** any person may:

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

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

Krinjal Mathur
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

1/25/19
Date

Deputy

Circulation period: January 29, 2019 to February 19, 2019

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
Cal/OSHA	California Occupational Safety and Health Administration
CCR	California Code of Regulations
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CAA	Clean Air Act
CNEL	Community Noise Equivalent Level
CRHR	California Register of Historical Resources
CIC	Combined Industrial/Commercial
CO_2	Carbon Dioxide
CGP	Construction General Permit
CMP	Congestion Management Program
dB	Decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
EADP	Edenvale Area Development Policy
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ERPA	Edenvale Redevelopment Project Area
ESA	Phase I Environmental Site Assessment
FAR	Floor Area Ratio
FBG	Feet Below Grade
FESA	Federal Endangered Species Act
gpd	Gallons per day
gpy	Gallons per year
GHG	Greenhouse Gas
ITE	Institute of Transportation Engineers
LID	Low Impact Development

LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MND	Mitigated Negative Declaration
MRP	Municipal Regional Stormwater NPDES Permit
NRHP	National Register of Historic Places
NOAA Fisheries	National Oceanic and Atmospheric Administration's National Marine Fisheries Service
NOD	Notice of Determination
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PM	Particulate Matter
PPM	Parts Per Million
ROG	Reactive Organic Gas
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SJFD	San José Fire Department
SJPD	San José Police Department
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
SCVWD	Santa Clara Valley Water District
SB	Senate Bill
SWPPP	Storm Water Pollution Prevention Plan
SR	State Route
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TIF	Traffic Impact Fee
TMDLs	Total Maximum Daily Loads
UST	Underground Storage Tank
USFWS	United States Fish and Wildlife Service
V/C	Volume-to-Capacity
VTA	Santa Clara Valley Transportation Authority

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 459 and 469 Piercy Road Hotel Projects (proposed projects) 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 459 Piercy Road project proposes to develop a new five-story, 112-room hotel on an approximately 2.02-acre project site. The 469 Piercy Road project proposes to develop a new six-story, 175-room hotel on an approximately 3.6-acre project site. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed projects.

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:

Krinjal Mathur, City of San José
krinjal.mathur@sanjoseca.gov
(408) 535-7874
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 projects 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 projects are 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

459 and 469 Piercy Road Hotel Projects

2.2 LEAD AGENCY CONTACT

Krinjal Mathur, Environmental Project Manager
(408) 535-7874
krinjal.mathur@sanjose.ca.gov
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, CA 95113

2.3 PROJECT APPLICANT

459 Piercy Road

Vijay Mathur
Temple Hospitality South San Jose LLC
18181 Butterfield Boulevard, Suite 125
Morgan Hill, CA 95037

469 Piercy Road

Bryan Roberston
Piercy Tower Alpha LLC
160 Main St
Los Altos, CA 94022

2.4 PROJECT LOCATION

The projects consist of two adjacent sites located at 459 and 469 Piercy Road in the City of San José. The approximately 2.02-acre 459 Piercy Road site is located east of Hellyer Avenue, between Piercy Road and Silver Creek Valley Road. While the site has a Piercy Road address, the site's frontage is along the east side of Hellyer Avenue, northwest of Piercy Road. The approximately 3.6-acre 469 Piercy Road site is located on the northeast corner of Hellyer Avenue and Piercy Road. The site is currently occupied by one single-family residence. 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

678-93-039 (459 Piercy Road), 678-93-040 (469 Piercy Road)

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Current Zoning District: *IP – Industrial Park* Proposed*: Combined Industrial/Commercial*
Current General Plan Designation: *Industrial Park* Proposed*: Industrial Park (no change)*

2.7 HABITAT PLAN DESIGNATION

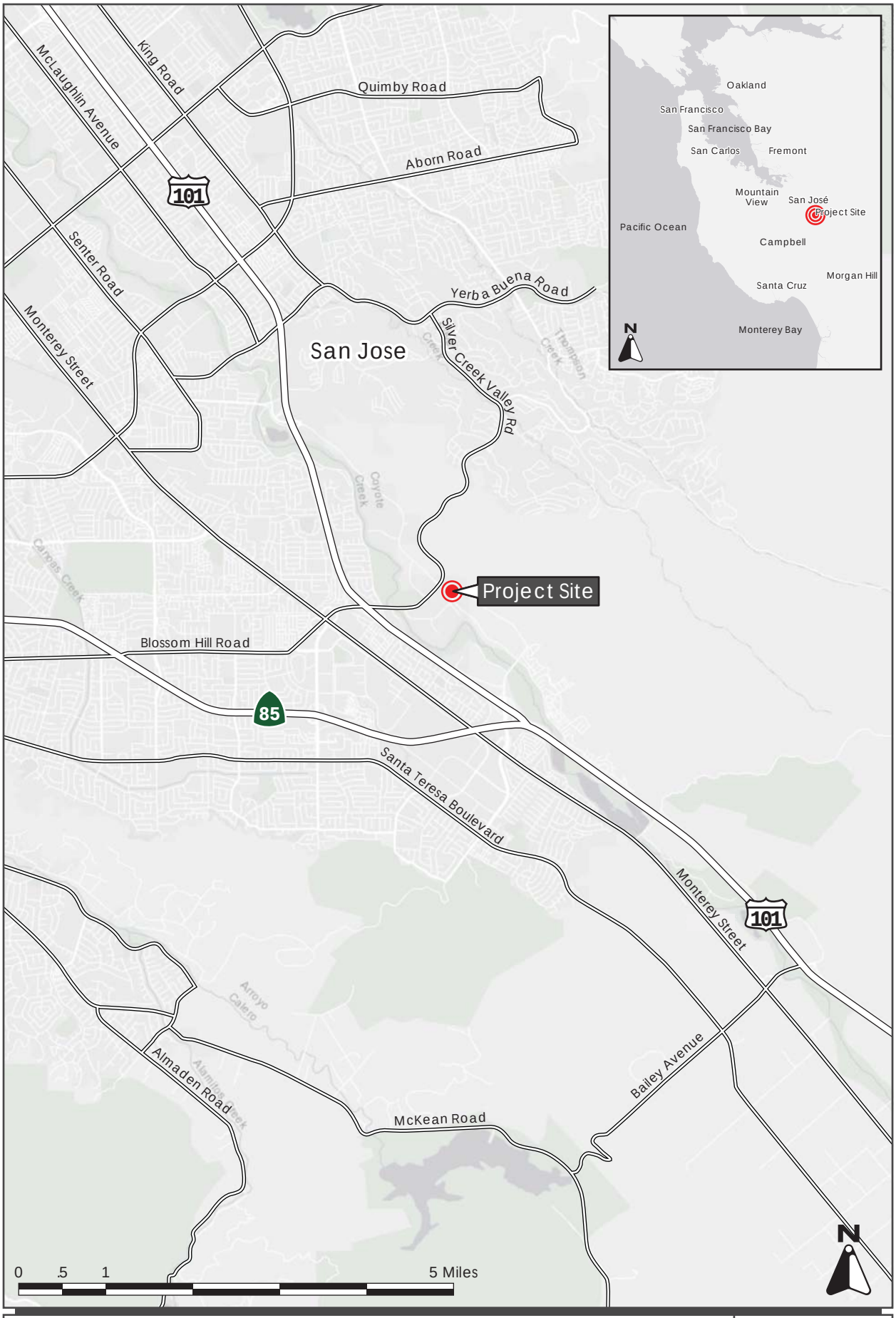
Private Development Area: *Area 1 – Private Development Covered*
Land Cover: *Urban – Suburban*
Land Cover Fee Zone: *Urban Areas (No Land Cover Fee)*

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

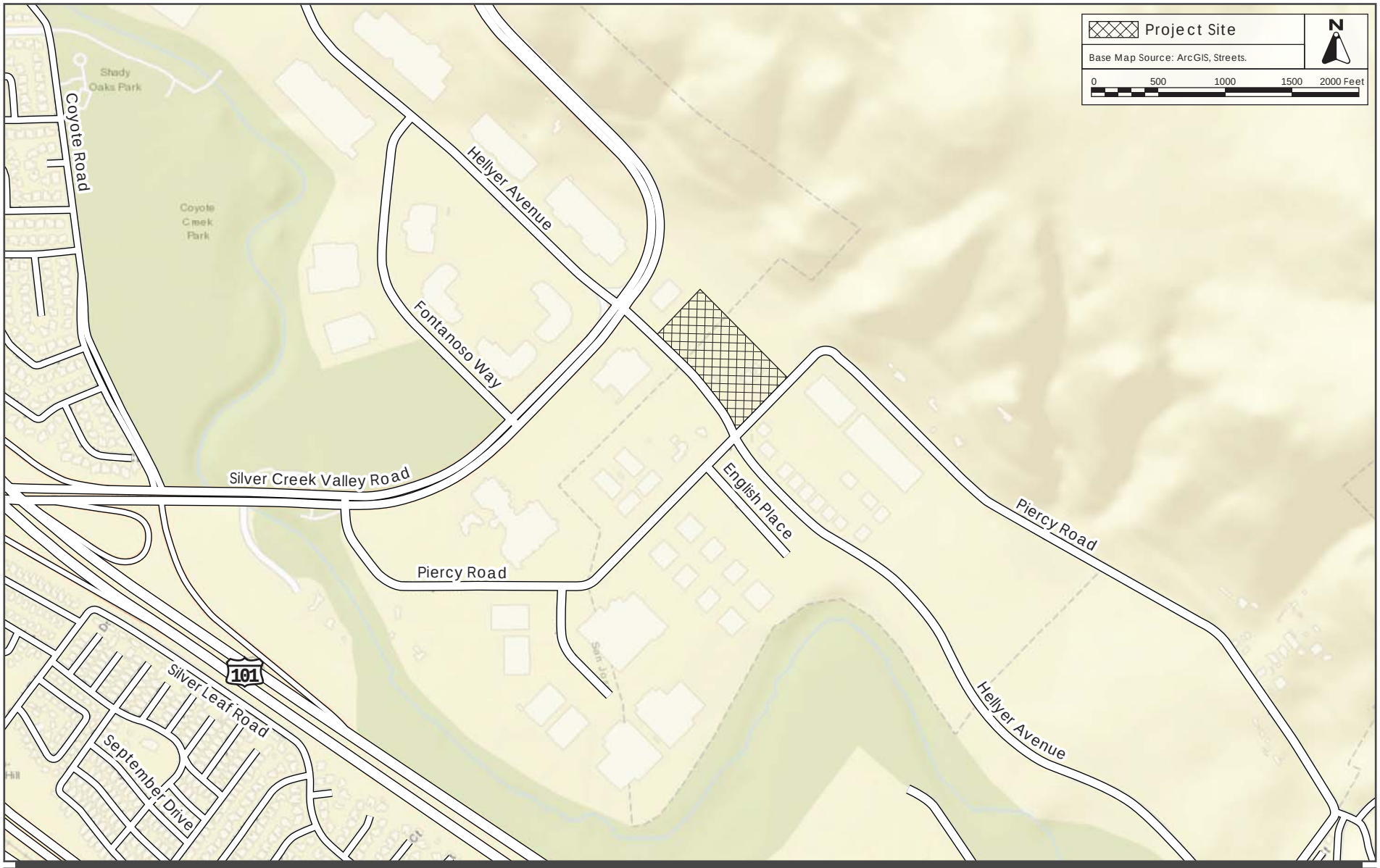
- Rezoning
- Site Development Permits
- Tree Removal Permit (469 Piercy Road only)
- Building Permits: Demolition Permit (469 Piercy Road only)
- Public Works Clearances: Grading Permit

Each hotel project represents a separate, distinct development being reviewed by the City of San José. While this Initial Study evaluates the two proposals together in an effort to convey their combined effects, should both hotel projects be approved by the City and implemented by each project team, given they are adjacent and pending simultaneously, each hotel will be considered individually by the City Council in deciding whether to rezone each site and allow for the proposed hotel on each site. This Initial Study forecasts conditions should each hotel be constructed and operated, however, the City may decide to retain the existing zoning district on either or both sites, and allow for the construction and operation of a hotel on either or both sites, or neither.

There are no known responsible or trustee agencies involved in approving or carrying out the proposed hotel projects.



REGIONAL MAP | FIGURE 2-1



VICINITY MAP | FIGURE 2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2-3

SECTION 3.0 PROJECT DESCRIPTION

The projects propose to develop two hotels on adjacent parcels (APNs 678-93-030 and -040) located at 459 and 469 Piercy Road. The 459 Piercy Road site is currently undeveloped, whereas the 469 Piercy Road site is occupied by one single-family residence. The project sites are designated as *Industrial Park* in the Envision San José 2040 General Plan (General Plan) Land Use / Transportation Diagram and have a zoning designation of *IP – Industrial Park*. Hotel uses are not an allowed use under the IP zoning district; therefore, the projects propose a conventional rezoning to *Combined Industrial/ Commercial (CIC)*.

The 459 Piercy Road project proposes to develop the site with a five-story, 112-room hotel building. The 469 Piercy Road project proposes to demolish the existing single-family residence and redevelop the site with a six-story, 175-room hotel.

3.1 PROPOSED DEVELOPMENT (459 PIERCY ROAD)

3.1.1 Hotel Building

The project proposes to develop a five-story hotel (up to a height of 59 feet) with up to 112 guest rooms under the proposed Site Development Permit (File No. H18-029). The first floor would contain the main lobby reception area and an outdoor pool (refer to the conceptual site plan on Figure 3-1). A conceptual cross-section of the proposed project is shown on Figure 3-3.

The primary project components include the proposed hotel guestrooms, amenities, common outdoor areas, landscaping, site access and parking.

3.1.2 Outdoor Common Areas and Landscaping

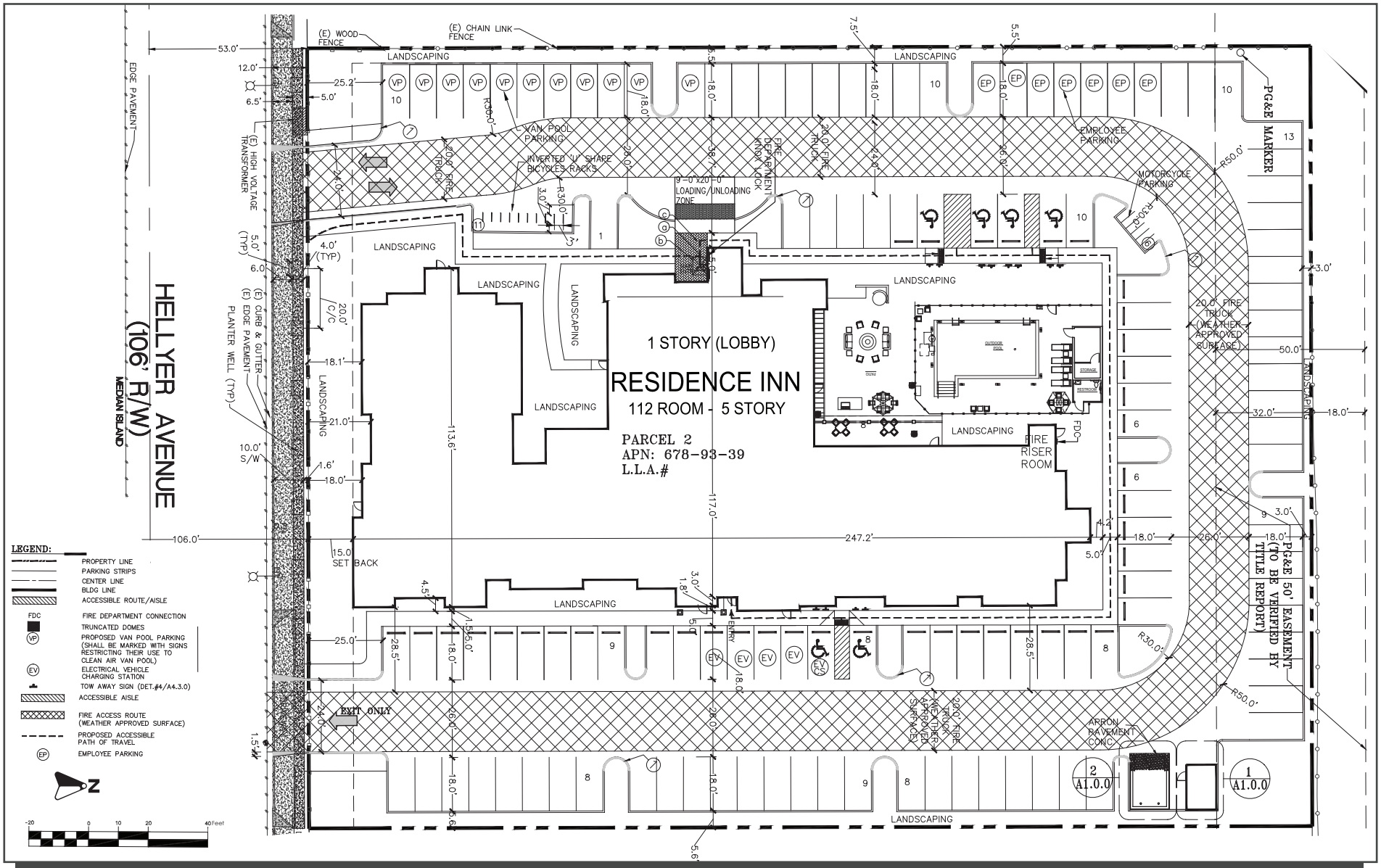
The proposed hotel includes an outdoor pool area and patio for hotel guests. The outdoor common area would be landscaped with trees and shrubs. On-site landscaping would be along the perimeter of the building and along Hellyer Avenue.

3.1.3 Site Access and Parking

Access to the project site would be provided via two proposed right-turn only driveways along Hellyer Avenue. Pedestrian access to the 459 Piercy Road site would be provided via existing sidewalks on Hellyer Avenue. The project proposes to provide a total of 126 parking spaces.

3.1.4 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at minimum, LEED Silver certification by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.



SITE PLAN (459 Piercy Rd)

FIGURE 3-1

FRONT ELEVATION

REAR ELEVATION

Source: ACE Design LLC., 2/8/18.

CONCEPTUAL BUILDING ELEVATIONS (459 PIERCY ROAD HOTEL PROJECT) | FIGURE 3-2

3.1.5 Construction

It is anticipated that the project would be constructed over an approximate 15-month period, beginning in Summer 2019. It is estimated that construction of the project would require the import of approximately 950 cubic yards of soil and the export of approximately 300 cubic yards of soil. Construction equipment would be staged on the project site, as necessary.

3.2 PROPOSED DEVELOPMENT (469 PIERCY ROAD)

3.2.1 Hotel Building

The project proposes to develop a six-story hotel (up to a height of 81.75 feet) with up to 175 guest rooms under the proposed Site Development Permit (File No. H18-016). The first floor would contain the lobby, convention center, a restaurant facility, guest rooms, and outdoor patios. The proposed hotel would also include a rooftop bar. A swimming pool is proposed at the central courtyard along the northeast side of the building (refer to the conceptual site plan on Figure 3-3). A conceptual cross-section of the proposed project is shown on Figure 3-4.

3.2.2 Outdoor Common Areas and Landscaping

The proposed hotel includes an outdoor pool area and patio for hotel guests. On-site landscaping would be provided adjacent to parking areas and other impervious areas.

3.2.3 Site Access and Parking

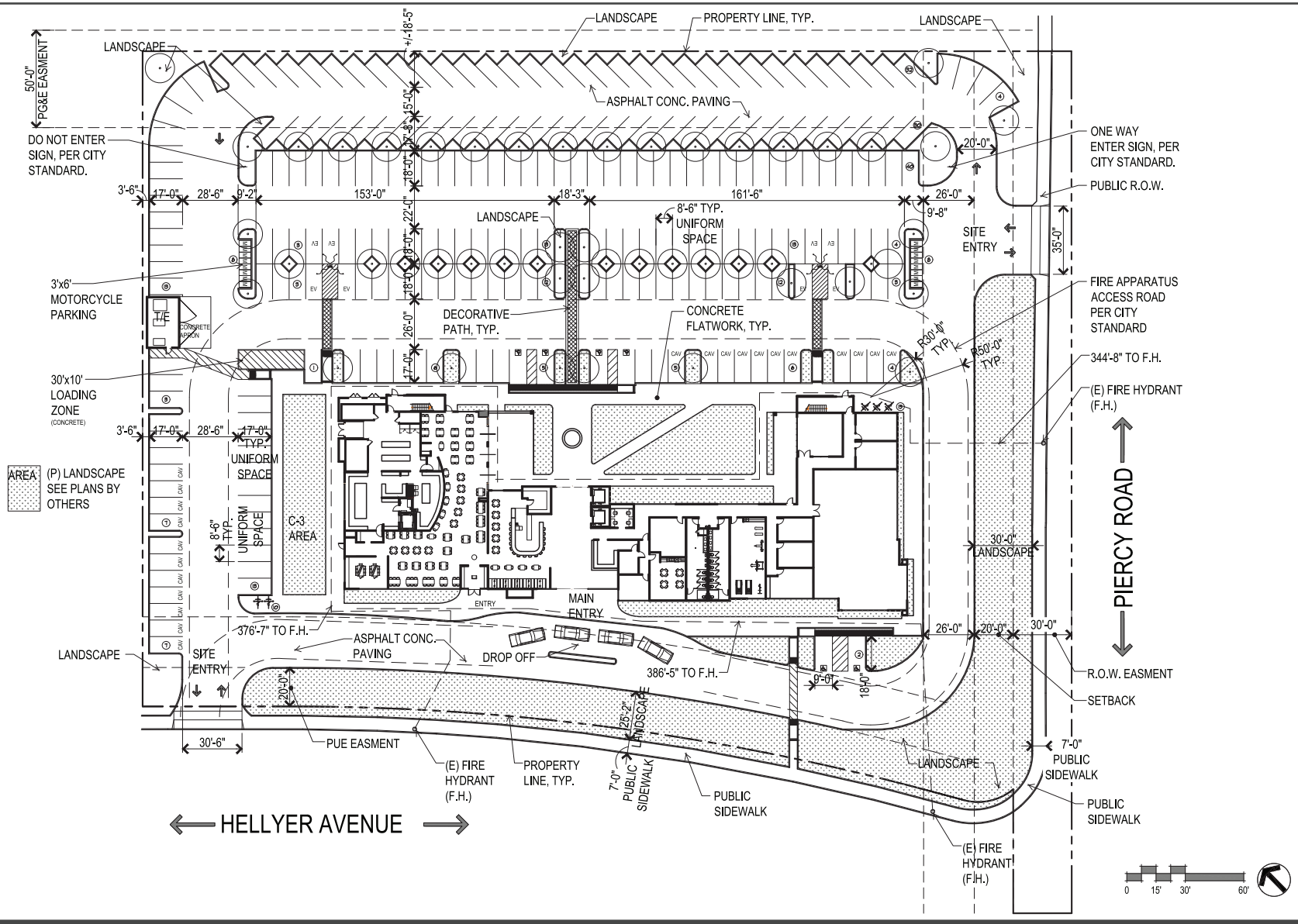
Vehicular access to the project site would be provided from two 26 feet wide City standard driveways along Hellyer Avenue and Piercy Road. The Hellyer Avenue driveway would allow right in/out movements only, and the Piercy Road driveway would be full access. The project proposes to provide a surface parking lot with 273 parking spaces. Pedestrian access to the site would be provided via existing sidewalks along Hellyer Avenue and Piercy Road.

3.2.4 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at minimum, LEED Silver certification by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

3.2.5 Construction

It is anticipated that the project would be constructed over an approximate 19-month period, beginning in Summer 2019. The project would balance the earthwork onsite. Construction equipment would be staged on the project site, as necessary.



SITE PLAN (469 Piercy Rd)

FIGURE 3-3

FRONT ELEVATION

REAR ELEVATION

Source: ACE Design LLC., 3/9/18.

CONCEPTUAL BUILDING ELEVATIONS (469 PIERCY ROAD HOTEL PROJECT) | FIGURE 3-4

SECTION 4.0 ENVIRONMENTAL SETTING, 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 Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the projects and 2) describes the existing, physical environmental conditions at the project sites and in the surrounding area, as relevant.
- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the 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 Section 15370). 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. Where an impact pertains to only one of the sites, and not the other, the discussion will clarify which site is at issue, and the mitigation applicable to that site will be written to specifically address that site. Otherwise, all impacts and related mitigation measures are presented as applying to both sites.
- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

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., Environmental Impact Report 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 projects 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 Setting

4.1.1.1 *Regulatory Framework*

State Scenic Highways Program

The State Scenic Highways Program is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. State Route (SR) 280 from the San Mateo County line to SR 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.

City of San José

Outdoor Lighting Policy

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The General Plan also includes the following aesthetic policies applicable to the proposed projects.

Policy	Description
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

City of San José Sign Ordinance

The City of San José Sign Ordinance (Title 23 of the San José Municipal Code) provides for adequate opportunities for signage and the regulations are intended to prevent visual clutter. The sign regulations affect the development standards such as sign dimensions, type, quantity, use, and location to accommodate the City's diverse business community and to provide opportunities for distinctive and aesthetic designs.

4.1.1.2 *Existing Conditions*

Project Sites

The 459 Piercy Road site is currently vacant and undeveloped. The 469 Piercy Road site is currently occupied by one single-family residence and an outbuilding. The project sites are flat and visible from the immediate surrounding area.

Surrounding Area

In general, the lands within the Edenvale Redevelopment Project boundary are visually mixed. The projects are located within Sub-Area 3 of the Edenvale Redevelopment Project, which is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial development.

The project sites are located east of U.S 101 and north of the intersection of Hellyer Avenue. The project sites are located along Hellyer Avenue and Piercy Road in a developing industrial park, in an area known as Edenvale. Land uses in the vicinity include light industrial and R&D uses to the north, south and west of the sites. There are two single-family residences located to the west of the project sites, across Hellyer Avenue.

Scenic Views

The project sites are not located along a state-designated scenic highway. The Silver Creek Hills, which are a designated scenic resource in the City of San José, are visible to the east of the project sites. The project sites are also visible from nearby public streets, and from portions of Coyote Creek Trail.

4.1.2 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?	☐	☐	☒	☐	1,2,3,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,2,3,4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2,3,4
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2,3,4,5

4.1.3 Impact Discussion

4.1.3.1 *Impacts to Scenic Views and Scenic Resources (Checklist Questions a and b)*

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The Silver Creek Hills are located to the east of the project sites and are visible from the sites. The General Plan FEIR concluded that new development and redevelopment allowed under the General Plan would alter views from roadways that provide substantial views of the natural environment within or adjacent to the City; however, implementation of applicable General Plan policies would avoid or substantially reduce impacts to natural scenic views from roadways within the City.

In addition, the project sites are not located in a designated scenic area or corridor as defined by the General Plan. The construction of a five- and six-story hotel building on the project sites would not diminish scenic views in the project area or damage any designated scenic resources. **(Less Than Significant Impact)**

4.1.3.2 *Visual Character (Checklist Question c)*

The project sites are located in a developing, light industrial area of San José and are surrounded by a mix of industrial development and remnant agricultural and rural residential land uses. Any new construction on-site would be visible from Hellyer Avenue, Piercy Road, and surrounding properties. Development of a five- and six-story hotel building would be taller than the existing two- to three-story buildings and would change the visual character of the immediate project area; however, the developments would be generally consistent with the adjacent land uses.

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. With approval of the requested rezoning, the proposed projects would be consistent with zoning district regulations and would be subject to the City's design review process. Construction of the proposed hotels would result in a visual change; however, the proposed developments would generally be consistent with the scale and type of existing and planned development in the project area. For these reasons, the proposed projects would have a less than significant impact on the visual character and quality of the site and surround area. **(Less Than Significant Impact)**

4.1.3.3 *Light and Glare (Checklist Question d)*

Existing development 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 projects would be similar to that created by the existing development in the project area. All lighting proposed by the projects would be consistent with the policies, guidelines, and controls in the City of San José Municipal Code. For these reasons, the proposed projects 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)**

4.1.4 Conclusion

The projects would have a less than significant impact on the visual character of the project area, and it would not impact any designated scenic resources. Implementation of the projects would have a less than significant visual impact. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

The Edenvale area was used for agricultural purposes since the early 1830's for grazing, grain growing, and row crops. According to the State of California, Department of Conservation *Farmland Mapping and Monitoring Program*, the project sites are designated Urban and Built-Up Land.[1] Urban and Built-up Land is defined as residential land with a density of at least six units per ten-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. No forest land or timberland, as defined in Public Resources Code Section 12220(g), is located near the project sites.

4.2.2 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?	☐	☐	☐	☒	1,2,3,4,6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2,3,4,7
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))?	☐	☐	☐	☒	1,3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,3
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	☐	☐	☐	☒	1,3

4.2.3 Impact Discussion

4.2.3.1 *Impacts to Agricultural and Forest Resources (Checklist Questions a – e)*

The project sites are designated Urban and Built-Up Land; the project sites are not Farmland. Therefore, the proposed projects would not convert Farmland to a non-agricultural use. The project

[1] State of California, Department of Conservation. *California Important Farmland Finder*. Accessed February 1, 2018. Available at: https://maps.conservation.ca.gov/dlrp/ciff/.

sites are not under a Williamson Act contract.[2] Therefore, the proposed projects would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project sites are located within the urban service area of the City of San José. The project sites and surrounding area are not zoned forest land, timberland, or Timberland Production.[3] Therefore, the proposed projects would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The project sites and surrounding area are not forest land. Therefore, the proposed projects would not result in a loss of forest land or conversion of forest land to non-forest use. The proposed projects do 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. For these reasons, the proposed projects would not result in impacts to agricultural or forest resources. **(No Impact)**

4.2.4 Conclusion

Implementation of the proposed projects would have no impact on agricultural or forest resources. **(No Impact)**

[2] County of Santa Clara. *Williamson Act Properties.* Accessed February 1, 2018. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

[3] 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

4.3.1 Environmental Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of a pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine. The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

4.3.1.1 *Regulatory Framework*

Federal, State, and Regional

The U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Regional and Local Criteria Pollutants

Ambient air quality standards have been established at both the state and federal level. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. Areas with air quality that exceed adopted air quality standards are designated as "nonattainment" areas for the relevant air pollutants. Nonattainment areas are sometimes further classified by degree (marginal, moderate, serious, severe, and extreme for ozone, and moderate and serious for carbon monoxide and PM_{10}) or status ("nonattainment-transitional"). Areas that comply with air quality standards are designated as "attainment" areas for the relevant air pollutants. "Unclassified" areas are those with insufficient air quality monitoring data to support a designation of attainment or nonattainment, but are generally presumed to comply with the ambient air quality standard. State Implementation Plans must be prepared by states for areas designated as federal ambient air quality standard.

The San Francisco Bay Area Basin is considered a non-attainment area for ground-level ozone and fine particulate matter ($PM_{2.5}$) under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM_{10}) under the California Clean Air Act, but not the federal act. High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort. Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (i.e. cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

BAAQMD Guidelines

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the region. The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act and its subsequent amendments).

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the plan describes how the BAAQMD will continue its progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion. The BAAQMD has published *CEQA Air Quality Guidelines* that are used in this assessment to evaluate air quality impacts of projects. The thresholds of significance for construction- and operation-related pollutant emissions are discussed further in Section 4.3.3.1, Significance Thresholds.

4.3.1.2 *Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter*

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, 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, diesel backup generators, and motor vehicles. The other, more significant, common source is motor vehicles on roadways and freeways.

4.3.1.3 *Sensitive Receptors*

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, 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. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptor to the project sites is the single-family residence across Hellyer Avenue, approximately 109 feet west of the sites.

4.3.1.4 *Construction TAC and PM2.5 Health Risks*

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. The closest sensitive receptor to the project sites is the single-family residence across Hellyer Avenue, approximately 109 feet west of the sites.

City of San José

Envision San José 2040 General Plan

The General Plan includes the following air quality-related policies applicable to the proposed projects.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
MS 10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and state law.
MS 11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.2 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?	☐	☐	☒	☐	1,8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,2,8
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
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,2,8
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,2,8

4.3.3 Impact Discussion

4.3.3.1 *Significance Thresholds*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1.

Table 4.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions** (pounds/year)	**Annual Average Emissions** (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10
CO	Not Applicable	9.0 ppm (8-hour avg.) or 20.0 ppm (1-hour avg.)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental Annual Average $PM_{2.5}$	0.3 $\mu g/m^3$	0.3 $\mu g/m^3$	
Health Risks and Hazards for Sensitive Receptors and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per one million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 $\mu g/m^3$		
Greenhouse Gas Emissions			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per capita		

Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5 (µm) or less, and GHG = greenhouse gas.

4.3.3.2 *Clean Air Plan Consistency (Checklist Question a)*

The 2017 BAAQMD *CEQA Air Quality Guidelines* contain screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. The screening table that lists the minimum unit count for hotel projects, below which the project would not result in the generation of operational or construction criteria pollutants that exceed BAAQMD's thresholds of significant.

The projects propose a 112-room and 175-room hotel on the respective project sites, for a total of 297 rooms, which does not exceed the screening criteria for operational or construction criteria pollutants of 489 rooms and 554 rooms, respectively. Therefore, the proposed projects would result in a less than significant impact related to air quality standards. **(Less Than Significant Impact)**

4.3.3.3 *Air Quality Impacts (Checklist Questions b, c, d)*

Operational Criteria Pollutant Emissions

As discussed previously, the projects would have emissions below BAAQMD's screening criteria for impacts related to ozone and particulate matter. Therefore, the projects would not contribute substantially to existing or projected violations of those standards. **(Less Than Significant Impact)**

Operational Carbon Monoxide Emissions

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 5.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm.[4] Intersections affected by the projects would have traffic volumes less than the BAAQMD screening criteria; therefore, the proposed projects would not violate an ambient air quality standard or contribute substantially to an existing or projected air quality violation.[5] **(Less Than Significant Impact)**

Operational Community Risk Impacts – Toxic Air Contaminants

Operation of the proposed hotels would not involve use of stationary equipment involving diesel engines, nor would the vehicles traveling to/from the site involve a substantial mix of trucks with diesel engines. For these reasons, operation of each hotel would not generate substantial levels of Diesel Particulate Matter (DPM) nor other sources of TACs that would represent a substantial risk for nearby residences or other sensitive receptors in the area. **(Less Than Significant Impact)**

Construction Air Quality Impacts

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 $PM_{2.5}$). The construction schedule assumes that the projects would be built out over a period of approximately 19 months beginning in Summer 2019. Construction activities would include a small amount of grading (approximately one month) and limited quantities of soil import to be used on-site.

[4] Bay Area Air Quality Management District. Air Quality Summary Reports. Bay Area Pollution Summary – 2017. Accessed June 4, 2018. Available at: http://www.baaqmd.gov/~/media/files/communications-and-outreach/annual-bay-area-air-quality-summaries/pollsum2017-pdf.pdf?la=en.

[5] For projects such as the proposed hotels, 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. According to the traffic analysis for the EADP EIR, none of the streets serving the project area carry daily or hourly traffic volumes approaching the levels required to cause localized carbon monoxide impacts.

Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soil. 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 consider these impacts to be less than significant if Best Management Practices are employed to reduce these emissions. Consistent with City policies, the projects shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions: The following measures shall be implemented during all phases of construction to control dust and exhaust at the project sites:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded area, 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 five 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 mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José 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.

With implementation of the Standard Permit Conditions, construction dust and other particulate matter would have a less than significant temporary construction air quality impact. **(Less Than Significant Impact)**

Community Risk Impacts – Toxic Air Contaminants

Emissions from construction-related equipment and associated heavy-duty diesel truck traffic are the primary concern due to release of diesel particulate matter (DPM), which is a known TAC. Construction activities are also a source of $PM_{2.5}$. Based on the BAAQMD Guidelines (2017), a project would result in a significant construction TAC or $PM_{2.5}$ impact if it exceeds any of the thresholds of significance listed below:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0; or

- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$.

The proposed projects would generate TACs during construction that could adversely expose nearby sensitive residential receptors. As mentioned previously, the nearest sensitive receptor is the single-family residence across Hellyer Avenue, approximately 109 feet west of the sites.

Consistent with the General Plan FEIR and the BAAQMD Guidelines, the following Standard Permit Conditions shall be implemented during all phases of construction to reduce exposure to nearby sensitive receptors to TAC emissions:

Standard Permit Condition: All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on-site for more than two days continuously (or 20 hours in total) shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines equipped with CARB-certified Level 3 Diesel Particulate Filters or equivalent.

Implementation of the Standard Permit Conditions would reduce community risk impacts from construction to less than significant. **(Less Than Significant Impact)**

4.3.3.4 *Odor Impacts (Checklist Question e)*

Operation of the proposed hotels would not generate odors. Construction of the proposed projects 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 projects would not create objectionable odors affecting a substantial number people. **(Less Than Significant Impact)**

4.3.4 Conclusion

The proposed projects would not result in significant air quality impacts with the incorporation of construction-related dust and exhaust-control Standard Permit Conditions and TAC-related voluntary measure. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, upon a habitat assessment completed for the proposed projects by *H.T. Harvey & Associates* and a tree inventory and assessment prepared for the 469 Piercy Road project by *Monarch Consulting Arborists LLC*, and included as Appendices A1 and A2 of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Federal Endangered Species Acts

The federal Endangered Species Act (FESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). The FESA prohibits take of endangered wildlife, where "take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct."[6] For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of State law.

Under Section 7 of the FESA, federal agencies are required to consult with the USFWS and/or NOAA Fisheries if their actions, including permit approvals or funding, could adversely affect a listed species (including plants) or its critical habitat. Through consultation and the issuance of a Biological Opinion, the USFWS and/or NOAA Fisheries may issue an incidental take statement, allowing take of the species that is incidental to another authorized activity, provided that the action would not jeopardize the continued existence of the species.

Section 10 of the FESA provides for issuance of incidental take permits to private parties with the development of a habitat conservation plan or natural communities conservation plan.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act of 1918 (MBTA) is one of the nation's oldest environmental laws. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season that results in the incidental loss of fertile eggs or nestlings, or otherwise leads to nest abandonment, would violate the MBTA.[7]

[6] The Endangered Species Act, in its entirety, is available on the U.S. Fish and Wildlife Service (USFWS) website: https://www.fws.gov/endangered/esa-library/pdf/ESAall.pdf.
[7] A complete list of bird species protected by the MBTA is available on the USFWS website: https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php.

Regional and City of San José

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was approved in 2013 and covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), USFWS, and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan. Through implementation of the SCVHP, project impacts to covered species and their habitats are offset through the payment of SCVHP fees, conformance with SCVHP Conditions, and with conservation and management of identified habitat.

Conformance with the Habitat Plan is required under Chapter 18.40 of the San José Municipal Code.

City of San José Tree Ordinance

Ordinance-sized and heritage trees and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect ordinance-sized trees which are defined as having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above ground level. A tree removal permit is required from the City prior to removal of any ordinance-size trees.

City of San José General Plan

The General Plan includes the following biological resource policies applicable to the proposed projects.

Policy	Description
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and

construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

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

MS-21.8 For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.
4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

4.4.1.2 *Existing Conditions*

The Edenvale area was used for agricultural purposes since the early 1830's for grazing, grain growing, and row crops. Historical aerial imagery shows that the project sites were actively used for agriculture between 1948 and 1968.

The project sites are located within the study area of the SCVHP and designated as Urban-Suburban land cover type. Soils on the project sites are mapped as being underlain by Urban-land-Elpaloalto complex. Soils in this complex consist of very deep, well drained soils that formed in alluvium from mixed rock sources and do not include serpentine soils. Nevertheless, a very small sliver of serpentine bunchgrass grassland (less than 0.01 acre) is mapped along the northeastern edge of the project sites.[8] Serpentine habitats are known to support SCVHP-covered rare plants.

Field Survey

A field survey was conducted on February 14, 2018, by *H.T. Harvey & Associates* to assess the habitat suitability of the project sites. No evidence of serpentine bunchgrass grassland was observed on the project sites. Two land cover types were identified on the project sites (1) California annual grassland and (2) urban-suburban.

California Annual Grassland

This land cover type is dominated by non-native grasses and forbs. The project sites support wild oats and additional non-native annual grasses that could not be identified because the survey took place before grasses were flowering. The parcels also support a thick growth of many non-native forbs and invasive weeds, including black mustard, Italian thistle, and red stemmed filaree. Although

[8] Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. Habitat Agency Geobrowser. Site accessed February 1, 2018. Available at: http://www.hcpmaps.com/habitat/.

the survey occurred relatively early in the growing season, the plants were growing densely and appeared robust in health and vigor, with heights ranging from 12 to 16 inches.

Urban-Suburban

Urban-suburban land cover on the project sites consists of a residential home, an accompanying detached garage, and a paved driveway.

Rare Plant Habitat Assessment

A rare plant habitat assessment was conducted to determine whether the parcels could contain serpentine soils or land cover types, and whether the habitat present was of sufficient quality to support SVHP-covered rare plants. The soil mapped on the parcels is not a serpentine soil type, and the plant ecologist observed no indicators on site that were consistent with nearby off-site serpentine soils. Additionally, plants that are considered serpentine indicator species, including perennial bunchgrasses such as needlegrass and one-sided bluegrass were absent from the project sites.

Special Status Plant and Wildlife

Special-status species include those plant and wildlife species that have been formerly listed, are proposed as Endangered or Threatened, or are candidates for such listing under the FESA or California Endangered Species Act. Based on the analysis included in the 2000 Edenvale EIR, the Edenvale area is known to provide habitat for the following special status wildlife species: Bay Checkerspot butterfly, Central California steelhead, chinook salmon, California Tiger Salamander, southwestern pond turtle, California red-legged frog, burrowing owls, pallid bat, loggerhead shrike.

Several special status plant species are known to occur or may be present in serpentine grassland habitat located in Edenvale, including Tiburon paint brush, Santa Clara Valley dudleya, Metcalf Canyon jewelflower, Most beautiful jewelflower, and fragrant fritillary.

Ordinance Trees

While the project sites are urbanized, there are trees on and adjacent to the site within the public right-of-way that are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. Eleven trees of varying size and health are present on the 469 Piercy Road site, as described in Appendix A2. Five of the 11 trees are considered ordinance-sized.

4.4.2 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)?	☐	☐	☒	☐	1,10
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?	☐	☐	☒	☐	1,10
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?	☐	☐	☒	☐	1,10
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?	☐	☒	☐	☐	1,11
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,11
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?	☐	☐	☒	☐	1,10

4.4.3 Impact Discussion

4.4.3.1 *Impacts to Sensitive Species and Habitats (Checklist Question a)*

The 459 Piercy Road site is currently undeveloped, and the 469 Piercy Road site is occupied by one single-family residence. The project sites are dominated by Urban-Suburban and California Annual Grassland land cover type. Both sites are disturbed and unlikely to support endangered, threatened, or special status wildlife species. A very small sliver of serpentine bunchgrass grassland (less than

0.01 acre) is mapped along the northeastern edge of the project sites.[9] However, no evidence of serpentine influence was observed during the survey of the sites completed in February 2018 and habitat on the sites was determined not suitable for these species. For these reasons, special-status plant and animal species are not expected to occur. As a result, the projects are not expected to directly result in impacts to special-status species. **(Less than Significant Impact)**

4.4.3.2 *Impacts to Riparian Habitat, Wetlands, and Sensitive Natural Communities* *(Checklist Questions b and c)*

The project sites are located in a developed, urban area of San José. There are no streams, creeks, waterways, or wetlands located on or adjacent to the project sites. The nearest waterway (i.e., the Coyote Creek) is located approximately 1,300 feet southwest of the project sites. Therefore, development of the sites 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 and would be consistent with City Council Policy 6-34. **(No Impact)**

4.4.3.3 *Impacts to Wildlife Movement* *(Checklist Question d)*

There are currently 11 trees located on the 469 Piercy Road project site, which would be removed as part of the project. There are no trees located on the 459 Piercy Road project site. The mature trees on the 469 Piercy Road project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction of the projects during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact. Construction activity on either site has the potential to disturb nesting activity occurring in trees present on 469 Piercy Road and in other trees present in the vicinity of the sites. Implementation of the mitigation measure below would reduce impacts to nesting migratory birds from construction activities at the project sites to less than significant.

Impact BIO-1: Construction and demolition activities, including the removal of trees from the 469 Piercy Road project site, could impact nesting migratory birds. **(Significant Impact)**

Mitigation Measure BIO-1: The projects would implement measures to avoid impacts to nesting migratory birds during construction. The project, with the incorporation of these measures, would result in a less than significant impact on migratory birds.

MM BIO-1: The project applicants shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most

[9] Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. Habitat Agency Geobrowser. Site accessed February 1, 2018. Available at: http://www.hcpmaps.com/habitat/.

raptors in the San Francisco Bay area extends from February 1st through August 31st (inclusive).

If demolition and construction activities cannot be scheduled between September 1st and January 31st (inclusive) to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. The pre-construction survey for nesting birds shall be conducted prior to initiation of construction, demolition activities, or tree removals no more than 14 days during the early part of the nesting season between February 1st and April 30th (inclusive) and no more than 30 days prior to initiation of these activities during the late part of the nesting season between May 1st and August 31st (inclusive).

If an active nest is found in or close enough to the project area to be disturbed by construction activities, a qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to issuance of any grading, demolition, and/or building permit, and any tree removal, whichever occurs first in time. **(Less than Significant Impact with Mitigation Incorporated)**

4.4.3.4 *Trees (Checklist Question e)*

There are 11 trees, including five ordinance-sized trees, which would be removed on the 469 Piercy Road site. The project will conform to the following standard permit conditions to avoid impacts to trees. No trees would be affected by the 459 Piercy Road hotel project.

Standard Permit Condition: In accordance with General Plan Policy MS-21.4, MS-21.6, MS 21.8 and the City's Tree Removal Ordinance, trees removed from 469 Piercy Road would be replaced at the ratios identified in Table 4.4-1 below.

Table 4.4-1: Tree Replacement Ratios				
Circumference of Tree to be Removed	**Type of Tree to be Removed**			**Minimum Size of Each Replacement Tree**
	Native	**Non-Native**	**Orchard**	
38 inches or more	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

X:X = tree replacement to tree loss ratio

Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

One 24-inch box tree= two 15-gallon trees.

In the event the required replacement/mitigation trees cannot be accommodated on the 469 Piercy Road project site, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Supervising Planner, prior to issuance of the development permit:

- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact the Department of Parks, Recreation & Neighborhood Services Landscape Maintenance Manager for specific park locations in need of trees.
- A donation may also be made to Our City Forest or similar organization for in-lieu tree planting in the community. Such donation will be equal to the cost of the required replacement trees, including associated installation costs, for off-site tree planting in the local community. A receipt for any such donation will be provided to the City of San José Planning Project Manager prior to issuance of a development permit.

The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4 2 below.

Table 4.4-2:469 Piercy Road Tree Removal Summary			
Circumference of Tree to be Removed	**Type of Tree to be Removed**		
	Native	**Non-Native**	**Orchard**
38 inches or more	None	5	None
19 to 38 inches	None	6	None
Less than 19 inches	None	None	None

With implementation of the Standard Permit Conditions, the impact to the urban forest resulting from the removal of these trees would be reduced to less than significant.

4.4.3.5 *Santa Clara Valley Habitat Conservation Plan (Checklist Question f)*

The project sites are located with the study area of the SCVHP and development of the project site is considered a covered activity under the plan and would be subject to all applicable SCVHP fees and conditions. The project sites are designated as Urban-Suburban.

The project sites are mapped within the Plant Survey Area of the SCVHP, which requires field verification to determine if on-site land cover is suitable to support any of the nine covered plant species included in the SCVHP (Tiburon Indian paint brush, Coyote ceanothus, Mt. Hamilton thistle, Santa Clara Valley dudleya, Fragrant fritillary, Loma Prieta hoita, smooth lessingia, and Metcalf Canyon jewelflower). The SCVHP requires that surveys for covered plants be completed if land cover types known to support the species occur on the project site. Based on the land cover verification completed for the project sites in February 2018, the project sites are considered Urban-Suburban and California annual grassland land cover and do not support serpentine land cover types. In addition, no covered plant species were observed on the project site during the survey completed in February 2018. The project sites have been highly disturbed from prior agriculture activities and do not support habitat suitable for covered plant species; therefore, focused plant surveys are not required and the Conditions 19 and 20 of the SCVHP are not applicable to the proposed projects.

The Habitat Plan requires payment for nitrogen deposition fees for all covered projects that generate new net vehicle trips. As a part of the development permit approval, the hotel projects at both 459 and 469 Piercy Road will implement the following standard condition.

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

The projects are subject to the Habitat Plan and required to pay all applicable fees prior to issuance of permits; therefore, the projects would not conflict with the provisions of the Habitat Plan. **(Less than Significant Impact)**

4.4.4 Conclusion

With the implementation of the previously described mitigation measures, Standard Permit Conditions, and General plan policies, the projects would not result in significant impacts to biological resources. **(Less than Significant Impact with Mitigation)**

4.5 CULTURAL RESOURCES

The following discussion is based on a Cultural Resources Literature Search and Archaeological Sensitivity Evaluation prepared by *Holman & Associates* in April 2018. This report is on file at the City of San José Planning, Building, and Code Enforcement Department and can be viewed by qualified professionals.

A Historical Evaluation Report previously prepared for the 459-469 Piercy Road sites was reviewed as part of this evaluation and is included as Appendix B of this Initial Study.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

The National Historic Preservation Act of 1966 (as amended), the California Public Resources Code, and CEQA are the basic federal and state regulations governing the preservation of historic and archaeological resources of national, regional, and state significance.

National Register of Historic Places

The historic significance and eligibility of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. that are associated with events that have made a significant contribution to the broad pattern of our history; or
2. that are associated with the lives of persons significant to our past; or
3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. that have yielded, or may be likely to yield, information important in prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, state, and regional and/or national levels of significance. A CRHR-eligible resource generally must be greater than 50 years old and significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance designated under a local preservation or identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise.

Tribal Cultural Resources

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB 52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. A tribal cultural resource can be a site, feature, place, or 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.

The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. No tribes have sent written project notification requests to the City of San José except for projects in Coyote Valley (approximately 4.6 miles southwest of the site). Additionally, follow-up letters for consultation requests were sent via mail to the Native American Heritage Commission identified tribal contacts on September 5, 2017, and no responses were received by the City.

City of San José

Envision San José 2040 General Plan

The City's General Plan also includes historic preservation and archaeological and cultural resources policies regarding preservation of those resources within the City and are applicable to the proposed projects.

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps

	that upon discovery during construction, development activity would cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that city, state, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Municipal Code

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historic or architecturally worthy structures and neighborhoods is promoted in order to stabilize neighborhoods and areas of the city; to enhance, preserve and increase property values; carry out the goals and policies of the City's General Plan; increase cultural, economic, and aesthetic benefits to the city and its residents; preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; protect and enhance the City's cultural and aesthetic heritage; and to promote and encourage continued private ownership and utilization of such structures.

The landmark designation process itself requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan. The following factors can be considered to make those findings, among other relevant factors:

1. Its character, interest or value as a part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the city of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

4.5.1.2 *Existing Conditions*

Setting

The project sites are located in the Santa Clara Valley, where Native America occupation extended over 5,000 to 8,000 years and possibly longer. The South Bay Area's favorable environment during the prehistoric period included alluvial plains, foothills, water courses, and bay margins that provided an abundance of wild food and other sources.

Prehistoric and Historic Resources

The project sites are located in an archaeologically sensitive area, due to its proximity to Coyote Creek, according to the City of San José archeological sensitivity map. There are no known tribal cultural resources present on the site or vicinity.

The 469 Piercy Road project site is occupied by one single-family residence, which includes the main residence building and a secondary garage/storage building. According to the Phase I Environmental Site Assessment, the main residence was constructed between 1996 and 2001. The secondary garage/storage building are remnants from the former residence that occupied the site between 1970 and 2001. In 2001, the structures were evaluated as not eligible to qualify as a historic resource under CEQA criteria nor eligible for the NRHP, the CRHR, or the City of San Jose Historic Resources Inventory. As noted, the house at 459 Piercy Road was removed following the 2001 evaluation, and the only remaining house is less than 30 years old. There are no documented historic resources in the vicinity of the sites.

Paleontological Resources

The area is mapped in Appendix J of the General Plan EIR as an area of high paleontological sensitivity at depth, but not at ground surface.

4.5.2 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?	☐	☐	☒	☐	1,9
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,9
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2,4
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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:					1,9
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	☐	☐	☒	☐	1,0
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.	☐	☐	☒	☐	1,9

4.5.3 Impact Discussion

4.5.3.1 *Impacts to Historic Structures (Checklist Question a)*

As discussed above, the structures at 469 Piercy Road are of modern construction (i.e. less than 30 years old) and were evaluated as not eligible to qualify as a historic resource under CEQA criteria nor eligible for the NRHP, the CRHR, or the City of San Jose Historic Resources Inventory, nor are there any historic resources in the vicinity of the sites. Therefore, implementation of the project, including removal of all structures on 469 Piercy Road, would have a less than significant impact to historic structures. **(Less Than Significant Impact)**

4.5.3.2 *Impacts to Subsurface Cultural Resources (Checklist Questions b, c, d)*

Prehistoric and Historic Resources

The project sites are located within the Coyote Creek flood plain corridor where archaeologists have conducted extensive fieldwork, burial removal, analysis, and reporting, and would be expected to have high prehistoric Native American archaeological sensitivity but low historical archaeological sensitivity.

An archeological literature search for the project sites was completed in April 2018 by Holman and Associates. The analysis determined that the project sites contain two potential sources of historic

resources—the existing structures on the 469 Piercy Road site and an informally recorded prehistoric archaeological site. As previously discussed, the existing structures at 469 Piercy Road are of modern construction and not eligible for the NRHP, the CRHR, or the City of San Jose Historic Resources Inventory.

The informally recorded prehistoric archaeological site is described as having the attributes of a habitation or village site.[10] The site covers the entirety of the project sites and extends approximately 500 feet north of the project sites, 400 feet east, and 150 feet south and southwest. The site does not extend beyond Hellyer Avenue or Silver Creek Valley Road. This resource has never been formally recorded since being noted in a survey report in 1983. In April 2018, Holman & Associates conducted a subsurface reconnaissance to confirm the presence or absence of the prehistoric archaeological site on the two subject properties. The findings of the subsurface reconnaissance concluded that the prehistoric site was not present on the project sites and was likely erroneously mapped.

While the project sites are located adjacent to an area of archaeological sensitivity, discovery of archaeological resources or pre-historic human remains is unlikely given the location of the project sites in comparison to known culturally sensitive areas and previous development activities. Although unlikely, excavation and trenching for utilities on the site could, however, damage as yet unrecorded subsurface resources. Consistent with General Plan policies, the following standard permit condition will be implemented by both the 459 and 469 Piercy Road projects to lessen potential impacts to archaeological resources or pre-historic human remains during construction.

Standard Permit Conditions:

- In the event that any prehistoric or historic resources are encountered during excavation and/or grading of the sites, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to the issuance of a building permit. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of building permits.
- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist,

[10] Informally recorded resources are potential cultural resources that have either been mapped or described in previously cultural resources reports. Whereas resources that are formally recorded have been submitted to the appropriate information center, where they are reviewed and accepted as primary records.

who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowners or his authorized representatives shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **(Less than Significant Impact)**

Paleontological Resources

The project sites are located in an area that is considered sensitive for paleontological resources at depth, but not at ground surface. The project sites are underlain by Holocene age older alluvial fan deposits. The projects do not include any underground parking or large-scale excavation. Although not anticipated, construction activities could disturb paleontological resources, if present. In accordance with General Plan Policy ER-10.3, both the 459 and 469 Piercy Road projects would implement the following standard permit conditions, as necessary, do reduce potential impacts to paleontological resources.

Standard Permit Conditions:

- If vertebrate fossils are discovered during construction, the Director of Planning, Building, and Code Enforcement shall be notified and 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 project proponent(s) will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided prior to building permit or certificate of occupancy, depending upon when resources are encountered, to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement. **(Less Than Significant Impact)**

4.5.3.3 *Tribal Cultural Resources Impacts (Checklist Question e)*

California 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 4.6 miles southwest of the site). Due to the distance of the project sites from Coyote Valley, the project would not have a significant impact on tribal cultural resources. Additionally, follow-up letters for consultation requests were sent via mail to the Native American Heritage Commission identified tribal contacts on September 5, 2017, and no responses were received by the City.

As noted above, there are no known tribal cultural resources present on the sites. In the event of discovery of resources by the projects (both 459 and 469 Piercy Road) during construction, the project proponent who encountered tribal cultural resources would implement the Standard Permit Conditions identified previously above in Section 4.5.3.2 *Impacts to Subsurface Cultural Resources.* **(Less than Significant Impact)**

4.5.4 Conclusion

With implementation of the identified Standard Permit Conditions described previously, the proposed projects would have a less than significant impact on cultural resources. **(Less than Significant Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based, in part, upon Geotechnical Investigations completed for 459 Piercy Road by *Romig Engineers* (January 2018) and for 469 Piercy Road by *Romig Engineers* (September 2017). These reports are included as Appendix C1 and C2 to this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

California Building Code

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The code is renewed on a triennial basis every three years; the current version is the 2016 Building Standards Code.

City of San José

Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

The General Plan includes the following geologic policies applicable to the proposed projects.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.1.2 *Existing Conditions*

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

Soils

459 Piercy Road Site

The project site is a relatively flat vacant parcel situated at an elevation of approximately 200 feet above sea level. Based on subsurface investigations performed at the project site in December 2017, subsurface soils consist of very stiff to hard sandy lean clay of low plasticity. Near surface soils appeared to be a possible surface fill or disturbed native soil, which extended to a depth of 2.5 feet below grade (fbg). Below this depth, stiff to hard sandy lean clay of low to moderate plasticity underlain by medium dense to very dense poorly graded sand was encountered to a depth of 49.9 fbg. The maximum depth explored was approximately 49.9 feet.

Surface soils on the project site have a moderate to high potential for expansion. Expansive soils shrink and swell as a result of moisture changes, which can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations.

469 Piercy Road Site

The project site is a relatively flat parcel situated at an elevation of approximately 200 feet above sea level, currently occupied by one single-family residence. Subsurface investigations were performed at the project site in August 2017. Subsurface soils consisted of very stiff sandy lean clay of low to moderate plasticity to a depth of 5 fbg. These soils were underlain by medium dense clayey gravel to a depth of 11 fbg. Below this depth, very stiff sandy lean clay of low plasticity was encountered to a depth of 16 fbg. This very stiff sandy lean clay was underlain by dense poorly graded sand to a depth

of 24 feet. The remainder of the subsurface soils were hard sandy lean clay of moderate plasticity. The maximum depth explored was approximately 50 feet.

Surface soils on the project site have a low to moderate potential for expansion. Expansive soils shrink and swell as a result of moisture changes, which can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in the northwesterly direction.

The project sites are not mapped within a State of California Earthquake Fault Zone or City of San José Special Studies Zone for active faulting and no known active faults cross the site; however, the sites are mapped within a Fault Rupture Hazard Zone, according to the Santa Clara County Fault Hazard Zone map.[11] This is related to the Silver Creek fault, a potentially active fault.[12] The project sites are not located within a State of California Earthquake Fault Zone.[13] The closest major active fault is the Hayward fault, located approximately 3.6 miles northeast of the proposed projects. Based on the geological investigation completed for the projects, the likelihood of surface rupture occurring from active faulting at the site is low.

Liquefaction

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits.

According to the Santa Clara County Geologic Hazard Zones Map, the project sites are located in a potential liquefaction zone.[14]

459 Piercy Road Site

Potential liquefiable soils, consisting of clayey sands, were encountered between depths of approximately 27 to 32 fbg. Clayey sands and gravelly sands are potentially prone to liquefaction when subjected to the maximum considered earthquake acceleration. Based on the geological investigation completed for the project, it was determined that these sand and gravel layers could

[11] Santa Clara County. Geologic Hazard Zones. Accessed February 8, 2018. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.
[12] City of San José. *Envision San José 2040 General Plan Final EIR*. 2011.
[13] Santa Clara County. Geologic Hazard Zones. Accessed February 8, 2018. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.
[14] Santa Clara County. *Santa Clara County Geologic Hazard Zones, Map 37.* Accessed February 8, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

experience a differential settlement of less than one-quarter-inch due to severe ground shaking caused by a major earthquake.

469 Piercy Road Site

The soils encountered during subsurface investigations below the ground water table were generally very stiff to hard clayey soils and dense to very dense sands and gravels which are not prone to liquefaction.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Coyote Creek is located approximately 1,300 southwest of the project sites. The potential for lateral spreading at the sites during a seismic event is considered moderate to low.

Landslides

The project sites are located in a flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The project sites are not located within an area susceptible to earthquake-induced landslides or Landslide Hazard Zone according to the Santa Clara County Geologic Hazard Zone Map.[15]

4.6.2 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:					1,3,13, 16,17
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.)?	☐	☐	☒	☐	1,3,13, 16,17
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,3,13, 16,17
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,3,13, 16,17
4. Landslides?	☐	☐	☒	☐	1,3,13, 16,17
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,16,17

[15] Santa Clara County. *Santa Clara County Geologic Hazard Zones, Map 37.* Accessed February 8, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	☐	☐	☒	☐	1,13,16, 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?	☐	☐	☒	☐	1,13,16, 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?	☐	☐	☐	☒	1,13,16, 17

4.6.3 Impact Discussion

4.6.3.1 *Seismicity and Seismic Hazards (Checklist Questions a and c)*

Earthquake Faults (Alquist-Priolo Earthquake Fault Zoning Map)

The project sites are located in a seismically active region of California and strong ground shaking would be expected during the lifetime of each proposed hotel. However, there are no known active faults traversing the project sites and the potential for surface rupture from displacement or fault movement directly beneath the proposed projects is considered low.

Strong Seismic Ground Shaking

Depending upon the intensity and magnitude of a seismic event, new buildings may experience shaking due to the site's proximity to the active faults in the vicinity.

Liquefaction

The geological investigation completed for the 459 Piercy Road Site identified the presence of potential liquefiable soils. These clayey sands and gravelly sands could result in differential settlement of less than one-quarter-inch during a major earthquake. The very stiff to hard clayey soils and dense to very dense sands and gravels found at the 469 Piercy Road Site would not likely be subject to liquefaction.

Landslides

The project sites are not located within an area susceptible to earthquake-induced landslides or Landslide Hazard Zone according to the Santa Clara County Geologic Hazard Zone Map.[16]

[16] Santa Clara County. *Santa Clara County Geologic Hazard Zones, Map 37.* Accessed February 8, 2018. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf

Implementation of the following Standard Permit Condition for both projects would reduce seismic hazards and impacts to a less than significant level.

Standard Permit Condition: To avoid or minimize potential damage from seismic shaking, the proposed projects would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed developments will account for repeatable horizontal ground accelerations. The reports shall be reviewed and approved of by the City of San José's Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The projects shall be designed to withstand soil hazards identified on the site and the projects shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code. (**Less than Significant Impact)**

4.6.3.2 *Soils Impacts (Checklist Questions b and d)*

The project sites are located in a relatively flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The soil expansion potential is low to moderate for the 469 Piercy Road Site. Soils on the 459 Project site have a moderate to high potential for expansion. To ensure that future buildings are designed properly to account for the presence of unstable soils, the following Standard Permit Conditions shall be implemented as part of both the 459 and 469 Piercy Road projects.

Standard Permit Conditions: The 459 and 469 Piercy Road projects shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. These standard practices, including the measures outlined below, would ensure that future buildings on the site are designed properly to account for soils-related hazards on the site and to prevent soil erosion.

- The projects shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.
- The projects shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works.
- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to peoples and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should he explored and evaluated in the investigation.
- The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.

The projects, with the implementation of the Standard Permit Conditions outlined above, would not result in significant soil impacts from expansive soils or result in soil erosion. **(Less than Significant Impact)**

4.6.3.3 *Wastewater (Checklist Question e)*

The project sites are located within an urbanized area of San José where sanitary sewer lines are available to dispose of wastewater from the project site. No septic tanks will be utilized on the project sites. As a result, the soil on-site will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.4 Conclusion

The proposed projects would result in less than significant geologic and soils impacts, and would not expose people or structures to new adverse seismic risks. **(Less than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on a greenhouse gas emissions analysis prepared by *Illingworth & Rodkin* in April 2018. The report can be found in Appendix D.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

Federal

Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.* ruled that carbon dioxide (CO_2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of greenhouse gases (GHGs). Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

California Global Warming Solutions Act (Assembly Bill 32)

Under the California Global Warming Solution Act, also known as AB 32, the CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and the *Climate Change Scoping Plan* identifying how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

On September 8, 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the *Climate Change Scoping Plan* to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO2e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO2e, down from the AB 32 2020 statewide goal of approximately 427 MMTCO2e.

Senate Bill 375 – Redesigning Communities to Reduce GHGs

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*.

Originally adopted in 2013 *Plan Bay Area*, established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas. Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as

a focused update with revised planning assumptions based current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan area related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The *Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

City of San José

General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA *Air Quality Guidelines,* as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for

development proposals are required to address the consistency of individual projects with the goals and policies in the 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 *Climate Change Scoping Plan* through 2020.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy	Description
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
CD-3.2:	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

City of San José Municipal Code

The City's Municipal Code includes the following regulations designed to reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

4.7.2 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?	☐	☒	☐	☐	1,3,12
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐	1,3,12

4.7.3 CEQA Thresholds of Significance

BAAQMD CEQA Air Quality Guidelines

BAAQMD created the CEQA Air Quality Guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the San Francisco Bay Area Air Basin, and adopted a modified version of the Guidelines in May, 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified Greenhouse Gas Reduction Strategy, it can be presumed that the project will not have significant GHG emissions under CEQA.[17] BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics.

The BAAQMD GHG recommendations include a specific plan-and project-level GHG emission 'bright-line' threshold for 2020 emissions of 1,100 MT CO2e/year or an efficiency metric of 4.6 metric tons (MT) of CO2e per year per service population to achieve the 2020 AB 32 statewide targets.[18][19] Given the projects may not be constructed and operational prior to 2020, GHG emissions resulting from operation of the projects at maximum build out have also been compared to a bright-line threshold consistent with State goals detailed in SB 32, EO B-30-15, and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030. Though BAAQMD has not published a

[17] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May.
[18] A project needs only to demonstrate that project-level GHG emissions are below one of the thresholds (either the 1,100 MT CO2e/year or an efficiency metric of 4.6 MT of CO2e per year per service population.
[19] Service population is the sum of full-time workers.

quantified threshold for 2030 yet, this Initial Study's assessment uses a "Substantial Progress" bright-line threshold of 660 MT CO2e/year (or a 40 percent reduction of the 2020 1,100 MT CO2e/year threshold) or an efficiency metric of 2.6 MT CO2e per year per service population. This is calculated for 2030 based on the GHG reduction goals of EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

4.7.4 Impact Discussion

4.7.4.1 *Greenhouse Gas Emissions Impacts (Checklist Question a)*

Construction

Construction of the proposed projects would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project sites. The CalEEMod model was used to estimate total construction GHG emissions for the 459 and 469 Piercy Road Hotel projects. The 459 Piercy Road project would result in 530 MT of CO2e; whereas the 469 Piercy Road project would result in 694 MT of CO2e. Neither the City nor BAAQMD have quantified thresholds for construction activities. Because project construction would be a temporary condition (this analysis assumes a total of 19 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. To ensure emissions would be less than significant, the applicants would implement best management practices consistent with BAAQMD recommendations during project construction. (**Less than significant impact**)

Standard Permit Conditions: The following project-specific measures, based on BAAQMD's recommendations, have been included for both the 459 and 469 Piercy Road hotels to reduce construction GHG emissions.

- Use local building materials of at least 10 percent, and recycle or reuse at least 50 percent of construction waste or demolition materials.

Operation

The CalEEMod model along with the project-specific information was used to calculate operational period GHG emissions associated with operation of the proposed projects. The projects are scheduled to begin construction in Summer 2019. Construction for both hotels is anticipated to take approximately 19 months, meaning the hotels could be in operation prior to the end of 2020 and thereby subject to the 2020 GHG targets based on AB 32. However, this timing is not guaranteed, and the possibility exists either or both hotels could be in operation after 2020, and therefore this analysis also accounts for a condition where the 2030 GHG targets based on SB 32 apply to the projects.

As shown in Table 4.7-1, annual GHG emissions resulting from operation of each project are estimated to exceed the BAAQMD significance threshold of 1,100 MT of CO2e/ year for 2020

emissions per AB 32 and the Substantial Progress threshold of 660 MT of CO2e/ year for 2030 emissions per SB 32.[20] This would be considered a significant impact.

Table 4.7-1: Annual GHG Emissions of CO2e (MT/year)		
Source Category	**459 Piercy Road Project**	**469 Piercy Road Project**
Area	<1	<1
Energy Consumption	554	866
Mobile	967	1,512
Waste	31	48
Water Usage	6	9
Total	**1,558**	**2,435**
BAAQMD 2020 Threshold	1,100 MT of CO_2e/year	
Substantial Progress 2030 Threshold	660 MT of CO_2e/year	
2020 Reduction Target	458	1,335
2030 Reduction Target	898	1,775

Impact GHG-1: Operation of the 459 and 469 Piercy Road hotel projects would generate greenhouse gas (GHG) emissions that would have a cumulatively considerable contribution to global climate change.

Mitigation Measure MM GHG-1: Prior to issuance of any Public Works clearances, the project applicants for each hotel project shall implement separately for each hotel the following mitigation measures according to the hotel's date of occupancy.

- Develop a GHG emissions reduction plan that would (1) reduce emissions from implementation of the hotel projects, and (2) demonstrate reduction of GHG emissions resulting from implementation of the 459 and 469 Piercy projects will be reduced by a sufficient amount for each site to achieve the 2020 standard of 1,100 MT of CO2e/year, and the 2030 standard of 660 of CO2e/ year, which is based on the year each hotel would become operational, i.e. begin emitting GHG emissions from occupancy.
    - If both hotels are operational prior to January 1, 2021 they are subject to 2020 GHG reduction targets, and the projects would require GHG emission reductions of at least 458 MT of CO2e/year for the 459 Piercy project, and at least 1,335 MT of CO2e/year for the 469 Piercy project, such that each project would have GHG emissions not exceeding 1,100 MT of CO2e/year.
    - If both hotels are operational after December 31, 2020 they are subject to 2030 GHG reduction targets, the projects would require GHG emission reductions of at least 898 MT of CO2e/ year for the 459 Piercy project and at least 1,775 MT of CO2e/ year for

[20] This Initial Study evaluated the projects against the BAAQMD significance threshold of 1,100 MT of CO2e/ year for 2020 emissions per AB 32 and the Substantial Progress threshold of 660 MT of CO2e/ year for 2030 emissions per SB 32. A service population efficiency metric is not relevant due to the projects' low service population.

the 469 Piercy project, such that each project would have GHG emissions not exceeding 660 MT of CO2e/ year. Elements of this plan may include, but would not be limited to, the following:

Elements of this plan the GHG emissions reduction plan may include, but would not be limited to, the following:

- Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
- Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise be approved by the BAAQMD in order to be used to offset Project emissions;
- Purchase of carbon credits to offset project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City;
- Develop and implement a transportation demand management (TDM) program to reduce mobile GHG emissions.

The GHG reduction plan for each hotel shall be submitted to the City of San José Supervising Environmental Planner, for approval prior issuance of any Public Works Clearances for each hotel. **(Less Than Significant Impact with Mitigation)**

4.7.4.2 *Conformance with Applicable Plans (Checklist Question b)*

General Plan and Greenhouse Gas Reduction Strategy

Consistent with the City's Private Sector Green Building Policy, the proposed projects would be designed to achieve, at minimum, LEED Silver certification by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections. The GHG Reduction Strategy only applies to those projects analyzed in the General Plan EIR and that would be operational by 2020. As noted above, one or both of the hotels may be operational after 2020, and generate emissions in excess of both the 2020 and 2030 GHG reduction targets. Each hotel has committed to implement a package of on-site and off-site GHG reduction measures, described in **MM GHG-1**, to ensure that each hotel's emissions are below either the applicable 2020 or 2030 threshold, based on the date each hotel becomes operational. Therefore, each hotel will do its part to help the City maintain its GHG reduction targets and will not frustrate the City's nor the State's comprehensive efforts to reduce GHG emissions to remain on a path to achieving the 2050 statewide targets. **(Less Than Significant Impact with Mitigation)**

4.7.5 Conclusion

With implementation of mitigation measure GHG-1, the proposed projects would result in less than significant GHG emission impacts. **(Less Than Significant Impact With Mitigation)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, upon Phase I Environmental Site Assessments (ESAs) completed for 459 Piercy Road by *ERAS Environmental, Inc.* (December 2017) and for 469 Piercy Road by *Pari & Gershon, Inc.* (June 2017). These reports are included as Appendix E1 and E2 to this Initial Study.

4.8.1 Environmental Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other activities. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

4.8.1.1 *Regulatory Framework*

Federal and State

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese List) is a planning document used by state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires CalEPA to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control and the State Water Resources Control Board (SWRCB).

California Division of Occupational Safety and Health

The California Occupational Safety and Health Act of 1970 provides measures that address the safety of construction and industrial workers. The California Occupational Safety and Health Administration (Cal/OSHA) is responsible for enforcing the occupational and public safety laws adopted by the U.S. Department of Labor's Occupational Safety and Health Administration.

Cal/OSHA requires preparation and implementation of an Injury and Illness Prevention Program, which addresses the handling of hazardous materials. Cal/OSHA requires that workers have training and instruction on general and job-specific safety and health practices. A Code of Safety Practices is required to be prepared implementing Cal/OSHA Construction Safety Orders. The Code of Safe Practices is required to be posted at a conspicuous location at each job site office or be provided to each supervisory employee who must have it readily available.

City of San José

Envision San José 2040 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed projects.

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.8.1.2 *Existing Conditions*

459 Piercy Road Site

Current and Historic Uses

The project site is currently a vacant and undeveloped parcel of land.

A review of historical aerial photographs show that the project site was used as an orchard from 1939 to 1968. From around 1973 to 1998 the site remained vacant and undeveloped. In aerial photographs from 2005 to 2010, there appears to be a groundwater well on the southern end of the site and a small structure along Hellyer Avenue.

On-Site Hazardous Materials

According to the Phase I ESA prepared by *Eras Environmental, Inc.*, the site is not listed on any environmental databases. Hazardous materials were not observed on the project site during the site visit.

According to the Phase I ESA, a 5,000-gallon diesel underground storage tank (UST) was removed from the project site on April 16, 2002. City of San José records indicate the UST was used by the City during the construction of a capital improvement project for Hellyer Avenue. The case closure report revealed that the UST was not located on the project site, but over 370 feet south of the site on Hellyer Avenue. At the time of removal, the tank was determined to be in good condition and intact. The bottom of the tank pit was analyzed for total petroleum hydrocarbons quantified as diesel range organics, benzene, toluene, ethylbenzene, xylenes, and volatile organic compounds. The testing results indicated no concentrations were present exceeding the method detection limits, indicating no release.

Off-Site Sources of Contamination

An environmental regulatory database search was also completed for properties that could be hazardous to the project site, within a mile of the project site. The sites listed in the regulatory database were not considered to have a potential to significantly impact the environment of the project site because either no release has occurred or due to their topographical relationship with respect to the project site.

469 Piercy Road Site

Current and Historic Uses

The project site is currently occupied by one single-family residence, which includes the main residence building and a secondary garage/storage building. There is a 200-feet deep groundwater well with its associated pumping system and two water storage tanks on-site. The main residence was constructed between 1996 and 2001. The secondary garage/storage building are remnants from the former residence that occupied the site between 1970 and 2001, which included the previous main residence building, the secondary garage/storage building, the water well, and a leach field. The previous house and its leach-field were demolished when the new house was built in 2001. The residence is served by a 2,000-gallon concrete underground septic tank that collects sewage and drains it into two 900 linear-feet leach fields located in the northern portion of the site.

On-Site Hazardous Materials

According to the Phase I ESA prepared by *Pari & Gershon, Inc.*, the site is not listed on any environmental databases.

Off-Site Sources of Contamination

The Phase ESA identified 13 documented hazardous materials locations on various databases within a one-mile radius of the project site. The Phase I ESA determined none of the sites represent a significant environmental concern for the project site because no release has occurred, or based on the distance of the facility from the project site and/or the direction of groundwater flow.

4.8.1.3 *Other Hazards*

Airports

The project sites are located approximately 10 and 5 miles south of the Norman Y. Mineta San José International Airport and Reid-Hillview Airport, respectively, and are not within Santa Clara County Airport Land Use Commission's defined Airport Influence Area. There are no private airstrips within the vicinity of the project sites.

Wildland Fire Hazards

According to the California Department of Forestry and Fire Protection (CAL FIRE), the project sites are not located in a fire hazard zone or the Wildland Urban Interface.

4.8.2 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
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?	☐	☒	☐	☐	1,14,15
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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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
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
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
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
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

4.8.3 Impact Discussion

4.8.3.1 *Routine Transport, Use, or Disposal of Hazardous Materials (Checklist Question a)*

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 hotels would not use acutely or extremely hazardous materials. For these reasons, the proposed projects 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)**

4.8.3.2 *Accidental Release of Hazardous Materials (Checklist Question b)*

As previously discussed, the 459 Piercy Road project site is currently vacant and undeveloped. Historically the site was planted with orchards. The 469 Piercy Road site is currently occupied by one single-family residence. There is a 200-feet deep groundwater well with its associated pumping system and two water storage tanks on-site. Historically the site was utilized as a walnut orchard. According to the Phase I ESAs prepared for the projects, neither sites are listed on any environmental databases. Hazardous materials were not observed on the project sites during the site visits. However, the subject sites, both 459 Piercy Road and 469 Piercy Road, had an agricultural history. As discussed in General Plan Policy EC-7.11 the potential exists for residual agricultural chemicals

to be present in the soil that may present a potential health risk to construction workers during redevelopment of the property and future workers and visitors. As a result, the shallow soil should be tested for organochlorine pesticides and pesticide-based metals (e.g. lead and arsenic) to determine if there are residual pesticides in the soil that must be addressed prior to construction.

Impact HAZ-1: Historic activities on the project sites may have impacted subsurface soil from previous agricultural uses. **(Significant Impact)**

Mitigation Measure HAZ-1: Due to the historical nature of project sites, the potential exists for residual agricultural chemicals to be present in the soil. The incorporation of these measures for both 459 Piercy Road and 469 Piercy Road, would reduce the potential health risk to result in a less than significant impact on construction workers or nearby residents during redevelopment of the property and future workers and visitors.

MM HAZ-1: The project applicants shall retain a qualified consultant to conduct soil sampling to test shallow soils on the site for organochlorine pesticides and pesticide-based metals (e.g. lead and arsenic). The qualified consultant shall prepare documentation to outline the soil sample data and testing. If the residual contaminants are not detected and/or are found to be below the environmental screening levels (ESLs) for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.

If residual contaminants are found and are above ESLs, the project applicants shall implement appropriate management procedures, such as removal of the contaminated soil and/or capping the contaminated soil under clean soil or hardscape must be implemented under regulatory oversight from the SCCDEH or DTSC. Copies of all environmental investigations shall be submitted to the City's Environmental Services Department and the Supervising Environmental Planner prior to issuance of any grading permits. **(Less than Significant Impact with Mitigation Incorporated)**

Off-Site

The project sites are surrounded by light industrial 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 sites. For these reasons, development of the proposed hotels would not result in a significant impact from off-site hazardous materials conditions. **(Less Than Significant Impact)**

4.8.3.3 *Hazardous Emissions or Hazardous Materials near Schools (Checklist Question c)*

The nearest school is Edenvale Elementary School, which is approximately 1.2 miles northwest of the project sites. There are no existing or proposed schools within 0.25 mile of the site; therefore, there would be no impact. **(No Impact)**

4.8.3.4 *Hazardous Materials Sites (Checklist Question d)*

The project sites are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact)**

4.8.3.5 *Other Hazards (Checklist Questions e through h)*

The nearest airport is the Reid-Hillview Airport, located 5 miles north of the project sites. The project sites are located approximately 10 miles southeast of the Norman Y. Mineta San José International Airport. The project sites are not located within an airport land use plan referral area or wildland fire hazard area. The proposed projects would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

4.8.4 Conclusion

With implementation of MM HAZ-1, the proposed projects would result in a less than significant hazardous materials impact. **(Less Than Significant Impact With Mitigation)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Clean Water Act and California's Porter-Cologne Water Quality Control Act

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).

NPDES Permit Program

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

Under the provisions of the Municipal Regional Stormwater NPDES Permit (MRP), development projects that create or replace 10,000 square feet or more of impervious surfaces are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as site design measures, pollutant source control measures, and stormwater treatment facilities aimed to maintain or restore the site's national hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. Provision C.3 of the MRP requires fuel service facilities that create or replace greater than 5,000 square feet of impervious surface to design and install LID controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment. If the new/replaced impervious surface will be greater than 50 percent of the pre-project impervious surface area, stormwater treatment for the entire site will be required. If the new/replaced impervious surface for the project will be less than 50 percent of the pre-project impervious surface area, stormwater treatment for only the new/replaced area will be required.

The Municipal Regional Permit also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations.

Post-Construction Urban Runoff Management (Policy 6-29)

The City has developed policies 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. Source Control Measures are required for Land Uses of Concern uses regardless of project size. This could include creating a 'treatment train' that includes mechanical filtration of urban runoff prior to release to a LID treatment measure.

Post-Construction Hydromodification Management (Policy 8-14)

The City's Post-Construction Hydromodification Management Policy (8-14) implements Provision C.3, consistent with the MRP and requires an implementation framework for incorporating measures to control hydromodification impacts from development projects. Based on its location within a catchment and subwatershed less than 65% impervious, the project would be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit.

Envision San José 2040 General Plan

The following General Plan policies are specific to hydrology and water quality and are applicable to the proposed projects.

Policy	Description
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.1.2 *Existing Conditions*

Stormwater Drainage

The City of San José Public Works Department operates and maintains the storm drainage system in the City. There are two existing 48-inch storm mains located in Hellyer Avenue and Piercy Road that serve the project sites. The mains drain into Coyote Creek, which carries stormwater from the storm drains into the San Francisco Bay.

Water Quality

The proposed projects are located within the Coyote Creek watershed, the largest watershed in Santa Clara County. The water quality of the river is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, such as oil, grease, asbestos, lead, and animal wastes. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains.

Under Section 303(d)[21] of the 1972 Clean Water Act, states are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern.[22] The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. Coyote Creek is listed on the 303(d) Impaired Water Bodies watch list and is listed as having a 2007 U.S. EPA approved TMDL for diazinon, whose sources include urban runoff and storm sewers that carry pesticide residue.

Groundwater

Historic groundwater elevations in the vicinity of the proposed projects average approximately 20 to 30 feet below the ground surface. Fluctuations in the groundwater level may occur due to seasonal changes, variation in underground drainage patterns, and other factors.

Groundwater was encountered at a depth of 42 below ground surface during subsurface soil investigations conducted at the 459 Piercy Road project site, and at a depth of 31 feet below ground surface at the 469 Piercy Road site. The differing groundwater depths encountered at each site are likely due to fluctuating seasonal conditions.

The project sites are within the Santa Clara Plain Recharge area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions. The sites are located within urbanized areas of San José and are not within or adjacent to a SCVWD groundwater recharge facility, such as a SCVWD recharge pond. According to the Phase I Environmental Assessment prepared for the 469

[21] The Clean Water Act, Section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

[22] U.S. Environmental Protection Agency. *California 303(d) Listed Waters.* Accessed February 12, 2018. http://ofmpub.epa.gov/waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2010

Piercy Road site, there is an existing 200-feet deep groundwater well with its associated pumping system onsite.

Flooding

The project sites are located in Flood Zone D, which is an area of undetermined but possible flood hazard that is outside the 100-year floodplain.[23]

Dam Failure

According to Appendix G of the General Plan EIR, the project sites are located in the Anderson Dam inundation area, which is an area that may be flooded in the event of a complete dam failure.

Seiches, Tsunamis, and Mudflows

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 sites that in the event of a seiche will affect the sites.

A tsunami or tidal wave is a series of water waves caused by the displacement of 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 sites do not lie 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 sites are not susceptible to mudflows.[25]

[23] Federal Emergency Management Agency. Site accessed February 12, 2018. http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30.
[24] Association of Bay Area Governments. *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area*. Site accessed February 12, 2018. http://gis.abag.ca.gov/website/Hazards/?hlyr=femaZones.
[25] Association of Bay Area Governments. *Rainfall-Induced Landslides.* Accessed February 12, 2018. http://gis.abag.ca.gov/website/Hazards/?hlyr=existingLndsld#nogo1.

4.9.2 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?	☐	☐	☒	☐	1,3
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)?	☐	☒	☐	☐	1,3
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
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
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
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
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?	☐	☐	☒	☐	1,3,19
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	1,3,19
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?	☐	☐	☒	☐	1,3,19
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,20,21

4.9.3 Impact Discussion

4.9.3.1 *Water Quality Impacts (Checklist Question a, e, and f)*

Construction Activities

Construction of the proposed projects would disturb more than 1.0 acre; therefore, compliance with the NPDES General Permit for Construction Activities (including submitting a Notice of Intent to the RWQCB and development of a Stormwater Pollution Prevention Plan to control discharge associated with construction activities) is required.

Construction activities could result in a temporary increase in stormwater pollutants during ground disturbing activities. The project applicants for both 459 and 469 Piercy Road hotels are required to comply with the City of San José Grading Ordinance, including implementation of erosion and dust control during site preparation, and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. Compliance would ensure that the level of stormwater pollutants would not be significant.

Standard Permit Conditions: The following project-specific measures, based on RWQCB BMPs, have been included in both the 459 and 469 Piercy Road hotels, to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on-site and would continue until the construction is complete, and during the post-construction period, as appropriate.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicants shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- A Storm Water Permit will be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponents will file an NOI to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which

addresses measures that would be included in the projects to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.

- The SWPPP shall be posted at the project sites and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the sites.

Post-Construction

Water Quality

The 459 Piercy Road project would increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 69,899 square feet. The 469 Piercy Road project would increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 130,165 square feet. Under Provision C.3 of the RWQCB's 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 LID treatment controls (e.g., biotreatment facilities). Development of the proposed projects would result in the placement of more than 10,000 square feet of impervious surfaces. Therefore, the projects would be required to comply with Provision C.3 of the MRP to reduce potential post-construction water quality impacts. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The 459 Piercy Road project proposes to install two subsurface detention basins that would temporarily detain and release stormwater, as shown on Figure 4-1. The 469 Piercy Road project proposes to slow and treat on-site stormwater runoff via five bioretention basins, as shown on Figure 4-2.

Post-Construction Flows/Hydromodification

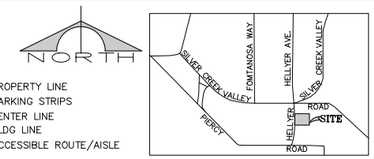
The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more 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 projects will be required to comply with the hydromodification requirements of the MRP because it will create more than one acre of impervious surface.

SUBSURFACE DETENTION BASIN – DMA # 1
CAPACITY – 3000 CUBIC FEET
SUBSURFACE AREA – 2000 SF (WIDTH – 25 FT, LENGHT – 80 FT.)
POROSITY – 0.35

SOURCE CONTROL MEASURES
COVERED DUMPSTER AREA AND DRAIN TO SANITARY SEWER
OUTDOOR MATERIAL STORAGE PROTECTION
SANITARY SEWER CONNECTION TO SWIMMING POOL
MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING,)
GOOD HOUSE KEEPING)

WATER QUALITY TREAMENT
SUBSURFACE INFILTRATION SYSTEM (DESIGN BASIS – VOLUME)
SUBSURFACE INFILTRATION SYSTEM – 2 BASINS PROPOSED
ONE IN EACH DMA

LEGEND:
PROPERTY LINE
PARKING STRIPS
CENTER LINE
BLDG LINE
ACCESSIBLE ROUTE/AISLE



VICINITY MAP:
N.T.S.

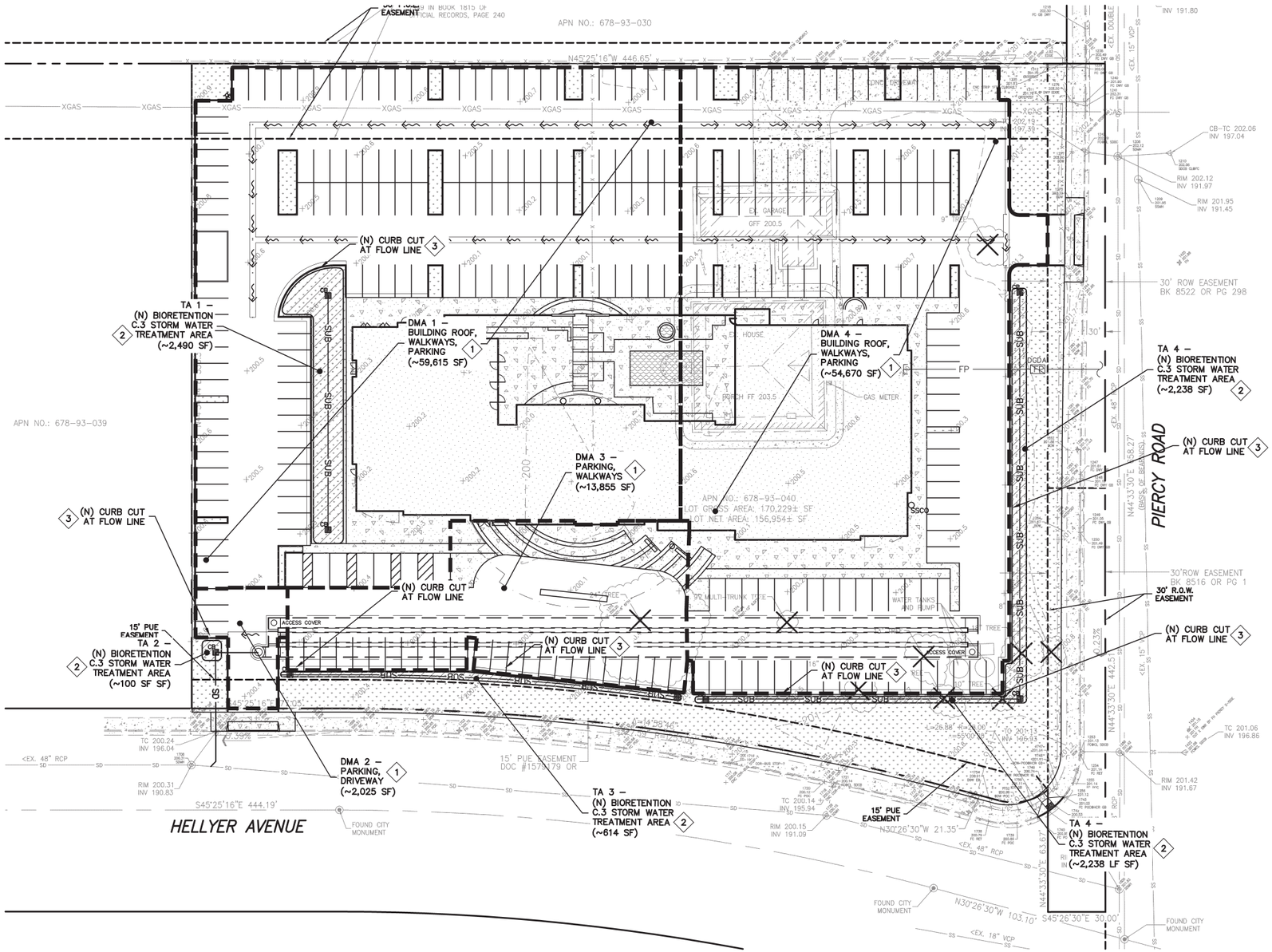
Detail of DMA's								
S.No.	Area	Building Area	Paved Area	Sidewalk	Landscape	Pool Area	Total Impervious Area	impervious ratio
	Area in SF							
DMA#1	48167	10563	20603	2590	10345	4066	37822	0.79
DMA#2	39832	8523	21866	1688	7755		32077	0.81
Total developed Site Area	87999	19086	42469	4278	18100	4066	69899	0.79
Total Undeveloped Site	87999						0	0.0

URBAN RUNOFF QUALITY MANAGEMENT APPROACH (URQM Approach)			
DMA #1 - Water Quality Volume Calculation			
A, Area	1.11	acres	
Impervious area	0.87	acres	
i=	0.79		Watershed impervious ratio
Cw = 0.858i^3 – 0.78i^2 + 0.774i + 0.04			Watershed runoff coefficient
Cw=	0.582		
MAP_{site}	16	inches	Mean annual Precipitation of Site
MAP_{gage}	13.5	inches	Mean annual Precipitation at gage used San Jose Airport
$P6_{gage}$	0.512	inches	Mean Storm event precipitation at gage
$P6_{site}$	$P6_{gage}$ * MAP_{site}/MAP_{gage}		
$P6_{site}$	0.59	inches	Mean Storm event precipitation at site
a (regression constant)	1.963		48 hour drain time
Pc	0.67	inches	maximized detention storage volume
Detention Vclume	0.062	acre feet	
Detention Vclume	2704	acre feet	
Treatment Type	Sub surface detention		
Soil Type	SILT LOAM (B)		
Porosity Considered	0.35		
Capacity Provided	3000	cubic feet	
DMA #2 - Water Quality Volume Calculation			
A, Area	0.91	acres	
Impervious area	0.74	acres	
i=	0.81		Watershed impervious ratio
Cw = 0.858i^3 – 0.78i^2 + 0.774i + 0.04			Watershed runoff coefficient
Cw=	0.606		
MAP_{site}	16	inches	Mean annual Precipitation of Site
MAP_{gage}	13.5	inches	Mean annual Precipitation at gage used San Jose Airport
$P6_{gage}$	0.512	inches	Mean Storm event precipitation at gage
$P6_{site}$	$P6_{gage}$ * MAP_{site}/MAP_{gage}		
$P6_{site}$	0.59	inches	Mean Storm event precipitation at site
a (regression constant)	1.963		48 hour drain time
Pc	0.70	inches	maximized detention
Detention Vclume	0.053	acre feet	
Detention Vclume	2325	cubic feet	
Treatment Type	Sub surface detention		
Soil Type	SILT LOAM (B)		
Porosity Considered	0.35		
Capacity Provided	2500	cubic feet	

SUBSURFACE DETENTION BASIN – DMA # 2
CAPACITY – 2500 CUBIC FEET
SUBSURFACE AREA – 1625 SF (WIDTH – 25 FT, LENGHT – 65 FT.)
POROSITY – 0.35

GRAPHIC SCALE
(IN FEET) 1 INCH = 20 ft.

459 PIERCY ROAD STORMWATER CONTROL PLAN | FIGURE 4-1



PLAN NOTES KEYNOTES 1 TO X

1. (N) DRAINAGE MANAGEMENT AREA (DMA). DMA'S REPRESENT (N) IMPERVIOUS AREAS PROPOSED TO DRAIN TOWARDS DESIGNATED TREATMENT AREAS (TA) SIZED PER C.3. GUIDELINES. SEE TABLE 1 FOR CALCULATIONS.
2. (N) BIO–RETENTION TREATMENT AREA. SEE SHEET TABLE 1 FOR SIZING CALCULATION AND SHEET SW–2 FOR DETAILS.
3. (N) CURB OPENING AT FLOW LINE SET 10' ON CENTER.

GENERAL PLAN NOTES:

A. THIS PROPOSED SITE IS A REGULATED PROJECT UNDER THE MUNICIPAL REGIONAL PERMIT (MRP) PROVISION C3.

B. THE PROJECT WILL CREATE AND REPLACE 141,610 SQUARE FEET OR MORE OF IMPERVIOUS AREA.

SITE DESIGN MEASURES

THIS PROPOSED SITE PLANS TO:

A. PRESERVE OPEN SPACE AND NATURAL DRAINAGE PATTERNS

LANDSCAPE DESIGN MEASURES

THIS PROPOSED SITE PLANS TO:

A. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREA.

B. PLANT TREES TO ADJACENT TO AN IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.

SOURCE CONTROL MEASURES

THIS PROPOSED SITE PLANS TO:

A. INCLUDE BENEFICIAL LANDSCAPING.

B. USE WATER EFFICIENT IRRIGATION SYSTEMS.

C. IMPLEMENT GOOD HOUSEKEEPING, E.G., SWEEP PAVEMENT AND CLEAN CATCH BASIN.

D. LABEL STORM DRAINS.

PRELIMINARY IMPERVIOUS AND TREATMENT AREA SUMMARY

Drainage Management Area (DMA)	(SF)	SIZING FACTOR	TREATMENT AREA REQUIRED	TREATMENT AREA PROPOSED	TREATMENT TYPE	EXCESS TREATMENT
WEST ROOF, PARKING, WALKWAYS	59,615	0.04	2,385	2,490	BIORETENTION	**105**
PARKING, DRIVEWAY	2,025	0.04	81	100	BIORETENTION	**19**
PARKING, WALKWAYS	13,855	0.04	554	614	BIORETENTION	**60**
EAST ROOF, PARKING, WALKWAYS	54,670	0.04	2,187	2,238	BIORETENTION	**51**
TOTAL	**130,165**	**0.04**	**5,207**	**5,442**		**235**

NOTE:
FOR CONSTRUCTION STAKING SCHEDULING OR QUOTATIONS PLEASE CONTACT ALEX ABAYA AT LEA & BRAZE ENGINEERING (510)887-4086 EXT 116. aabaya@leabraze.com

0 15 30 60

469 PIERCY ROAD STORMWATER CONTROL PLAN | FIGURE 4-2

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. Consistency with these policies is typically determined through the submittal of stormwater control plans and a Hydromodification Management Plan to the San José Department of Public Works and Department of Planning, Building, and Code Enforcement. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with City policies pertaining to stormwater and drainage, the projects, following construction, would have a less than significant water quality impact and would produce stormwater runoff volumes consistent with the requirements of the City's Hydromodification Management Policy. **(Less than Significant Impact)**

4.9.3.2 *Groundwater (Checklist Question b)*

The proposed projects do not include installation of new groundwater wells and would not deplete groundwater supplies. The project sites are located within the Santa Clara Plain Recharge area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions. The sites are not, however, within or adjacent to a SCVWD groundwater recharge facility, such as a SCVWD recharge pond. The proposed projects would be required to treat post-construction runoff using LID treatment controls (e.g., bioretention facilities) in compliance with Provision C.3 of the RWQCB's MRP. Therefore, while the proposed projects would result in an increase in impervious surface on the sites, the projects' design would allow for runoff to be directed toward areas that support groundwater recharge and reduce impacts related to groundwater recharge would be less than significant.

According to the Phase I Environmental Assessment prepared for the 469 Piercy Road site, there is an existing 200-feet deep groundwater well with its associated pumping system onsite. Improperly abandoned and unused wells can be prime sources for transferring contaminants from the upper to the lower aquifer.

Impact HYD – 1: The 469 Piercy Road project site has a water supply well on-site which could result in long-term contribution of pollutants in the groundwater if improperly abandoned. **(Significant Impact)**

Mitigation Measure: The following mitigation measure will reduce impacts to groundwater from the 469 Piercy Road on-site well to a less than significant level:

MM HYD – 1: Prior to the issuance of any grading permits, the project applicant shall ensure the on-site well at 469 Piercy Road has been properly abandoned with oversight from the Santa Clara Valley Water District (SCVWD). A well destruction permit shall be obtained from the SCVWD and the well decommissioned in accordance with the conditions of the permit. A copy of the issued destruction permit shall be provided to the Public Works Engineer and the City's Environmental Supervising Planner along with SCVWD verification of implementation of, and compliance with, the well destruction permit. **(Less Than Significant Impact with Mitigation)**

4.9.3.3 *Drainage Patterns (Checklist Question c and d)*

The projects would increase the amount of impervious surfaces by 200,064 square feet. The proposed projects would be required to implement the construction-related Standard Permit Conditions to minimize erosion, as well as post-construction requirements to minimize and treat stormwater runoff (per the requirements of Provision C.3 of the RWQCB's MRP and Council Policy 6-29). Thus, the projects would not substantially alter the existing drainage pattern of the sites such that erosion or siltation would occur, nor would the project substantially increase the rate or amount of surface runoff beyond the capacity of available storm drain facilities. **(Less than Significant Impact)**

4.9.3.4 *Flooding (Checklist Questions g through i)*

The proposed project would not place structures in a 100-year floodplain; however, the project sites are located in Flood Zone D, which is an area of undetermined but possible flood hazard outside the 100-year floodplain. The project sites are also located in the Anderson Dam inundation area, which is an area that may be flooded in the event of a complete dam failure. However, the SCVWD comprehensive dam safety program makes such a risk extremely low, and the project would not trigger or exacerbate the risk of Anderson Dam failure, an existing condition that could affect the site and this issue is outside the bounds of CEQA, as outlined in the California Supreme Court December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)], in that CEQA is concerned with a project's effects on the environment and not the environment's potential effects on a project. For this reason, the sites are not subject to a significant risk of loss, injury, or death involving dam inundation. **(Less Than Significant Impact)**

4.9.3.5 *Seiches, Tsunamis, and Mudflows (Checklist Question j)*

The project sites are not subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

4.9.4 Conclusion

Implementation of the proposed project, with MM HYD-1 to ensure proper well destruction on 469 Piercy Road along with Standard Permit Conditions applicable to both hotel sites, would result in less than significant hydrology and water quality impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The project sites are designated *Industrial Park* in the City of San José General Plan, a designation intended for a variety of industrial users such as research and development, manufacturing, assembly, testing and offices.

The following policies are specific to land use and are applicable to a mixture of compatible commercial and industrial development.

Policy	Description
LU-6.7	Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.
LU-8.1	In areas that are designated for mixed industrial and commercial uses, allow only commercial uses that are compatible with industrial uses. Non-employment uses are prohibited in these areas.
LU-8.2	Encourage more large-format commercial uses in Combined Industrial/ Commercial lands, since these development typologies are typically similar to the development scale of industrial development in the same area. Discourage small-scale and strip commercial shopping centers in the Combined Industrial/ Commercial area.

Zoning Ordinance

The project sites are zoned *Industrial Park*, a designation intended for a variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The projects propose to rezone the sites to the *Combined Industrial/ Commercial (CIC)* district to allow the proposed hotels.

Edenvale Development Policy

The City of San José adopted the Edenvale Area Development Policy (EADP) to: 1) manage the traffic congestion associated with near-term development in the Edenvale Redevelopment Project Area (ERPA); 2) promote General Plan goals for economic development; and 3) encourage a reverse commute to jobs at southerly locations in San José. The ERPA encompasses a total of 451 acres on both sides of U.S. 101 in southeastern San José.

The projects are located within Sub-Area 3 of the ERPA, which is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial development.

Santa Clara Valley Habitat Plan

The SCVHP was adopted and became effective in October 2013. The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, SCVWD, VTA, USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. Conformance with the Habitat Plan is required under Chapter 18.40 of the San José Municipal Code. The project sites are designated as *Urban-Suburban* land cover and construction of the proposed projects is considered a covered activity under the plan.

4.10.1.2 *Existing Conditions*

Existing Land Uses

The approximately 2.02-acre 459 Piercy Road site is currently undeveloped. The approximately 3.6-acre 469 Piercy Road site is currently developed with one single-family residence.

Surrounding Land Uses

The project sites are located east of U.S 101 and north of the intersection of Hellyer Avenue and Piercy Road. The project sites are located along Hellyer Avenue and Piercy Road in a developing industrial park, in an area known as Edenvale. Land uses in the vicinity include light industrial and R&D uses to the north, south and west of the sites. There are two single-family residences located to the west of the project sites, across Hellyer Avenue.

4.10.2 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
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?	☐	☐	☒	☐	1,2,3,4,5
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2,3,4,5

4.10.3 Impact Discussion

4.10.3.1 *Physically Divide an Established Community (Checklist Question a)*

Projects that have the potential to physically divide an established community are those that would create physical barriers resulting in the separation or division and existing community or neighborhood, such as the construction of new freeways, highways, roadways, or other similar linear infrastructure projects. The projects propose a 112-room, five-story hotel at 459 Piercy Road and 175-room, six-story hotel at 469 Piercy Road within a primarily light industrial area. The EADP is intended to accommodate a mix of uses including residential, commercial, and office uses. The proposed projects would not introduce a new or incompatible use into the area, nor would it physically divide an established community. **(Less than Significant Impact)**

4.10.3.2 *Consistency with the Applicable Plans, Policies, or Regulations (Checklist Question b)*

Envision San José 2040 General Plan

The projects sites are designated *Industrial Park*. The City Council on December 11, 2018 approved a General Plan Text Amendment (File No. GPT18-003) that allows for hotels in the *Industrial Park* land use designation. Therefore, the proposed projects are consistent with the General Plan designation.

San José Zoning Ordinance

The projects propose to rezone the site from *Industrial Park* zoning district to the *Combined Industrial/ Commercial* zoning district. Hotel uses are permitted under the *Combined Industrial/ Commercial* zoning district. With approval of the rezoning, the proposed projects would not conflict with the Zoning Ordinance. **(Less Than Significant Impact)**

Edenvale Area Development Policy

The purpose of the EADP is to manage traffic congestion, promote economic development, and encourage a reverse commute to jobs in the EADP area of south San José. A project's consistency with the EADP is determined by its consistency with the land use development and traffic assumptions described in the EADP, and its contribution to assessment and community facilities districts to finance infrastructure improvements in the EADP, as appropriate.

The EADP provides for the development of approximately 2,850,000 square feet of new industrial development within Sub-Area 3. The projects would contribute their fair share to assessment and community facilities and would finance infrastructure improvements in the EADP, as appropriate. The proposed projects are consistent with the amount of development allowed under the EADP. For more detailed discussion of each hotel's conformance with the EADP's traffic analysis, refer to *Section 4.16 Transportation/Traffic*. **(Less than Significant Impact)**

4.10.3.3 *Consistency with the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan* *(Checklist Question c)*

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in *Section 4.4 Biological Resources*, construction of the proposed projects would be considered a covered activity and would be required to comply with the provisions of the SCVHP. Compliance with the SCVHP would include payment of applicable SCVHP fees and Conditions, included as a standard permit condition for both the 459 Piercy Road and 469 Piercy Road hotel projects. **(Less Than Significant Impact)**

4.10.4 Conclusion

The proposed projects would not result in significant land use impacts. **(Less than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975, the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits, which are of regional significance as a source of construction aggregate materials.

4.11.1.2 *Existing Conditions*

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area, San José does not have known mineral resource deposits. The project sites are located outside of the Communications Hill area.

4.11.2 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?	☐	☐	☐	☒	1,2,4
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

4.11.3 Impact Discussion

4.11.3.1 *Impacts to Mineral Resources (Checklist Questions a and b)*

The proposed projects would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present with the general area. The proposed projects, therefore, would not result in impacts to mineral resources. **(No Impact)**

4.11.4 Conclusion

The proposed projects would not result in impacts to known mineral resources. **(No Impact)**

4.12 NOISE AND VIBRATION

The following discussion is based, in part, upon a Noise Assessment completed for the projects by *Illingworth & Rodkin* in March 2018, and included as Appendix F to this Initial Study.

4.12.1 Overview

Acceptable levels of noise vary from land use to land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive. L_{max} and L_{eq} are used to define the maximum and average A-weighted noise levels during a measurement period, respectively.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. To emphasize quiet-time noise events, the Day/Night Average Sound Level (DNL or L_{dn}) and Community Noise Equivalent Level (CNEL) were developed to measure the average cumulative noise exposure over a 24-hour period. Both DNL and CNEL include a 10 dB addition to noise levels from 10:00 p.m. to 7:00 a.m. to account for human sensitivity to night noise, while CNEL also includes a 5 dB addition to noise generated between 7:00 p.m. and 10:00 p.m.

4.12.2 Environmental Setting

4.12.2.1 *Regulatory Framework*

State of California Code of Regulations, Title 24

The State of California Title 24 standards use the DNL descriptor and specify an exterior noise criterion of 60 dB DNL for the requirement of a noise analysis.

City of San José

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to noise and vibration and are applicable to the proposed projects.

Policies	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 4.12-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown.
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table 4.12-1) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
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.
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.
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.
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 0.008 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 convention construction.

The General Plan considers noise impacts to be significant if a project would increase noise levels at adjacent land uses by 5 dBA or more where noise levels would remain within the "normally acceptable" category or 3 dBA where noise levels would equal or exceed the "normally acceptable" level, as outlined in General Plan Policy EC-1.2.

Noise and land use compatibility guidelines set forth in the General Plan are shown below in Table 4.12-1. Based on the General Plan Noise and Land Use Compatibility Guidelines, hotel development is allowed in areas with ambient noise levels up to 60 dBA DNL and is conditionally allowed in areas with noise levels up to 75 dBA DNL

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.

Municipal Code

The City's Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development

Permit or other planning approval.[26] The proposed projects are within 500 feet of a residential unit and therefore are subject to this requirement. The City's Municipal Code also limits noise levels at abutting property lines of specific uses, as shown in the following Table 4.12-2, such that a Development Permit is required to exceed the values in the table.

Table 4.12-2: City of San José Municipal Code Noise Standards

Land Use Types	Maximum Noise Levels at Property Line (dBA)
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

4.12.2.2 *Existing Conditions*

The dominant noise source in the project area is vehicular traffic on surrounding surface streets and from U.S. 101. According to the Existing Citywide Traffic Noise Contours Map in the General Plan EIRs, existing noise levels on the project sites range between 60-65 dBA DNL. In 2035, the projected noise levels in the project area range from 65 to 70 dba DNL. The project sites are not subject to aircraft noise and is not located within the noise contours of the Norman Y. Mineta International Airport.

4.12.3 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?	☐	☒	☐	☐	1,3,23
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1,23
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,23
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,23

[26] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
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
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

4.12.4 Impact Discussion

4.12.4.1 *Significance Threshold*

Appendix G of the CEQA Guidelines states that a project would normally be considered to have significant noise impacts if noise levels generated by the project conflict with adopted environmental standards or plans or if ambient noise levels at sensitive receptors would be substantially increased over a permanent, temporary, or periodic basis. Consistent with Appendix G, the following applicable criteria was used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.
- A significant impact would be identified if the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater where the noise levels would remain "Normally Acceptable" or b) the noise level increase is 3 dBA DNL or greater where noise levels would equal or exceed the "Normally Acceptable" level as indicated in Table EC-1 of the General Plan and Table 4.12-1 above.

4.12.4.2 ***Noise Impacts from the Project*** *(Checklist Questions a – d)*

Construction Noise Impacts

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. The construction of the proposed projects would involve demolition of existing structures (only at 469 Piercy Road), grading, excavation to lay foundations, trenching, building erection, and paving. The hauling of imported and exported soil and materials would generate truck trips on local roadways as well.

Hourly average noise levels exceeding 60 dBA Leq, and the ambient by at least 5 dBA Leq, at the property lines of the nearest residential land uses for a period of more than one year would constitute a significant temporary noise increase. The project sites do not share property lines with residential land uses. Hourly average noise levels exceeding 70 dBA Leq, and the ambient by at least 5 dBA Leq, at the property lines shared with commercial land uses for a period of more than one year would also constitute a significant temporary noise increase. The nearest commercial land use is the Commonwealth Central Credit Union, located adjacent to the 459 Piercy Road site.

Construction of the project would temporarily increase noise levels in the immediate vicinity of the project sites. The nearest commercial land uses to the northwest are approximately 135 feet and 470 feet from the centers of the two project sites, respectively. At these distances, hourly average noise levels during busy construction periods would range from 73 to 80 dBA Leq at the commercial property line to the northwest of the site. On the southeast, the nearest commercial land uses are located approximately 310 feet and 650 feet from the centers of the project sites, respectively. At these distances, hourly average noise levels during busy construction periods would range from 67 to 74 dBA Leq at the commercial property line to the southeast. Construction noise levels at commercial land uses would exceed 70 dBA Leq and would exceed the ambient noise environment by at least 5 dBA Leq for a period exceeding one year at the nearby commercial land uses to the northwest, but would only exceed 70 dBA Leq and the ambient noise environment by at least 5 dBA Leq for a period of about 40 days at the commercial land uses to the southeast. The nearest residential land use would be approximately 275 feet and 425 feet from the centers of the project sites, respectively, and hourly average noise levels are calculated to range from 68 to 75 dBA Leq. Construction noise levels at the nearest residential land use would be expected to exceed 60 dBA Leq and the ambient noise environment by at least 5 dBA Leq for a period exceeding one year. Construction would occur within 500 feet of existing residences and within 200 feet of existing commercial uses. Per Policy EC-1.7 of the City's General Plan, the temporary construction impact would be potentially significant.

Standard Permit Conditions: The applicants for the 459 and 469 Piercy Road projects shall develop a noise logistics plan to be implemented during all phases of construction to reduce noise exposure of neighboring properties. The noise logistics plans will include the following available controls:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (Municipal Code Section 20.100.450).
- Utilize the best available noise suppression devices and techniques during construction activities.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- 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 as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify in writing all adjacent business, residences, and other noise-sensitive land uses of the construction schedule.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Compliance with the City's Municipal Code and the identified Standard Permit Conditions would result in a less than significant impact from the temporary increase in ambient noise levels in the project area. **(Less Than Significant Impact)**

Construction Vibration Impacts

Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity. Pile driving would not be required for project construction.

The nearest commercial buildings would be located approximately 85 feet northwest and southeast of the project boundaries. At this distance, vibration levels due to construction activities would reach 0.032 to 0.033 in/sec PPV. The nearest residential building southwest of the site, opposite Hellyer Avenue, would be approximately 230 feet from locations of the project sites where heavy construction would be expected. At this distance, vibration levels due to construction activities would reach 0.007 to 0.008 in/sec PPV. According to Policy EC-2.3 of the City's General Plan, a vibration limit of 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The proposed project would comply with all applicable City policies and would not include mechanical equipment that would create substantial vibration impacts to adjacent

buildings. Therefore, the project would have a less than significant construction vibration impact. **(Less Than Significant Impact)**

Operational Noise Impacts

Operational noise generated by the proposed projects would result primarily from traffic-generated noise and roof-top mechanical equipment. Hotel operations would generally occur within the interiors of the hotels, with the exceptions of the outdoor pool areas and the proposed rooftop bar at the 469 Piercy Road project. The rooftop bar would be located primarily within the interior of the proposed hotel. A small outdoor patio component is also proposed. The rooftop bar is intended for use by hotel guests and noise levels would be compatible with the hotel use, as guest rooms would be located in the vicinity of the bar. Noise associated with the outdoor pool areas, which are both located within interior courtyard areas and would not front Hellyer Avenue or Piercy Road, would not create a significant source of noise for nearby residents.

Roof-top mechanical equipment would include air conditioning units and exhaust fans. As previously discussed, the nearest sensitive receptor is located approximately 230 feet from the project sites. Mechanical equipment associated with the projects could generate noise in excess of the City's noise policy goal of 55 dBA DNL.

Impact NOI – 1: Mechanical equipment associated with the projects could generate noise in excess of the City's noise policy goal of 55 dBA DNL. **(Significant Impact)**

Mitigation Measure: The following mitigation measures shall be implemented by both the 459 and 469 Piercy Road hotel projects to reduce noise impacts to nearby sensitive land uses to a less than significant level:

MM NOI – 1: Consistent with the General Plan FEIR and City of San José Municipal Code, the project proposes to implement the following measures to ensure that project operational noise does not exceed 55 dBA DNL at residential property lines:

- A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits.
- Ensure that noise generating activities such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

With the implementation of MM NOI-1 described above, each hotel project would result in a less than significant impact. **(Less Than Significant Impact With Mitigation)**

Project Generated Traffic Noise Impacts

An increase of three dBA is considered substantial in noise sensitive areas along roadways. Vehicular traffic on roadways in the City are anticipated to increase as development occurs and the population increases; however, the proposed project would have to double the existing traffic volume in the area to substantially increase noise levels (by three dBA or more). The traffic from the combined proposed hotels would result in 3,510 daily traffic trips, an approximately 15 to 20 percent increase over existing conditions (refer to *Section 4.16, Transportation*). Although the increase in traffic would result in an overall increase in traffic noise, the project would not generate sufficient trips to double the existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. As discussed in Section 4.16 *Transportation*, the two hotels would be developed as part of the implementation of the Edenvale Area Development Policy, which would not generate a substantially higher number of trips than what was analyzed in the Edenvale EIR. The General Plan EIR identified that future development in Edenvale would generate an increase in traffic along the local roadway network and noise levels for highways and expressways would also increase incrementally. Traffic from the proposed projects would contribute to noise increases on roadways in the Edenvale area. Discussion of cumulative roadway noise impacts due to increases in roadway volumes from buildout of the EADP is included in Section 4.18 *Mandatory Findings of Significance*. **(Less Than Significant Impact)**

4.12.4.3 ***Airport Noise*** *(Checklist Question e and f)*

The project sites are located approximately 5 and 10 miles south of the Reid-Hillview Airport and Norman Y. Mineta San José International Airport, respectively. The project sites are not within the Airport Influence Area or Airport Noise Contours. **(No Impact)**

4.12.5 Conclusion

With implementation of the identified Standard Permit Conditions, the proposed projects would have a less than significant construction noise and vibration impact. Operation of the proposed projects with implementation of mitigation measure MM NOI-1would have a less than significant noise impact. **(Less Than Significant Impact With Mitigation)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

Based on information from the Department of Finance E-5 report, the population of San José was estimated to be approximately 1,046,079 in January 2017 with an average of 3.21 persons per household.[27,28] The City currently has approximately 332,574 housing units as of January 1, 2017. by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.[29]

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build-out under the General Plan.

4.13.2 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
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1

4.13.3 Impact Discussion

4.13.3.1 *Impacts to Population and Housing (Checklist Questions a through c)*

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

[27] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2016 and 2017. May 2017. Accessed: February 2, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/.
[28] State of California, Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2017. Accessed: February 2, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[29] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. Accessed: February 8, 2018. Available at: http://www.sanjoseca.gov/DocumentCenter/View/3326.

population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The projects propose to amend the General Plan land use designation on the site from *Industrial Park* to *Combined Industrial/ Commercial (CIC).* The proposed *Combined Industrial/ Commercial* designation does not allow for residential uses and, therefore, future development on the project sites would not create new housing on the site.

The Edenvale Redevelopment Project Area is an existing redevelopment area that consists primarily of land designated by the Envision San José 2040 General Plan for Industrial Park uses. Development of the Edenvale area would result in a greater increase in jobs, which is consistent with the City's General Plan policies. It is anticipated that employees of the hotel would be drawn from existing residents or from nearby communities. The projects do not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. There is one existing residence on the 469 Piercy Road project site. Implementation of the project would result in the displacement of the existing on-site residence. The displacement of one residence is not substantial and not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. For these reasons, the proposed projects would result in less than significant impacts to population and housing. **(Less than Significant Impact)**

4.13.4 Conclusion

Implementation of the proposed projects would result in a less than significant impact on the City's population and housing supply. **(Less than Significant Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed projects.

Policies	Description
CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
ES-11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects

4.14.1.2 *Existing Conditions*

Fire and Police Protection Services

Fire protection services for the project sites is provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project sites is Station No. 35, located at 135 Poughkeepsie Road, approximately 2.1 miles southwest of the project sites.

The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police protection services for the project sites is provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 12.3 miles northwest of the project sites.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

Schools

The project sites are located in the Oak Grove School District and the East Union High School District. The Oak Grove School District is located in the southeastern corner of San José, bounded Capitol Expressway to the north, Canoas Creek to the west, Bernal Road to the south, and the foothills to the east.

Parks

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Park and recreation facilities vary in size, use and type of service and provide for regional and neighborhood uses. The nearest park to the project sites is Shady Oaks Park, located approximately 0.7-mile northwest of the proposed projects. The Coyote Creek Trail and other outdoor recreational areas along the trail are accessible approximately one miles west of the project sites.

Libraries

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries.

4.14.2 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?	☐	☐	☒	☐	1,2,3,4
- Police Protection?	☐	☐	☒	☐	1,2,3,4
- Schools?	☐	☐	☐	☒	1,2,3
- Parks?	☐	☐	☐	☒	1,2,3
- Other Public Facilities?	☐	☐	☐	☒	

4.14.3 Impact Discussion

4.14.3.1 *Impacts to Public Services and Facilities (Checklist Question a)*

Fire Protection and Police Protection

The projects propose to amend the General Plan land use designation from *Industrial Park* to *Combined Industrial/ Commercial (CIC)* to allow for two hotel developments located on adjacent

parcels at 459 and 469 Piercy Road. The project sites are currently served by San José Fire Department and San José Police Department.

The General Plan FEIR concluded that buildout of the General Plan would result in an increase in demand for fire services, however, the General Plan concluded that construction of new fire stations, other than those currently planned, would not be required to adequately serve the larger population. The buildout of the General Plan would also increase the demand on police services, however, construction of new police stations to serve the future population would be subject to future environmental review.

The projects would intensify the use of the site and generate additional visitors in the area compared to existing conditions. The proposed projects represent a small fraction of the total growth identified in the General Plan. In addition, the proposed projects would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan to avoid unsafe building conditions and promote public safety.

The project sites are already served by the SJFD and SJPD, it is not anticipated the development of the proposed projects would result in significant impacts to police and fire services; nor would these projects alone require the construction of additional fire or police facilities. **(Less than Significant Impact)**

Schools, Parks, and Libraries

The proposed projects would not generate new students, park users, or library users. Therefore, the proposed projects would not impact school, park, or library facilities in San José. **(No Impact)**

4.14.4 Conclusion

The proposed projects would have a less than significant impact on public services in the City of San José. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Existing Conditions*

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Park and recreation facilities vary in size, use and type of service and provide for regional and neighborhood uses. The nearest park to the project sites is Shady Oaks Park, located approximately 0.7-mile northwest of the proposed projects. The Coyote Creek Trail and other outdoor recreational areas along the trail are accessible approximately one miles west of the project sites.

4.15.2 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?	☐	☐	☐	☒	1,2,4
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

4.15.3 Impact Discussion

4.15.3.1 *Impacts to Recreational Facilities (Checklist Questions a and b)*

The proposed projects would construct two adjacent hotel developments, with up to 112 and 175 guest rooms, respectively. The proposed projects would not generate a residential population that would increase demand on existing recreational facilities and result in substantial physical deterioration. The proposed projects include 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 projects. The projects do not propose or require the construction of off-site recreational facilities that could have an adverse effect on the physical environment. **(No Impact)**

4.15.4 Conclusion

The proposed projects would not adversely affect recreational facilities in the project area. **(No Impact)**

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based, in part, upon a Traffic Operations Study completed for the proposed projects in February 2018 by *Hexagon Transportation Consultants, Inc.***,** and included as Appendix G of this Initial Study.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Regional

Metropolitan Transportation Commission

MTC is the transportation planning, coordinating, and financing agency of the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the RTP, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and the ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the area's RTP.

Congestion Management Program

The VTA oversees the county's Congestion Management Program (CMP). The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. The CMP legislation requires that each 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 three additional elements: a countywide transportation model data base, annual monitoring and conformance, and deficiency plan elements.

City of San José

Edenvale Area Development Policy

The City of San José adopted the EADP to: 1) manage the traffic congestion associated with near-term development in the ERPA; 2) promote General Plan goals for economic development; and 3) encourage a reverse commute to jobs at southerly locations in San José. The ERPA encompasses a total of 451 acres on both sides of U.S. 101 in southeastern San José. The projects are located in Sub-Area 3 of the EADP.

The EADP was adopted to provide for the timely approval of up to five million square feet of industrial/R&D development in the ERPA, including the proposed project sites, and acknowledges that significant congestion would occur at major gateway locations (i.e. U.S. 101/Blossom Hill Road-Silver Creek Valley Road and U.S. 101/Hellyer interchanges) until major roadway improvement are constructed in the future. The policy allows the level of service (LOS) at the U.S. 101/Blossom Hill Road-Silver Creek Valley Road and U.S. 101/Hellyer interchanges to deteriorate to traffic levels below the existing acceptable levels identified in City Council Policy 5-3, Transportation Level of Service, as an interim condition until improvements to the impacted intersections are constructed to

returned to a LOS better than or equal to the background traffic conditions identified in the EADP once the planned improvements are constructed for the EADP area.

The EADP would allow a combined total of 2.4 million square feet of industrial/R&D buildings to be developed in Areas 1 and 3 before gateway improvements identified in the 2000 Edenvale EIRs are completed. An Improvement District and Community Facilities District were formed to facilitate transportation roadway improvements. Transportation improvements necessary to serve development in Sub-Area 3 would be funded by the Improvement District and built by the City with bond financing.

The project sites are located in Sub-Area 3 of the of the EADP and project trips from industrial development within Sub-Area 3, including the project sites, were analyzed in the 2000 Edenvale Redevelopment Project Supplemental EIR. The projects would receive credit for the Light Industrial/R&D trips already allocated for the site. The projects would be required to "buy" trips from the EADP pool of industrial-based trips for any additional trips beyond those previously assumed to be associated with the sites in the EIR's traffic modeling. This means that other approved EADP trips can be reassigned and allocated to the hotel site to achieve a net zero increase in project trips for the site so that the hotel's traffic impacts can be covered by the EADP EIR at both a project and cumulative level.

Level of Service Standards and City Council Policy 5-3

As established in Council Policy 5-3 Transportation Impact Policy, the City of San José uses the same LOS method for assessing transportation impacts as the VTA's CMP, although the City's standard is LOS D, rather than the LOS E standard within the CMP. According to this policy and General Plan Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore the level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities).[30] The City's Transportation Impact Policy (also referred to as the LOS Policy) also protects pedestrian and bicycle facilities from undue encroachment by automobiles.

Envision San José 2040 General Plan

The General Plan includes the following policies for the purpose of avoiding or mitigating impacts resulting from planned development projects, which are applicable to the projects.

[30] Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR 8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
CD-3.4	Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

4.16.1.2 *Existing Conditions*

Roadway Network

Regional access to the project sites is provided via U.S. 101, SR 85, and Monterey Road. Local access to the project sites is provided on Silver Creek Valley Road, Hellyer Avenue, and Piercy Road.

Pedestrian, Bicycle Facilities, and Transit Facilities

Pedestrian facilities surrounding the project sites consist of sidewalks and crosswalks, as well as the Coyote Creek Trail. There are existing sidewalks on northbound Hellyer Avenue, between Silver Creek Valley Road and Tennant Avenue/Silicon Valley Boulevard. There are also sidewalks along portions of southbound Hellyer Avenue. In the vicinity of the project sites, there are sidewalks along portions of Silver Creek Valley Road. Piercy Road has sidewalks on both sides between Silver Creek Valley Road and the project sites, and on the southbound side of the street between the project sites and Tennant Avenue. There are existing crosswalks and accessible ramps at the nearby signalized intersections of Hellyer Avenue/Silver Creek Valley Road and Hellyer Avenue/Piercy Road.

The Coyote Creek Trail is approximately 20 miles long and connects to Silver Creek Valley Road, Yerba Buena Road, and Capitol Expressway in the project vicinity. The Coyote Creek Trail is a shared pedestrian and bicycle facilities that is separated from vehicle traffic. This trail qualifies as a Class I bicycle facility.

Additional bicycle facilities in the project vicinity consist of on-street bicycle lanes. Bicycle lanes, or Class II bicycle facilities, are provided on the roadways listed below.

- Hellyer Avenue
- Silver Creek Valley Road
- Monterey Road

The project sites are not well served by bus or rail service. The nearest bus service is provided by VTA Local Route 42, which travels between Evergreen Valley College and Kaiser San Jose. Route 42 runs on 50-minute headways between 6:00 AM and 7:30 PM. Local Route 42 has stops at Monterey Road/Blossom Hill Road and Monterey Road/Bernal Road, each approximately two miles walking distance from the project sites. The Blossom Hill Caltrain Station is also located about two miles walking distance from the project sites at the intersection of Monterey Road/Ford Road.

4.16.2 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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,23
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,23
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

4.16.3 Impact Discussion

4.16.3.1 *Significance Thresholds*

The project would result in a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions[31] to an unacceptable LOS E or F under background plus project conditions[32]; or
2. The level of service at the intersection is already at an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.
3. The level of service at a designated Protected Intersection is already at an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by one-half percent (.005) or more.

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

[31] Background traffic volumes are estimated by adding projected volumes from approved but not yet completed developments to existing peak hour volumes. The added traffic from approved but not yet completed developments was provided by the City of San José in the form of the Approved Trips Inventory. Traffic volumes for approved projects within the City of Santa Clara also were included. Background conditions represent the baseline conditions to which project conditions are compared for the purpose of determining project impacts.

[32] Projected peak hour traffic volumes with the project were estimated by adding the additional traffic generated by the project to background traffic volumes. Background plus project conditions are evaluated relative to background conditions in order to determine potential project impacts.

A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions (i.e., traffic conditions just prior to completion of the proposed project) or better.

4.16.3.2 *Project Transportation Impacts (Questions a, b, and d)*

Project Trip Generation

Trip generation rates resulting from the proposed projects were estimated using the trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th Edition*.

Existing Trip Credit

The proposed projects would receive trip credits for the existing single-family home on the 469 Piercy Road site and the total approved Light Industrial/R&D trips assigned to the project sites as part of the EADP. The trips generated by the existing single-family home were estimated using the rates published for Single-Family Detached Housing (Land Use Code 210) in the ITE *Trip Generation Manual*. Based on the ITE rates, the existing single-family home generates 1 outbound trip during the AM peak hour and 1 inbound trip during the PM peak hour.

The project sites are located in the Edenvale Industrial Area (Sub-Area 3), which means the sites already have allocation for Light Industrial/R&D development as part of the EADP. The EADP specifies that Sub-Area 3 development may consist of Light Industrial/ R&D with a floor area ratio (FAR) of up to 0.40. This equates to up to approximately 94,438 square feet of approved light industrial development that was assumed for both sites combined in the EADP and related EIR. The projects would receive credit for the Light Industrial/R&D trips already allocated for the site in the EADP. Based on the City of San José rates for development in the Edenvale Area, a light industrial/R&D development of 94,438 square feet would generate 121 trips (97 inbound and 24 outbound) during the AM peak hour and 106 trips (11 inbound and 95 outbound) during the PM peak hour. Therefore, these trips have already been accounted for in the EADP EIR's traffic analysis as associated with the two sites.

Net Project Trips

The proposed hotels, taken together, are expected to generate 56 additional trips (6 inbound and 50 outbound) during the AM peak hour, and 103 additional trips (91 inbound and 12 outbound) during the PM peak hour (as shown in Table 4.16-1) compared to what was previously assumed and evaluated in the EADP EIR.

Table 4.16-1: Combined Projects Trip Generation Estimates								
Land Use	Size (Rooms)	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Proposed Use								
459 Piercy Road Hotel[1]	112	1,370	40	29	69	40	42	82
469 Piercy Road Hotel[1]	175	2,140	63	46	109	63	65	128
Total		3,510	103	75	178	103	107	210
Trips Allocated by EADP								
Existing Single-Family Home[2]	1	(9)	0	(1)	(1)	(1)	0	(1)
EADP Allocated Industrial/R&D[3]	94,438 square feet	(756)	(97)	(24)	(121)	(11)	(95)	(106)
Unallocated Net Project Trips		**2,745**	**6**	**50**	**56**	**91**	**12**	**103**

Notes:
(1) Trip generation based on Hotel (Land Use Code 310) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).
(2) Trip generation based on Single-Family Detached Housing (Land Use Code 210) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).
(3) Allocated industrial/R&D trip generation is based on City of San Jose R&D rates for approved light industrial development in the Edenvale Area. The amount of approved industrial/R&D was calculated by multiplying the combined 5.42 acres by a floor area ratio (FAR) of 0.40 and converting to square feet.

Edenvale Area Development Policy

As described previously, to achieve consistency between the proposed hotels trips and the trip assumptions used in the EADP EIR, the proposed hotels would need to pay a Traffic Impact Fee (TIF) for the remaining amount of light industrial/R&D square footage that is equivalent to generate either 56 AM peak hour trips or 103 PM peak hour trips, whichever amount is greater, from the EADP pool of industrial-based trips. Based on the allowable FAR of 0.4 for these hotels, the PM peak hour trips equate to a greater amount of Light Industrial development (50,421 square feet) than the AM peak hour trips. The City has established an EADP TIF equal to $2,024 per 1,000 square feet of equivalent light industrial development, based on a maximum FAR of 0.4. The estimated total TIF would be approximately $102,053, of which approximately $49,841 shall be paid by 459 Piercy Road and approximately $52,212 shall be paid by 469 Piercy Road. Payment of the total TIF will satisfy the environmental conformance provisions of the Edenvale Area Development Policy (EADP). For consistency with Sub-Area 3 of the EADP and associated TIF the proposed projects, both 459 and 469 Piercy Road, would be required to pay a TIF.

Standard Permit Condition: The projects, both 459 and 469 Piercy Road, shall conform to the EADP and pay the appropriate TIF based on the equivalent number of industrial trips produced according to the hotel rooms proposed for each site. The fee shall be paid prior to issuance of a Public Works clearance. This fee is subject to an annual escalation on January 1, per the Engineering News-Record Construction Cost Index for San Francisco.

Level of Service

The EADP was adopted to provide for the timely approval of up to five million square feet of industrial/R&D development in the Edenvale Redevelopment Project Area, including the proposed project sites, and acknowledges that significant congestion would occur at major gateway locations (i.e. U.S. 101/Blossom Hill Road-Silver Creek Valley Road and U.S. 101/Hellyer interchanges) until major roadway improvement are constructed in the future.

The LOS traffic impacts from the proposed projects have already been analyzed and accounted for in the 2000 Edenvale EIR. Implementation of the proposed projects would contribute to the overall LOS impact on local intersections and freeway segments in the EADP. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the Edenvale Redevelopment Project for transportation impacts in accordance with CEQA Guidelines Section 15093. The project sites allocated Light Industrial and R&D trips are already included within the San José Approved Trips Inventory (ATI). The proposed projects would generate additional trips that would draw from the EADP but were not specifically assumed for the two sites. As previously discussed, the proposed projects would be required to pay a TIF to achieve consistency with the assumed trips for Sub-Area of the EADP. With implementation of the Standard Permit Conditions above, the projects would have result in traffic impacts consistent with what has been previously disclosed in the EADP EIR and overridden by the City Council in adopting the EADP. **(Less Than Significant Impact)**

4.16.3.3 *Air Traffic Patterns (Checklist Question c)*

The project sites are located approximately 5 and 10 miles south of the Reid-Hillview Airport and Norman Y. Mineta San José International Airport, respectively. The project sites are not located within the airport influence area or safety zone and does not require Federal Aviation Administration airspace review. The projects would not result in changes in air traffic patterns. **(No Impact)**

4.16.3.4 *Design Feature Hazards (Checklist Question d)*

Vehicle access to the proposed 459 Piercy Road Hotel Project would be provided via two driveways located along Hellyer Avenue. The project driveways would be free and clear of obstructions, thereby ensuring that exiting vehicles would see pedestrians on the sidewalk, as well as vehicles and bicycles traveling along Hellyer Avenue and Piercy Road. The driveways would be right-turn only, thus, the project traffic exiting this driveway would need to have adequate sight distance looking south (i.e. looking at the oncoming northbound Hellyer traffic). Hellyer Avenue has a posted speed of 45 mph. Assuming a 50-mph design speed, the recommended Caltrans stopping sight distance is 430 feet. The sight distance from each of the project driveways is estimated to be at least 500 feet. Therefore, the driveways would have sufficient sight distance.

Vehicle access to the proposed 469 Piercy Road Hotel Project would be provided via two driveways located on Hellyer Avenue and Piercy Road. The Hellyer Avenue driveway would allow right in/out movements only, and the Piercy Road driveway would be full access. The Hellyer Avenue driveway is right-turn only, thus, the project traffic exiting this driveway would need to have adequate sight distance looking south (i.e. looking at the oncoming northbound Hellyer traffic). The sight distance in the field was measured to be approximately 630 feet.

Hellyer Avenue has a posted speed of 45 mph. Assuming a 50-mph design speed, the recommended Caltrans stopping sight distance is 430 feet. Thus, the Hellyer Avenue driveway would have sufficient sight distance. The Piercy Road driveway would be full access, exiting vehicles would be allowed to make left and right turns. Piercy Road has a posted speed limit of 30 mph. Based on a 35-mph design speed, the Caltrans recommended stopping sight distance is 250 feet. Looking west, the sight distance in the field was measured to be over 800 feet. Looking east, the sight distances in the field from the Piercy Road driveway was measured to be approximately 400 feet. Thus, the Piercy Road driveway would have sufficient sight distance. For these reasons, the proposed project would not substantially increase hazards due to a design feature or incompatible land uses. **(Less Than Significant Impact)**

4.16.3.5 *Emergency Access (Checklist Question e)*

The City of San José Fire Department requires that all portions of the buildings are within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the buildings. The proposed buildings on the site would be within 150 feet of a fire access road, and the projects would meet the six-foot requirement for building clearance on all sides. Further, the proposed projects would not interfere with emergency response access on adjacent public roads and would not result in inadequate emergency access or response. **(Less Than Significant Impact)**

4.16.3.6 *Pedestrian, Bicycle, and Transit Access (Checklist Question f)*

As previously discussed, existing sidewalks and crosswalks in the immediate vicinity of the project sites provided good connectivity and provide pedestrians with safe routes to other areas in the project area. Pedestrian access to the 459 Piercy Road site would be provided via existing sidewalks on Hellyer Avenue. Pedestrian access to the 469 Piercy Road site would be provided via existing sidewalks along Hellyer Avenue and Piercy Road.

Bicycle facilities in the project vicinity consist of on-street bicycle lanes and the Coyote Creek Trail. Class II bicycle facilities are provided along Hellyer Avenue, Silver Creek Valley Road, and Monterey Road.

Bus service in the project area is provided by VTA Local Route 42, which travels between Evergreen Valley College and Kaiser San Jose. The nearest bus stop is approximately two miles walking distance from the project sites along Monterey Road. The Blossom Hill Caltrain Station is also located approximately two miles walking distance from the project sites at the intersection of Monterey Road/Ford Road. Implementation of the proposed projects would not interfere with existing or proposed pedestrian/bicycle/transit facilities in the project area. Therefore, the proposed projects would not result in unsafe conditions for pedestrian or bicyclists. **(Less Than Significant Impact)**

4.16.3.7 *Operational Transportation Issues Not Covered Under CEQA*

Intersection Operations – Queueing

Operations at nearby intersections were evaluated under project conditions to assess whether the projects would create a safety issue. From a CEQA standpoint, there are no thresholds specific to

queuing. The operations analysis is based on vehicle queuing for high-demand turning-movements at these intersections. Vehicle queues are estimated using a Poisson probability distribution. The bases of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future left-turn storage requirements at the two study intersections.

The queuing analysis is based on vehicle queuing for the following four left-turn movements:

- Northbound left turn at Hellyer Avenue and Silver Creek Valley Road
- Eastbound left turn at Hellyer Avenue and Piercy Road
- Southbound left turn at Hellyer Avenue and Piercy Road
- Westbound left turn at Hellyer Avenue and Piercy Road

For each movement listed above, the estimated queue length was compared to the length of the existing left-turn pocket. The queuing analysis shows that the available storage capacities for all left-turn movements evaluated are expected to be adequate to accommodate the 95th percentile queues under all traffic scenarios. Therefore, the projects would have a less than significant impact on vehicle queuing at the studied intersections. **(Less than Significant Impact)**

Parking

Vehicle Parking

Based on the City of San José's parking standards (San José Municipal Code Chapter 20.90), the parking requirements for hotels is one space per guest room plus one space per employee. The 459 Piercy Road Hotel project proposes a total of 126 parking spaces, which would meet the City's parking requirements for the 112 guest rooms plus a maximum of 14 employees.

The 469 Piercy Road Hotel project proposes a total of 273 parking spaces, which would meet the City's parking requirements for the 175 guest rooms plus a maximum of 99 employees.

Bicycle Parking

The City of San José bicycle parking requirement for hotel developments is one space plus one space per ten guest rooms. The 459 Piercy Road Hotel project would be required to provide 13 bicycle parking spaces. The 469 Piercy Road Hotel project would be required to provide 19 bicycle parking spaces. Although the site plans do not show bicycle parking, the projects would be required to meet the minimum parking requirements recommended in the VTA guidelines.

4.16.4 Conclusion

The proposed project would not result in significant transportation impacts beyond the level of service impacts previously disclosed in the EADP EIR and overridden by the City Council in adopting the EADP. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The proposed projects would be subject to the utilities and services policies of the City's General Plan, including the following.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought-tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.1	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal National Pollutant Discharge Elimination System (NPDES) Permit to reduce urban runoff from project sites.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

California Green Building Standards Code

On January, 1 2017, the State of California adopted the 2016 California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;

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

Components of the Green Building Standards Code have been adopted by the City of San José.

San José Zero Waste Strategic Plan/Green Vision

The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community. The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation, including 75 percent waste diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources in the City of San José.

Construction and Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition debris. The Construction and Demolition Diversion program ensures that at least 75 percent of this waste is recovered and diverted from landfills. Projects are required to comply with this program to receive either a Certificate of Final Occupancy or a refund if a deposit is paid.

4.17.1.2 *Existing Conditions*

Water Service

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project sites are provided by the San José Municipal Water System. The project sites are served by an 18-inch water main line located in Hellyer Avenue and a 12- inch water main located in Piercy Road. There is an existing well on-site that would be abandoned prior to connection San Jose Municipal Water distribution system.

Sanitary Sewer/Wastewater Treatment

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the

capacity to treat 167 million gallons of wastewater a day.[33] The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[34] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations. The City's share of the Facilities' treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.[35]

There is an existing 15-inch VCP sanitary sewer main along the Piercy Road project frontage and an existing 18-inch VCP sanitary sewer main along the Hellyer Avenue project frontage, which may serve the proposed project sites. There is a proposed 6-inch PVC sewer lateral that will connect to the existing 15-inch VCP sewer main on Piercy Road project frontage. Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan EIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 90 percent of the total on-site water use.

Storm Drainage System

The City of San José owns and maintains the storm drainage system which serves the project sites. There is an existing 48-inch RCP storm drain main along the Piercy Road project frontage and an existing 48-inch RCP storm drain main along the Hellyer Avenue project frontage, which may serve the proposed project sites. There is a proposed 18-inch PVC storm drain lateral that will connect to the existing 48-inch RCP storm drain main on Hellyer Avenue project frontage. Runoff from the project sites currently flows in to two existing 48-inch storm mains located in Hellyer Avenue and Piercy Road, which conveys flows to Coyote Creek and ultimately the San Francisco Bay.

Solid Waste

Waste collection and recycling services are available to businesses from private companies franchised by the City of San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year with disposal capacity through 2022.

[33] City of San José. *Water Pollution Control Capital Program 2018-2022*. Accessed February 8, 2018. http://www.sanjoseca.gov/DocumentCenter/View/71793.
[34] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: February 8, 2018. Available at: http://www.sanjoseca.gov/?nid=1663.
[35] City of San José. General Plan EIR. September 2011. Page 648.

4.17.2 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
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?	☐	☐	☒	☐	1,2,3,4, 29
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?	☐	☐	☒	☐	1,2,3,4
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?	☐	☐	☒	☐	1,2,28,29
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2,3,4, 30
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1,2

4.17.3 Impact Discussion

4.17.3.1 *Water Services Impacts (Checklist Questions b and d)*

The 2000 Edenvale EIRs concluded that Santa Clara Valley Water District and the San José Municipal Water System would be able to provide water service to all future industrial development allowed under the Edenvale Area Redevelopment Project Area. Under the Edenvale Area Development Policy, the approximately 2.01-acre (459 Piercy Road) and 3.6-acre (469 Piercy Road) sites would be allowed to develop up to 33,000 and 59,000 square feet of light industrial, respectively.[36] Under this buildout scenario, the estimated water demand for each site would be 7,631,283,000 gallons per year (gpy) and 13,643,809,000 gpy.

[36] The Edenvale Area Development Policy includes a base maximum floor area ratio of 0.4 for development in Areas 3.

The projects propose to rezone their respective parcels from *IP - Industrial Park* to *Combined Industrial/ Commercial* to allow for two hotel developments located on adjacent parcels at 459 and 469 Piercy Road. The water demand for the proposed 112-room hotel is estimated to be approximately 3,156,832 gpy. The 175-room hotel is estimated to have a water demand of approximately 5,637,200 gpy. The proposed projects would result in a lower water demand than what would be expected for the light industrial uses assumed and evaluated in the Edenvale EIR. The projects are currently not being served with recycled water. Potable water will be used for landscaping irrigation. **(Less than Significant Impact)**

4.17.3.2 *Wastewater Services Impacts (Checklist Questions a, b, and e)*

The 2000 Edenvale EIRs evaluated the increased wastewater flows resulting from the Edenvale Redevelopment Project. At full build-out the Edenvale Redevelopment Project would generate 1.1 million gallons per day which could exceed the City's discharge constraint of 120 million gallons a day, although the increased flow can be accommodated by existing wastewater treatment facilities. The 2000 Edenvale EIRs concluded that the potential impact of exceeding the City's discharge constraint could be reduced by the use of reclaimed water for landscaping, industrial processing, and cooling water, as appropriate.

The General Plan EIR states that average wastewater flow rates are approximately 85 to 95 percent of commercial water use (assuming no internal recycling or reuse programs). The 459 Piercy Road project is estimated to generate approximately 7,785 gallons per day (gpd) of wastewater; whereas the 469 Piercy Road project is estimated to generate approximately 13,900 gpd of wastewater. **(Less than Significant Impact)**

4.17.3.3 *Storm Drainage Impacts (Checklist Question c)*

As discussed in Section 4.9 *Hydrology and Water Quality*, construction of the projects would result in an increase of approximately 200,064 square feet of impervious surface and associated stormwater runoff for both project sites. The project sites are served by two existing 48-inch storm mains located in Hellyer Avenue and Piercy Road. The 459 Piercy Road project proposes to install two subsurface detention basins that would temporarily detain and release stormwater, as shown on Figure 4-1. The 469 Piercy Road project proposes to slow and treat on-site stormwater runoff via five bioretention basins, as shown on Figure 4-2. The proposed projects would be required to comply with the requirements for the MRP issued by the RWQCB, commonly referred to as Provision C.3 and governed in San José by City Policies 6-29 to reduce potential post-construction water quality impacts. The projects will also be required to comply with the hydromodification requirements of the MRP (City Policy 8-14) because they will create more than one acre of impervious surface. Consistency with these policies is typically determined through the submittal of stormwater control plans and a Hydromodification Management Plan to the San José Department of Public Works and Department of Planning, Building, and Code Enforcement. With implementation of a stormwater control plan (as reflected in Figures 4-1 and 4-2, respectively) consistent with RWQCB requirements and compliance with City policies pertaining to stormwater and drainage, the projects would have a less than significant water quality impact. **(Less than Significant Impact)**

4.17.3.4 *Solid Waste Impacts (Checklist Question f and g)*

Under the Edenvale Area Development Policy, the approximately 2.01-acre (459 Piercy Road) and 3.6-acre (469 Piercy Road) sites would be allowed to develop up to 33,000 and 59,000 square feet of light industrial, respectively. Under this industrial buildout scenario, the sites would generate approximately 40.92 and 73.6 tons of solid waste annually, respectively.[37]

The proposed 112-room hotel (459 Piercy Road project) is estimated to generate approximately 62 tons of solid waste per year.[38] The 175-room hotel (469 Piercy Road project) is estimated to generate approximately 110 tons of solid waste per year.[39] The proposed projects would result in slightly more solid waste than what would be expected for light industrial uses and analyzed in the Envision San José 2040 General Plan FEIR. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year; therefore, sufficient landfill capacity is available to serve the projects. 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 proposed projects would be accommodated by a landfill with sufficient permitted capacity.

The proposed projects 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 projects would comply with federal, State, and local statutes and regulations related to solid waste. **(Less Than Significant Impact)**

4.17.4 Conclusion

Implementation of the proposed projects would result in less than significant utilities and service system impacts. **(Less than Significant Impact)**

[37] California Air Pollution Control Officers Association. CalEEMod. *Appendix D Default Tables*. Table 10.1 Solid Waste Disposal Rates. Accessed February 12, 2018. http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4.
[38] Ibid.
[39] Ibid.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		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

4.18.1 Impact Discussion

4.18.1.1 *Project Impacts (Checklist Question a)*

The projects could result in impacts to buried cultural resources, should they be discovered on site. The projects could also result in impacts to migratory birds if they are present in trees located on or immediately adjacent to the project site. The projects could also result in long-term contribution of groundwater pollution if the existing 200-foot deep groundwater well located on the 469 Piercy Road site is improperly abandoned. With the implementation of the mitigation and avoidance measures and Standard Permit Conditions included in the project and described in *Section 4 Environmental Setting, Checklist, and Discussion of Impacts*, the proposed project would not result in significant environmental impacts to biological, cultural resources, and hydrology and water quality.

4.18.1.2 *Cumulative Impacts (Checklist Question b)*

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.

The project would not impact agricultural, forestry, mineral, or recreational resources. Therefore, the project would not contribute to cumulative impacts to these resources.

The project's geology and soils and hazardous materials impacts are specific to the project sites and would not contribute to cumulative impacts elsewhere.

The projects would have the potential to result in cumulative hydrology and water quality impacts. The Edenvale EIR concluded that build out under the Edenvale Redevelopment Project would increase the amount of contamination in stormwater runoff, which could adversely affect the water quality of Coyote Creek. This impact would be mitigated by requiring future development projects to comply with the NPDES General Permit for Construction Activities (including submitting a Notice of Intent to the RWQCB and development of a Stormwater Pollution Prevention Plan to control discharge associated with construction activities) and conformity with the City's drainage and erosion control standards and post-construction storm water runoff requirements. With implementation of Standard Permit Conditions and compliance with City policies pertaining to stormwater and drainage, the projects would have a less than significant water quality impact and not contribute to significant cumulative impacts.

Traffic from the proposed projects would contribute to noise increases on roadways in the Edenvale area, which would result in significant and unavoidable cumulative impacts at some noise-sensitive receptors. This cumulative impact was identified in the General Plan EIR and the City Council adopted a statement of overriding consideration for the cumulative impact. The traffic from the two hotels would not exacerbate roadway noise beyond what has been disclosed in the Edenvale EIR and the General Plan EIR in that the hotels would be utilizing vehicle trips from the EADP, and those trips were included in the prior EIRs' analysis of roadway noise impacts.

The proposed developments would contribute to significant cumulative transportation resulting from full build out of Edenvale Redevelopment Project under the EADP. Implementation of the proposed projects would contribute to the overall LOS impact on local intersections and freeway segments in the EADP. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the Edenvale Redevelopment Project for transportation impacts in accordance with CEQA Guidelines Section 15093. The proposed projects would generate additional trips that would draw from the EADP but were not specifically assumed for the two sites. As previously discussed, the proposed projects would be required to pay a TIF to achieve consistency with the assumed trips for Sub-Area of the EADP. With implementation of the Standard Permit Conditions, the projects would result in traffic impacts consistent with what has been previously disclosed in the EADP EIR and overridden by the City Council in adopting the EADP.

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution and GHG emissions are largely a cumulative impact. The project-level air quality thresholds identified by BAAQMD (which the projects' impacts were compared to in Section 3.3) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Section 3.3, the projects would have a less than significant impact on air quality. For this reason, the projects would have a less than significant cumulative impact on air quality overall. Each project would implement MM GHG-1 to reduce its contribution to global climate change to a less than cumulatively considerable level, according to the date each hotel is to be occupied.

4.18.1.3 *Direct or Indirect Adverse Effects on Human Beings (Checklist Question c)*

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. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction air quality and noise. Implementation of mitigation measures and General Plan policies would, however, reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, Director
Jenny Nusbaum, Principal Planner
Krinjal Mathur, Environmental Project Manager

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Akoni Danielsen, Principal Project Manager
Natalie Noyes, Project Manager
Zach Dill, Graphic Artist