Initial Study

615 Stockton Avenue Hotel Project

File No. GP18-013/C18-039/SP18-060

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

October 2019

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA

Project Name: 615 Stockton Hotel Project **File No.:** GP18-013/C18-039/SP18-060

Description: The project site includes two parcels at 615 Stockton Avenue and 623 Stockton Avenue. The project would demolish the commercial building at 615 Stockton Avenue and relocate the single-family residence at 623 Stockton Avenue to the southwest corner of the project site on Schiele Avenue. The project would also include General Plan Amendment to change the land use designation from *Residential Neighborhood* to *Neighborhood/Community Commercial* on one parcel at 623 Stockton Avenue and Conforming Rezoning from Commercial Neighborhood Zoning District (CN) to Commercial Pedestrian Zoning District (CP) on both parcels to facilitate the development of a five-story, 120-room hotel. The total square footage of the proposed project would be approximately 70,687 square feet (includes the 1,292 square foot structure at 623 Stockton Avenue). The project would have a maximum height of 59 feet and six inches to the top of the elevator and stair tower.

Location: 615 and 623 Stockton Avenue, San José. **Assessor's Parcel Nos.:** 261-07-001 and -068
Council District: 6

Applicant Contact Information: Infinite Investment Realty Corporation (ATTN: Alan Nguyen); 1168 Park Avenue, San Jose, CA 95126; 408-835-7743.

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on a list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **October 9, 2019 to October 29, 2019.**

The Draft MND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Thai-Chau Le at (408) 535-5658, or by e-mail at Thai-Chau.Le@sanjoseca.gov.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

10/3/19
Date

Deputy

Circulation period: October 9, 2019 to October 29, 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: 615 Stockton Hotel Project

PROJECT FILE NUMBER: GP18-013/C18-039/SP18-060

PROJECT DESCRIPTION: The project site includes two parcels at 615 Stockton Avenue and 623 Stockton Avenue. The project would demolish the commercial building at 615 Stockton Avenue and relocate the single-family residence at 623 Stockton Avenue to the southwest corner of the project site on Schiele Avenue. The project would also include General Plan Amendment to change the land use designation from *Residential Neighborhood* to *Neighborhood/Community Commercial* on one parcel at 623 Stockton Avenue and Conforming Rezoning from Commercial Neighborhood Zoning District (CN) to Commercial Pedestrian Zoning District (CP) on both parcels to facilitate the development of a five-story, 120-room hotel. The total square footage of the proposed project would be approximately 70,687 square feet (includes the 1,292 square foot structure at 623 Stockton Avenue). The project would have a maximum height of 59 feet and six inches to the top of the elevator and stair tower.

PROJECT LOCATION: 615 and 623 Stockton Avenue, San José.
ASSESSORS PARCEL NOs.: 261-07-001 and -068 **COUNCIL DISTRICT:** 6

APPLICANT CONTACT INFORMATION: Infinite Investment Realty Corporation (ATTN: Alan Nguyen); 1168 Park Avenue, San Jose, CA 95126; 408-835-7743.

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.**

Impact AIR-3: Construction activities associated with the proposed project would expose infants in proximity to the project site to temporary toxic air contaminants (TAC) emissions in excess of

acceptable thresholds.

MM AIR-3.1: All diesel-powered off-road equipment larger than 25 horsepower and operating at the site for more than two days continuously (or 20 hours in total) shall meet U.S. Environmental Protection Agency (EPA) nitrogen oxides (NOx) and particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

MM AIR-3.2: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit to the Director of Planning or Director's designee a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in Mitigation Measure AIR-3.1.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1.1: The project applicant 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 cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

E. CULTURAL RESOURCES.

Impact CUL-1: Relocation of the structure at 623 Stockton Avenue could potentially damage this historic resource.

MM CUL-1.1: Pre-Survey of Existing Condition. Prior to the relocation of the 623 Stockton Avenue house, a historic preservation architect and a structural engineer shall undertake an existing conditions study. The purpose of the existing conditions study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual

illustrations, including those physical characteristics of the resource that convey its historic significance and that require the structure to be protected and preserved, and recommendations for preservation. A report of the findings shall be reviewed and approved by the Director of Planning or Director's designee and the City's Historic Preservation Officer prior to issuance of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.

MM CUL-1.2: Relocation Plan. After submittal of the baseline report existing conditions study (pursuant to MM CUL-1.1) but prior to issuance of any grading or building permits for the relocation of the 623 Stockton Avenue house, a structural engineer shall prepare a detailed Relocation Plan that includes, but not limited to, the following:

- A detailed shoring/relocation plan that includes measures to protect the structural integrity of the building during the move.
- A detailed calculations to justify the proposed sizes of shoring beams and columns as well as the phasing of the relocation process.
- Contact information and qualifications of contractors that would conduct the relocation work.
- A detailed work proposal of relocation methodology.
- Contingency plan for any damages that could happen during the relocation work.
- Proposed reporting plan to the City during the relocation period and after.
- Rehabilitation proposal of the structure, building, and surrounding environment.
- Monitor Plan during all construction and demolition activities.

The structural engineer shall submit the report to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement and the City's Historic Preservation Officer for review and approval prior to the approval of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.

MM CUL-1.3: Contingency Reporting. During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation of the 623 Stockton Avenue house, only authorized persons shall have access to the building until such time as rehabilitation of the structure is complete. Protective fencing and other methods shall be used to protect the building from any new damage and deterioration during this process. If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment of the severity of such damage and repairs undertaken if necessary shall be made by the historic preservation architect or structural engineer. This assessment shall be provided immediately within five business days after discovery of the damage to the Director of Planning or Director's designee.

MM CUL-5: Final Reporting. Once moved, a final report shall be provided to the Director of Planning or Director's designee and the City's Historic Preservation Officer. The final report shall include, but is not limited to, the following:

- Documentation of the result of the move;
- Any damages incurred during the move;
- Recommendations for how to repair the damages, if any;
- Next steps for repairing and restoring the relocated house, as needed, in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.

The City's Historic Preservation Officer shall approve the memo report and confirm the findings prior to issuance of occupancy permits for the hotel.

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

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

H. **HAZARDS AND HAZARDOUS MATERIALS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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.**

Impact NOI-1: Mechanical equipment proposed for the project is currently unknown at this time and could potentially exceed 55 dBA DNL at nearby sensitive land uses.

MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirement at the shared residential property lines. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as within the below-grade parking garage or on the rooftop away from the existing residences). The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any building permits.

Impact NOI-2: Construction of the project would expose adjacent residences and the historic house on-site to vibration levels in excess of City standards and could result in significant construction-related groundborne vibration impacts.

MM NOI-2.1: The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions at all structures located within 50 feet prior to, during, and after vibration generating construction activities. The Plan shall be undertaken under the direction of a licensed Professional Structural Engineer in the state of California and be in accordance with industry-accepted standard methods. The Plan shall include, but is not limited to, the following tasks:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) and submitted to the Director of Planning or Director's designee of the City's Department of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permits.
- Identification of the sensitivity of on- and off-site structures to groundborne vibration. Per General Plan Policy EC-2.3, vibration limits of 0.08 in/sec PPV for historic buildings and

0.20 in/sec PPV for normal conventional construction shall be applied to all vibration-sensitive structures located on or within 50 feet of construction activities identified as sources of high vibration levels.

- Performance of photo, elevation, and crack surveys for each structure of normal construction within 25 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity and after project completion. The surveys shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- Designation of a person responsible for registering and investigating claims of excessive vibration. The contact information (i.e., name and phone number) of such person shall be clearly posted on the construction site.
- Direction and schedule for conducting post-construction surveys on structures where either monitoring has indicated high levels or complaints of damage have been made. The Plan shall include procedures for making appropriate repairs or providing compensation where damage has occurred as a result of construction activities.

The Plan shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any grading permits.

MM NOI-2.2: The project applicant shall include the following measures as part of the approved Plan prior to the issuance of any demolition or grading permits:

- Place operating equipment on the construction site as far as possible from sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and tampers near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.

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

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

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

T. 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 **Wednesday October 29th, 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.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

10/3/19
Date

Deputy

Thai-Chau Le
Environmental Project Manager

Circulation period: **October 9, 2019 to October 29, 2019**

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study (IS) for the 615 Stockton Hotel Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to construct a five-story, 117-room hotel and relocate an existing historic building in the City of San José. This IS evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this IS marks the beginning of a 20-day public review and comment period. During this period, the IS 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 IS during the 20-day public review period should be sent to:

Thai-Chau Le
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

615 Stockton Hotel

2.2 LEAD AGENCY CONTACT

Thai-Chau Le
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

2.3 PROJECT APPLICANT

Alan Nguyen
Infinite Investment Realty Corporation
1168 Park Avenue
San José, CA 95126
(408) 835-7743
alan@i2realty.com

2.4 PROJECT LOCATION

The 0.59-acre project site is located on the northwest corner of Stockton Avenue and Schiele Avenue in the City of San José.

Figure 2.4-1 Regional Map
Figure 2.4-2 Vicinity Map
Figure 2.4-3 Aerial Photograph and Surrounding Land Uses

2.5 ASSESSOR'S PARCEL NUMBER

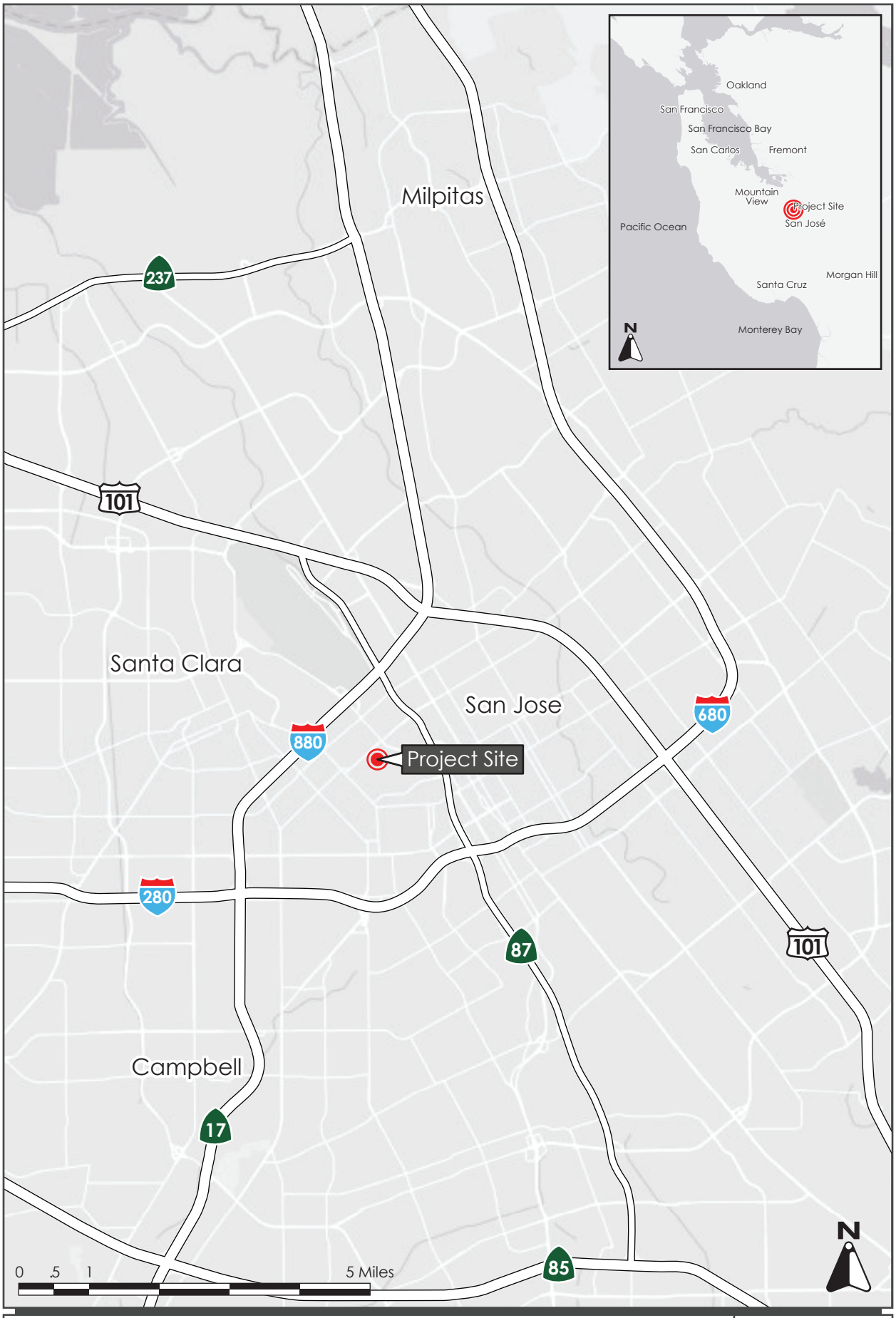
261-07-001
261-07-068

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

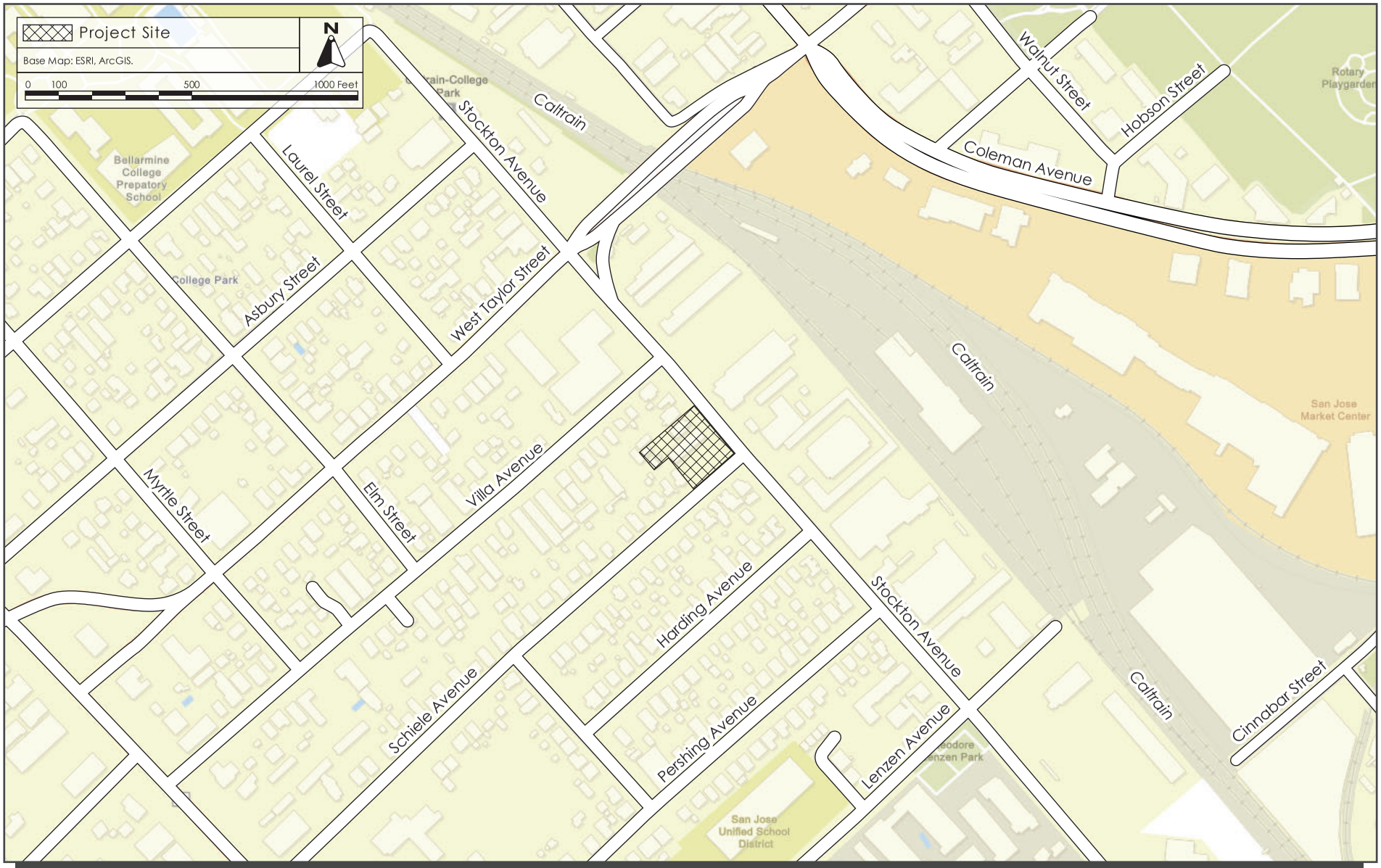
The parcel at 615 Stockton Avenue (APN 261-07-001) is designated *Neighborhood/Community Commercial* under the City's General Plan and the parcel at 623 Stockton Avenue (APN 261-07-068) is designated *Residential Neighborhood*. Both parcels are zoned *CN – Commercial Neighborhood District*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Architectural Review
- General Plan Amendment
- Conforming Rezoning
- Special Use Permit
- Demolition Permit
- Building Permit
- Grading Permit
- Lot Line Adjustment
- Public Works Clearances



REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP | FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT INFORMATION AND DESCRIPTION

3.1 PROJECT DESCRIPTION

3.1.1 Project Location and Background

The 0.59-acre project site is comprised of two parcels (APNs 261-07-001 and -068) located at 615 and 623 Stockton Avenue on the northwest corner of Stockton Avenue and Schiele Avenue in the City of San José. The project site is located within a developed area surrounded by single-family residences, commercial, and light industrial uses.

3.1.2 Proposed Development

The site is currently developed with an approximately 4,400 square foot commercial building and an approximately 1,292 square foot single-family residence currently used as a business. The project proposes to demolish the commercial building at 615 Stockton Avenue and relocate the single-family residence at 623 Stockton Avenue to the southwest corner of the project site on Schiele Avenue (refer to Figure 3.1-1).

As proposed, the project would include a change to the General Plan land use designation from *Residential Neighborhood* to *Neighborhood/Community Commercial* on one parcel at 623 Stockton Avenue and Conforming Rezoning from *Commercial Neighborhood* Zoning District to *Commercial Pedestrian* Zoning District on both parcels at 623 and 615 Stockton Avenue, and the development of a five-story, 117-room hotel. The total square footage of the proposed project would be approximately 69,372 square feet (includes the 1,292 square foot structure at 623 Stockton Avenue). The project would have a maximum height of 59 feet and six inches to the top of the elevator and stair tower (refer to Figures 3.1-2 and 3.1-3) and a floor area ratio (FAR) of 2.6.[1]

The ground level of the proposed building would have a bar/restaurant, a lounge, an athletic studio, meeting room, and a grab and go market. The project proposes a roof deck on the roof. The relocated building would be used for back of the house operations.

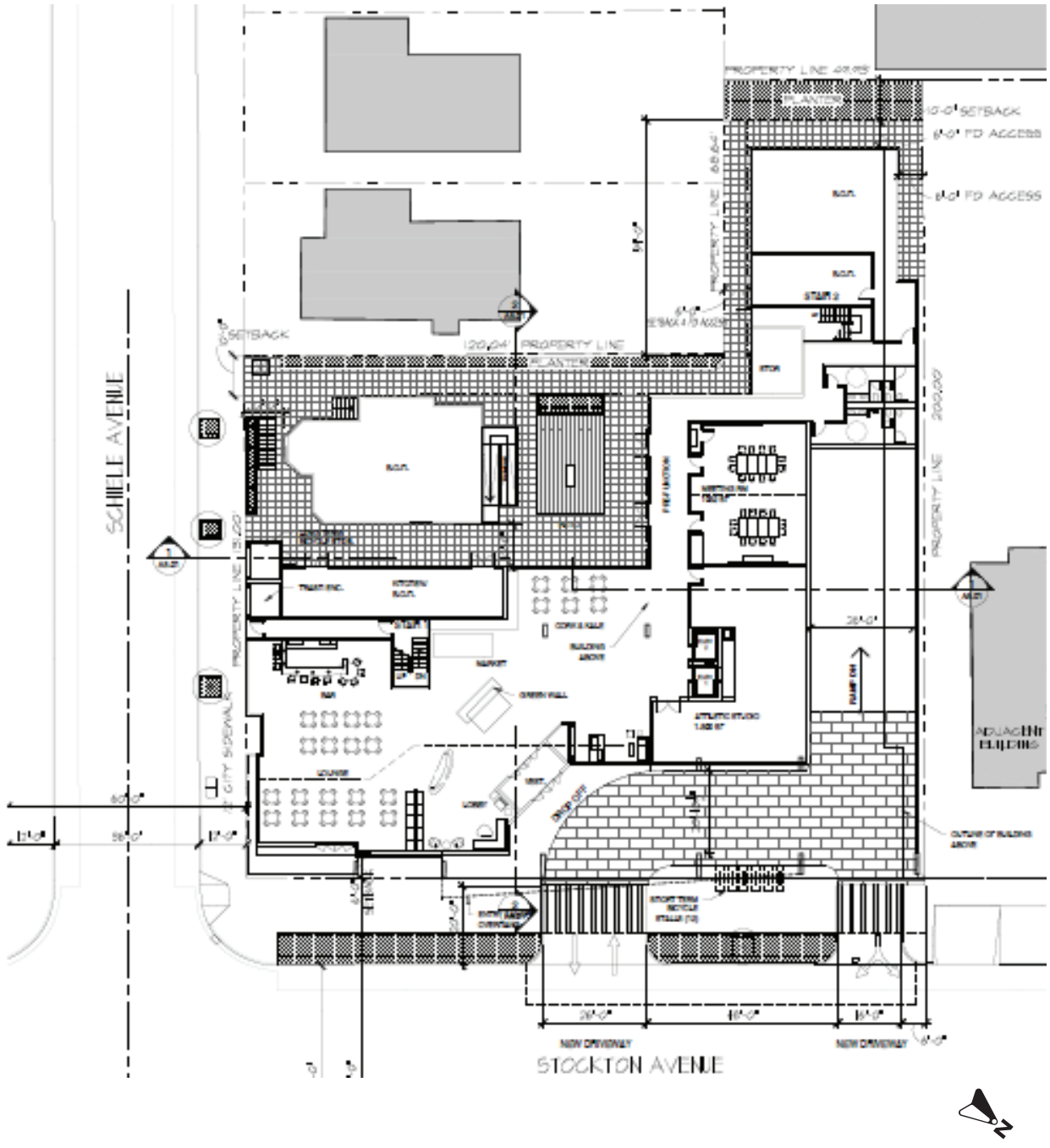
There are four street trees located adjacent to the site; none of which are ordinance-sized. One tree would be removed as a part of this project (refer to *Section 4.4 Biological Resources*).

3.1.3 Parking and Vehicular Access

Currently, the project site is accessed by three driveways: one driveway along Schiele Avenue and two driveways along Stockton Avenue. All existing driveways would be removed as a result of the project. The project proposes a new driveway along Schiele Avenue.

The project would include two levels of below-grade parking. A total of 82 parking spaces is proposed.

[1] 69,372 square feet proposed hotel (includes historic building) / 25,700 square feet project site = 2.6 FAR.



SITE PLAN - GROUND LEVEL | FIGURE 3.1-1

ELEVATIONS - NORTHWEST AND NORTHEAST

FIGURE 3.1-2

ELEVATIONS - SOUTHWEST AND SOUTHEAST

FIGURE 3.1-3

3.1.4 Transportation Demand Management Program

The project includes a transportation demand management (TDM) program to allow for a 50 percent parking reduction. The project would include the following TDM measures listed below.

- Passenger loading zone for taxis, private vehicle transport, and rideshare services
- Free guest shuttle services to guests[2]
- On-site bicycles that can be checked out by guests
- On-site car-share program (e.g., Zipcar) for hotel employees and guests
- Free annual Santa Clara Valley Transportation Authority (VTA) Eco Passes for employees. The passes would give employees unlimited rides of VTA bus, light rail transit (LRT), and the Express Bus.
- Parking cash-out program for employees who walk or bike to work at least four days per week
- On-site TDM coordinator, who would be responsible for implementing and managing the TDM plan. The TDM coordinator would provide the following services:
    - Provide guests information, including public transit services, ridesharing services, bicycle maps, the on-site bicycle-share program, on-site car-sharing program, and guest shuttle at the time of check-in
    - A summary of the transportation options offered to all guests and employees
    - Manage the on-site bicycle-share program to ensure the bicycles remain in good condition
    - Manage the on-site car-share program
    - Provide information to employees about subsidized transit passes and the financial incentive programs for employees
    - Conduct parking surveys annually to track parking demand and determine whether additional TDM measures are needed

3.1.5 General Plan and Zoning Designation

The project site has two General Plan designations. The parcel at 615 Stockton Avenue is designated *Neighborhood/Community Commercial* under the City's General Plan. The *Neighborhood/Community Commercial* designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas. This designation provides services and amenities for the nearby community and should be designed to promote that connection with an urban form that supports walking, transit use and public interaction. Development within the *Neighborhood/Community Commercial* have an allowable FAR of up to 3.5 (one to five stories).

The parcel at 623 Stockton Avenue is designated *Residential Neighborhood* under the City's General Plan. This designation is intended to preserve the existing character of the neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development under this designation should improve and/or enhance the existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood.

[2] The shuttle destinations would be determined based on guest preferences.

New infill development will be limited to eight dwelling units per acre (DU/AC) or the existing neighborhood density, whichever is lower.

Both parcels have a zoning designation of *Commercial Neighborhood* Zoning District. The *Commercial Neighborhood* Zoning District is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

The proposed project would not be consistent with the *Residential Neighborhood* General Plan designation since this designation only allows for residential land uses. Therefore, the project proposes a General Plan amendment from *Residential Neighborhood* to *Neighborhood/Community Commercial*. Please refer to *Section 4.11 Land Use and Planning* for a complete discussion of the project's consistency with the General Plan. In addition, the project proposes a Conforming Rezoning from *Commercial Neighborhood* Zoning District to the *Commercial Pedestrian* Zoning District.

3.1.6 Green Building Measures

The proposed project would be required to be built in accordance to the California Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The project would be designed and constructed in compliance with City of San José Council Policy 6-32 and the City's Green Building Ordinance.

3.1.7 Construction

It is anticipated that the project would be constructed in approximately 12 months.[3,4]

[3] At the time this study was completed, it was assumed that the project would take approximately 12 months beginning in 2019. If the construction for the project were to start at a later date, constructions emissions would not be worse than what is currently analyzed because vehicles used during construction would be cleaner overtime due to the phasing-in of emission control technology.

[4] Illingworth & Rodkin, Inc. *Stockton Hotel Construction Toxic Air Contaminant & Greenhouse Gas Assessment*. May 7, 2019.

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	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

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 project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related 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 to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program is managed by 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.

Local

Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote scenic beauty of the city.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review and approval of development in San José. Adopted design guidelines include those for: Residential, Industrial, Commercial, Downtown/Historic, and Downtown Design Guidelines.

City Council Policy 4-2: City's Street Light Conversion Policy

On February 1980, the City of San Jose implemented a Public Streetlights policy to replace 100 percent of city's streetlight with smart, zero emission streetlights by 2022. Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later

hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

City Council Policy 4-3: Private Outdoor Lighting on Private Developments

On March 1, 1983, the City of San José implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides 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.

The City adopted an Interim Lighting Policy to encourage the use of broad spectrum lighting such as LED for private streets, parking areas, and pedestrian areas as an alternative to low pressure sodium. Projects that met specific standards outlined in the Interim Policy regarding outdoor lighting plans, illumination levels, backlight, uplight, glare, correlated color temperature, and dimming qualify for a permit adjustment and an exception to the required use of low pressure sodium lighting on private development.

Envision San José 2040 General Plan

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

Policy CD-1.1: Require the highest standards of architecture 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.

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

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

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

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

garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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

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

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

4.1.1.2 *Existing Conditions*

Project Site

The project site is developed with an approximately 4,400 square foot commercial building and an approximately 1,292 square foot single-family residence that has been converted into a business. Landscaping on-site includes shrubs.

The commercial building at 615 Stockton Avenue is primarily stucco with a flat roof. Mechanical equipment can be seen on the rooftop from the surrounding roadways. A surface parking lot is located south of the building. A loading dock, a roll-up garage, and two gated doors are located on the southern building façade. The eastern building façade, which is where the main entrance is, fronts Stockton Avenue and has brown-tinted windows and a double door. The main entrance is set back from the roadway by a sidewalk, shrubs, and the eastern building façade. A majority of the northern building façade is covered with climbing plants (see Photo 1).

The one-story, single-family residence located at 623 Stockton Avenue was constructed in the 1895 and is of Queen Anne architectural style (see Photo 2). The residence is rectangular-shaped with a driveway along the south side of the building. The residence has a steep hipped[5] roof with a front facing gable[6]. The gable has decorative paneling and trim. There are double-hung wooden windows located along the southern, eastern, and northern building façade. The residence can be accessed by stairs and two front doors located on the southeastern corner.

[5] A hipped roof is a type of roof where all sides slope downwards to the part of the roof that meets the walls of the building.
[6] A gable is the triangular portion of a wall of a building formed by a sloped roof.

1 - View of existing development, looking west on Stockton Avenue.

2 - View of existing development, looking west on Stockton Avenue.

PHOTOS	1 & 2

3 - View of surrounding development, looking northwest on Stockton Avenue.

4 - View of surrounding development, looking northeast on Stockton Avenue.

PHOTOS	3 & 4

5 - View of surrounding development, looking east on Stockton Avenue.

6 - View of surrounding development, looking south on Schiele Avenue.

PHOTOS	5 & 6

Surrounding Land Uses

The project site is bounded by Schiele Avenue to the south, Stockton Avenue to the east, and single-family residences to the north and west. The buildings in the immediate vicinity of the site are one-story.

Located north of the project site is a single-story residence with similar architectural characteristics to the residence at 623 Stockton Avenue. There are three single-story residences located north of the residential building at 623 Stockton Avenue. The eastern building façades of these residences front Stockton Avenue and have raised porches. The residences along Stockton Avenue are set back from the roadway by landscaping and sidewalk. The residence immediately north of 623 Stockton Avenue has a red wooden overhang on the eastern building façade (see Photo 3). Similar to the 623 Stockton Avenue residence, this building has double hung windows located along the southern and eastern building façades and two front doors. East of the project site is Stockton Avenue, a two-lane multi-directional roadway with a center turn lane. There are commercial and light industrial uses located on the east side of Stockton Avenue. The commercial and light industrial development are set back from Stockton Avenue by a surface lot and sidewalk. The commercial buildings along Stockton Avenue have a mix of flat and gable roofs. The commercial building located immediately east of the project site is primarily stucco with a gable roof and a false-front[7] (see Photo 4). The commercial building's associated surface parking lot is located to the south and is gated.

South of this commercial building is an automobile repair shop. The automobile shop is primarily blue metal with some brick located on the lower northwestern potion of the building (see Photo 5). A brown-tinted door and a blue door is located on the western building façade. An open garage door is located at the center of the western building façade under a large automobile company sign.

South of the project site is Schiele Avenue, a two-way multi-directional street with single-family residences. There are single-family residences located south and west of the project site (see Photo 6). Common features on most residences in the area include gabled roofs, landscaping along the street frontages, and driveways that provide access to the rear of the properties.

Scenic Views, Resources, and Corridors

Based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are scenic features in the San José area. The project site and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. The project area has minimal to no scenic views of the Diablo foothills to the east, Santa Cruz Mountains to the west, and Santa Teresa Hills to the south. No natural scenic resources, such as outcroppings, are present on-site or within the project area.

The project site is not located along a state-designated scenic highway. The nearest designated highway is State Route 9 (SR-9). Interstate 280 (I-280), approximately 1.5 miles south of the project site, is an eligible state scenic highway.[8]

[7] A false-front is a vertical extension of the front of a building that extends beyond the roofline.
[8] California Department of Transportation. "Scenic Highways." Accessed March 6, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project site and project area, including but not limited to street lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views[9] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

Impact AES-1:	The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

The General Plan defines scenic vistas or resources in the City of San José as views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Scenic resources also include scenic urban corridors, such as segments of major highways that provide gateways into the City. The project site is not located within a designated scenic area or corridor as defined by the General Plan. In addition, there are no designated scenic resources on-site or within the project area. As mentioned previously, the nearest designated highway is Interstate (I-280), approximately 1.5 miles south of the project site.[10]

[9] Public views are those that are experienced from publicly accessible vantage points.
[10] California Department of Transportation. "Scenic Highways." Accessed: March 6, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html.

Construction of a five-story, 117-room hotel would not diminish scenic views in the project area due to the existing built environment and minimal to no scenic views of the Diablo foothills, Santa Cruz Mountains, Santa Teresa Hills, and the Silver Creek hills. Existing development within the project area have building heights of one-story. The General Plan allows buildings up to five stories on the corner parcel. The proposed General Plan amendment would allow a structure up to five stories on the residential parcel as well. While the proposed change in building height on the residential parcel and the proposed five-story development may block views from existing adjacent residences and businesses, private views are not protected scenic resources under CEQA. Therefore, implementation of the proposed project would not result in a substantial effect on any scenic vistas. **(Less than Significant Impact)**

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is not in an urbanized area. The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Generally, visual effects discussed in a CEQA document would be of two types: impacts from the project's appearance (i.e., visual character) and what views, if any, a project would obscure. Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character differ among individuals. The best available means for assessing what constitutes a visually acceptable standard for new structures are the City's Design Guidelines and adopted City policies. The proposed building would be reviewed for consistency with applicable design guidelines and policies prior to issuance of planning permits.

The project area is developed with different types of land uses and has a mix of architectural styles with no particular style being dominant. The General Plan allows buildings up to five stories on the corner parcel. The proposed General Plan amendment would allow a structure up to five stories on the residential parcel as well. Although the proposed building would be taller than most buildings in the area, the City previously concluded that this height would be acceptable with the existing General Plan designation on the corner parcel and the proposed building height would not be substantial enough to degrade the existing visual character of the site and project area. The proposed project would be compatible with the mixed visual character of the area. The General Plan FEIR (as amended) concluded that new development and redevelopment allowed under the General Plan would alter the appearance of San José; and implementation of applicable policies and regulations (including the City's Design Guidelines) would avoid substantial degradation of the visual character of the City. The proposed project would comply with applicable plans, policies and regulations outlined in the General Plan FEIR (as amended). Therefore, the proposed project would have a less than significant impact on the visual character or quality of the City. **(Less Than Significant Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

Sources of light and glare that currently exist on-site and within the project area include streetlights, parking lot lights from nearby businesses, security lights, vehicular headlights, internal building

lights, and reflective building surfaces and windows. The proposed building would include internal building lights, exterior lighting, and parking garage lighting.

The proposed project would comply with adopted plans, policies (including the City's Outdoor Lighting on Private Development Policy), and regulations to avoid substantial light and glare impacts. In addition, the project would go through a design review process, prior to the issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines, and other applicable codes, policies, and regulations. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[11]

4.2.1.2 *Existing Conditions*

Based on the Santa Clara County Important Farmland 2016 Map[12], the project site is designated as "urban and built-up land." Common examples of 'urban and built-up land" include residential, institutional, commercial, landfill, golf course, airports, and other utility uses. The project area consists of single-family residences, commercial, and industrial land uses. There is no forest land located on or adjacent to the project site and the site is not subject to a Williamson Act contract.

[11] *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

[12] California Department of Conservation. *Santa Clara County Important Farmlands 2014 Map*. Accessed September 11, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) 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))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) 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?	☐	☐	☐	☒

Impact AG-1:	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5:	The project would 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. **(Less than Significant Impact)**

As proposed, the project would construct an approximately 69,372 square foot hotel on a 0.59-acre project site. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate in the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, the project would not result in the loss of forest lands in San José. For these reasons, the project would not result in impacts to agricultural or forest resources. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment[13] prepared by *Illingworth & Rodkin, Inc.* in October 2018 and revised in May 2019. The report is attached in Appendix A of this document.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States (U.S.) Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as "criteria pollutants"): particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides (SO_x), nitrogen oxides (NO_x), and lead (Pb). The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Major criteria pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High O_3 levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

[13] The number of proposed hotel rooms has decreased by three, the square footage has decreased by 28,411 square feet, and the number of parking spaces has been reduced by 33 spaces since the air quality and greenhouse gas assessment was completed. The decrease and reduction in square footage and parking spaces would not result in substantive changes to the analysis.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. "Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level O_3 and $PM_{2.5}$, nor does it meet state standards for respirable PM_{10}. The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants

Another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).

Fine Particulate Matter ($PM_{2.5}$) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs.

TACs are primarily regulated through state and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. To address the issue of diesel emissions in the state, CARB developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

Unlike regional criteria air pollutants, local risks associated with TACs and $PM_{2.5}$ are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

Bay Area Air Quality Management District

The Bay Area Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

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 2017 CAP describes how the BAAQMD will continue its progress toward attaining 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.

CEQA Air Quality Guidelines

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. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

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 16, the elderly over 65, 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, and elementary schools. 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.

Local

Envision San José 2040 General Plan

The General Plan includes the following air quality policies applicable to the proposed project.

Policy 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.

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

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

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level.

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

Policy 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.

4.3.1.2 *Existing Conditions*

Air quality in the region is controlled by the rate of pollutant emissions and meteorological conditions. Meteorological conditions, such as wind speed, atmospheric stability, and mixing height may all affect the atmosphere's ability to mix and disperse pollutants. Long-term variations in air quality typically result from changes in air pollutant emissions, while frequent, short-term variations result from changes in atmospheric conditions. BAAQMD monitors air quality conditions at over 30 locations throughout the Bay Area.

Table 4.3-1 below shows violations of state and federal standards at the downtown San José monitoring station (the nearest monitoring station to the project site) during the 2016-2018 period (the most recent years for which data is available).[14,15]

Table 4.3-1: Ambient Air Quality Standards Violations and Highest Concentrations

Pollutant	Standard	Days Exceeding Standard		
		2016	2017	2018
SAN JOSÉ STATION				
Ozone	State 1-hour	0	3	0
	Federal 8-hour	0	4	0
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	0	6	4
$PM_{2.5}$	Federal 24-hour	0	6	15

"Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. As previously mentioned, the Bay Area, as a whole, does not meet federal ambient air quality standards for $PM_{2.5}$, nor does it meet state standards for PM_{10}. The Bay Area is considered in attainment or unclassified for all other pollutants.

Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, schools, parks, and places of assembly. There are sensitive receptors (single-family residences) located approximately 10 feet west, 15 feet north, and 70 feet south of the project site. No odor generating sources are within the immediate and adjacent area.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

[14] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[15] Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed June 17, 2019. http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.2.1 *CEQA Thresholds of Significance*

Impacts from the Project

In 2009, BAAQMD published Proposed Thresholds of Significance. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects. BAAQMD's adoption of the 2011 thresholds was called into question by a trial court order issued March 5, 2012, in California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693) that determined the adoption of the thresholds was a project under CEQA, but did not address the substantive validity, merits or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal's decision was appealed to 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)] the California Supreme Court 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. The opinion did not negate the BAAQMD thresholds.

The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the thresholds and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Therefore, the thresholds and methodologies from BAAQMD's May 2011, now updated in May 2017, CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. Consistent with the certified Downtown Strategy 2040 FIER, these CEQA Air Quality thresholds are used to evaluate air quality impacts of the proposed project on the environment.

The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: 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, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	0.3 µg/m^3	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

Notes: ROG = reactive organic gases
NO_x = nitrogen oxides
PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less
$PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

The BAAQMD CEQA *Air Quality Guidelines* set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. As shown in Table 4.3-3 below, the proposed project would generally be consistent with the intent of the 2017 CAP measures intended to reduce automobile trips, as well as energy and water usage and waste.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City standards. In addition, the project area is well equipped with pedestrian facilities including sidewalks and crosswalks. The project is consistent with this measure.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The College Park Caltrain station is located approximately 0.3 mile north of the project site and approximately one mile from the Diridon Transit Center. The Diridon Transit Center provides connections between local and regional bus routes, light rail lines, and commuter lines. Therefore, the project is consistent with this measure (refer to *Section 4.17 Transportation* for more information).
Building Measures		
Green Buildings	Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/ roofing upgrades for commercial and residential multifamily housing.	The project proposes a total of 82 parking spaces which will be provided within the below-grade parking garage. The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy (refer to *Section 4.4, Biological Resources*). Therefore, the project is consistent with this control measure.
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	materials in commercial and public construction projects.	Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

The project would be consistent with applicable control measures and; therefore, the proposed project would not result in a significant impact related to consistency with the Bay Area 2017 CAP. **(Less Than Significant Impact)**

Operational Criteria Pollutant Emissions

BAAQMD developed screening criteria to provide a conservative indication of whether a project would result in potentially significant criteria pollutant air quality impacts. For operational impacts from criteria pollutants, the screening size for a hotel land use type is 489 hotel rooms. Projects that are smaller than the screening size would have a less than significant operational air quality impact. The proposed 117-room hotel is below the screening size for the proposed use; therefore, the project would have a less than significant operational criteria air quality impact. **(Less Than Significant Impact)**

Operational Carbon Monoxide Emissions

In addition to the operation emissions of the criteria pollutants discussed above, another federally and state regulated criteria pollutant is carbon monoxide. The area is in attainment for both the state and federal ambient air quality standards for carbon monoxide. Air pollutant monitoring data indicate that CO levels have been below state and federal standards in the Bay Area since the early 1990s and, as a result, the region has been in attainment for CO. The maximum measured eight-hour average period in 2018 was 2.1 parts per million (ppm), which is less than the ambient air quality standard of 9.0 ppm. Even with the proposed General Plan amendment, the increase in project traffic volumes would not be sufficient to result in the violation of air quality standard for carbon monoxide. **(Less Than Significant Impact)**

Construction Criteria Pollutant Emissions

BAAQMD has also developed screening criteria to provide a conservative indication of whether a project would result in potentially significant construction criteria pollutant air quality impacts. For construction-related emissions, the screening size for a hotel land use type is 554 hotel rooms. The proposed 117-room hotel is below the screening size for the proposed use; therefore, the project would have a less than significant operational criteria air quality impact. **(Less Than Significant Impact)**

Impact AIR-2:	The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

Construction and operational period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds (please refer to Impact AIR-1). Since the project would have a less than significant criteria pollutant impact, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less Than Significant Impact)**

Impact AIR-3:	The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Dust Generation

Construction activities on-site would generate dust and other particulate matter that could temporarily impact nearby land uses, particularly sensitive receptors. Consistent with City policies, mitigation measures, and control measures identified in the General Plan FEIR, the project would implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment 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). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

With implementation of the Standard Permit Conditions, construction dust and other particulate matter would have a less than significant temporary construction air quality impact. The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

Construction Community Risk Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of DPM, organic TACs, and $PM_{2.5}$, which are regulated air pollutants. As mentioned previously, the nearest sensitive receptors (single-family residences) are located approximately 10 feet west, 15 feet north, and 70 feet south of the project site. A health risk assessment was prepared to evaluate potential health effects of nearby sensitive receptors from DPM and $PM_{2.5}$ construction emissions. Construction activities are anticipated to include demolition, site preparation, grading, utilities, building construction, paving, and architectural coating.

To quantify the effects of project construction, construction criteria pollutant emissions were computed using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The proposed land use was input into CalEEMod and it was assumed that the project would be built over a period of 12 months, approximately 247 workdays. The earliest start date of January 2019 was used. The U.S. EPA AERMOD dispersion model was used to predict DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. Please refer to Appendix A for a list of inputs that were used in CalEEMod.

As noted in Table 4.3-2 above, community risk thresholds for single-source TACs, PM2.5, and non-cancer risks are as follows:

- Increased cancer risk of >10.0 in one million
- Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute)
- Ambient $PM_{2.5}$ increase: > 0.3 micrograms per cubic meter (μ/m^3)

The maximum-modeled DPM (both TACs and non-cancer risks) and $PM_{2.5}$ concentrations were identified at a single-family residence located south of the site, as shown below in Figure 4.3-1.

Table 4.3-4 provides a summary of the maximum health risk impacts from project construction.

Table 4.3-4: Maximum Health Risk Impacts from Project

Construction Activity	Cancer Risk (per million)	Annual $PM_{2.5}$ (μ/m^3)	Chronic Hazard Index
Project Construction			
Unmitigated	**47.8 (infant)**	**0.62**	0.06
Mitigated	5.5 (infant)	0.13	0.01
BAAQMD Single-Source Thresholds	*10.0*	*0.3*	*1.0*
Significant?			

Table 4.3-4: Maximum Health Risk Impacts from Project			
Construction Activity	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ (μ/m^3)**	**Chronic Hazard Index**
Unmitigated	***Yes***	***Yes***	*No*
Mitigated	*No*	*No*	*No*

Figure 4.3-1: Maximum-Modeled DPM and $PM_{2.5}$ Concentration Locations

Results of this assessment indicate that the maximum increased residential cancer risks without any mitigation or construction emissions control would be 47.8 per one million for an infant exposure and 0.8 per one million for an adult exposure. Because the infant cancer risk would exceed 10 cases per one million, the proposed project could have significant community risk impact on nearby sensitive receptors during construction activities. The maximum $PM_{2.5}$ concentration (0.62 μ/m^3) would exceed BAAQMD's significance threshold of 0.3 μ/m^3 for annual $PM_{2.5}$. The maximum annual residential DPM concentration (i.e., from construction exhaust) would be 0.2908 μ/m^3. Based on this DPM concentration, the maximum hazard index (HI) would be 0.06, which is below the BAAQMD significance threshold of greater than 1.0.

Mitigation and Avoidance Measures

In addition to the Standard Permit Conditions above, and in conformance with General Plan Policies MS-10.1 and MS-13.1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts.

MM AIR-3.1: All diesel-powered off-road equipment larger than 25 horsepower and operating at the site for more than two days continuously (or 20 hours in total) shall meet U.S. Environmental Protection Agency (EPA) nitrogen oxides (NOx) and particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Alternatively, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

MM AIR-3.2: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall submit to the Director of Planning or Director's designee a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in Mitigation Measure AIR-3.1.

Implementation of Mitigation Measures AIR-3.1 and AIR-3.2, would reduce the on-site diesel exhaust emissions by 88 percent. Implementation of the identified Standard Permit Conditions and mitigation measures would reduce the infant residential cancer risk to 5.5 per one million or less, the maximum annual $PM_{2.5}$ concentration would be 0.13 $\mu g/m^3$, and the HI to 0.01, which would be below the BAAQMD significance thresholds. **(Less Than Significant Impact with Mitigation Incorporated)**

Operational Community Risk Impacts

The proposed project would generate automobile traffic and truck traffic during operation of the project. These emissions are expected to result in low TAC or $PM_{2.5}$ exposure. In addition, there would be no other operational sources of TAC or $PM_{2.5;}$ therefore, operational sources of health risk were not further evaluated in Appendix A. No stationary sources of TACs, such as diesel-powered emergency generators and residential units, are proposed as part of the project. Therefore, operation of the project would not expose sensitive receptors to unhealthy air pollutant levels. **(Less Than Significant Impact)**

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in

the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

The proposed project would result in a less than significant operational and construction criteria pollutant impact as discussed in Impact AIR-1. Therefore, the project would result in a less than significant health impact to sensitive receptors. **(Less Than Significant Impact)**

Impact AIR-4:	The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

BAAQMD considers land uses or projects that involve the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills to be the most likely to results in odor impacts on sensitive receptors. The proposed project would involve the development of a five-story hotel and associated below-grade parking. These types of land uses would not generate objectionable odors that would affect a substantial number of people. The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent residences and businesses; however, the odors would be localized and temporary and are not likely to affect people off-site. Implementation of the proposed project would not result in odor impacts that would adversely affect surrounding uses. **(Less Than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purpose s only because the City of San José has policies that address existing air quality conditions affecting a proposed project. Pursuant to General Plan policies MS-10.1, MS-11.1, and MS-11.2, a health risk assessment was prepared to ensure sensitive receptors introduced onto the project site are not exposed to substantial TAC emissions.

Increased community risk can occur either by introducing a new sensitive receptor in proximity to an existing source of TACs or by introducing a new source of TACs to existing sensitive receptors within the project vicinity. There are sensitive receptors located approximately 10 feet west, 15 feet north, and 70 feet south of the project site. BAAQMD recommends that projects be evaluated for community health risk when they are located within 1,000 feet of mobile and permitted stationary sources of TACs. Figure 4.3-2 shows the project site and the nearby TAC and $PM_{2.5}$ sources.

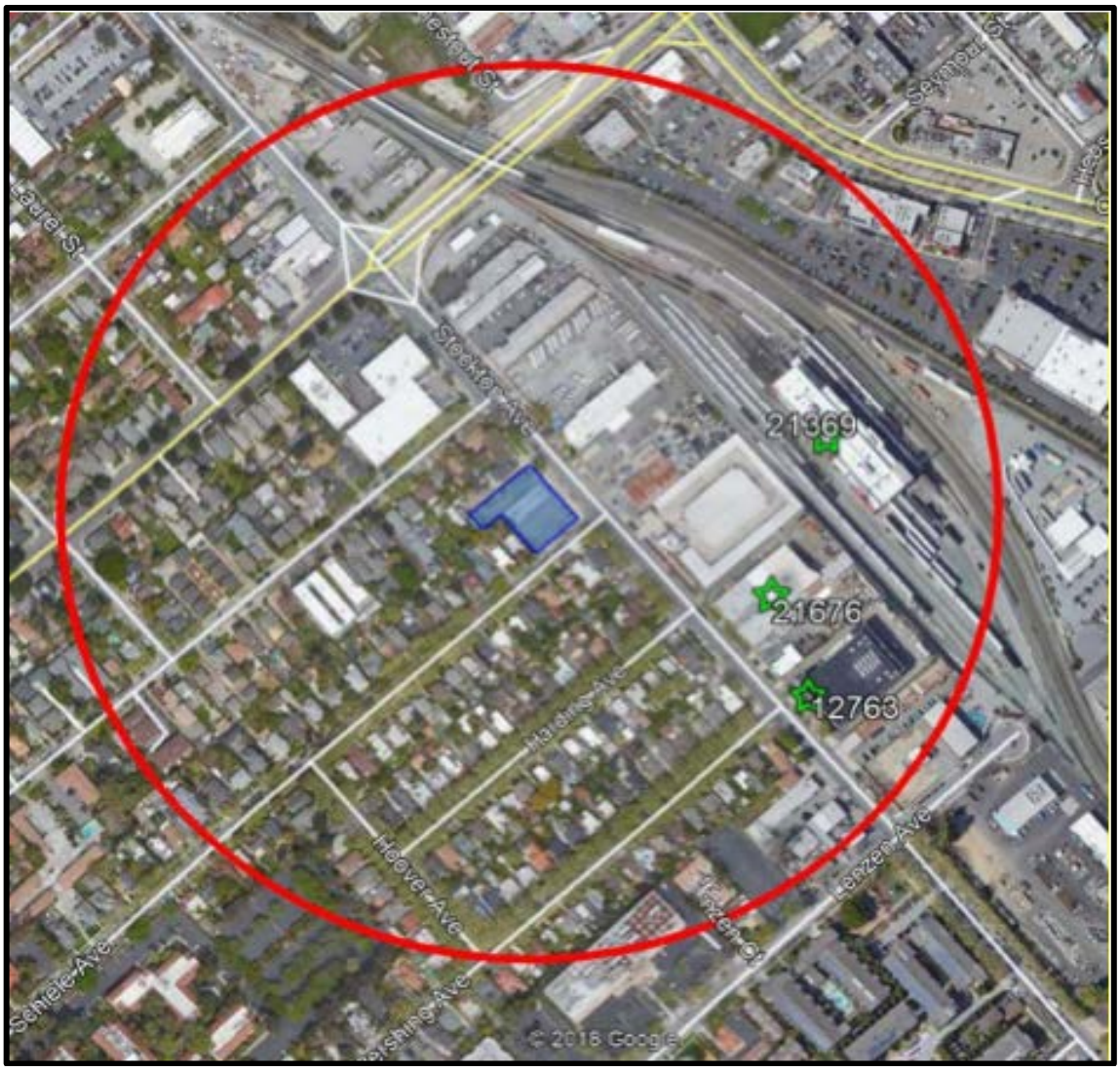


Figure 4.3-2: Project Site and Nearby TAC and $PM_{2.5}$ Sources

Mobile Sources

Mobile sources are freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). A review of the project area indicates that traffic on West Taylor Street would have an ADT of 13,020 vehicles. The *Roadway Screening Analysis Calculator* was used to assess whether roadways with traffic volumes over 10,000 vehicles per day may have a potentially significant effect on the proposed project. Overall, emission rates would decrease by the time the project is constructed and occupied. The project would not be occupied prior to at least 2018.[16] The maximum exposed individual (MEI) was estimated approximately 820 feet south of West Taylor Street. The estimated cancer risk from this roadway would be 0.7 per million and the annual $PM_{2.5}$ concentration would be 0.02 $\mu g/m^3$. The maximum hazard index (HI) would be less than 0.03.

[16] At the time this study was completed, it was assumed that the project would take approximately 12 months beginning in 2019. If the construction for the project were to start at a later date, constructions emissions would not be worse than what is currently analyzed because vehicles used during construction would be cleaner overtime due to the phasing-in of emission control technology.

Stationary Sources

Stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*[17]. Seven stationary sources were identified (Plant #2049, Plant #12763, Plant #16696, Plant #18409, Plant #19382, Plant #21369, and Plant #21676). BAAQMD has noted that Plant #16696 was shut-down. Additionally, Plant #19382 and #18409 were identified as coating operation sources which would have low health risk impacts on the construction MEI. Plant #2049 is located beyond the 1,000-feet are of influence. As a result, these four stationary sources were not further included in the analysis. Based on the results provided in Impact AIR-3, the cancer risks and maximum $PM_{2.5}$ would not exceed BAAQMD single-source thresholds with implementation of Mitigation Measures AIR-1.1 and AIR-1.2. The combined cancer risk and PM2.5 concentrations for the mobile and stationary sources of TACs would not exceed BAAQMD thresholds for combined sources (refer to *Section 4.21, Mandatory Findings*). Implementation of the proposed project would not result in a health risk to future residents of the site consistent with the applicable policies of the General Plan.

[17] This tool uses Google Earth and identifies the location of several stationary sources and their estimated risk and hazard impacts.

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a Tree Survey prepared by *Landscape Pros.* in October 2018. A copy of the Tree Survey is included in Appendix B of this document.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (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 could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW. Provisions of these regulations apply to modifications of sensitive aquatic habitats and riparian habitats within the City of San José.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) 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 (Valley Water), VTA, USFWS, and CDFW. The Habitat Plan 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.

City of San José Tree Ordinance

Ordinance-sized trees, 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 all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

Envision San José 2040 General Plan

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

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

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

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

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

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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

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

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

4.4.1.2 *Existing Conditions*

Overview of Habitat Found On-Site

Landscaping on-site includes shrubs. Additionally, there are four street trees located immediately adjacent to the site. The project site is located within the SCVHP study area and is designated as "Urban-Suburban land."[18] Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. Habitats in developed areas, such as the project site, are typically low in diversity and include predominantly urban adapted birds and animals. There are no sensitive habitats on-site, such as freshwater marsh or serpentine grasslands.

Special-Status Species

Special-status species are those plants and animals listed under the state and federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the CDFW. Nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special-status animal species

[18] Santa Clara Valley Habitat Plan. "Santa Clara Valley Habitat Agency Geobrowser." Accessed October 8, 2018. http://www.hcpmaps.com/habitat/.

occurring in the Bay Area use habitats that are not present on the site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in the street trees adjacent to the project site.

Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

A total of four trees were surveyed, none of which are ordinance-sized. None of the trees surveyed are considered native to San José. One street tree (Tree No.4) is proposed to be removed. The following table lists the street trees identified immediately adjacent to the project site. The location of trees is shown below in Figure 4.4-1.

Table 4.4-1: Trees Surveyed

Tree #	Common Name	Scientific Name	Circumference (in inches)
1	London Plane	Platanus spp.	6
2	London Plane	Platanus spp.	16
3	London Plane	Platanus spp.	16
4	London Plane	Platanus spp.	18

TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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)?	☐	☒	☐	☐
2) 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?	☐	☐	☒	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
4) 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?	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

The four street trees located adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance.

Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Mitigation and Avoidance Measures

In accordance with the MBTA, CDFW, and General Plan Policies ER-5.1 and ER-5.2, the following mitigation measures are included to reduce impacts to raptors and migratory birds during construction:

MM BIO-1.1: The project applicant 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 cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

With implementation of the identified mitigation measure, the project's impact to nesting birds and raptors would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-2:	The project would not 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. **(Less than Significant Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

Guadalupe River is located approximately 0.6 mile east of the project site. Due to the history of development on-site and within the project area, there are no natural habitats such as riparian, wetland, or aquatic on or adjacent to the site that would support local endangered, threatened, or special status wildlife species. The General Plan FEIR (as amended) concluded that impacts to developed habitats resulting from proposed development under the General Plan would be less than significant because of the relatively low value of these habitats for biological resources compared to more natural habitats, and their abundance within the region and state. For these reasons, the proposed project would not adversely affect special-status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

As mentioned previously, no natural habitat exists on-site that would support endangered, threatened, or special-status wildlife species. The project site is not used as a wildlife corridor by any native resident or migratory fish or wildlife species. Therefore, the proposed project would not interfere with the movement of any fish or wildlife species. **(Less than Significant Impact)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

One street tree (Tree No. 4) is proposed to be removed. Any trees harmed or removed during construction activities would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Table 4.4-2: City of San José Standard Tree Replacement Ratios				
Circumference of Tree to Be Removed[1]	**Type of Tree to be Removed[2]**			**Minimum Size of Each Replacement Tree**
	Native	**Non-Native**	**Orchard**	
38 inches or greater[3]	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

[1]As measured 4.5 feet above ground level
[2] x:x = tree replacement to tree loss ratio
[3]Ordinance-sized tree
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 12.1-inch tree equals 38 inches in circumference.
One 24-inch box tree = two 15-gallon trees.

Since one street tree (Tree No. 4) would be removed, the tree would be replaced at a 1:1 ratio with a 15-gallon container. As mentioned previously, there are no native trees on or adjacent to the site. The total number of replacement trees required to be planted would be one tree. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Furthermore, the project proposes to add flow-through planters along the western side of the property line and landscaped areas along the eastern side facing Stockton Avenue. The proposed project would have a less than significant impact on trees. **(Less Than Significant Impact)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

The 0.59-acre project site is located within the SCVHP area and is designated as "Urban-Suburban" land. Private development in the plan area is subject to the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County of one of the cities;

- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*; [19] and

- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than two acres AND

    - The project is located in an area identified as "Rural Development Equal to or Greater than Two Acres is Covered," or "Urban Development Equal to or Greater than Two Acres is Covered" OR

    - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied nesting habitat for western burrowing owl.

The proposed project is consistent with the activity described in *Section 2.3.2* of the SCVHP and would require discretionary approval by the City. Consistent with the SCVHP, the project applicant shall implement the following Standard Permit Condition.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The SCVHP and supporting materials can be viewed at www.scv-habitatplan.org.

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **(Less Than Significant Impact)**

[19] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

4.5 CULTURAL RESOURCES

The following discussion is based upon a Historic Report and a Supplemental Memo completed by *Archives and Architecture* in July 2018 and October 2018, respectively. Copies of these reports are included in Appendix C of this document.

4.5.1 Environmental Setting

4.5.2 Regulatory Framework

Federal

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. The context types to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and state significance. They are:

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; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Senate Bill 18

The intent of Senate Bill (SB) 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Archaeological Resources and Human Remains

Archaeological, paleontological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a "most likely descendant" must also be notified.

Local

Envision San José 2040 General Plan

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

The General Plan includes the following cultural resources policies applicable to the proposed project.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

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

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

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

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

Policy ER-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

4.5.2.1 *Existing Conditions*

Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. The project site is not in proximity to any local waterways. The nearest waterway is Guadalupe River, located approximately 0.6 mile east of the project site. Therefore, the potential to discover any artifacts or cultural resources on-site is low.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe was established.

The pueblo was originally located northeast of the project site, near the old San José City Hall. This location was prone to flooding and the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The project site is located approximately 1.6 miles northwest of the second pueblo.

Post-Mission Period to Mid-20th Century

In the mid-1800's, San José began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of

business opportunities in the west. The existing commercial building on-site was built circa 1947 and has been used for wholesale, retail, and other service uses over the last 71 years. The commercial building was originally occupied by Hagedohn & Morris, Inc., a building supply company, until the year 2000. A.B. Press became the tenant in 2000 and the building façade was remodeled/replaced for the new tenants.

The house at 623 Stockton Avenue was constructed circa 1895 and was relocated to the property around the time of the 1906 San Francisco earthquake. Title to the property was acquired by Minnie K. Northrup and Charles H. Northrup. In the late 1890s, the Northrup family had owned a grocery store on North Fourth Street/Jackson Street. The family moved to Stockton Avenue and owned a bicycle store on North First Street. Minnie and Charles' daughter, Lucia, married Alvin House, a carpenter, and moved into the house located at 445 Stockton Avenue with her family. Alvin House may have helped facilitate the relocation of the house to the site on Stockton Avenue and was likely responsible for any changes to the building that may have occurred over the years, as he and Lucia remained occupants until his death in the 1940s. The Lucia's family remained living in the house until the late 1930s. During their ownership, the property was annexed into the City of San José. Alvin and Lucia's son, Llyod, and his wife, Marian, remained as residents at the house until the 1970s. After Marian sold the property in the 1970s, three other owners held title of the property until the current owners acquired it in 1998.

4.5.2.2 *Existing Structures On- and Off-Site*

Existing Structures

615 Stockton Avenue

The commercial building located at 615 Stockton Avenue was constructed circa 1947 and is not currently listed in the City's Historic Resources Inventory.[20] Based on the historic report completed for the site, the property retains some of its integrity as per the National Register's seven aspects of integrity although the building façade has been remodeled/replaced. The building is surrounded by buildings of similar scale and use from the mid-twentieth century. Although the vernacular character of this building is associated with construction from the mid-twentieth century, it contains only minor development patterns from this era in the greater San José.

[20] City of San José. "Historic Resources Inventory." Accessed October 26, 2018. http://www.sanjoseca.gov/index.aspx?NID=2172

The building was analyzed based on the CRHR criteria. The analysis found that the building do not represent significant patterns of development; therefore, the building would not qualify under Criterion 1. In addition, the building located at 615 Stockton Avenue is not directly associated with any persons known to be historically important. As a result, the building would not qualify under Criterion 2.

The building is not considered a good example of mid-century design and is not individually significant; therefore, the building would not qualify under Criterion 3. The commercial building does not represent significant patterns of development nor does it represent any persons known to be historically important. Therefore, the building would be unlikely to yield information important to prehistory or history of the local area, California, or the nation and would not qualify under Criterion 4. Based on the City's evaluation tally sheet, the building scores 4.68 points and would not meet the threshold for listing as a Structure of Merit under the San José Historic Resources Inventory, nor would this building meet the minimum threshold as a San José City Landmark Structure.

623 Stockton Avenue

The other project parcel, located at 623 Stockton Avenue, is single-family residence currently used as a business. Currently, this building is not listed in the City's Historic Resources Inventory. Based on the historic report, although the building has lost its original neighborhood context due to relocation, it still represents a distinctive design of the Victorian Era. The building retains some historical context based on its association with emerging patterns of development in the Interwar Period, but does not reflect the pre- and post-World War II periods in a significant way.

The building was analyzed based on the CRHR criteria. The analysis found that the building does not represent significant patterns of development; therefore, the building would not qualify under Criterion 1. Additionally, the residence is not directly associated with any persons known to be historically important nor have any of the persons associated with the residence been found to be historically significant. As a result, the existing residence would not qualify under Criterion 2.

Buildings that have been relocated may be eligible for the Criterion 3 of the CRHR if the architecture is distinctive in its own right, even though the original context is gone. The residence is approximately 123 years old and is a distinguished example of Queen Anne architectural style. The residence retains a high level of integrity of its key character-defining features and would qualify for the CRHR under Criterion 3. Additionally, the building would be unlikely to yield information

important to prehistory or history of the local area, California, or the nation; therefore, the existing residence would not qualify under Criterion 4.

The existing residence at 623 Stockton Avenue would meet the threshold for the City of San José Historic Resources Inventory as a Structure of Merit. In addition, the residence would meet the eligibility requirements for consideration as a City Landmark structure.

Adjacent Structures

Based on the City of San José Historic Resources Inventory, there are three historic structures within 200 feet of the project site located at 738 Schiele Avenue, 580 Stockton Avenue, and 630 Stockton Avenue. The structure located at 738 Schiele Avenue is listed in the City's Historic Resources Inventory as a Contributing Site/Structure. The physical distance between structure at 738 Schiele Avenue and the project site is approximately 80 feet.

The structures located at 580 and 630 Stockton Avenue are both listed in the City's Historic Resources Inventory as Structure's of Merit. The physical distance between the structures located at 580 and 630 Stockton Avenue and the project site are approximately 155 feet and 90 feet, respectively.

PROJECT SITE AND ADJACENT HISTORIC STRUCTURES | FIGURE 4.5-1

4.5.3 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

On-Site Structures

Historic Building Relocation

The project proposes to relocate the structure at 623 Stockton Avenue to the southwest corner of the project site on Schiele Avenue, east of the existing residence at 733 Schiele Avenue. Based on the Supplemental Memo prepared by *Archives & Architecture*, the receiver site was once part of a larger corner lot created as part of the 1888-1889 Schiele Subdivision recorded by Charles Schiele. The Schiele Subdivision was built out on the north side of Schiele Avenue and contains a mix of single-family residences built from the early 1890s through 1920s or later. The south side of Schiele Avenue was later acquired by Anthony Maderis, a developer, and was built out with mostly Revival-style houses during the 1920s. The single-family residences located on the north side of Schiele Avenue are of similar scale as the building at 623 Stockton Avenue. Structures that are moved from their original location are typically not considered eligible for the National Register. Under the National Register Criteria, however, a building or structure removed from its original location which is primarily significant for its architectural value, or which is the surviving structure associated with a historic person or event may qualify. While the California Register does not identify criteria considerations, the significance criteria are similar to those used by the National Register.

Given that the structure at 623 Stockton Avenue is not associated with any persons known to be historically important nor have any of the persons associated with the residence been found to be historically significant and that the existing site along Stockton Avenue lacks a unified historic context associated with the pre- and post-World War II periods, the proposed relocation would have no effect on this historic resource or the proposed receiver site. Additionally, the age and scale of the residence is consistent with the existing properties along the north side of Schiele Avenue and would not result in an adverse impact on the significance of that area. Relocation of the building could, however, materially damage the historic resource.

Mitigation and Avoidance Measures

The following measures would be implemented to reduce impacts to the historic structure at 623 Stockton Avenue.

MM CUL-1.1: Pre-Survey of Existing Condition. Prior to the relocation of the 623 Stockton Avenue house, a historic preservation architect and a structural engineer shall undertake an existing conditions study. The purpose of the existing conditions study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and that require the structure to be protected and preserved, and recommendations for preservation. A report of the findings shall be reviewed and approved by the Director of Planning or Director's designee and the City's Historic Preservation Officer prior to issuance of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.

MM CUL-1.2: Relocation Plan. After submittal of the baseline report existing conditions study (pursuant to MM CUL-1.1) but prior to issuance of any grading or building permits for the relocation of the 623 Stockton Avenue house, a structural engineer shall prepare a detailed Relocation Plan that includes, but not limited to, the following:

- A detailed shoring/relocation plan that includes measures to protect the structural integrity of the building during the move.
- A detailed calculation to justify the proposed sizes of shoring beams and columns as well as the phasing of the relocation process.
- Contact information and qualifications of the contractors that would conduct the relocation work.
- A detailed work proposal of relocation methodology.
- Contingency plan for any damages that could happen during the relocation work.
- Proposed reporting plan to the City during the relocation period and after.
- Rehabilitation proposal of the structure, building, and surrounding environment.
- Monitor Plan during all construction and demolition activities.

The structural engineer shall submit the report to the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement and the City's Historic Preservation Officer for review and approval prior to the approval of any demolition, grading, and/or building permits for the relocation of the 623 Stockton Avenue house.

MM CUL-1.3: Contingency Reporting. During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation of the 623 Stockton Avenue house, only authorized persons shall have access to the building until such time as rehabilitation of the structure is complete. Protective fencing and other methods shall be used to protect the building from any new damage and deterioration during this process. If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment of the severity of such damage and repairs undertaken if necessary shall be made by the historic preservation architect or structural engineer. This assessment shall be provided immediately within five business days after discovery of the damage to the Director of Planning or Director's designee.

MM CUL-1.4: Final Reporting. Once moved, a final report shall be provided to the Director of Planning or Director's designee and the City's Historic Preservation Officer. The final report shall include, but is not limited to, the following:

- Documentation of the result of the move;
- Any damages incurred during the move;
- Recommendations for how to repair the damages, if any;
- Next steps for repairing and restoring the relocated house, as needed, in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties.* In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.

The City's Historic Preservation Officer must approve the memo report and confirm the findings prior to issuance of occupancy permits for the hotel. With implementation of the identified Mitigation Measures CUL-1.1 to CUL-1.4, the project would have a less than significant impact on historic resources. **(Less Than Significant Impact with Mitigation Incorporated)**

Adjacent Structures

There are three historic structures located within 200 feet of the project site (738 Schiele Avenue, 580 Stockton Avenue, and 630 Stockton Avenue). The structure located at 738 Schiele Avenue is listed in the City's Historic Resources Inventory as a Contributing Site/Structure. The structures located at 580 and 630 Stockton Avenue are both listed in the City's Historic Resources Inventory as Structures of Merit. Due to the distance between the project site and adjacent historic structures, the temporary construction period (approximately 12 months, 247 construction workdays), damage or changes to the surrounding historic structures at would not occur. Please refer to *Section 4.13 Noise and Vibration* for a complete discussion of construction vibration impacts on historic structures. **(Less Than Significant Impact)**

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

The site has a low potential for containing prehistoric archaeological resources due to the distance to the nearest waterway (Guadalupe River), approximately 0.6 mile to the east. The entire project site would be excavated to a depth of approximately 20 feet below the ground surface (bgs) for the underground parking garage which could uncover and/or damage as yet unrecorded subsurface resources.

The project is not located near any waterway or near any known native occupation area; therefore, the potential to disturb any prehistoric human remains is low. Nevertheless, the City has Standard Permit Conditions to reduce impacts to subsurface prehistoric and historic archaeological resources, including human remains.

The following Standard Permit Conditions are included in the project to reduce impacts to subsurface prehistoric and historic resources during grading and excavation of the proposed project.

Standard Permit Conditions

Consistent with General Plan policies ER-10.2 and ER-10.3, the following Standard Permit Conditions shall be implemented by the project to reduce or avoid impacts to subsurface cultural resources.

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- 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. If human remains are discovered 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 Director of Planning, Building and Code Enforcement or the Director's designee and the

qualified archaeologist, who shall 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 Native American Heritage Commission (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 landowner or his authorized representative 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 NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of these Standard Permit Conditions, redevelopment would have a less than significant impact on subsurface cultural resources and human remains. **(Less Than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.[21]

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Local

Building Standards

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[22],

[21] California Building Standards Commission. "Codes." Accessed May 3, 2019. http://www.bsc.ca.gov/.
[22] Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint[23], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in 4.6-1 below.

Table 4.6-1: Private Sector Green Building Policy Applicable Projects

Applicable Project*	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. "Private Sector Green Building." Accessed May 3, 2019. Available at: http://www.sanjoseca.gov/index.aspx?NID=3284.

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

[23] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential and commercial/industrial development that assigns points for green building measures.

Envision San José 2040 General Plan

The General Plan includes the following energy policies applicable to the proposed project.

Policy MS-1.1: Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

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

Policy MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-6.5: Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Policy MS-6.8: Maximize reuse, recycling, and composting citywide.

Policy MS-14.3: Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

Policy MS-14.4: Implement the City's Green Building Policies (see Green Building Section) 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, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

Policy MS-17.2: Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for

projected development in areas planned for urban uses within San José or other surrounding communities.

Policy MS-18.5: Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.

Policy MS-19.1: Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy VN-1.1: Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.

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

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,854 trillion Btu) for industrial uses, and 40 percent (3,114 trillion Btu) for transportation.[24] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2017 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2017, a total of approximately 17,190 GWh of electricity was consumed in Santa Clara County.[25]

[24] United States Energy Information Administration. *State Profile and Energy Estimates, 2016.* Accessed March 4, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.
[25] CEC. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 4, 2019. http://ecdms.energy.ca.gov/elecbycounty.aspx.

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[26] In 2017, residential and commercial customers in California used 32 percent, power plants used 28 percent, and the industrial sector used 36 percent. Transportation accounted for one percent of natural gas use in California.[27] In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[28]

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.[29] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970's to 24.9 mpg in 2018.[30] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.[31,32] In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.[33]

4.6.1.3 *Energy Use by Existing Development*

The estimated annual energy use of the existing development is shown below in Table 4.6-2.

[26] CEC. "2017 Natural Gas Market Trends and Outlook." Accessed March 4, 2019. https://efiling.energy.ca.gov/getdocument.aspx?tn=222400.
[27] U.S. EIA. "Natural Gas." Accessed March 4, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[28] CEC. "Natural Gas Consumption by County." Accessed March 4, 2019. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[29] California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed March 4, 2019. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.
[30] U.S. EPA. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[31] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.afdc.energy.gov/laws/eisa.
[32] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[33] The White House. Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards. August 28, 2012. Accessed March 4, 2019. https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.

Table 4.6-2: Estimated Annual Energy Use of Existing Development[1]			
Development[2]	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**	**Gasoline (gallons per year)**
General Light Industry – 4,426 square feet	36,559	116,758	2,735

Notes: [1] Illingworth & Rodkin, Inc. *Stockton Hotel Construction Toxic Air Contaminant & Greenhouse Gas Assessment*. May 7, 2019.
[2] The square footage has decreased by 26 square feet since the air quality and greenhouse gas assessment was completed. The decrease in square footage would not result in substantive changes to this table. In addition, the single-family residence was not included in this table since it would be relocated and is a part of the project.

As shown in the table above, the existing land uses on-site use approximately 36,559 kWh of electricity and 116,758 kBtu of natural gas. Using the U.S. EPA fuel economy estimates (24.9 mpg[34]), the existing building would result in consumption of approximately 2,735[35] gallons of gasoline per year.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Estimated Energy Use of the Proposed Project

Operation of the proposed project would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, and water heating. The following table summarizes the estimated energy use of the proposed hotel.

[34] U.S. EPA. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[35] Annual VMT 68,095 / 24.9 mpg = 2,735 gallons of gasoline

Table 4.6-3: Estimated Annual Energy Use of Existing Development[1]			
Development[2]	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**	**Gasoline (gallons per year)[3]**
Hotel – 96,491 square feet	735,261	4,275,520	30,817
Enclosed Parking with Elevator – 115 spaces	269,560	0	0
Total:	1,004,821	4,275,520	30,817

Notes: [1] Illingworth & Rodkin, Inc. *Stockton Hotel Construction Toxic Air Contaminant & Greenhouse Gas Assessment*. May 7, 2019.

[2] The square footage of the single-family residence was included in the Hotel land use. The number of proposed hotel rooms has decreased by three, the square footage has decreased by 28,411 square feet, and the number of parking spaces has been reduced by 33 spaces since the air quality and greenhouse gas assessment was completed. The decrease and reduction in square footage and parking spaces would not result in substantive changes to this table.

[3] 767,355 Annual VMT / 24.9 mpg = 30,817 gallons of gasoline

Construction

The anticipated construction schedule assumes that the project would be built over a period of approximately 12 months (247 construction workdays). The project would require demolition, site preparation, grading, trenching, building construction, paving, and architectural coating. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project, however, does include several measures that would improve the efficiency in the construction process. Implementation of the City's Standard Permit Conditions detailed in *Section 4.3, Air Quality*, would restrict equipment idling times to five minutes or less and would require the applicant to post signs at all access points on-site reminding workers to shut off idle equipment.

Implementation of applicable General Plan policies and existing regulations and programs would also reduce energy waste from construction and demolition. Therefore, the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less Than Significant Impact)**

Operation

The proposed project would result in a net increase in electricity usage of approximately 968,262 kWh and natural gas usage of approximately 4,158,762 kBtu. Annual gasoline consumption as a result of the project would have a net increase of approximately 31,785 gallons.

The energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. The project would be built to the most recent CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption, and Title 24 energy efficiency standards, which would ensure the energy efficiency of the overall project. Additionally, SJCE would provide electricity to the proposed development from renewable sources including solar, wind, and hydropower. Though the proposed project does not include on-site renewable energy resources, the proposed project would be built to achieve minimum LEED certification consistent with San José's Council Policy 6-32 and the City's Green Building Ordinance.

The proposed project would be required to provide a total of 13 bicycle parking spaces consistent with the City's bicycle parking requirement. The project proposes a total of 14 bicycle parking spaces. The project area is served by many local bus lines (refer to Table 4.17-1), Caltrain, Altamont Commuter Express (ACE), and Amtrak. The College Park Caltrain Station is located approximately 0.3 mile north of the project site. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site, thus reducing potential gasoline consumption.

Based on the Council Policy 6-32 and the City's Green Building Ordinance, the project would comply with existing state energy standards and would not obstruct implementation of a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Investigation Report prepared by *Silicon Valley Soil Engineering* in July 2018. A copy of this report is attached in Appendix D of this document.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

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. The Building Codes include requirements for building foundations, walls, and seismic resistant design. 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 City's Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (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.

Envision San José 2040 General Plan

The General Plan includes the following geological policies applicable to the proposed project.

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

Policy EC-4.1: Design and build all new or remodeled 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 storm water controls.

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

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

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

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

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

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

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

Policy 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.

4.7.1.2 *Existing Conditions*

Geology and Soils

The majority of the City is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet bgs. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the northeast and the Santa Cruz Mountains to the southwest.

Soils beneath the pavement contain silty clay, sandy silt, silty clay, gravel, and sandy layers. Soils on-site have moderate to high expansion potential. There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

Groundwater

Groundwater at the project site has been encountered at a depth of approximately 10 to 25 feet bgs.

Seismicity and Seismic Hazards

The site is located within the San Francisco Bay Area, the most seismically active region in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher,

and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 4.7-1 below.

Table 4.7-1: Active Faults Near the Project Site

Fault	Distance from Site
Hayward	10 miles north
Monte Vista-Shannon	8 miles northwest
Calaveras	9 miles west
San Andreas	11 miles east

Although the project site is located within a seismically active region, it is not located within a designated Alquist-Priolo Earthquake Zone[36] or within a Santa Clara County Fault Hazard Zone[37]. No active faults have been mapped on-site; therefore, the risk of fault rupture at the site is low.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. Based on the Santa Clara County Geologic Hazard Zones Map, the project area is located within a liquefaction zone.[38]

Landslides

The project site is not located within a potential landslide zone.[39] The project area is relatively flat, therefore, the probability of landslides occurring on-site during a seismic event is low.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

Based on the underlying geologic formation of the project site, the General Plan FEIR (as amended) found the project site to have a generally high sensitivity (at depth) for paleontological resources.

[36] County of Santa Clara. "Santa Clara County Interactive Map." Accessed August 8, 2018. https://www.sccgov.org/gis/giswelcome/.
[37] County of Santa Clara. "Santa Clara County Geologic Hazard Zones." Map 20. Accessed August 8, 2018. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[38] Ibid.
[39] Ibid.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
- Strong seismic ground shaking?	☐	☐	☒	☐
- Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
- Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) 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?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) 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?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

Seismic Hazards

There is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044.[40] Because the project site is located within the San Francisco Bay Area, the site would experience intense ground shaking in the event of a large earthquake. No active faults have been mapped on-site, therefore, the risk of fault rupture at the project site is low. The site and surrounding areas are relatively flat. The area would not be exposed to soil erosion or landslides. The project site is not located near creeks or channels. Therefore, the potential for lateral spreading off-site would be very low during large seismic events.

A *Geotechnical Investigation Report* was prepared for the site which makes recommendations in regards to site and building design (e.g., grading, water wells, mat foundation, concrete slab, basement excavation, basement and site retaining walls, site drainage, etc.). Specifically, the proposed hotel should be supported on a mat slab foundation underlain by a minimum of 18 inches of non-expansive material. Any imported non-expansive fill soils should be free of organic material and hazardous substances. All imported fill material should be environmentally tested prior to be used at the site. Additionally, all earthwork included grading, backfilling, shoring installation, foundation excavation and drilling shall be observed and inspected by a Silicon Valley Soil Engineering representative. Please refer to Appendix D for additional recommendations.

As mentioned previously, the project site is located within a liquefaction zone. A liquefaction analysis prepared for the site found no liquefiable soil from the subsurface soils up to a depth of 60 feet bgs. The proposed project would be built in conformance with the CBC requirements, as well as the site-specific geotechnical report. As a result, construction of the proposed project would not exacerbate soil conditions such that it would cause off-site impacts. **(Less Than Significant Impact)**

Groundwater

The entire project site would be excavated to a depth of approximately 20 feet bgs for the underground parking garage. At this depth, the project would encounter groundwater and would require dewatering during construction. Please refer to *Section 4.9 Hazards and Hazardous Materials* and *Section 4.10 Hydrology and Water Quality* for more information. The below-grade parking garage could be subject to hydrostatic pressure from the shallow groundwater aquifer. Hydrostatic pressure generated by ground shaking can result in the formation of sand boils or mud spouts, seepage of water through ground cracks, and destabilization of the underground parking garage. The

[40] U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System." Accessed August 8, 2018. https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

proposed project would be built and maintained in accordance with the site-specific geotechnical report and applicable regulations including the most recent CBC which contains regulations that govern the construction of structures in California. **(Less Than Significant Impact)**

Impact GEO-2:	The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

Ground disturbance would be required for demolition of the 615 Stockton Avenue building and relocation of the 623 Stockton Avenue building, pavement, grading, trenching, and excavation (for the below-grade parking garage) and construction of the proposed building. Construction activities on-site would expose soils and increase the potential for wind or water-related erosion and sedimentation until the construction is complete. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the Grading Permit and Building Permit process. The project would be required to comply with all applicable City regulatory programs pertaining to construction-related erosion including the following Standard Permit Conditions for avoiding and reducing construction-related erosion impacts.

Standard Permit Conditions

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project 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.
- All excavation and grading work shall be scheduled in dry weather months or construction sites will be weatherized.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Ditches shall be installed, if necessary, to divert runoff around excavations and graded areas.
- The project shall be constructed in accordance with the standard engineering practices in the CBC, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on-site is designed to properly account for soils-related hazards on the site.

Because the proposed project would comply with applicable policies and regulatory programs identified in the General Plan FEIR (as amended), implementation of the project would have a less than significant erosion impact. **(Less Than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **(No Impact)**

The project site is located within an urbanized, developed area of San José where sewers are available to dispose of wastewater from the project site. The site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

The project site has a high sensitivity (at depth) for paleontological resources. Geologic units of Holocene age are generally not considered sensitive for paleontological resources; however, mammoth remains were found along the Guadalupe River in San José in 2005.

The project site would be excavated to a depth of approximately 20 feet bgs for the underground parking garage. At this depth, the project has the potential to encounter and disturb paleontological resources. The project would be required to comply with all applicable City regulatory programs and policies pertaining to unknown buried paleontological resources including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions

- The City shall ensure all construction personnel receive paleontological awareness training that includes information on the possibility of encountering fossils during construction, the types of fossils likely to be seen, based on past finds in the project area and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The City will be responsible for ensuring that the project sponsor implements the recommendations of the paleontological monitor regarding treatment and reporting. A report of all findings shall be submitted to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement.

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources, implementation of the proposed project would have a less than significant paleontological resources impact. **(Less Than Significant Impact)**

4.7.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing geology and soils conditions affecting a proposed project.

New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties (General Plan Policy EC-4.2). The policies within the General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on-site or on adjoining properties. To ensure this, General Plan Action EC-4.11 requires the City of San José Geologist to review and approve geotechnical investigation reports for projects within areas subject to soils and geologic hazards as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance to ensure that proposed development sites are suitable.

The project site is located within a seismically active region in the U.S. and would experience very strong ground shaking during a seismic event. Additionally, the soils on-site have moderate to high expansion potential which could damage the proposed building. Because the site is located within an area of moderate to high expansion potential, it is recommended that a mat slab foundation, underlain by a minimum of 18 inches of non-expansive material, be used to compact the soil. As mentioned above, the project would be built and maintained in accordance with the design-specific geotechnical report and the CBC. As a result, future site occupants would not be exposed to geologic hazard risks related to expansive soils and would comply with Policy EC- 4.2. As discussed in the General Plan FEIR (as amended), differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils and undocumented fill are not considered during project design and construction.

To address these geologic and seismic hazards, the proposed project would be built and maintained in accordance with the design-specific geotechnical investigation and applicable regulations including the most recent CBC, which contains the regulations that govern the construction of structures in California. The General Plan FEIR (as amended) concluded that adherence to the CBC would reduce seismic-related impacts and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because implementation of the proposed project would comply with the design-specific geotechnical report, the CBC, and regulations identified in the General Plan FEIR (as amended) that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4 and Action EC-4.11 in the General Plan.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in October 2018 and revised in May 2019.[41] The report is attached in Appendix A of this document.

4.8.1 Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, Senate Bill 32 (SB 32) was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. 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 ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

[41] The number of proposed hotel rooms has decreased by three, the square footage has decreased by 28,411 square feet, and the number of parking spaces has been reduced by 33 spaces since the air quality and greenhouse gas assessment was completed. The decrease and reduction in square footage and parking spaces would not result in substantive changes to the analysis.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[42]

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the 2017 CAP. The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed 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.

CEQA Air Quality Guidelines

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. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 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 (GHGRS) 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 City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and

[42] CARB. "Advanced Clean Cars Program." Accessed November 1, 2018. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program.

adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHGRS.

The City's GHGRS 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. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHGRS 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 GHGRS. Projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted state of California Climate Change Scoping Plan through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as amended) as supplemented. Beyond 2020, the emission reductions in the GHGRS are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/service population efficiency metric for 2035. An additional reduction of 5,392,000 MT of CO_2e per year would be required for the projected service population to meet the City's target for 2035. [43]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHGRS adopted by the City Council in 2015. The General Plan FEIR (as amended) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHGRS (e.g., when the Final Supplemental FEIR to the General Plan FEIR to the General Plan FEIR (as amended) was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHGRS over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and

[43] As described in General Plan FEIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

embodied in the GHGRS. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHGRS and the target of 80 percent below 1990 emission levels by 2050.

Climate Smart San Jose

The City Council adopted Climate Smart San Jose (CSSJ) on February 28, 2018. Climate Smart San José is a new San José community-wide initiative to reduce air pollution, save water, and create a strong and healthy community. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our Californian climate
- Densify our City to accommodate our future neighbors
- Make homes efficient and affordable for our families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our City to reduce vehicle miles traveled (VMT)
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

Envision San José General Plan 2040

The General Plan includes the following GHG policies applicable to the proposed project.

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

Policy MS-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.

Policy 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.

Policy 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.

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

City of San José Municipal Code

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

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- 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 proposed project would be subject to this policy and would be required to achieve LEED Certified, at minimum.

4.8.1.2 *Existing Conditions*

The project site is currently developed with an approximately 5,345 square foot commercial building and an approximately 1,292 square foot single-family residence currently used as a business. GHG emissions from the project site are generated through lighting, heating, and cooling of the buildings. GHG emissions are also generated by daily vehicle trips to and from the project site. The project site is not located within a PDA.[44]

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

[44] City of San José. "Regulated and Special Projects." Accessed: July 2, 2018. http://www.sanjoseca.gov/DocumentCenter/View/60709.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

Construction

The proposed development would result in a temporary increase 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 site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant, although BAAQMD recommends quantifying emissions and disclosing GHG construction emissions. GHG emissions associated with construction (e.g., on-site site construction equipment, vendor and hauling truck trips, and worker trips) were estimated to be 457 MT of CO_2e for the entire construction period. Because construction would be temporary (12 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030. **(Less Than Significant Impact)**

Operation

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. These thresholds are the basis for which post-2020 GHG thresholds have been developed at the project level (2024) and plan level (2040).

The BAAQMD GHG recommendations include a specific plan-and project-level GHG emission efficiency metric of 1,000 MT or 4.6 MT of CO_2e per service population (future residences and full-time workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric 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 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population and a bright-line threshold of 660 MT CO_2e/year based on the GHG reduction goals of EO B-30-15. The service population metric of 2.6 is calculated for 2030 based on the 1990 inventory and the

projected 2030 statewide population and employment levels.[45] The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO_2e/year threshold.

The CalEEMod model, along with the project's vehicle trip generation rates (provided by *Hexagon Transprtation Consultants, Inc.*) was used to estimate daily emissions associated with operation of the proposed project. The project land uses and construction period were inputted into the model. In addition, CalEEMod defaults for energy use which include the 2016 Title 24 Building Standards and indirect emissions from electricity consumption were used. Emissions associated with solid waste generation were inputted into CalEEMod. Please refer to *Appendix A* for project-specific information that was inputted into CalEEMod. Annual emissions resulting from project operations are shown below in Table 4.8-1. This analysis was based upon a service population of 21 employees.[46]

Table 4.8-1: GHG Emissions (MT of CO_2e)

Source Category	Proposed Project in 2020	Proposed Project in 2030[47]
Area	1	1
Energy Consumption	362	362
Mobile	305	231
Solid Waste Generation	33	33
Water Usage	4	4
Total:	705	631
Net New Emissions:	663	589
Significance Threshold	***1,100***	***660***
Service Population Emissions (MT CO_2e/year/service population):	33.6	30.0
Significance Threshold:	**4.6 in 2020**	**2.6 in 2030**
Significant?	**No**	**No**

Assuming no additional GHG reduction measures would be included in the project, the proposed project would not exceed the 4.6 MT and the 2.6 MT CO_2e/year/service population threshold in 2020 and 2030, respectively. Therefore, implementation of the proposed project would not result in a GHG emissions impact. **(Less Than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then 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

[45] Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.
[46] Please note that hotel occupants are not considered residents since the individuals stay at the hotel for a temporary amount of time. Based on information provided by the applicant, each shift would have a maximum number of seven employees. It is assumed that there would be three hotel shifts for a total number of 21 future employees.
[47] The project-level GHG emission efficiency metric threshold is 4.6 MT of CO_2e per service population per year. An analysis of the proposed project in 2030 was included in Table 4.7-1 above for informational purposes only.

Guidelines, a local government may prepare a Qualified GHGRS that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified GHGRS, it can be presumed that the project would not have significant GHG emissions under CEQA.[48]

Per 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. While the project is somewhat inconsistent with the planned growth in the General Plan due to the proposed General Plan amendment on the residential parcel, the project would comply with most of the mandatory measures and voluntary measures required by the City as detailed below.

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

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

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

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

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

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

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

The proposed project is inconsistent with the General Plan designation and planned growth from build out of the General Plan because one of the two parcels is designated *Residential Neighborhood*. Therefore, the project would not be fully consistent with mandatory criteria 1.

[48] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May 2017.

The building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and CBC requirements. In addition, the project would be designed to achieve minimum LEED certification consistent with City Policy 6-32. Bicycle parking would be provided consistent with San José requirements, though the final quantity would be determined at the development permit stage. Given that the project would comply with Policy 6-32 and CBC requirements, the project would be consistent with mandatory Criteria 2 and 3.

The project proposes to relocate the historic building to the southwest corner of the project site along Schiele Avenue where it would be used for back of the house operations. Therefore, the project would be consistent with Criteria 4. Criteria 5 and 7 are not applicable to the proposed project because the project does not include a data center or other energy-intensive use, or drive-through or vehicle serving uses. The project proposes a five-story hotel and no space would be provided for large employers within the building. Therefore, Criteria 6 is not applicable to the project. The proposed project is consistent with most applicable mandatory GHGRS goals and policies intended to reduce GHG emissions. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment prepared by *Phase-1 Environmental Services* in July 2018. A copy of the report is attached in Appendix E of this document.

4.9.1 Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the City of Santa Clara Fire Department have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

4.9.1.1 *Regulatory Framework*

Federal and State

Cortese List

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles and vinyl asbestos floor tiles. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Local

Envision San José 2040 General Plan

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

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

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

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

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of

groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action 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.

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

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

4.9.2 Existing Conditions

The site is currently developed with an approximately 5,345 square foot commercial building and an approximately 1,292 square foot single-family residence currently used as a business. Groundwater on-site has been encountered at a depth of approximately 10 to 25 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

4.9.2.1 *Historic Uses of the Project Site and Surrounding Land Uses*

A land use history of the site was compiled based on aerial photographs, Sanborn Fire Insurance Maps, historical topographic maps, City directories, regulatory agency records, and previous environmental investigations.

In 1915, the 615 Stockton Avenue property is undeveloped and a dwelling unit with some smaller structures are shown on-site at 623 Stockton Avenue. By 1948, the 615 Stockton Avenue property is developed with the existing commercial building and the surface parking lot appears to be soil from 1948 to 1956. From 1984 through 1980 the project area was developed with residences and commercial structures. Minimal to no changes have occurred on-site and in the project area since 1993.

4.9.2.2 *On-Site Sources of Contamination*

Based on a database records search, the project site was listed in the HAZNET database to permit disposal of hazardous wastes from 2001 to 2016. Small quantities of unspecified alkaline solution, unspecified organic liquid mixture and photochemicals/photoprocessing wastes were disposed of on-site from the 2002 through 2013. The project site was also listed as a Small Quantity Generator of hazardous wastes from 2002 through 2013. No violations or incidents have been recorded for the project site.

The existing buildings on-site were constructed in 1948 and 1895; therefore, it is reasonable to assume that ACMs and Lead-Based Paint are present in these buildings.

4.9.2.3 *Off-site Sources of Contamination*

The Phase I ESA identified 53 off-site sources of hazardous materials locations on various databases within one-quarter of a mile. All off-site facilities were determined to not represent a significant environmental concern for the project site because 1) the case has been closed, 2) the distance of the facility from the project site and/or the location of the release relative to groundwater flow, or 3) the site is located at too great of a distance to be of significant environmental concern to the project site.

4.9.2.4 *Other Hazards*

Airports

The Norman Y. Mineta San José International Airport is located approximately 0.8 miles northeast of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is not located within the Airport Influence Area (AIA) nor is the project located within a CLUP-defined safety zone. The project is not located in the vicinity of a private airstrip.

Wildfire Hazards

The project site is located in an urbanized area that is not subject to wildland fires.

4.9.3 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) 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?	☐	☐	☒	☐
5) 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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

On-Site and Off-Site Sources of Contamination

The Phase I ESA did not identify any evidence of significant environmental concerns related to the past or present activities on-site and off-site. While the former commercial use of the site permitted photochemicals and various photochemical waste disposal from 2001 to 2016, no significant environmental concerns were noted in the Santa Clara Environmental Health dating back to 2000. Therefore, the project would not create a significant hazard to the public or the environment due to the former uses on-site.

Due to the age of the existing structures on-site, building materials may contain asbestos and lead-based paint. When the existing commercial building is demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of

asbestos. If the lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If the lead-based paint is flaking, peeling, or blistering, it should be removed prior to demolition. It would be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately.

The project proposes to excavate the entire site to a depth of approximately 20 feet bgs. Disturbance of these materials during demolition and construction of the proposed project could expose construction workers to harmful levels of lead. Demolition of the existing structure on-site could expose construction workers or occupants of adjacent buildings to harmful levels of ACMs or lead.

The project would be required to implement the following Standard Permit Conditions to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers:
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.

- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Conformance with the identified Standard Permit Conditions would result in a less than significant impact from ACMs and lead. **(Less Than Significant Impact)**

Groundwater

As mentioned previously, groundwater on-site has been encountered at a depth of approximately 10 to 25 feet bgs. Because the project site would be excavated 20 feet bgs for the below-grade parking garage, the project could encounter groundwater during excavation activities on-site. Any groundwater encountered during excavation activities would need to be removed from the excavated areas and disposed. Water discharge produced from construction dewatering to the sanitary sewer is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division. The maximum duration of a short-term permit to discharge to the sanitary sewer is one year. Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB. Dewatering during construction would not to create a significant hazard to the public or the environment. **(Less Than Significant Impact)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The project site is located within one-quarter mile of Hester Elementary School and Bellarmine College Prep High School. The site would not use or store hazardous materials in sufficient quantities to pose a health risk to these nearby schools. The implementation of measures to reduce impacts due to ACMs and lead would ensure that potentially contaminated materials are properly handled to avoid chemical releases into the environment. For these reasons, hazardous waste handling would have a less than significant impact on nearby schools. **(Less Than Significant Impact)**

Impact HAZ-4:	The project would not 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, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The project is not on the Cortese List[49]; therefore, the project would have a less than significant impact to the public and/or environment. **(Less than Significant Impact)**

[49] CalEPA. "Cortese List Data Resources." Accessed May 9, 2019. https://calepa.ca.gov/sitecleanup/corteselist.

Impact HAZ-5:	The project would not be 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

As discussed previously, the proposed project is not located within an AIA or within two miles of a private airstrip, but is located 0.8 mile from the Norman Y. Mineta San José International Airport. Under Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), any proposed structure on the project site greater than approximately 20 to 25 feet (in height) above ground is required to be reviewed by the FAA for FAR Part 77 conformance. As the project proposes a building with a maximum height of 62.5 feet above ground, review by the FAA is required. FAA issuance of "determinations of no hazard", and applicant compliance with any conditions set forth in such FAA determinations, will ensure that the project will not adversely impact air safety. **(Less Than Significant Impact).**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

The proposed project would not impair or interfere with implementation of an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

The project site is located within an urbanized area and it is not adjacent to any wildland areas that would be susceptible to wildland fires. Implementation of the proposed project would not expose any people or structures to risk from wildland fires. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Water Quality Overview

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 U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

State

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources

such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet 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 pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally-influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[50] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level.

As part of its comprehensive dam safety program, the Valley Water routinely monitors and studies the condition of each of its 10 dams. The Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Local

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Standard Permit Conditions and Treatment Control Measures (TCM) to the maximum

[50] State of California. "2018 California Multi-Hazard Mitigation Plan." Accessed August 13, 2019. https://www.caloes.ca.gov/cal-oes-divisions/hazard-mitigation/hazard-mitigation-planning/state-hazard-mitigation-plan.

extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Envision San José 2040 General Plan

The General Plan includes the following hydrology and water quality policies applicable to the proposed project.

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

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

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

Policy ER-10.5: Protect groundwater recharge areas, particularly creeks and riparian corridors.

Policy 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 storm water controls.

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

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

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

Action EC-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.

Policy IN-3.1: Achieve minimum level of services:

- For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
- For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal Regulatory requirements.

Policy 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.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

4.10.1.2 *Existing Conditions*

Flooding and Dam Failure

Based on the FEMA Flood Insurance Rate Maps (Map No. 06085C0233H), the project site is located within Zone D.[51] Zone D is in an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D.

Based on the Valley Water dam failure inundation maps, the project site is not located within any of the 10 local dams and reservoirs.[52]

Seiches, Tsunamis, and Mudflows

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[53]

[51] Federal Emergency Management Agency. "FEMA Flood Map Service Center: Search By Address." Accessed August 8, 2018. https://msc.fema.gov/portal/search.
[52] Valley Water. "Local Dams and Reservoirs." Accessed August 8, 2018. https://www.valleywater.org/your-water/local-dams-and-reservoirs.
[53] Association of Bay Area Governments. "Tsunami Maps and Information." Accessed August 8, 2018. http://resilience.abag.ca.gov/tsunamis/.

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River. Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

There is an existing storm drain line along Stockton Avenue which serves the project site.

Water Quality

Stormwater from the project site drains into Guadalupe River. Guadalupe 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, including oil, grease, asbestos, lead, and animal wastes. Guadalupe River is currently listed on the 303(d)[54] list for diazinon, mercury, and trash.[55]

Groundwater

Groundwater levels fluctuate seasonally depending on variations in rainfall, underground drainage patterns, irrigation from landscaping, and other factors. Groundwater at the project site has been encountered at a depth of approximately 10 to 25 feet bgs.

Hydromodification

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[56]

[54] The Clean Water Act (CWA), Section 303, establishes water quality standards and Total Maximum Daily Load (TMDL) programs. The 303(d) list is a list of impaired water bodies.
[55] U.S. Environmental Protection Agency. "Final California 2014 and 2016 Integrated Report (303(d) List/305(b) Report)." Accessed August 8, 2018. https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/00680.shtml#64593.
[56] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed August 8, 2018. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Impacts

The project site is approximately 0.59 acre in size and would not disturb more than one acre of soil; therefore, the project would not be required to obtain a NPDES General Permit for Construction Activities.

All development projects in the City are required to comply with the City's Grading Ordinance whether or not the project is required to obtain a NPDES General Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the project shall submit to the Director of Public Works an Erosion Control Plan detailing Best Management Practices (BMPs) that shall prevent the discharge of stormwater pollutants.

Construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. As a result, construction activities on-site would result in a temporary increase in pollutants in stormwater runoff. Pursuant to the City's grading requirements, the following Standard Permit Conditions, based on RWQCB recommendations, have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Standard Permit Conditions

- 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 covered and all trucks shall 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 remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant 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.

The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the proposed project would include the specific measures and actions identified above, the project would have a less than significant construction-related water quality impact. **(Less Than Significant Impact)**

Post-Construction Impacts

Currently, the project site is entirely covered with impervious surfaces (25,762 square feet). While the proposed General Plan amendment would allow for intensification of development on the residential parcel, upon completion of the proposed project, impervious surfaces would decrease by three percent (approximately 834 square feet).

Because the project would result in the replacement of more than 10,000 square feet of impervious surface area, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities. The project proposes bioretention areas to treat stormwater runoff from the site. The proposed project would comply with City Policy No. 6-29 and the City's regulatory policies pertaining to stormwater runoff and would, therefore, have a less than significant water quality impact. **(Less Than Significant Impact)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The project is not located within any groundwater recharge area.[57] Excavation of the underground parking garage would interfere with the shallow groundwater aquifer but would not substantially interfere with the overall groundwater flow or impact the deeper groundwater aquifers. It is anticipated that dewatering would be required during project construction. In accordance with City policies, the SWPPP shall include provisions for the proper management of dewatering effluent for future projects that involve dewatering activities. At a minimum, all dewatering effluent will be contained (prior to discharge to allow the sediment to settle out), and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the applicant shall work with the RWQCB and/or the local wastewater treatment plant to determine appropriate disposal options.

The project would be required to comply with the MRP, City Council Policy 6-29, and the Standard Permit Conditions detailed above and in *Section 4.7 Geology and Soils* to ensure that contamination of groundwater is avoided. By adhering to the MRP and City Council Policy 6-29, the proposed project would not result in a significant impact to groundwater quality. Implementation of the identified Standard Permit Conditions would reduce impacts to groundwater to a less than significant level. **(Less Than Significant Impact)**

[57] Santa Clara Valley Water District. "Groundwater Management Plan." Accessed May 13, 2019. https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2016 Groundwater Management Plan.pdf

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

Stormwater from the project site would be directed towards the two flow-through planters located along the western portion of the site. The proposed bioretention areas would treat stormwater runoff from the site for pollutants prior to release into the City's storm drainage system, where runoff would eventually be transported to the San Francisco Bay. Currently, there are existing storm drain lines along Stockton Avenue and Schiele Avenue. As proposed, the project would install a storm drain lateral connection to an existing 30 inch storm drain main, a 12 inch reinforced concrete pipe (RCP) storm drain lateral, and a new storm drain manhole on Schiele Avenue. Additionally, a new RCP storm drain would be installed which would connect to the flow-thru treatment planters on Schiele Avenue. The proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As mentioned above, the project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and the MRP, which would minimize and treat stormwater runoff from the site. Implementation of the project would not substantially increase erosion or alter the existing drainage patterns of the project site or area. **(Less Than Significant Impact)**

Storm Drainage Impacts

Table 4.10-1 provides the breakdown of the pervious and impervious surfaces on the 0.59 acre project site under existing and project conditions.

Table 4.10-1: Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (sq ft)	%	Project/Post Construction (sq ft)	%	Difference (sq ft)	%
Impervious						
Roof Area(s)	7,081	27	20,425	79	+13,344	+52
Hardscape	18,681	73	4,503	17	-14,178	-56
Subtotal	25,762	100	24,928	97	-834	-3
Pervious						
Dirt and Landscaping	0	0	834	3	+834	+3
Total	25,762	100	25,762	100		

The existing storm drain lines have sufficient capacity to support the site under current conditions. With implementation of the project, impervious surfaces on-site would decrease by approximately three percent (834 square feet). The three percent reduction in impervious surfaces would result in a decrease of stormwater runoff from the site. Therefore, the existing storm drain lines would have sufficient capacity to accommodate the proposed project. **(Less Than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

Seiches, Tsunamis, and Mudflows

The project would not place the structure in a 100-year floodplain. Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. In addition, the project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **(Less Than Significant Impact)**

Dam Hazards

As mentioned in *Section 4.10.1.2, Existing Conditions*, the project site is not located within any of the 10 local dams and reservoirs. Therefore, the project would not release pollutants due to dam inundation. **(Less Than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

4.10.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing hydrology and water quality conditions affecting a proposed project.

General Plan Policy EC-5.1 requires evaluation of flood hazards prior to approval of development within a FEMA designated floodplain. New development shall be reviewed to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence or the 100-year flood. The proposed General Plan amendment would allow for intensification of development on the residential parcel compared to the current land use designation. The project site is located in Flood Zone D; an area of undetermined but possible flood hazard. Implementation of the project would not expose people or structures to significant flood hazards in compliance with City policies.

As mentioned previously, the project site is not located within any dam failure inundation zones. Future hotel guests and employees would not be exposed to flooding hazards.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The General Plan includes the following land use policies applicable to the proposed project.

Policy 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.

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

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

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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

Policy CD-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

4.11.1.2 *Existing Conditions*

Project Site

The 0.59-acre site is located west of Stockton Avenue and north of Schiele Avenue. The site is currently developed with an approximately 5,345 square foot commercial building and an approximately 1,292 square foot single-family residence currently used as a business. Both buildings are one-story and are set back from the Stockton Avenue by landscaping and sidewalk. Currently, the project site can be accessed by three driveways: one driveway along Schiele Avenue and two driveways along Stockton Avenue.

The parcel at 615 Stockton Avenue is designated *Neighborhood/Community Commercial* under the City's General Plan and the parcel at 623 Stockton Avenue is designated *Residential Neighborhood*. Under the *Neighborhood/Community Commercial* designation, development should be designed to promote that connection with an urban form that supports walking, transit use and public interaction. Development within the *Neighborhood/Community Commercial* have an allowable FAR of up to 3.5 (one to five stories).

The *Residential Neighborhood* General Plan designation allows for residential development that conforms to the existing neighborhood characteristics. New infill development will be limited to eight dwelling units per acre (DU/AC) or the existing neighborhood density, whichever is lower.

Both parcels are zoned *CN – Commercial Neighborhood District*. The *CN* zoning district is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

Figure 2.4-3 shows an aerial of the project site and surrounding land uses.

Surrounding Land Use

The project site is located within a developed area surrounded by single-family residences, commercial, and light industrial uses; all of which are one-story. East of the project site is Stockton Avenue, a two-lane multi-directional roadway with a center turn lane. East of Stockton Avenue are one-story commercial and light industrial business. There are one-story, single-family residences located north, south, and west of the project site.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☒	☐
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1: The project would not physically divide an established community. **(Less than Significant Impact)**

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The project area consists of a variety of land uses including single-family residences, commercial, and light industrial development. The proposed hotel would be an allowed use on 615 Stockton Avenue consistent with the *Neighborhood/Community Commercial* General Plan designation. With the General Plan amendment, the parcel at 623 Stockton Avenue would comply with its neighboring parcel for the development of a hotel. While construction of a hotel would be different from the existing land uses (single-family residences, commercial, and light industrial development), the site is located at the corner of a road with industrial to the east and commercial not too far to the north. The proposed project does not include physical features (i.e., such as a railway, roadway, highway) that would physically divide the community. The project would be consistent with the existing characteristics and uses in the surrounding area and would have a less than significant land use compatibility impact on surrounding land uses. **(Less Than Significant Impact)**

Impact LU-2: The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

Implementation of the project would result in the construction of a five-story, 117-room hotel. As mentioned previously, the project has two General Plan designations (*Neighborhood/Community Commercial* and *Residential Neighborhood*). The parcel at 615 Stockton Avenue is designated *Neighborhood/Community Commercial* under the City's General Plan. The *Neighborhood/Community Commercial* allows for hotel land uses up to five stories with an FAR of up to 3.5.

The parcel at 623 Stockton Avenue (APN 261-07-068) is designated *Residential Neighborhood* under the City's General Plan. The *Residential Neighborhood* designation only allows residential land uses. The project proposes a hotel which would not be consistent with the *Residential Neighborhood* designation. However, the project proposes to change to the General Plan Land Use Designation from *Residential Neighborhood* to *Neighborhood/Community Commercial* on the parcel

that contains the single-family house to be relocated on-site. With the approval of the General Plan amendment, consistent with the corner parcel, the proposed hotel development would allow for the proposed development.

Both parcels have a zoning designation of *CN – Commercial Neighborhood District.* The *CN* zoning district is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments.

The project would rezone the entire 0.59-acre project site from *CN Commercial Neighborhood* Zoning District to *CP Commercial Pedestrian* Zoning District.

Since the project proposes a bar and a pool on the fifth floor and is located within 150 feet of residentially zoned property, the project would require a Special Use Permit (refer to *Section 20.40.520 Outdoor uses within 150 feet of residentially zoned property* of the City's Municipal Code).

With the approval of the General Plan amendment and Special Use Permit, the project would be consistent with the General Plan and zoning designations. If the GPA or rezoning is not approved, the project cannot be approved as proposed. **(Less Than Significant Impact)**

Shade and Shadow

The proposed five-story hotel would have a maximum height of 59 feet and six inches to the top of the elevator and stair tower. There is no specific City policy which quantifies the impacts of shadows from new development projects outside of the Downtown Core. The City of San José, however, typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces within downtown San José. For informational purposes, the project has conducted a shade and shadow modeling to fully disclose potential effects of the new building to adjacent properties.

To determine the specific shading of the proposed development on the surrounding land uses, a shade and shadow analysis was completed. Shade and shadow analyses are typically prepared for March 21, June 21, and December 21. This provides an analysis of each season as well as the longest and shortest days of the year, covering the full spectrum of possible shade and shadow issues. The analysis provides data for 9:00 AM, 11:00 AM, noon, 3:00 PM, and 5:00 PM for winter and spring. In addition, the analysis provides data for 8:00 AM, 10:00 AM, noon, 4:00 PM, AND 6:00 PM for summer.

As shown on Figure 4.11-1, the maximum shading from the project would occur in the winter months during morning and afternoon hours. In the afternoon during the spring and summer months, shadows from the proposed hotel would shade Stockton Avenue and a portion of the commercial and industrial businesses to the east. The residence at 635 Stockton Avenue would be shaded in the morning all year long.

JUNE 21ST - 0800

JUNE 21ST - 1000

JUNE 21ST - 1200

JUNE 21ST - 1600

JUNE 21ST - 1800

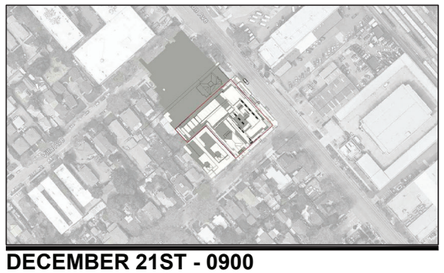
MARCH 21ST - 0900

MARCH 21ST - 1100

MARCH 21ST - 1200

MARCH 21ST - 1500

MARCH 21ST - 1700



DECEMBER 21ST - 0900

DECEMBER 21ST - 1100

DECEMBER 21ST - 1200

DECEMBER 21ST - 1400

DECEMBER 21ST - 1600

Source: Axis GFA, 4/15/2019.

SHADE & SHADOW STUDY – PROJECT CONDITIONS | FIGURE 4.11-1

As of April 2019, there were no existing solar collectors seen on the roofs of the adjacent residential properties that would be affected by shading from the project. Shading from the project would not occur year-round on any of the adjacent properties and would not substantially impair the use of adjacent land uses.

While the proposed project would shade the adjacent residences and commercial and industrial businesses during limited hours, it would not shade any existing public parks or open space areas in proximity to the site. As a result, the proposed project would not significantly impact the adjacent buildings, structures, or uses.

Visual Intrusion (Privacy)

Visual intrusion addresses the general concern that windows or balconies from taller buildings would provide visual access to neighboring yards and windows of private residences. There are sensitive receptors (single-family residences) located approximately 10 feet west, 15 feet north, and 70 feet south of the project site.

In urban built-out environments, properties are in close proximity to one another and complete privacy is not typical. Nevertheless, implementation of the project under the proposed General Plan amendment would create a greater possibility of visual intrusion from the northern portion of the project site on the adjacent off-site residential properties than what currently exists and what would be allowed under the current General Plan land use designation.

As proposed, the project would be five stories with a maximum height of 59 feet and six inches to the top of the elevator and stair tower. If the General Plan amendment were approved, the project would have an allowable FAR of up to 3.5. The proposed project would be set back from the property lines to the north and west by approximately six to 10 feet. Relocation of the residential building to the southwest corner of the project site on Schiele Avenue would limit visual intrusion to adjacent single-family residences to the west. Additionally, the residential garage located immediately northwest of the project site would block the direct line of sight into the single-family residential backyards and windows. The project proposes flow-through planters and a wood fence along the western portion of the site. The residence immediately north of the site would have a larger set back from the property line due to the driveway located along the southern building façade. The distance between the proposed project and adjacent residences would preclude any direct views into the adjacent off-site residential properties. As a result, the proposed project would have a less than significant visual intrusion impact. **(Less Than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

4.12.1.2 *Existing Conditions*

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) 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?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Impact MIN-2:	The project would not 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. **(No Impact)**

The project site is located within an urbanized, developed area of San José and is not located within an area containing known mineral resources. Therefore, implementation of the project would not result in the loss of availability of any known resources. **(No Impact)**

4.13 NOISE AND VIBRATION

The following discussion is based, in part, on a Noise and Vibration Assessment prepared by *Illingworth & Rodkin, Inc*. in April 2019. A copy of this report is attached in Appendix F of this document.

4.13.1.1 *Regulatory Framework*

State

California Building Standards Code

The California Building Standards Code (CBC) establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 dBA DNL or CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source.

Local

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.13-1, below.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José

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						

[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.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	**Exterior DNL Value in Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines						

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

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA 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 *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

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

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

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

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

Policy EC-1.7: Construction operations within San José will be required 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 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.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Municipal Code

According to San José Municipal Code Chapter 20.30.700, sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City. In addition, Chapter 20.100.450 of the Municipal Code prohibits outdoor activity including loading, sweeping, landscaping or maintenance within 150 feet of any residentially zoned property between midnight and 6:00 AM.

4.13.2 Background Information

Noise

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

The objectionable nature of sound can be caused by its pitch or its loudness. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening hours between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime hours between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.13-2 shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.13-2: Effects of Vibration		
PPV (in/sec)	**Human Reaction**	**Effect on Buildings**
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.
Source: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. September 2013.		

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

Structural damage can be classified as cosmetic, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.13.2.1 *Existing Conditions*

The existing noise environment at the project site results primarily from vehicular traffic on Stockton Avenue and nearby industrial and railroad noise. Aircraft flyovers from the Norman Y. Mineta San José International Airport are audible on-site.

A noise monitoring survey was completed in the vicinity of the project site from August 15, 2018 to August 17, 2018. The noise monitoring survey included two long-term noise measurements (LT-1 and LT-2) for 24-hours and two short-term noise measurements (ST-1 and ST-2) between 10:50 AM and 11:20 AM. Table 4.13-3 below summarizes the long-term acoustical locations and measurements.

Table 4.13-3: Existing Long-Term Noise Measurements

Measurement	Location	Daytime Level (dBA L_{eq})	Nighttime Level (dBA L_{eq})	Average Noise Level (dBA DNL)
LT-1	Approximately 35 feet southwest from the centerline of Stockton Avenue, in front of the existing commercial building on-site	65-71	55-69	71
LT-2	Approximately 20 feet northwest of the centerline of Schiele Avenue in front of adjacent residences	58-65	50-58	63

The two short-term measurements were made over 10-minute periods. Table 4.13-4 below summarizes the short-term acoustical locations and measurements.

Table 4.13-4: Existing Short-Term Noise Measurements (dBA)

Measurement	Location	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	$L_{(eq)}$
ST-1	Approximately 35 feet southwest from the centerline of Stockton Avenue	80	76	71	63	54	67
ST-2	Front yard of 733 Schiele Avenue	70	66	61	52	48	57

The noise monitoring locations are shown in Figure 4.13-1 below. The noise measurement locations were chosen to measure traffic noise from Stockton Ave and Schiele Avenue.

Figure 4.13-1: Noise Monitoring Locations

The nearest sensitive receptors are residences located approximately 10 feet west, 15 feet north, and 70 feet south of the project site.

The Norman Y. Mineta San José International Airport is located approximately 0.8 miles northeast of the project site. The project site is not located within the AIA, as defined by the Airport's CLUP. The project lies outside the 2017 and 2027 65 dBA CNEL noise contour.

4.13.3 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

City of San José Standards

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Operational or Permanent Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level, or five dBA DNL or more where noise levels would remain “Normally Acceptable”.

Construction Vibration

The City of San José has concluded that a significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structurally sound but structural damage is a major concern. For historic buildings or buildings that are documented to

be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise Impacts

Project-Generated Traffic Noise Impacts

An increase of three dBA DNL is considered substantial in noise sensitive areas along roadways. A three dBA DNL noise increase would occur if the project doubled existing traffic volumes along a roadway. To determine the effect of project-generated traffic on nearby residences, AM and PM Peak Hour traffic volumes under existing plus project conditions were compared to existing conditions. Based on the *Noise and Vibration Assessment* prepared for the project, project-generated traffic is estimated to result in a noise increase of less than one dBA for roadways within the vicinity of the project site. The DNL noise level increases would be similar. Therefore, the proposed project would have a less than significant traffic noise impact. **(Less Than Significant Impact)**

Mechanical Equipment

Hotels typically include various mechanical equipment such as air condition systems, exhaust fans, and ventilation systems that could increase ambient noise levels in the immediate project vicinity. Based on the site plan, mechanical and electrical rooms would be located in the below-grade parking garage and on the first floor the building interior. Variable refrigerant flow system heat pumps are proposed for the rooftop and would be placed and screened so that it is not visible from the street level. Any equipment located inside or within a fully enclosed room with a roof would not be audible at off-site locations.

At a distance of 50 feet from the mechanical equipment, typical rooftop equipment is anticipated to generate noise levels of 50 to 60 dBA, depending on the equipment selected. Shielding from equipment enclosures and surrounding structures would provide a reduction of 10 to 15 dBA. There are one- to two-story single-family residential land uses located west, north, and south of the site. Mechanical equipment noise for the proposed project has the potential to exceed 55 dBA DNL at the nearby sensitive uses. Mechanical equipment located approximately 150 feet or further from the residential property lines or in shielded areas would not exceed the 55 dBA DNL criteria.

Mitigation and Avoidance Measures

The project applicant shall be required to implement the following mitigation measure to reduce the noise level to 55 dBA DNL at nearby noise-sensitive land uses.

MM NOI-1.1:	Prior to the issuance of building permits, mechanical equipment shall be selected and designed to meet the City's 55 dBA DNL noise level requirement at the shared residential property lines. A qualified acoustical

consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce equipment noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as within the below-grade parking garage or on the rooftop away from the existing residences). The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any building permits.

With implementation of the identified mitigation measure, the project would have a less than significant operational noise impact from mechanical equipment. **(Less Than Significant Impact with Mitigation Incorporated)**

Truck Deliveries

Truck and passenger loading areas would be provided along Stockton Avenue. Loading hours would occur between 10:00 AM and 2:00 PM daily and truck deliveries would occur once or twice a week. It is assumed that deliveries would be made using a medium sized, box type of delivery truck. At a distance of 50 feet, the maximum noise levels generated by medium trucks would range from 60 dBA (when traveling at a constant speed) to 65 dBA (when stopping/starting and maneuvering). Typical noise levels generated by loading and unloading of truck deliveries are expected to be lower and less frequent than activities at the light industrial sites located along Stockton Avenue. The project would have a less than significant operational noise impact from truck deliveries. **(Less Than Significant Impact)**

Construction Noise Impacts

Construction noise impacts depend upon 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 areas. Construction of the proposed project would include demolition of the existing structure and pavement, site preparation, grading and excavation, trenching, building erection, and paving. The project would be constructed in approximately 12 months and impact pile driving is not proposed.

Neither the City nor the state has quantitative noise thresholds for temporary construction; therefore, a threshold of 45 dBA for speech interference indoors was used for this analysis (refer to *Appendix F*). Assuming a 15 dBA exterior-to-interior noise reduction for standard residential construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at nearby commercial land uses. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences and 70 dBA L_{eq} for commercial land uses and exceeded the ambient noise environment by five dBA L_{eq} or more for a period longer than one year.

At a distance of 50 feet, construction equipment would generate maximum noise levels ranging from 78 to 90 dBA and hourly noise levels of 74 to 85 dBA (as seen in Table 4.13-5 below).

Table 4.13-5: Construction Noise Levels for Each Phase of Construction[1]

Construction Phase	At 50 Feet	
	L_{eq}, dBA	L_{max}, dBA
Demolition	85	90
Site Preparation	85	84
Grading/Excavation	82	85
Trenching	81	84
Building-Exterior	76	81
Building-Interior	74	78
Paving	77	83

Notes: The construction noise levels were calculated using the Federal Highway Administration (FHWA) software – Roadway Construction Noise Model (RCNM).

As mentioned previously, there are single-family residences located approximately 10 feet west, 15 feet north, and 70 feet south of the project site. The residences to the north and west would be exposed to a maximum noise level of 103 dBA during the demolition phase and maximum noise levels ranging from 92 to 99 dBA during other phases of construction. At a distance of 70 feet, the average hourly noise levels at the nearby residences due to construction would be 71 to 82 dBA L_{eq} without any noise attenuation measures. Noise levels would exceed 60 dBA L_{eq} at the residences by five or more dBA for a period of 12 months.

The proposed project would be required to comply with the following Standard Permit Conditions (consistent with the Municipal Code and General Plan Policy EC-1.7) during all phases of construction on-site to reduce the temporary noise:

Standard Permit Conditions

- Pile-driving shall be prohibited.
- 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).
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- All unnecessary idling of internal combustion engines is prohibited. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers should reduce construction noise levels by five dBA.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- 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 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.

With implementation of the identified Standard Permit Conditions listed above, the temporary increase in ambient noise levels in the project area from construction-related activities would have a less than significant impact. **(Less Than Significant Impact)**

Impact NOI-2:	The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

According to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV is used to minimize damage at buildings of conventional construction and a vibration limit of 0.08 in/sec PPV is used is used to minimize the potential for cosmetic damage to historic structures. Construction of the proposed project would include demolition of the existing commercial structure and pavement, site preparation, foundation work, relocation of the existing residential building, and new building framing and finishing which may generate perceptible vibration levels. No pile driving is proposed.

Based on the City of San José Historic Resources Inventory, there are three historic structures within 200 feet of the project site located at 738 Schiele Avenue, 580 Stockton Avenue, and 630 Stockton Avenue. At a distance of 80 feet, the structure at 738 Schiele Avenue would be exposed to vibration levels of 0.06 in/sec PPV or below. At a distance of 155 feet, the structure at 580 Stockton Avenue would be exposed to vibration levels of 0.03 in/sec PPV or less. At a distance of 90 feet, the structure at 630 Stockton Avenue would be exposed to vibration levels of 0.05 in/sec PPV or less. Therefore, construction activities would not cause vibration levels in excess of the 0.08 in/sec PPV threshold at any of these structures. **(Less Than Significant Impact)**

Heavy equipment usage is expected near the shared property lines of the nearby existing residential land uses. The residence located 70 feet south of the project site would be exposed to vibration levels of up to 0.07 in/sec PPV, which is below the 0.20 in/sec PPV threshold. To the northwest, the nearest existing residential structure would be approximately 20 feet of the shared boundary and would be exposed to a vibration levels of up to 0.27 in/sec PPV. At a distance of 10 feet, the residence to the west would be exposed to vibration levels of 0.58 in/sec. Therefore, the nearest residences to the north and west of the site would be exposed to vibration levels in excess of the 0.20 in/sec PPV threshold.

As mentioned in *Section 4.5, Cultural Resources*, the project proposes to relocate the structure at 623 Stockton Avenue to the southwest corner of the project site on Schiele Avenue. Due to the historic structure's on-site location and proximity to construction-related activities, it is reasonable to assume that relocation of the building could exceed the City's 0.08 in/sec PPV threshold for historic structures.

Mitigation and Avoidance Measures

Consistent with the General Plan FEIR and General Plan Policy EC-2.3, the project shall implement the following mitigation measures to reduce construction-related groundborne vibration impacts to a less than significant level:

MM NOI-2.1: The project applicant shall prepare and implement a Construction Vibration Monitoring Plan (Plan) to document conditions at all structures located within 50 feet prior to, during, and after vibration generating construction activities. The Plan shall be undertaken under the direction of a licensed Professional Structural Engineer in the state of California and be in accordance with industry-accepted standard methods. The Plan shall include, but is not limited to, the following tasks:

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using equipment that has been known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) and submitted to the Director of Planning or Director's designee of the City's Department of Planning, Building and Code Enforcement prior to the issuance of any demolition or grading permit.
- Identification of the sensitivity of on- and off-site structures to groundborne vibration. Per General Plan Policy EC-2.3, vibration limits of 0.08 in/sec PPV for historic buildings and 0.20 in/sec PPV for normal conventional construction shall be applied to all vibration-sensitive structures located on or within 50 feet of construction activities identified as sources of high vibration levels.
- Performance of photo, elevation, and crack surveys for each structure of normal construction within 25 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity and after project completion. The surveys shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- Designation of a person responsible for registering and investigating claims of excessive vibration. The contact information (i.e., name and phone number) of such person shall be clearly posted on the construction site.
- Direction and schedule for conducting post-construction surveys on structures where either monitoring has indicated high levels or complaints

of damage have been made. The Plan shall include procedures for making appropriate repairs or providing compensation where damage has occurred as a result of construction activities.

The Plan shall be submitted to the Director of Planning or Director's designee for review and approval prior to the issuance of any grading permits.

MM NOI-2.2: The project applicant shall include the following measures as part of the approved Plan prior to the issuance of any demolition or grading permits:

- Place operating equipment on the construction site as far as possible from sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and tampers near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.

Implementation of these mitigation measures would result in a less than significant impact on groundborne vibration impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact NOI-3:	The project would not be located within the vicinity of a private airstrip or 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. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Norman Y. Mineta San José International Airport is located approximately 0.8 miles northeast of the project site and is located outside of the 2017 and 2027 65 dBA CNEL noise contour. The proposed project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

4.13.4 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project.
City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, state and City noise standards and guidelines as a part of new development review.

Future Exterior Noise Levels

Based on the *Noise and Vibration Assessment* prepared for the site, project-generated traffic is estimated to result in a noise increase of one dBA or less for roadways within the vicinity of the project site. As proposed, the project proposes a pool and a roof deck on the roof facing Stockton Avenue. The northeastern edge of the roof would be set back from the centerline on Stockton Avenue by approximately 50 feet. The roof deck and pool area would be exposed to noise levels of up to 65 dBA DNL near the edge of the rooftop, which would be considered "conditionally acceptable". The noise levels in areas set back from the rooftop edge would be approximately 10 dBA lower. Exterior noise levels would exceed City's acceptable noise criteria of 60 dBA for exterior use areas adjacent to the rooftop edge. Future traffic noise levels at the site were calculated based on the results of the noise monitoring survey, assuming a one dBA increase attributable to future traffic conditions.

The project would construct a three-foot high, half inch thick laminated glass railing along the perimeter of the rooftop. The solid glass railing would reduce noise level on the roof deck to meet the City's acceptable noise criteria of 60 dBA DNL for exterior outdoor use, consistent with General Plan Policy EC-1.1.

Future Interior Noise Levels

The City of San José and the CBC require that interior noise levels be maintained at 45 dBA DNL or less for hotels. In addition, CALGreen requires interior noise attributable to exterior sources to not exceed 50 dBA $L_{eq\text{-}1hr}$ in non-residential spaces.

Interior noise levels vary depending on the design of the buildings and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction with windows partially open (for ventilation). Standard residential construction with windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to reduce noise. Force-air mechanical ventilation systems and sound-rated construction methods are normally required where exterior noise levels exceed 65 dBA DNL.

The exterior noise level exposures of the proposed building façades are summarized below in Table 4.13-6.

Table 4.13-6: Exterior Noise Levels at Proposed Building Façades

Building Façade	Predicted Noise Levels at Façades (dBA DNL)		Recommended Sound-Rated Construction[1,2]
	Second Floor	Fifth Floor	
Northeast facing Stockton Avenue	69	67	STC 28
Southeast facing Schiele Avenue	67	64	Forced-Air
Northwest	66	63	Forced-Air
Southwest	58	55	None Required

Notes: [1] Assumes forced-air mechanical ventilation is provided.
[2] Assumes window area to be 40 percent of the façade area or less and wood stud wall with cavity of sound transmission class (STC) 39 rating.

With standard construction and windows open, the interior noise level of the proposed project would be up to 54 dBA DNL for rooms facing Stockton Avenue and up to 52 dBA DNL for rooms facing Schiele Avenue. These noise levels would exceed the City's interior noise threshold of 45 dBA DNL.

In accordance with the City's General Plan FEIR (as amended) and General Plan Policy EC-1.1, the proposed project will be required, as Conditions of Project Approval, to implement the following measures.

Conditions of Project Approval

- The project shall include and install forced air mechanical ventilation and windows with STC[58] 28 rating or higher which would be sufficient to reduce the interior noise exposure in these rooms to 45 dBA DNL or less, assuming a window to wall ratio of 40 percent or less.

The bar and meeting rooms on the first floor of proposed building is assumed to have standard commercial construction with closed windows and forced air conditioning provided. Commercial space with windows closed would provide approximately 25 dB of noise reduction from exterior noise sources, resulting in an interior noise level 43 dBA $L_{eq\ (1\text{-}hr)}$. This noise level would comply with the CALGreen interior noise level of 50 dBA $L_{eq\ (1\text{-}hr)}$ and the City's interior noise threshold of 45 dBA DNL.

With implementation of the Conditions of Project Approval, the proposed project would meet the City's interior noise standards consistent with General Plan Policy EC-1.1.

Aircraft Noise

The Norman Y. Mineta San José International Airport is located approximately 0.8 miles northeast of the project site. Although aircraft-related noise would occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. As mentioned previously, the project site is located outside of the 2017 and 2027 65 dBA CNEL noise contour. Hotel land uses proposed in exterior noise environments of 65 CNEL or less are considered compatible with aircraft noise by the Santa Clara County ALUC. As a result, noise levels resulting from aircraft operations would be compatible with the proposed project and Policy EC-1.1.

[58] **Sound Transmission Class (STC)** A single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

The population of San José was estimated to be approximately 1,051,316 in January 2018 with an average of 3.20 persons per household.[59] The City currently has approximately 335,164 housing units and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.[60]

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.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned 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)?	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

Impact POP-1: The project would not induce substantial unplanned 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). **(Less than Significant Impact)**

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

As proposed, the project would construct a hotel with up to 117 guest rooms and would not include any residential uses. The proposed project would result in an increase in jobs citywide (up to seven employees per one shift). The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City but would not reduce population growth beyond what is assumed in the

[59] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed: June 15, 2018. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[60] Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed: June 15, 2018. https://www.sanjoseca.gov/DocumentCenter/View/3326.

General Plan. The project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would not induce substantial population growth in the City. **(Less Than Significant Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

The site is currently developed with an approximately 4,400 square foot commercial building and an approximately 1,292 square foot single-family residence that is currently used as a business. While the house is not currently used as a residence, it would be retained and relocated to the southwest corner of the project site on Schiele Avenue. The relocated residential structure would be used for back of the house operations. Construction of the proposed project would not result in the displacement of people or existing housing, or necessitate the construction of housing elsewhere. **(Less Than Significant Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The General Plan includes the following public services policies applicable to the proposed project.

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

a. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
b. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies, and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

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

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

Policy 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.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site is provided by the San José Fire Department (SJFD). Fire stations are located throughout the City to provide adequate response times to calls for service. The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. Emergency response is provided by 33 fire stations, 30 engine companies, nine truck companies, and three squad units.[61] The nearest fire station to the site is Station No. 7, located at 800 Emory Street.

[61] City of San José. "Annual Report on City Services 2016-17." Accessed June 15, 2018. http://www.sanjoseca.gov/DocumentCenter/View/73885.

The project site is located approximately 0.28 miles southeast of the fire station. 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

Police protection services for the project site is provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 0.7 miles northeast of the project site. 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 site is located within the San José Unified School District (SJUSD). Students in the project area attend Hester Elementary School, Hoover Middle School, and Lincoln High School.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks.[62] The nearest park to the project site is Theodore Lenzen Park, located at Stockton Avenue and Lenzen Street. Theodore Lenzen Park is located approximately 0.22 miles south of the project site.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library system consists of one main library (Dr. Martin Luther King Jr. Library) and 22 branch libraries. The nearest library to the project site is the Rose Garden Branch Library, located at 1580 Naglee Avenue. This library is located approximately 0.9 miles west of the project site.

[62] City of San José. *Fast Facts*. December 20, 2018.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project 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:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☒	☐
4) Parks?	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☒	☐

Impact PS-1:	The project would not 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 fire protection services. **(Less than Significant Impact)**

Impact PS-2:	The project would not 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 police protection services. **(Less than Significant Impact)**

The site is currently developed with an approximately 4,400 square foot commercial building and an approximately 1,292 square foot single-family residence. The proposed General Plan amendment would allow for an intensification of development on the residential parcel than the current land use designation. Construction of a five-story, 117-room hotel would intensify development and result in more people on-site than currently exist. Development of a hotel on-site would incrementally increase the need for fire and police protection services, but would not significantly impact the response time to the site, or require the construction of new facilities. Although the project would intensify use of the site compared to existing conditions, the project 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 FEIR (as amended) to avoid unsafe building conditions and promote public safety. Therefore, the proposed project would result in a less than significant impact on fire and police protection services. **(Less Than Significant Impact)**

Impact PS-3:	The project would not 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 schools. **(Less than Significant Impact)**

The project proposes to construct a hotel which would not generate students on-site that would impact school facilities or capacities within the City. **(Less Than Significant Impact)**

Impact PS-4:	The project would not 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 parks. **(Less than Significant Impact)**

Employees and guests of the proposed development may use nearby park facilities; however, the increased use would be limited and would not result in substantial adverse physical impact to existing park facilities. In addition, the project proposes an outdoor lounge and a pool for guests to use. For these reasons, the project would result in less than significant impacts to park facilities. **(Less Than Significant Impact)**

Impact PS-5:	The project would not 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 other public facilities. **(Less than Significant Impact)**

The proposed development is a hotel project that would not generate any residents on-site that would impact nearby governmental facilities, including libraries in the City. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks.[63] The City currently operates 195 neighborhood parks, 50 community centers, nine regional parks, and over 61 miles of urban trails.

The nearest park to the project site is Theodore Lenzen Park, located at Stockton Avenue and Lenzen Street. Theodore Lenzen Park is located approximately 0.22 miles south of the project site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) 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?	☐	☐	☒	☐
2) 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?	☐	☐	☒	☐

Impact REC-1:	The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

Impact REC-2:	The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

As mentioned in *Section 4.15, Public Services*, development of a hotel on-site would not substantially increase the use of existing neighborhood and regional recreational facilities such that substantial physical deterioration of these facilities would occur or be exacerbated. The project proposes an outdoor lounge and a pool for guests to use. The project does not propose or require the construction, or expansion, of recreational facilities. Therefore, implementation of the project would have a less than significant impact on recreation resources. **(Less Than Significant Impact)**

[63] City of San José. *Fast Facts*. December 20, 2018.

4.17 TRANSPORTATION/TRAFFIC

The following discussion is based upon a Transportation Analysis and a TDM plan prepared by *Hexagon* in May 2019 and April 2019, respectively.[64] In addition, a Long-Range General Plan Amendment Transportation Analysis was prepared by *Hexagon Transportation Consultants, Inc.* in August 2019. A copy of these reports are included in Appendix G and H of this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by LOS or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on July 1, 2020, the provisions of SB 743 will apply statewide.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

[64] The number of proposed hotel rooms has decreased by three and the number of parking spaces has increased by 17 spaces since the Transportation Analysis was completed. The decrease and reduction in square footage and increase in parking spaces would not result in substantive changes to the analysis.

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Under Policy 5-1, the screening criteria are:

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality
5. Transit,
6. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with
7. High Quality Transit;
8. Transportation Projects that reduce or do not increase VMT.

Envision San José 2040 General Plan

The General Plan includes the following transportation policies applicable to the proposed project.

Policy 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).

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

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

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

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy 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.

Policy 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.

4.17.1.2 *Existing Conditions*

Regional Access

Regional access to the site is provided via Interstate 880 (I-880) and State Route 87 (SR-87).

I-880 is a six-lane freeway that extends north to Oakland and south to I-280 in San José.

SR-87 has two mixed-flow lanes and one high-occupancy vehicle (HOV) lane. SR-87 connects from State Route 85 (SR-85) in south San José to Highway 101 (US 101) near San José International Airport.

Local Access

Local access to the project site is provided by Stockton Avenue, Julian Street, Taylor Street, The Alameda (SR-82), and Schiele Avenue. These roadways are described below.

Stockton Avenue is a two-lane, north-south street that runs between the College Park Caltrain Station and The Alameda.

Julian Street is a two-lane, east-west street between The Alameda and Montgomery Street that transitions to a four-lane street, east of Montgomery Street.

Taylor Street is an east-west, four-lane street that transitions to Naglee Avenue, west of The Alameda.

The Alameda (SR-82) is a four-lane, north-south arterial that runs from Santa Clara University to Stockton Avenue. SR-82 is designated as a Grand Boulevard.[65]

Schiele Avenue is a two-lane, east-west local street that runs between Stockton Avenue and The Alameda.

Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks along both sides of all streets within the vicinity of the project site. Other pedestrian facilities include crosswalks and pedestrian push buttons at all signalized intersections. Overall, the existing network of sidewalks and crosswalks provide good connectivity and provides pedestrians with safe routes to transit services.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designed for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only. Currently, there are striped bicycle lanes present on the following roadways:

- Stockton Avenue
- Julian Street, between The Alameda and Stockton Avenue
- The Alameda/Santa Clara Street, east of Stockton Avenue
- Autumn Street, south of Santa Clara Street
- Race Street, north of Park Avenue and south of The Alameda
- Coleman Avenue, between Taylor Street and Santa Teresa Street
- Taylor Street, east of Walnut Street
- Hedding Street

The Alameda, between Hedding Street and Stockton Avenue, is currently designated as a bicycle route.

[65] Grand Boulevards are major transportation corridors in the City that accommodate moderate to high volumes of through traffic within and beyond the City and where transit has a priority over other modes of transportation.

The Guadalupe River multi-use trail, an 11-mile continue Class I bikeway from Curtner Avenue to Alviso, is shared between pedestrian and bicyclists. Guadalupe River is located approximately 0.6 mile east of the project site and can be accessed from Taylor Street.

Existing bicycle facilities are shown on Figure 4.17-1.

Existing Transit Services

Existing transit service in the project area is provided by the VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak. These transit services are further described below.

Santa Clara Valley Transportation Authority

VTA operates local bus routes and several LRT lines within the project vicinity. Local Routes 61 and 62 are located approximately 700 feet north of the project site at the Stockton Avenue/Taylor Street intersection. Additionally, VTA operates the 42.2-mile VTA light rail line which extends from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The VTA bus lines that operate within the project area are summarized in the Table 4.17-1 below.

Table 4.17-1: Local Bus Routes

Route	Description	Headway (in minutes)
Local Route 22	Palo Also Transit Center to Eastridge Transit Center via El Camino	15
Local Route 61	Good Samaritan Hospital to Sierra and Piedmont via Bascom	30
Local Route 62	Good Samaritan Hospital to Sierra and Piedmont via Union	30
Limited Stop Route 304	South San José to Sunnyvale Transit Center via Arques	30-50
Rapid Route 522	Palo Alto Transit Center to Eastridge Transit Center	10-18

Caltrain

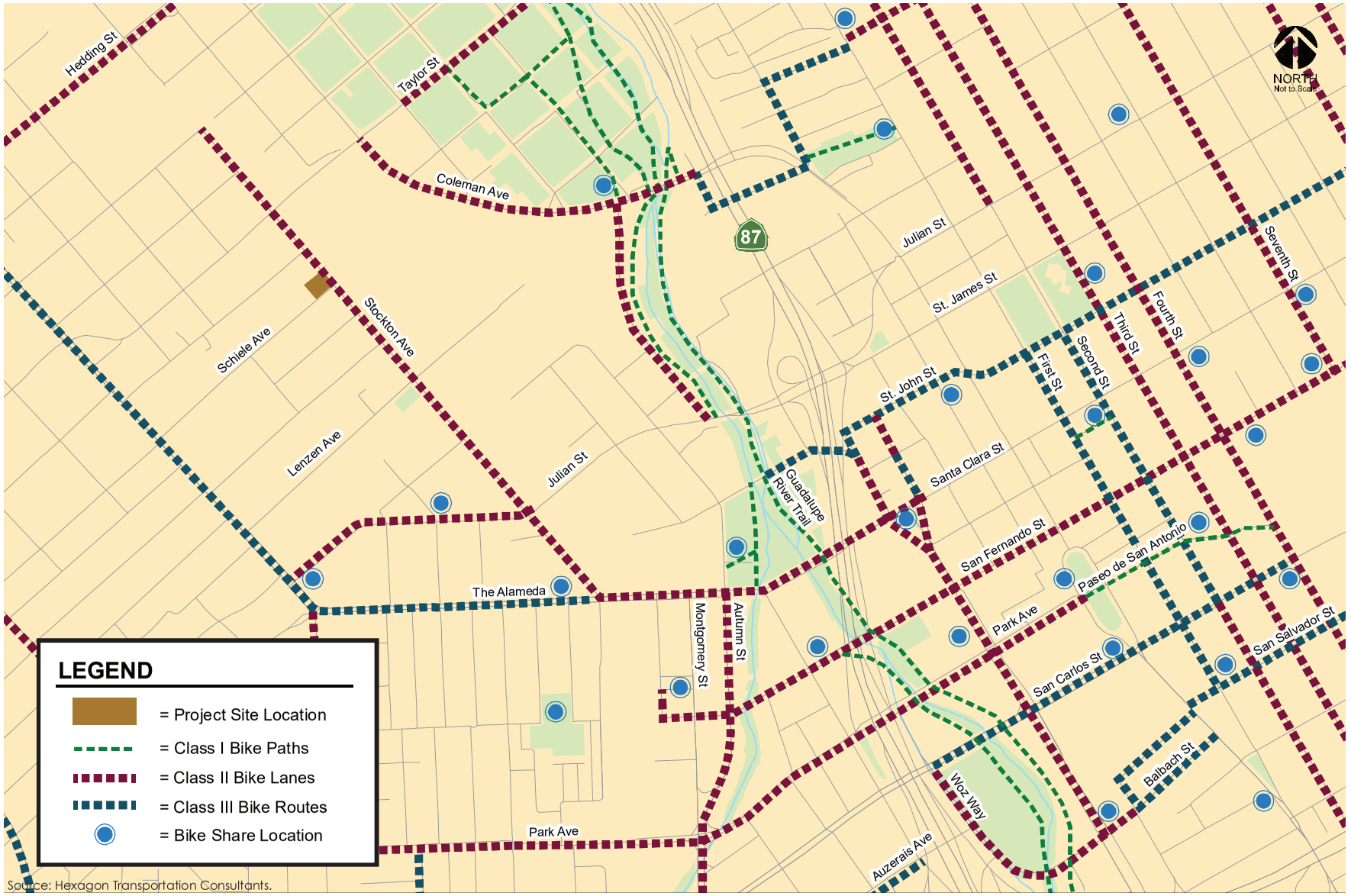
Caltrain is a regional, intercity commuter rail service between San Francisco and Gilroy. There are 92 trains that serve the San José Diridon Station daily. The College Park Caltrain Station is located approximately 0.3 mile north of the project site.

Altamont Commuter Express Service

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours through the San José Diridon Station, located approximately one mile southeast of the site. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening with 60-minute headways.

Amtrak

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area through the San José Diridon Station,



EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

approximately one mile southeast of the site. Service is limited to seven eastbound and eight westbound trains.

Existing transit services are shown on Figure 4.17-2.

4.17.1.3 *VMT Methodology*

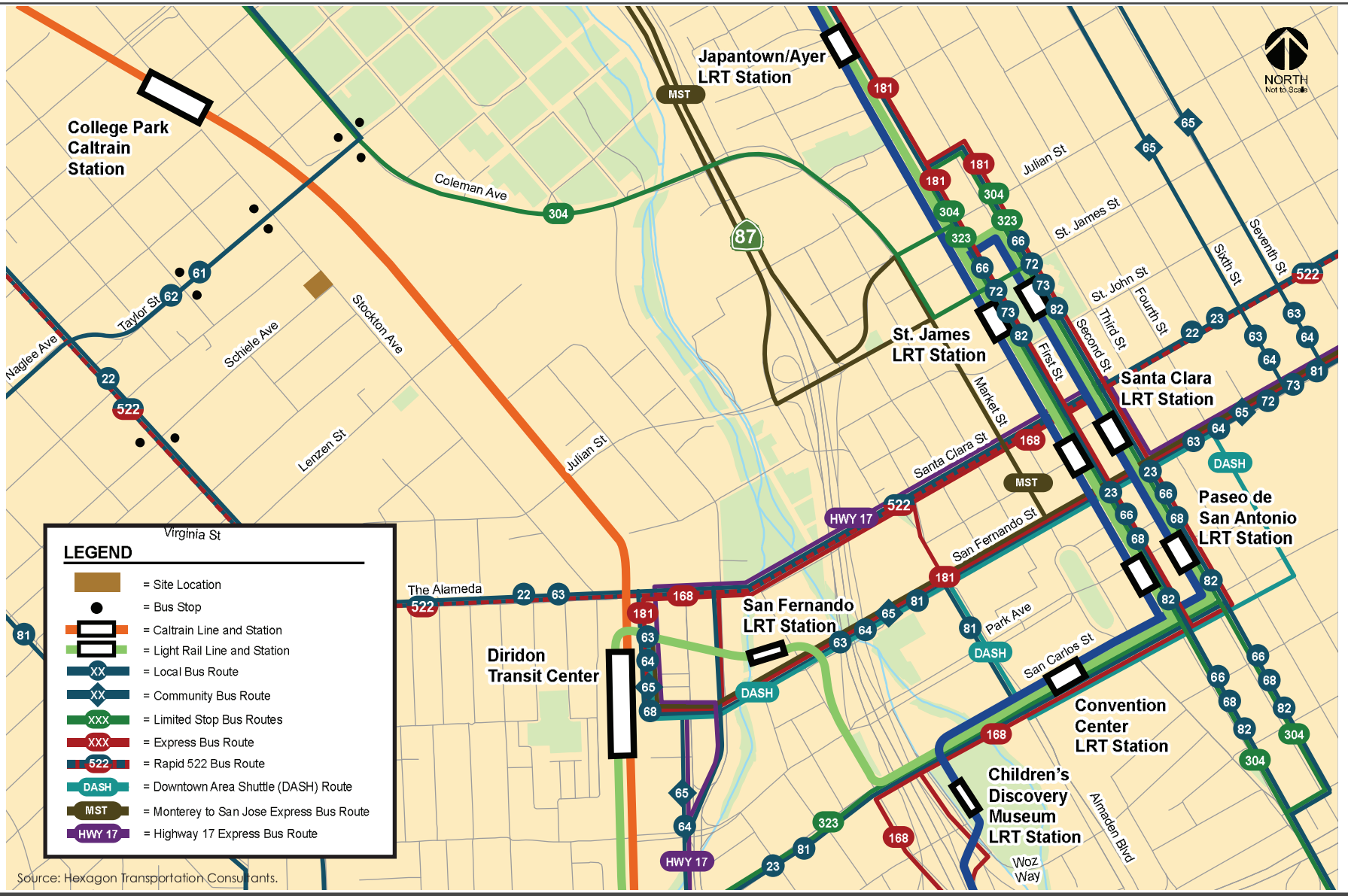
The sketch tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the sketch tool:

- Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
- Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
- Parking measures that discourage personal motorized vehicle-trips, and
- Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips

The current citywide average VMT for residential uses is 11.91 per capita and the regional average VMT for employment uses is 14.37 per employee. The City of San José Transportation Analysis Handbook identifies screening criteria to determine whether a CEQA transportation analysis would be required for development projects, including the proposed project. The criteria is based upon the type, characteristics, and/or location of the project. If a project meets the City's screening criteria, the project would have a less than significant VMT impact and a detailed CEQA VMT analysis would not be required.

For the purposes of the VMT evaluation, hotel rooms were converted to retail space[66] to provide an estimate of the number and length of trips. Per the City's VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving. Traffic generated by the proposed hotel was determined to be equivalent to 12,779 square feet of retail, therefore, the proposed project would not exceed the 100,000 square feet of retail screening criteria. Therefore, a detailed CEQA VMT analysis would not be required.

[66] The City's VMT Evaluation Tool can only calculate VMT for three categories (office, residential, and retail); therefore, the proposed hotel was converted to retail. Del Rio, Robert. Hexagon Transportation Consultants. Personal Communication. November 2, 2018.



Source: Hexagon Transportation Consultants.

EXISTING TRANSIT SERVICES | FIGURE 4.17-2

4.17.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☐	☒	☐
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☐	☒	☐

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

Pedestrian Facilities

There are sidewalks along Stockton Avenue, Taylor Street, and the north side of Julian Street. There are no sidewalks provided along the south side of Julian Street, between Stockton Avenue and Montgomery Street. All signalized study intersections in the project area include crosswalks and pedestrian push buttons. Overall, the existing network of sidewalks and crosswalks provide pedestrians with good connectivity and would provide pedestrians with safe routes to transit and other services in the area. The proposed project would not conflict with a plan, ordinance or policy addressing pedestrian facilities. **(Less Than Significant Impact)**

Bicycle Facilities

There are several bicycle facilities in the immediate vicinity of the project site (refer to *Section 4.16.2 Existing Conditions*). There are bicycle lanes along Stockton Avenue, including the segment along the project frontage, and a bicycle route along The Alameda. There are bicycle improvements planned for the project area that would help provide the project site with viable connections to the surrounding bicycle facilities. The proposed project would not conflict with a plan, ordinance or policy addressing bicycle facilities. **(Less Than Significant Impact)**

Transit Operations

As mentioned previously, transit services in the project area is provided by the VTA, Caltrain, ACE, and Amtrak. The College Park Caltrain station is located approximately 0.3 mile north of the project

site and the Diridon Transit Center is located approximately one mile from the site. The new transit trips generated by the project are not expected to generate a demand in excess of transit services currently provided. The proposed project would not conflict with the operation of existing or planned transit facilities. The proposed project would not conflict with a plan, ordinance or policy addressing transit facilities. **(Less Than Significant Impact)**

Airport Operations

Project compliance with federal aviation regulations (FAR Part 77) would ensure no adverse impact on air traffic patterns. The proposed project would not conflict with a plan, ordinance or policy addressing airport facilities (refer to *Section 4.9 Hazards and Hazardous Materials*). **(Less Than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

Project-Level VMT Analysis

As mentioned previously, hotel rooms were converted to retail space[67] to provide an estimate of the number and length of trips. Per the City's VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving. Traffic generated by the proposed hotel was determined to be equivalent to 12,779 square feet of retail, therefore, the proposed project would not exceed the 100,000 square feet of retail screening criteria. Therefore, a detailed CEQA VMT analysis would not be required.

The proposed project would result in a traffic equivalent to 12,779 square feet of retail which would not exceed the VMT screening criteria. As a result, the project would have a less than significant VMT impact. **(Less Than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

Vehicular access to the below-grade parking garage would be provided via a full-access driveway approximately 120 feet north of Schiele Avenue and a one-lane, outbound driveway located at the northeast corner of the site. The project proposes self-parking spaces in addition to valet. The proposed project would meet the City's minimum 16-foot width for one-way driveway and the 26-foot width for two-way driveways. The proposed project is estimated to result in 1,277 new daily vehicle trips, with a maximum of 64 trips (37 inbound and 27 outbound trips) during the AM Peak Hour and 76 trips (37 inbound and 39 outbound trips) during the PM Peak Hour. Larger trucks, such as delivery, garbage, and emergency trucks, would not have access to the parking garage. All truck loading activities would occur along Stockton Avenue.

[67] The City's VMT Evaluation Tool can only calculate VMT for three categories (office, residential, and retail); therefore, the proposed hotel was converted to retail. Del Rio, Robert. Hexagon Transportation Consultants. Personal Communication. November 2, 2018.

Adequate site distance would be required for the Schiele Avenue project driveway in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. Schiele Avenue has a posted speed limit of 30 miles per hour (mph). Based on AASHTO standards, the stopping distance for a facility with a posted speed limit of 25 mph is 200 feet. A driver existing the project driveways must be able to see 200 north or south along Stockton Avenue to stop and avoid a collision. Based on the proposed site plan, vehicles exiting the outbound-only driveway and the two-way driveway on Stockton Avenue would be able to see approaching traffic on southbound Stockton Avenue at a distance of at least 195 feet and 120 feet to the north, respectively. The sight distance from the proposed driveways to the Stockton Avenue/Schiele Avenue intersection would be adequate.

Based on the proposed site plan, the project would provide 90-degree parking stalls within the parking garage. The project would meet the City's standard minimum width requirement for two-way drive aisles (26 feet) where 90-degree parking is provided. The proposed project would provide vehicles with adequate connectivity through the parking areas. The proposed project would not conflict with a plan, ordinance or policy addressing site design and vehicular access/circulation. **(Less Than Significant Impact)**

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

Emergency access trucks would not have access to the parking garage. Fire department access would be provided by existing red curbs along Stockton Avenue and Schiele Avenue. The proposed project would have a less than significant emergency vehicle access impact. **(Less than Significant Impact)**

4.17.2.1 *Long-Range Transportation Impact Analysis for General Plan Amendment*

General Plan Amendments (GPAs) in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year is when the development anticipated in the General Plan is built out. There are two types of GPA transportation analysis: 1) a site-specific long-range transportation analysis for individual GPAs that exceed 250 peak hour trips; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle.

In 2011, the City certified the General Plan FEIR and adopted the 2040 General Plan. The General Plan FEIR and supporting Transportation Impact Analysis (TIA) identified programmatic long-range transportation impacts based on planned land uses and the planned transportation system within the City projected to the horizon of the General Plan in year 2035.

In 2016, a subsequent TIA was prepared for the General Plan Four-Year Review that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The General Plan Four-Year Review TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of GPAs considered for approval during and after the Four-Year Review.

In 2017, the VTA published the BART Phase II EIR that included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the transportation analysis in the Downtown Strategy 2040 EIR, which evaluated an increase of 4,000 households and 10,000 jobs in Downtown San Jose by transferring General Plan growth capacity from other areas within the City. Once again, the model was validated with current traffic data to update the existing transportation conditions.

The cumulative long-range transportation impacts of the proposed 2019 GPAs were evaluated in a Long-Range Transportation Impact Analysis model forecast prepared by Hexagon Transportation Consultants dated August 2019 (Appendix I). This analysis evaluated both the site-specific long-range transportation impacts for GPAs that exceeded 250 peak hour trips per day and the cumulative impacts of the six privately initiated GPAs in the 2019 GPA cycle.

Each of the proposed GPAs would result in changes to the assumed number of households and/or jobs on each site when compared to the 2040 General Plan land use and intensity assumptions for each site in the TIA for the General Plan FEIR and the General Plan Four-Year Review TIA. Like the analysis in the General Plan FEIR and subsequent Four-Year Review, the 2019 Long-Range Transportation Analysis assumed development in either the middle range of the density allowed under each proposed General Plan land use designation or assumed a density consistent with the density of surrounding development with a similar land use designation. The City uses the middle range or typical range based on surrounding development densities, as opposed to the maximum intensities potentially allowed under each proposed General Plan land use designations, because build out under the maximum density allowed for all General Plan land designations would exceed the total citywide planned growth capacity allocated in the General Plan. Furthermore, maximum build-out at the highest end of the density range does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, FAA regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code in Title 20 (Zoning), market conditions, and other factors.

The results of the analysis for the proposed GPAs are then compared to the results of the 2018 updated General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed 2019 GPAs would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as amended by the City Council in December 2017. None of the proposed GPAs would change the total number of jobs and households citywide that were assumed with build out of the 2040 General Plan.

Long-Range Traffic Metrics – Measures of Effectiveness (MOEs)

The City of San José has adopted policy goals in the 2040 General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from 2008 conditions. To meet these goals by the General Plan horizon year of 2040, and to satisfy CEQA requirements, three Measures of Effectiveness (MOE) thresholds are used to evaluate long-range transportation impacts resulting from implementation of GPAs. The three MOE thresholds are summarized in Table 4.17-2. In addition to the three MOEs, the long-range

transportation analysis evaluated potential cumulative effects on adjacent jurisdictions; the threshold for this MOE is also shown in Table 4.17-2.

Table 4.17-2: Measures of Effectiveness Significance Thresholds

Measures of Effectiveness	Citywide Threshold
Daily VMT/Service Population	Any increase over current 2040 General Plan conditions
Journey to Work Mode Share (drive alone percentage)	Any increase in journey to work drive along mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25 percent or more; or 2. The average speed drops by one MPH or more for a transit corridor with an average speed below 15 mph under current 2040 General Plan conditions.
Adjacent Jurisdiction	When 25 percent or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM peak four-hour period. 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater, 2. A deficient roadway segment is attributed to San José when trips from the City are 10 percent or more on the deficient segment.

Source: City of San José. Envision San José 2040 General Plan Draft Program Environmental Impact Report. 2011. http://www.sanjoseca.gov/DocumentCenter/View/2190.

Site-Specific Long-Range Transportation Analysis

The City of San José Travel Demand Forecasting (TDF) model was developed to help the City predict peak hour transportation impacts attributable to proposed amendments to the City's General Plan. The model is used to estimate the net change in peak hour trips that are attributable to a proposed amendment. The City has established minimum peak hour trip thresholds for General Plan land use amendments that require a site-specific GPA analysis. It is presumed that GPAs that result in trips less than the trip thresholds would not create significant long-term impacts by themselves. The City's trip thresholds for requiring a site-specific GPA transportation analysis are presented in the City of San José *Transportation Analysis Handbook,* April 2018. With the exception of GPA sites located within the identified North San José, Evergreen, and South San José subareas, a proposed land use amendment that would result in an increase of more than 250 peak-hour trips to be generated by the subject site would be required to prepare a site-specific GPA transportation analysis.

The project proposes a GPA to *Neighborhood/Community Commercial*. Based on the TDF modeling, the proposed project would not result in a net increase of peak hour trips exceeding 250 peak-hour trips. Therefore, a site-specific GPA transportation analysis is not required. **(Less Than Significant Impact)**

Cumulative Long-Range Transportation Impact Analysis

In addition to an analysis of long-range transportation impacts of individual GPAs, the City also evaluates cumulative long-range transportation impacts of all proposed GPAs in each annual GPA cycle. The purpose of this analysis is to evaluate the combined effect of all proposed GPAs on the three MOE thresholds used to evaluate long-range transportation impacts citywide at build out of the 2040 General Plan. The results of the cumulative Long-Range transportation analysis are discussed below and provided in Appendix H of this IS.

2019 GPAs Cumulative Effect on Daily Vehicle Miles Traveled per Service Population

Compared to the current General Plan, the proposed GPAs would not result in an increase in VMT per service population. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-automobile modes of travel.

2019 GPAs Cumulative Effect on Journey to Work Mode Share

The proposed GPAs would not result in an increase of drive alone journey to work mode share when compared to the current General Plan. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

2019 GPAs Cumulative Effect on Average Vehicle Speeds in Transit Priority Corridors

The proposed GPAs would not result in a decrease in travel speeds of greater than one mile per hour or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on the AM peak hour average vehicle speeds on the transit priority corridors.

2019 GPAs Effect on Adjacent Jurisdictions

The current General Plan land use designations and proposed GPA land use adjustments would result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the 2040 General Plan. Therefore, the proposed GPA land use adjustments would not result in further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the General Plan FEIR.

2019 GPAs Long-Range Transportation Impacts Conclusion

Compared to the Envision San José 2040 General Plan, the 2019 GPAs Long-Range Transportation Analysis found that the proposed GPAs would not 1) result in an increase citywide daily VMT per service population; 2) reduce the percentage of journey-to-work drive alone trips; or 3) increase average vehicle speeds on the transit priority corridors. Future development on each of the GPA project sites would be required to evaluate near-term transportation for project-level CEQA clearance for each planning permit. **(Less Than Significant Impact)**

4.17.3 Project-Level Operational Transportation Issues Not Covered Under CEQA

4.17.3.1 *Trip Generation Estimates*

Traffic trips generated by the project were estimated using the rates for "Hotel" (Land Use Code 310) published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition (2017).
Based on the City of San José *Transportation Analysis 2018 Handbook*[68], the project is located within a designated urban area with low access to transit and would qualify for a location-based adjustment. The baseline project trips were adjusted to reflect an urban low-transit mode share. An urban low-transit area is characterized as an area with good accessibility, low vacancy, and middle-aged housing stock. Developments within urban low-transit areas have a vehicle mode share of 87 percent, therefore, a 13 percent reduction was applied to the trips generated by the proposed project.

A summary of the project trip generation estimates is shown in Table 4.17-3 below.

Table 4.17-3: Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Business Hotel	1,468	43	31	74	43	45	88
Urban Low-Transit Reduction (13 percent)	<191>	<6>	<4>	<10>	<6>	<6>	<12>
Total Proposed Project Trips:	**1,277**	**37**	**27**	**64**	**37**	**39**	**76**

Notes: [1] The project site is located within an urban low-transit area based on the City's VMT Evaluation Tool. The VMT Evaluation Tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT.

Based on the trip generation table above, the project would generate approximately 1,277 new daily trips with a total of 64 new daily trips during the AM Peak Hour and 76 new daily trips during the PM Peak Hour.

4.17.3.2 *Methodology*

Consistent with City requirements, an LTA was completed for three signalized intersections and one unsignalized intersection in the project area. Traffic conditions at all study intersections were analyzed for the weekday AM and PM Peak Hours and adjacent street traffic. The AM Peak Hour is defined as 7:00 AM and 9:00 AM and the PM Peak Hour is defined as 4:00 PM to 6:00 PM. The peak hours represent the periods of greatest traffic congestion on a typical weekday. Existing peak hour traffic volumes at all study intersections were obtained from the City of San José and supplemented with new manual turning-movement counts collected in September 2018. The traffic study analyzed AM and PM Peak Hour traffic conditions for the following three San José study intersections:

[68] City of San José. "Transportation Analysis Handbook." Accessed October 16, 2018. http://sanjoseca.gov/DocumentCenter/View/76537.

- Stockton Avenue and Taylor Street
- Stockton Avenue and Lenzen Avenue
- Stockton Avenue and Julian Street

The locations of the study intersections are shown on Figure 4.17-3. Traffic conditions were evaluated for the following scenarios to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic:

Scenario 1: Existing – Existing traffic conditions.

Scenario 2: Background Conditions – Scenario 1 plus approved but not yet constructed development.

Scenario 3: Background Plus Project Conditions – Scenario 2 plus traffic generated by the project.

City of San José Intersection Level of Service

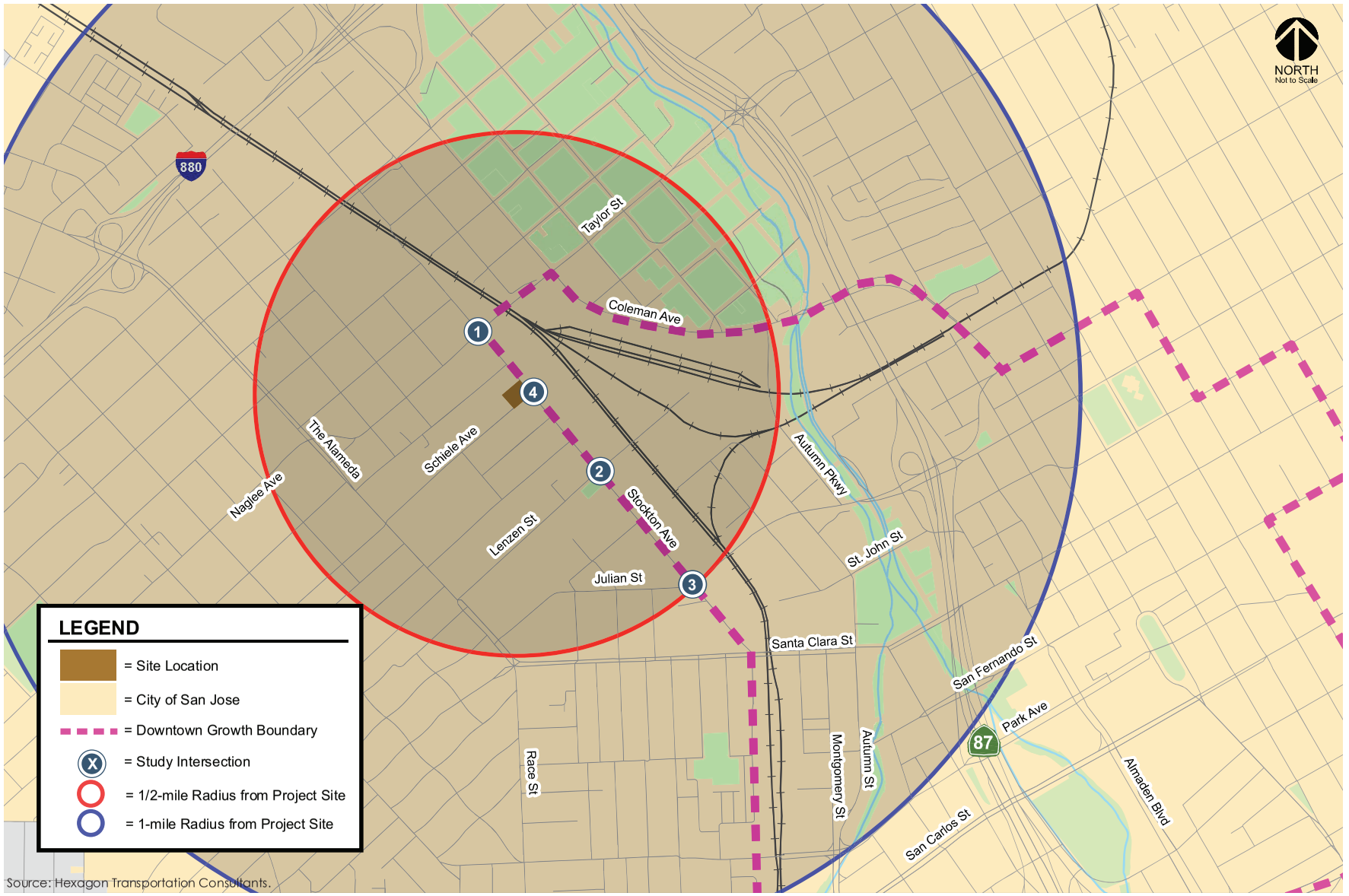
Traffic conditions at the study intersections were evaluated using LOS. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Intersection LOS was evaluated using TRAFFIX software, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. The correlation between average delay and LOS is shown in Table 4.17-3.

Table 4.17-4: Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[69]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) p10-16
VTA Traffic Level of Service Analysis Guidelines (June 2003), Table 2.

[69] Measured in seconds.



SITE LOCATION AND STUDY INTERSECTIONS | FIGURE 4.17-3

City of San José Definition of Adverse Intersection Effects

Based on City of San José's 2018 *Transportation Analysis Handbook*, an adverse effect on intersection operations occurs if the additional project traffic caused one of the following for either peak hour:

- Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under background conditions and the addition of project trips, cause 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 .01 or more.

4.17.3.3 *Existing Intersection Operations*

Analysis of the existing intersection operations concluded that all signalized study intersections currently operate at an acceptable LOS C or better during both the AM and PM Peak Hours. The results of the existing conditions analysis are summarized in Table 4.17-5 below.

Table 4.17-5: Study Intersection Level of Service – Existing Conditions

No.	Intersection	Peak Hour	Existing	
			Average Delay	LOS
1	Stockton Avenue and Taylor Street	AM PM	29.0 26.2	C C
2	Stockton Avenue and Lenzen Avenue	AM PM	14.1 12.1	B B
3	Stockton Avenue and Julian Street	AM PM	31.5 33.1	C C

4.17.3.4 *Background Intersection Operations*

Background traffic conditions represent conditions anticipated to exist after completion of the environmental review process but prior to operation of the proposed development. It takes into account planned transportation system improvements that would occur prior to implementation of the proposed project and background traffic volumes. Background peak-hour traffic volumes are calculated by adding estimated traffic from approved but not yet constructed development to the existing conditions (refer to *Appendix G*). This traffic scenario represents a more congested traffic condition than the existing conditions scenario since it includes traffic from approved projects.

Analysis of the background intersection operations concluded that the following three signalized intersections would operate at an acceptable LOS during both peak hours, as summarized in Table 4.17-6.

Table 4.17-6: Study Intersection Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Average Delay	**LOS**	**Average Delay**	**LOS**
1	Stockton Avenue and Taylor Street	AM PM	29.0 26.2	C C	29.0 26.5	C C
2	Stockton Avenue and Lenzen Avenue	AM PM	14.1 12.1	B B	14.1 12.0	B B
3	Stockton Avenue and Julian Street	AM PM	31.5 33.1	C C	31.5 33.9	C C

4.17.3.5 *Background Plus Project Intersection Operations*

The LOS of the study intersections was calculated under background plus project conditions by adding the new project trips from the proposed development to the background conditions. The results on the background plus project conditions analysis are summarized in Table 4.17-7 below.

Table 4.17-7: Study Intersection Level of Service – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Background**		**Background Plus Project**			
			Average Delay	**LOS**	**Average Delay**	**LOS**	**Increase in Critical Delay**	**Increase in V/C**
1	Stockton Avenue and Taylor Street	AM PM	29.0 26.5	C C	29.0 26.6	C C	0.0 0.3	0.003 0.006
2	Stockton Avenue and Lenzen Avenue	AM PM	14.1 12.0	B B	13.9 11.9	B B	-0.1 0.0	0.014 0.015
3	Stockton Avenue and Julian Street	AM PM	31.5 33.9	C C	31.8 34.1	C C	0.5 0.1	0.012 0.005

Under background plus project conditions, the signalized study intersections would operate at an acceptable LOS and would comply with Policy 5-1.

4.17.3.6 *Parking*

Vehicle Parking

Based on the City's parking requirements (Section 20.90.060 of the City's Municipal Code), the project would be required to provide a total of 130 parking spaces[70].The project is proposing reduced parking with a TDM. Hotel developments are eligible for a 20 percent reduction in required off-street parking per Section 20.90.220.G with a development permit if the project is within 2,000 feet of an existing or proposed bus or rail transit stop. The project site is located approximately 1,500 feet south of the College Park Caltrain Station and approximately 700 feet south of bus stops along Taylor Street. Therefore, the parking requirement would be reduced to 104 parking spaces. Furthermore,

[70] Assumes 10 employees could be on-site during per shift.

according to Section 20.90.220.A.1, the City of San José's Planning Director may reduce the number of required parking spaces for a project by up to 50 percent. The project proposes a total of 82 parking spaces and would not meet the City's requirement of 104 parking spaces.

Please refer to *Section 3.1.4 Transportation Demand Management Program* for a list of proposed TDM measures. With the approval of the TDM measures for reduced parking request, the project would comply with the City's parking requirement.

Bicycle Parking

Based on the City's Municipal Code (Chapter 20.90, Table 20-210), the project would be required to provide 13 bicycle parking spaces (at least 11 short-term bicycle parking spaces and two long-term parking spaces). Based on a review of the site plan, the proposed on-site bicycle racks would provide space for 12 bicycles and the long-term bicycle storage would provide space for two bicycles. The proposed project would exceed the City's minimum requirements for bicycle parking.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. 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.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[71]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐

[71] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). **(Less than Significant Impact)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. **(Less than Significant Impact)**

The project site is located approximately 0.6 mile west of the Guadalupe River, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

AB 52 requires lead agencies to complete 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. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone tribe has sent a written request for notification of projects citywide to the City of San José. The City of San José notified the Ohlone tribe of the project on March 26, 2019 per the representative's request and also on May 31, 2019 per state requirements for General Plan Amendments. To date, the tribe has not initiated formal consultation.

Based on available data, there are no recorded tribal cultural objects in the project area. Therefore, the proposed project would have a less than significant impact on tribal cultural resources. **(Less than Significant Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill 341 (AB 341) sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill 1383 (SB 1383) establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

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

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

Local

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent 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.

San José Construction & Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition (C&D) debris. The City's Construction & Demolition Diversion (CDD) Program ensures that at least 75 percent of this waste is recovered and diverted from landfills.

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.

Envision San José 2040 General Plan

The General Plan includes the following utilities and service system policies applicable to the proposed project.

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

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy 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.

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

Policy 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 National Pollutant Discharge Elimination System (NPDES).

4.19.1.2 *Existing Conditions*

Water Services

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 site would be supplied by the San José Water Company. There are currently no recycled water lines in the immediate site vicinity.[72]

Based on a water usage rate of 0.263 gallons per day (gpd) for a photo processing business and 250 gallons per day per unit for a single-family residence, the existing buildings on-site are estimated to use approximately 1,407 gallons of water per day.[73,74]

Wastewater

Wastewater from the project area 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 treats an average of 110 million gallons of wastewater per day (mgd) with the capacity to treat 167 million gallons of wastewater a day.[75]

The City generates approximately 69.8 mgd of dry weather sewage flow. The City's capacity allocation at the Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

The General Plan FEIR 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 95 percent of the total on-site water use. The existing building is estimated to generate approximately 1,337 gpd of wastewater.

[72] City of San José. "Recycled Water." Accessed: June 21, 2018. http://www.sanjoseca.gov/index.aspx?NID=1586.
[73] The project site is currently occupied by an approximately 4,400 square foot commercial print shop and an approximately 1,292 square foot residence that has been converted into a business. Since there are no water usage rates for commercial print businesses, the rates for photo processing (0.263 gallons per day per square feet of floor space) was used. For the purposes of this analysis, the water usage rate of 250 gallons/unit/day for single-family residence was used for the structure located at 623 Stockton Avenue.
[74] Harvie, Nicole. City of San José. "Fwd: Online Form Submittal: Contact Environmental Services." E-mail to David J. Powers and Associates, Inc. February 26, 2018.
[75] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: June 21, 2018. http://www.sanjoseca.gov/index.aspx?NID=1663.

Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.6 mile west of Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is entirely covered with impervious surfaces (25,762 square feet). There are existing storm drain lines along Stockton Avenue and Schiele Avenue.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[76] The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The existing development on-site is estimated to generate approximately 21 pounds of solid waste per day.[77]

4.19.1.3 *Impact Discussion*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

[76] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[77] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed June 21, 2018. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. For the purposes of this analysis, the solid generation rate of 10 pounds/dwelling unit/day for single-family was used for the building located at 623 Stockton Avenue. Solid waste generation was estimated at a rate of 2.5 pounds per 1,000 square feet per day for commercial retail use for the 615 Stockton Avenue building.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1:	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The project would utilize existing utility connections to connect to the City's stormwater, electric, telecommunications, waste, and wastewater systems. The analysis in the following sections discusses the potential impacts of the project on existing facilities. Although the project would increase the demand on existing facilities in the City of San José, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

Water Supply

Under existing conditions, the project site is estimated to use approximately 1,337 gpd of water. Under project conditions, the proposed project would use approximately 23,828 gallons of water per

day[78,79], a net increase of approximately 22,491 gpd of water compared to existing conditions. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. Although the project would not be consistent with planned growth from build out of the General Plan, the project proposes a GPA which would allow for an intensification of development on-site. With implementation of existing regulations and adopted General Plan policies, the proposed GPA and project would not result in insufficient water supplies to serve the project and future developments. **(Less Than Significant Impact)**

Sanitary Sewer Capacity

Under existing conditions, the existing buildings on-site use approximately 1,337 gpd of wastewater. For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. With implementation of the project, the proposed development is estimated to generate approximately 20,254 gpd of wastewater, a net increase of 18,917 gpd of wastewater compared to existing conditions. The City currently has approximately 38.8 mgd of excess treatment capacity at the Facility. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR (as amended), full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The project would not exceed the City's allocated capacity at the Facility and, as a result, implementation of the project would have a less than significant impact on the Facility. **(Less Than Significant Impact)**

Storm Drainage System

The project site is entirely covered impervious surfaces (25,762 square feet) and there is sufficient capacity in the existing storm drainage lines to support stormwater runoff from the site. While the proposed General Plan amendment on the residential parcel would allow for an intensification of development on-site, upon completion of the proposed project impervious surfaces would decrease by three percent (approximately 834 square feet). Because the storm drainage system is adequate under existing conditions, the system would have sufficient capacity to support the proposed General Plan amendment and project-specific development. In addition, the project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that new or expanded facilities would be required. **(Less Than Significant Impact)**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

[78] The total square footage of the project would be approximately 68,080 square feet which excludes the 1,292 square footage structure located at 623 Stockton Avenue. The rate for small hotel (0.350 gallons per day per square feet of floor space) was used.
[79] Harvie, Nicole. City of San José. "Fwd: Online Form Submittal: Contact Environmental Services." E-mail to David J. Powers and Associates, Inc. February 26, 2018.

Impact UTL-5:	The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

Currently, the development on-site generates approximately 21 pounds of solid waste per day. The proposed General Plan amendment on the residential parcel would allow for an intensification of development on-site, which could result in increased solid waste generation then assumed in the General Plan. Operation of the proposed development would generate approximately 234 pounds of solid waste per day for hotel, a net increase of 213 pounds of solid waste per day compared to existing conditions.[80, 81] According to the IWMP, the County has adequate disposal capacity beyond 2030.

Given NISL's remaining capacity of 16.9 million cubic yards, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. Additionally, future 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 measures consistent with CALGreen requirements. The estimated increase in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in a significant impact on solid waste disposal capacity in excess of state or local standards or in excess of NISL capacity. **(Less Than Significant Impact)**

[80] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed October 9, 2018. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[81] Solid waste generation was estimated at a rate of two pounds per room per day for hotel.

4.20 WILDFIRE

4.20.1 Environmental Setting

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.[82]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

[82] CALFIRE. "FHSZ Viewer." Accessed June 11, 2019. https://egis.fire.ca.gov/FHSZ/.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
2) 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)?	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially 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, substantially 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. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in *Section 4.3 Air Quality*, the proposed project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions. In addition, implementation of Mitigation Measures AIR-3.1 and AIR-3.2 would reduce community risk impacts from construction of the project to less than significant.

As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitats or species. With implementation of Mitigation Measure BIO-1.1, the project would not impact nesting raptors or migratory birds. The proposed project is consistent with the activity described in *Section*

2.3.2 of the SCVHP and would require discretionary approval by the City. The project would be subject to all applicable SCVHP conditions and fees prior to the issuance of any grading permits. In addition, all projects in the City, including the proposed project, would be required to pay the cumulative nitrogen deposition fees.

Earthmoving activities on-site may result in the loss of unknown subsurface cultural resources. Implementation of the identified Standard Permit Conditions in *Section 4.5 Cultural Resources* would avoid or reduce impacts to cultural resources to a less than significant level. The proposed project would be required to implement Mitigation Measures CUL-1.1 to CUL-1.5 to reduce any impacts to the structure at 623 Stockton Avenue during relocation. The project would also implement the identified Standard Permit Conditions listed in *Section 4.7 Geology and Soils* to reduce construction related erosion impacts.

With implementation of the Standard Permit Conditions identified in *Section 4.9 Hazards and Hazardous Materials*, the proposed project would reduce impacts to construction workers and the public from residual soil contamination from former agricultural operations and ACMs and lead-based paint.

As discussed in *Section 4.13 Noise and Vibration*, the project would be required to implement Standard Permit Conditions to reduce construction noise levels at adjacent residences. The project would be required to implement Mitigation Measures NOI-1.1 to reduce operational noise impacts from mechanical equipment and truck deliveries. Additionally, the project would be required to implement Mitigation Measures NOI-2.1 and NOI-2.2 to reduce construction-related groundborne vibration impacts.

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

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 proposed development would result in temporary water quality, biological, and noise impacts during construction. With the implementation of the identified Standard Permit Conditions, and measures identified in the General Plan FEIR (as amended), mitigation measures, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on water quality, biology, and noise impacts in the project area.

The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable impacts on biological resources.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, cultural resources, geology and soils, mineral resources, noise, population and housing, public services, recreation, transportation, and utility and service facilities. Therefore, the project would not have a cumulatively considerable impact on these resource areas.

The proposed project would be somewhat consistent with the City's General Plan and would not generate regional criteria pollutants and GHG emissions above BAAQMD's thresholds and, as a result, the project would not have a cumulatively considerable impact on air quality or global climate change. The proposed project and all future development under the proposed General Plan would be required to comply with all applicable City land use regulations.

Cumulative Air Quality Impacts

There are sensitive receptors located approximately 10 feet west, 15 feet north, and 70 feet south of the project site. As mentioned previously, BAAQMD recommends that projects be evaluated for community health risk when they are located within 1,000 feet of mobile and permitted stationary sources of TACs. A review of the project area indicates that West Taylor Street, Plant #12763, Plant #21369, and Plant #21676 are the primary sources of TAC emissions within 1,000 feet of the project site. The combined effect of mobile and stationary source in the project area is shown in Table 4.21-1 below. Figure 4.21-1 shows the project site and the nearby TAC and $PM_{2.5}$ sources.

Table 4.21-1: Combined Sources at Construction MEI

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Project Construction			
Unmitigated	47.8 (infant)	0.62	0.06
Mitigated	5.5 (infant)	0.13	0.01
West Taylor Street (east-west) at 820 feet south	0.7	0.02	<0.03
Plant #21369 at 650 feet east	0.2	<0.01	<0.01
Plant #21676 at 430 feet southeast	2.1	<0.01	<0.01
Plant #12763 at 560 feet southeast	0.6	<0.01	<0.01
Cumulative Total			
Unmitigated	51.4 (infant)	<0.67	<0.12
Mitigated	9.1 (infant)	<0.18	<0.07
BAAQMD Threshold – Cumulative Sources	>100	>0.8	>10.0
Threshold Exceeded?			
Unmitigated	***No***	***No***	***No***
Mitigated	***No***	***No***	***No***

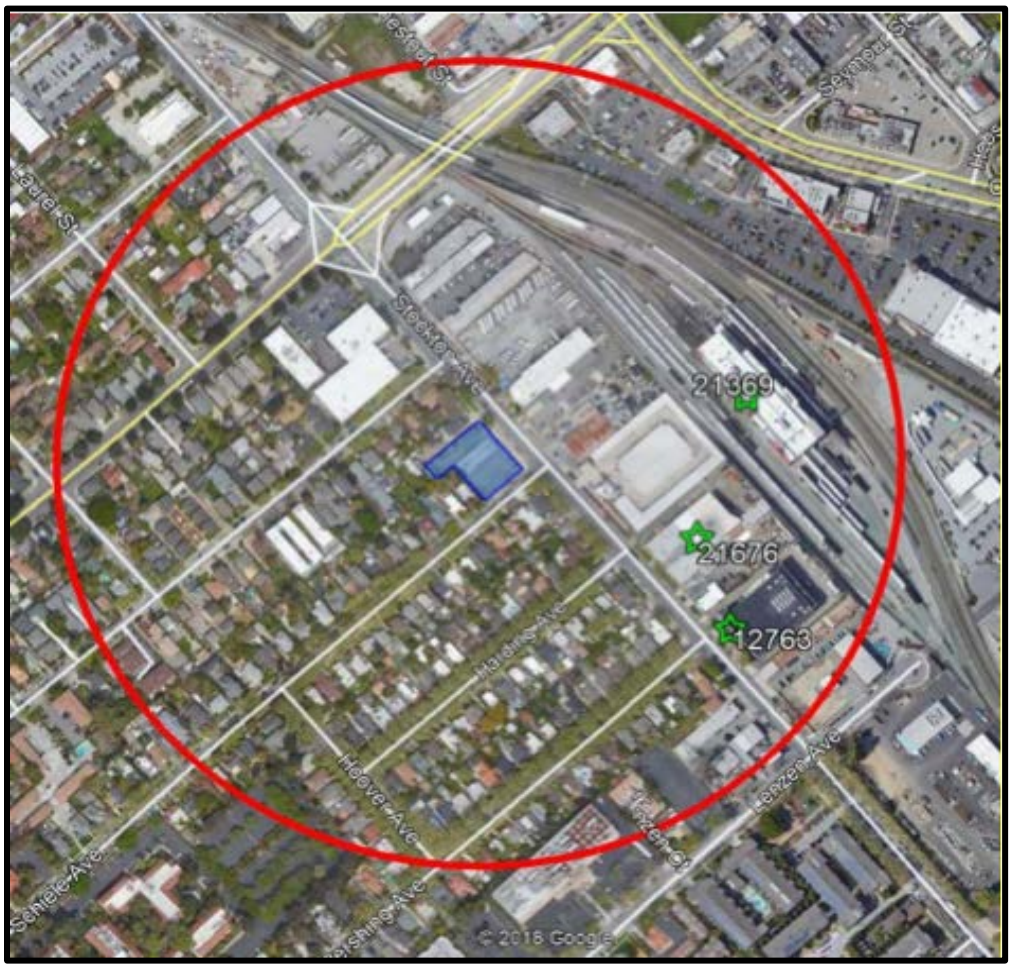


Figure 4.21-1: Project Site and Nearby TAC and $PM_{2.5}$ Sources

As shown in the table above, the combined community risk impacts without mitigation would not exceed cancer risk of 100 cases per million, annual $PM_{2.5}$ concentrations greater than 0.8 $\mu g/m^3$, and a HI above 10.0. Additionally, the project site is located approximately 500 feet southwest of the Caltrain rail line. Significant community risk impacts are not anticipated since the construction MEI is located approximately 500 feet from the rail line. Since many of the trains will be converted to electric power in the future, cancer risk is anticipated to be less than 10 per one million cases for cancer risk with very low annual $PM_{2.5}$ concentrations and HI. As a result, the proposed project would not result in a significant health risk to nearby sensitive receptors.

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

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 hazardous materials and noise. However, implementation of General Plan policies would 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

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