Blue Wave Express Car Wash and Hotel Project

Initial Study – Mitigated Negative Declaration

Project Reference Number CP18-034

prepared by

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Contact: Rhonda Buss, Project Manager, (408) 535-3887

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

August 2019

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

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: 995 Oakland Road Car Wash Hotel

PROJECT FILE NUMBER: CP18-034

PROJECT DESCRIPTION: Conditional Use Permit to allow the construction of new 2,880 square foot drive-through car wash and a new 64,886 square foot hotel on a 2.66-gross acre site located in the CIC Combined Industrial/Commercial Zoning District. The project site is currently developed with existing auto-related structures and businesses, including a tire shop, car wash, and print shop, and a single-family residence, all of which would be demolished prior to construction of the proposed project. The site is located among commercial and industrial development to the north and south, multi-family residences across Oakland Road to the east, and single-family residences and commercial uses adjacent to the site to the west.

PROJECT LOCATION: Northwest corner of Oakland Road and Horning Street

ASSESSORS PARCEL NO.: 235-16-011, -012, -013, -014 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: Louis Truong, 361 Third Street, San Rafael, CA 94901, (415)747-3040

FINDING: This Proposed Mitigated Negative Declaration (MND) is included to give notice to interested agencies and the public that the City of San José (City) intends to adopt an MND for this project. This does not mean that the City's decision regarding the project is final. This Proposed MND is subject to modification based on comments received by interested agencies and the public.

An initial study has been prepared by City. On the basis of this study it is determined, pending public review, that the proposed action with the incorporation of the identified mitigation measures will not have a significant effect on the environment.

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 AQ-1: The cumulative health risk to nearby residents due to project construction would be potentially significant for excess cancer risk from diesel particulate matter (DPM) exposure.

MM AQ-1:

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in particulate matter exhaust emissions or more. 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 below:

- Mobile diesel-powered off-road equipment, larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:
    - Engines meeting United States EPA particulate matter emissions standards for Tier 4 engines or equivalent;
    - Tier 2 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent);
    - Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or
    - Other measures may be the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.

The construction operations plan shall be submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee for review and approval.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Construction activities may affect nesting birds, raptors, or other migratory birds protected under the Migratory Bird Treaty Act.

MM BIO-1:

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

MM BIO-2:

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

If active nests are found, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction (which depends upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be

instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

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

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

F. ENERGY – The project would not have a significant impact on this resource; therefore, no mitigation is required.

G. GEOLOGY AND SOILS

Impact GEO-1: The project site is susceptible to potential soil liquefaction.

MM GEO-1: Prior to the issuance of any building permits, the project applicant shall submit a request for geohazard clearance, with the geotechnical report prepared for the project, to the City Engineering Geologist. The project shall conform to the recommendations of the project-specific geotechnical report, including using a stiffened foundation system combined with removal and re-compaction of soil within the upper 5 feet below finished grade, or equivalent design considerations for the proposed foundations, approved by the City Engineering Geologist.

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: The proposed project has the potential to expose the public, construction workers, future employees, future hotel patrons, and the environment to on-site hazardous materials due to past soil contamination.

MM HAZ-1: Prior to the issuance of a demolition or grading permit, the applicant shall contact the Santa Clara County Department of Environmental Health (SCCDEH) to discuss the proposed redevelopment project and perform any other site investigations and studies to address the residual contamination as deemed necessary by the SCCDEH. The regulatory agency may require a Site Management Plan (SMP), or similar document, to manage the cleanup of contaminated soils. If required, a SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. The presence of isooctane shall be noted in the soil management plan, along with provisions for proper handling and/or disposal of impacted groundwater, though no groundwater is anticipated to be encountered during construction. The SMP, or similar document, shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground

storage tanks;

- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

The SMP, or similar document, shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent, for review and approval. A copy of the documentation shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee and Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

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

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

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

M. NOISE.

Impact NOI-1: Construction noise would reach as high as 87 dBA Leq at a distance of 50 feet during the demolition phase, which would exceed the measured ambient noise level of 62.3 dBA Leq by 24.7 dBA.

MM NOI-1:

Prior to the issuance of any grading permits, the project applicant shall prepare a noise logistics plan, consistent with General Plan Policy EC-1.7. The noise logistics plan shall include but is not limited to the following standard measures:

- Limit construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends.
- Construct temporary solid plywood fences measuring 10 feet in height on the western boundary of the project site to remain for the duration of construction activities.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- 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.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where it is not audible at existing residences bordering the project site.
- Erect a temporary noise control blanket along the residential receptors immediately west of the project site, if conflicts occur during project construction with neighboring noise-sensitive receptors that are irresolvable by proper scheduling.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- 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) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The noise logistics plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of any grading permits.

Impact NOI-2: Noise levels generated from the project were anticipated to range from approximately 32 to 59 dBA DNL at the prediction receivers representing the adjoining property lines and nearby buildings, which would result in an exceedance of the City of San José noise standards at the residential receptor and property line to the northeast of the project site

MM NOI-2:

The project applicant shall utilize installation of noise control devices on car wash dryers such that noise levels are less than 55 dBA Lmax at residential receptors to the northeast of the project site. The following equipment combinations for dryers would reduce noise below the City of San José standard of 55 dBA Lmax:

- 10 HP drying fan with baffle at minimum air flow at 84.9 dBA Leq
- 10 HP drying fan with baffle and foam at maximum air flow at 87.9 dBA Leq
- 10 HP drying fan with baffle and foam at minimum air flow at 84.9 dBA Leq
- 15 HP drying fan with baffle and foam at minimum air flow at 87.1 dBA Leq

The project applicant shall determine which equipment to install prior to the issuance of any building permits. The project applicant shall submit confirmation (i.e., purchasing of equipment, equipment detailed on plan sets, etc.) of which equipment shall be used to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any building permits. Equipment combinations that are different from the list above shall require an additional acoustic study prepared by a qualified acoustic professional/specialist.

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

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

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

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

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

S. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this

resource; therefore, no mitigation is required.

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

U. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project would not have a significant impact on this resource; therefore, no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Thursday, September 26th, 2019** any person may:

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

2. Submit written comments regarding the information and analysis in the Proposed MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Proposed 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.

Kara Hawkins
Environmental Project Manager

9/4/19
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

Circulation period: **September 6, 2019 to September 26, 2019**

Blue Wave Express Car Wash and Hotel Project

Initial Study – Mitigated Negative Declaration

Project Reference Number CP18-034

prepared by

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Contact: Rhonda Buss, Project Manager, (408) 535-3887

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

August 2019

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

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

Table of Contents

Acronyms and Abbreviations v

Initial Study 1
1 Lead Agency Name and Address 1
2 Contact Person and Phone Number 1
3 Project Title 1
4 Project Location 1
5 Project Sponsor's Name and Address 1
6 Existing Setting 1
7 Existing General Plan Designation 4
8 Existing Zoning 4
9 Surrounding Land Uses 4
10 Project Description 7
11 Required Approvals 9
12 Other Public Agencies Whose Approval is Required 9

Environmental Setting, Checklist, and Impact Discussion 16
1 Aesthetics 17
2 Agriculture and Forest Resources 23
3 Air Quality 27
4 Biological Resources 45
5 Energy 54
6 Cultural and Tribal Cultural Resources 60
7 Geology and Soils 67
8 Greenhouse Gas Emissions 74
9 Hazards and Hazardous Materials 89
10 Hydrology and Water Quality 97
11 Land Use and Planning 106
12 Mineral Resources 111
13 Noise 113
14 Population and Housing 131
15 Public Services 133
16 Recreation 137
17 Transportation 139
18 Utilities and Service Systems 147
19 Wildfire 155
20 Mandatory Findings of Significance 158

References 160
Bibliography 160
List of Preparers 164

Tables

Table 1 Project Summary 7
Table 2 Parking Summary 8
Table 3 Health Effects Associated with Non-Attainment Criteria Pollutants 28
Table 4 BAAQMD Air Quality Significance Thresholds 31
Table 5 Construction Emissions 34
Table 6 Operational Emissions (pounds/day) 36
Table 7 Health Risks Associated with Construction Activity 38
Table 8 Cumulative Health Risks Associated with Construction Activity at the MEI 40
Table 9 Health Risks Associated with Construction Activity After Mitigation 41
Table 10 Cumulative Health Risks Associated with Construction Activity After Mitigation 42
Table 11 Trees on the Project Site to be Removed 51
Table 12 City of San José Tree Replacement Ratios 51
Table 13 Proposed Project Energy Use 57
Table 14 Project Consistency with applicable energy efficiency goals and policies in the Envision San José 2040 General Plan 58
Table 15 Estimated Construction GHG Emissions 84
Table 16 Combined Annual Emissions of GHGs 85
Table 17 Project Consistency with Plan Bay Area 2040, the City of San José GHG Reduction Strategy, and the *Climate Smart San José* 86
Table 18 Noise Monitoring Results 115
Table 19 City of San José Noise and Land Use Compatibility Guidelines 118
Table 20 Significance of Changes in Operational Roadway Noise Exposure 119
Table 21 Estimated Maximum Construction Noise – dBA Leq 121
Table 22 Modeled Project Noise Levels 127
Table 23 Modeled Project Noise Levels with Mitigation 127
Table 24 Car Wash Noise Level Increase without Mitigation 129
Table 25 Vibration Source Levels for Construction Equipment 130
Table 26 Project Trip Generation 144
Table 27 Estimated Wastewater Generation 150
Table 28 San José Water Company Supply/Demand Balance Normal Year (million gallons) 151
Table 29 San José Water Company Supply/Demand Balance Multiple Years of Drought (million gallons) 152
Table 30 Estimated Landfill Capacities and Closure Dates 153

Figures

Figure 1 Regional Location 2
Figure 2 Project Location 3
Figure 3 Site Context 5
Figure 4 Site Context 6
Figure 5 Proposed Hotel Site Plan (North) 10
Figure 6 Proposed Car Wash Site Plan (South) 11
Figure 7 Hotel Elevations (North and South) 12
Figure 8 Hotel Elevations (East and West) 13
Figure 9 Car Wash Elevations (West and South) 14
Figure 10 Car Wash Elevations (East and North) 15
Figure 11 Sensitive Receptor Location 29
Figure 12 Noise Measurement Locations 116
Figure 13 Modeled Car Wash and Hotel Noise Levels 126
Figure 14 Modeled Car Wash and Hotel Noise Levels with Mitigation 128

Appendices

Appendix AQ Air Quality Modeling and Calculations
Appendix CUL Cultural Resources (Historical and Archeological) Studies
Appendix GEO Geotechnical Investigation Report
Appendix EN Energy Use Calculations
Appendix HAZ Phase I and Phase II Environmental Site Assessments
Appendix HRA Health Risk Assessment
Appendix NOI Noise Measurement Data and Analysis
Appendix TRA Transportation Analysis Report

This page left intentionally blank.

Acronyms and Abbreviations

AB	Assembly Bill
ADA	Americans with Disabilities Act
AERMOD	AMS/EPA Regulatory Model
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CalOSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources Recycling and Recovery
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CAT	Climate Action Team
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CDMG	California Department of Conservation, Division of Mines and Geology
CEQA	California Environmental Quality Act
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
dB	decibels
dBA	A-weighted sound pressure level
DNL	Day-Night Average Level
DOC	California Department of Conservation
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration
GHG	greenhouse gases

HWCL	California Hazardous Waste Control Law
lbs/day	pounds per day
Leq	Equivelent continuous sound level
Lmax	the highest value measured by a sound level meter over a given period
Lmin	the lowest value measured by a sound level meter over a given period
MTC	Metropolitan Transportation Commission
NO_2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
O_3	ozone
PCBs	Polychlorinated Biphenyls
$PM_{2.5}$	suspended particulate matter (2.5 microns or smaller)
PM_{10}	suspended particulate matter (10 microns or smaller)
PPV [in/sec]	particle velocity in inches per second
ROG	reactive organic gases
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCVTA	Santa Clara Valley Transportation Authority
SFBAAB	San Francisco Bay Area Air Basin
SJFD	San José Fire District
SJPD	San José Police Department
SJWC	San José Water Company
SWRCB	California State Water Resources Control Board
TAC	toxic air contaminants
TCR	Tribal Cultural Resources
UST	underground storage tank
VdB	vibration decibels
WTP	water treatment plant

Initial Study

1 Lead Agency Name and Address

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

2 Contact Person and Phone Number

Kara Hawkins
Environmental Project Manager
(408) 535-7852

3 Project Title

Blue Wave Express Car Wash and Hotel Project

4 Project Location

The 2.60-acre project site is located at 995 Oakland Road, at the southwest corner of the intersection of Oakland Road and Horning Street in the City of San José. Regional access to the site is provided from the Interstate 880 freeway (I-880) and US Highway 101. The project site consists of four parcels (Assessor's Parcel Numbers 235-16-011, 012, 013, and 014). Figure 1 shows the project location in the region context and Figure 2 shows the site in its neighborhood context.

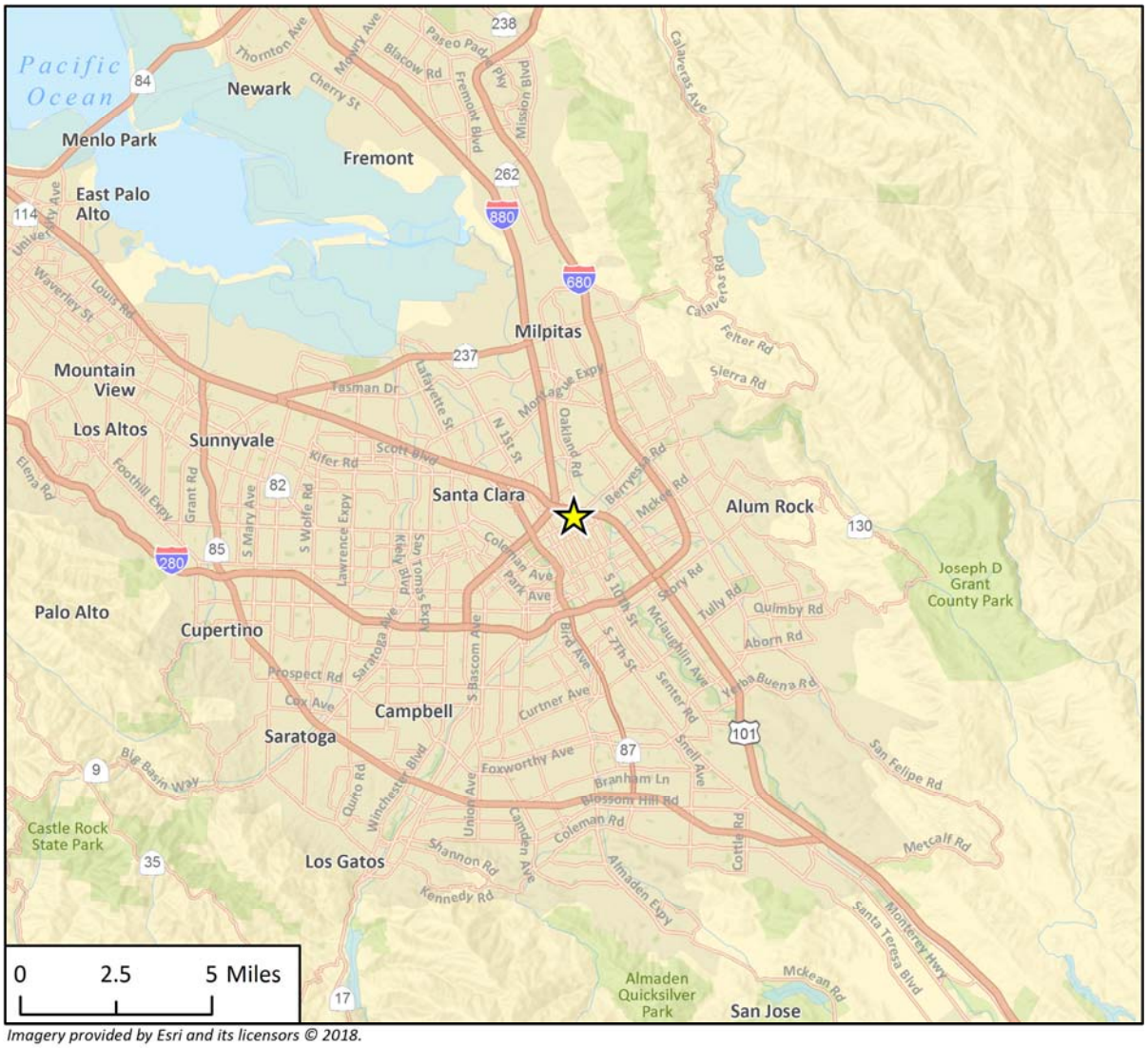
5 Project Sponsor's Name and Address

Louis Truong
361 Third Street, Suite A
San Rafael, California 94901

6 Existing Setting

The project site is generally flat and developed currently with existing auto-related structures and businesses, including a tire shop, car wash, and print shop, and a single-family residence. The site has driveway access off Oakland Road and Horning Street. The site is located among commercial and industrial development to the north and south, multi-family residences across Oakland Road to the east, single-family residences and commercial uses adjacent to the site to the west. The project site is located approximately 330 feet south of US Highway 101. Figure 3 shows the current site setting, and Figure 4 shows adjacent land uses.

Figure 1 Regional Location



Imagery provided by Esri and its licensors © 2018.

Project Location

N

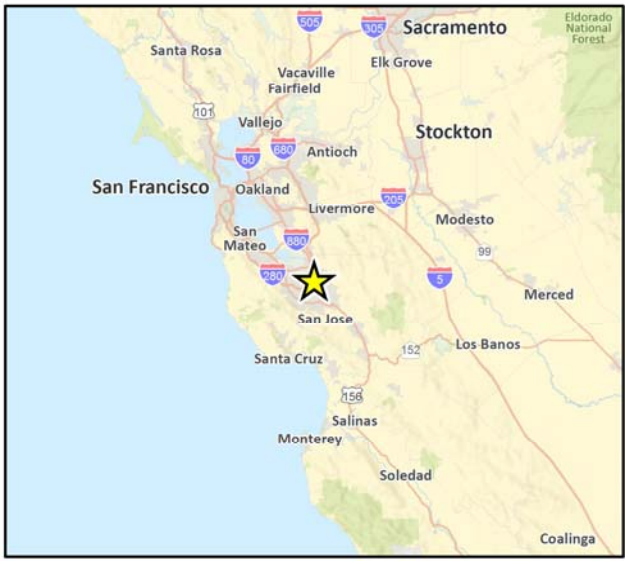


Figure 2 Project Location

7 Existing General Plan Designation

Combined Industrial/Commercial

The San José General Plan land use designation for the site is CIC-Combined Industrial/Commercial, which allows great flexibility of development. A varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities are allowed. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of such uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the transitional line between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. To maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses. While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation.

8 Existing Zoning

The site is currently located in the Combined Industrial/Commercial Zoning District (CIC), in conformance with the General Plan designation for the site. The CIC-Combined Industrial/Commercial zoning district is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial General Plan designation, as described in Chapter 20.50.010 of the City Code of Ordinances. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constrains on neighboring industrial uses.

9 Surrounding Land Uses

Surrounding land uses include industrial, commercial and residential uses. Land immediately west of and adjacent to the project site is designated light industrial, land to the east is urban residential, land to the south is neighborhood/community commercial, and land to the north is combined industrial/commercial.

Figure 3 Site Context

Photo 1: View of truck wash looking west from driveway at Oakland Road

Photo 2: View of tire repair shop looking southeast from driveway at Horning Street

Figure 4 Site Context

Photo 1: Adjacent residences looking east from North 12th Street

Photo 2: Multi-family residences along Oakland Road looking east from Horning Street

10 Project Description

The project applicant would combine four parcels and create two new parcels on the subject site. The northern parcel would consist of 1.73 acres and the southern parcel would consist of 0.87 acres. The project applicant would demolish the existing on-site structures, including a single-family residence, car wash, billboard, print shop, and tire shop, and construct a hotel and car wash. The project would involve the removal of eleven trees, of which five are ordinance sized, and the planting of new trees and shrubs within the on-site parking areas.

Hotel

The proposed four-story hotel would be located on the northern 1.73-acre parcel. It would consist of 116 rooms and would also include a lobby, and a fitness room, eatery, and laundry area on the first floor.

Car Wash

The proposed 2,880 square-foot car wash would be constructed on the southern 0.87-acre parcel. The one-story drive-through car wash would include self-serve vacuum stalls and associated site improvements. Figure 5 and Figure 6 show the proposed site plan and Figure 7 through Figure 10 present the proposed elevations. Table 1 summarizes the project components and building features.

Table 1 Project Summary

Project Site Size	
Project Site Area	2.60 acres
Proposed Number of Rooms	
Guest Rooms	116
Hotel Building Area	
Hotel – First Floor	16,113 gross square feet
Hotel – Second Floor	17,429 gross square feet
Hotel – Third Floor	17,429 gross square feet
Hotel – Fourth Floor	13,672 gross square feet
Total	64,735 gross square feet
Floor Area Ratio	
Hotel	0.83:1
Car Wash	0.08:1
Building Height	
Maximum	50 feet (4 stories)

Access and Parking

A 30-foot wide private road would be constructed from Oakland Road to provide access to both the hotel and car wash. There is a 26-foot wide full access driveway off Horning Street that would

provide additional access to the hotel. The project would provide 117 surface parking spaces, 17 bicycle parking spaces, and 5 motorcycle spaces. Table 2 shows a summary of the parking that would be provided.

Table 2 Parking Summary

Automobile Parking	
Hotel	
Standard	56 stalls
Compact	40 stalls
Americans with Disabilities Act (ADA) Accessible	3 stalls
Van Accessible	1 stalls
Total	100 stalls
Car Wash	
Standard	3 stalls
Standard Vacuum	7 stalls
Van Accessible	1 stall
Total	11 stalls
Other Parking	
Hotel Bicycle	13 spaces
Hotel Motorcycle	5 spaces
Standard EV Charging Stations	3 spaces
(ADA) EV Charging Stations	2 spaces
Clean Air Spaces	8 spaces
Car Wash Bicycle	3 spaces

Construction and Grading

Project construction would occur over an estimated 36-month period and would involve three phases. The first phase would include demolition, site preparation, and grading of the entire site over a four-month period. The second phase would entail the construction of the car wash over an eight-month period, and the third phase would involve the construction of the hotel over a 24-month period. These phases would be sequential as opposed to concurrent. During project construction, equipment that would be used would include backhoes, dozers, pavers, concrete mixers, trucks, air compressors, saws, and hammers. Building phases would involve typical wood-frame construction, paving and architectural coating. A site management plan (SMP) is being prepared for the site and would include measures protective of worker health. See Section 8, *Hazards and Hazardous Materials*, for more information on the SMP.

The project would involve relatively minor grading, with cut and fill of less than approximately 2 feet (Appendix GEO). Four bioretention basins would be created on-site: one in the northwest corner,

one along Oakland Road, one along the southeastern border, and one in the parking area between the hotel and car wash.

11 Required Approvals

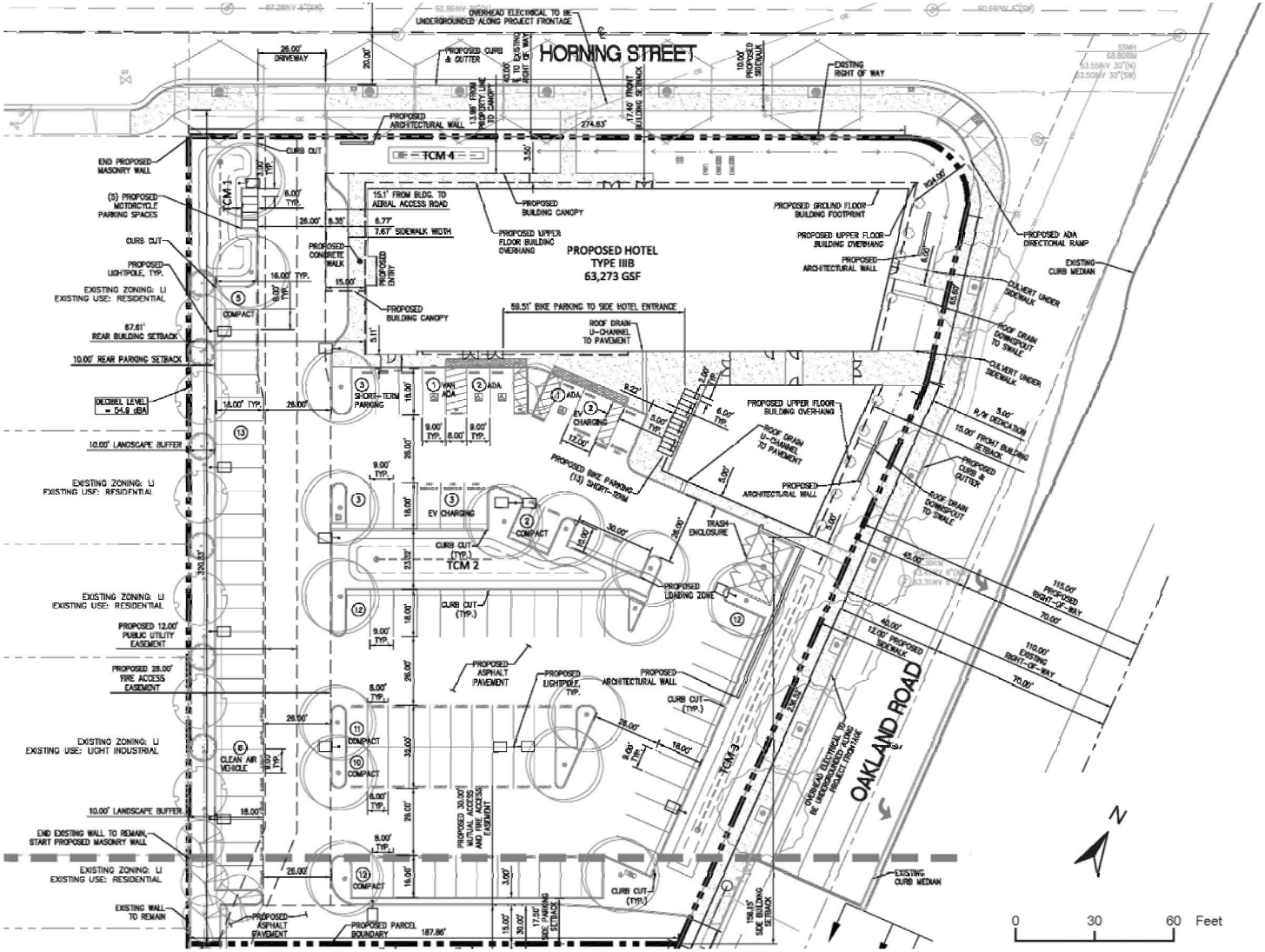
The project would require the following review and permit approvals from the City of San José:

- Conditional Use Permit
- Site Development Permit
- Parcel Map
- Public Works Clearance: Grading Permit
- Building Clearance: Demolition, Building, and Occupancy Permits

12 Other Public Agencies Whose Approval is Required

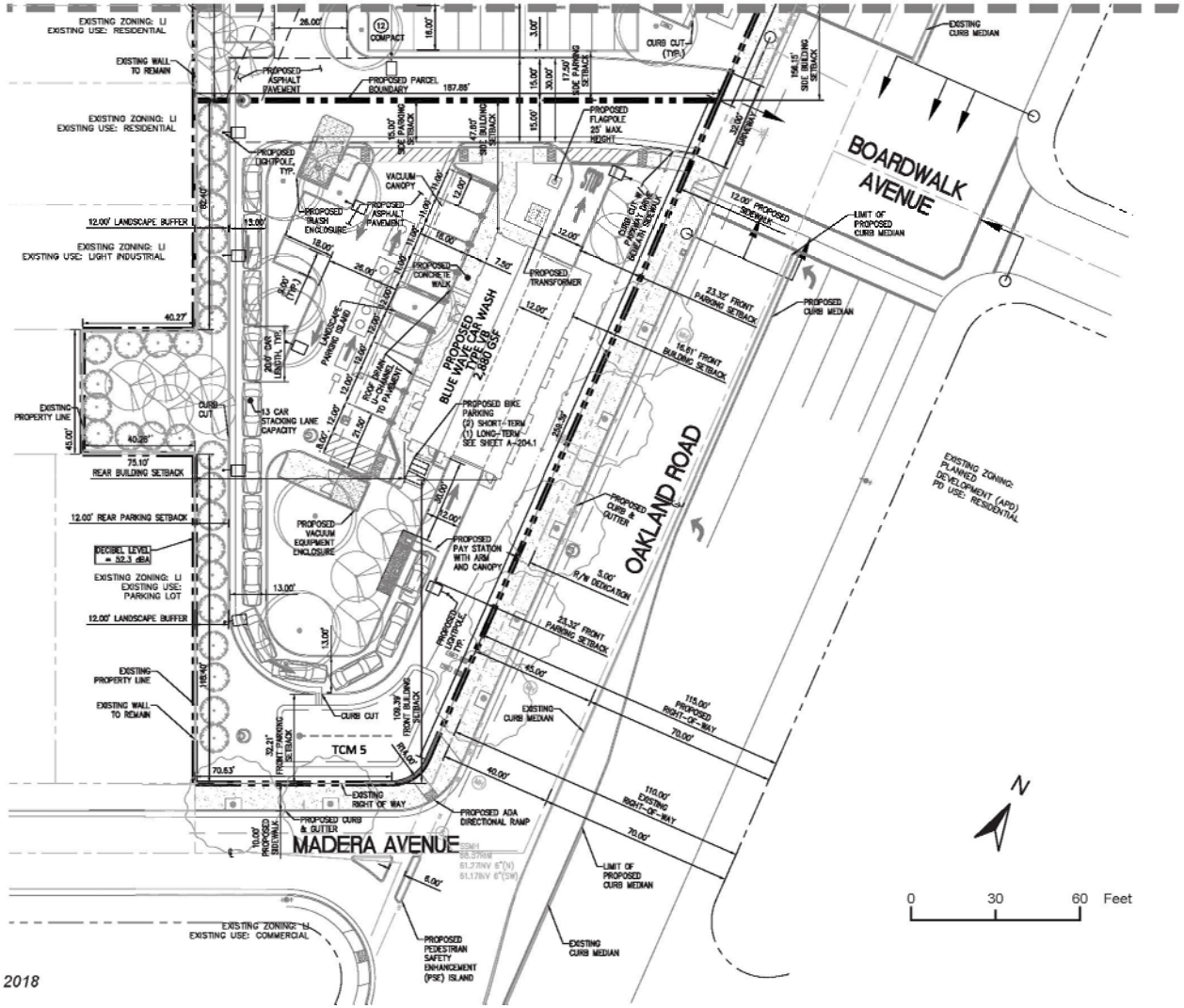
The City of San José is the lead agency with responsibility for approving the proposed project. Approval from other public agencies is not required.

Figure 5 Proposed Hotel Site Plan (North)



Source: STANTEC, 2018

Figure 6 Proposed Car Wash Site Plan (South)



Source: STANTEC, 2018

Figure 7 Hotel Elevations (North and South)

Source: STANTEC, 2018

Figure 8 Hotel Elevations (East and West)

Source: STANTEC, 2018

Figure 9 Car Wash Elevations (West and South)

WEST ELEVATION

SOUTH ELEVATION

Source: STANTEC, 2018

Figure 10 Car Wash Elevations (East and North)

EAST ELEVATION

NORTH ELEVATION

Source: STANTEC, 2018

Environmental Setting, Checklist, and Impact Discussion

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The discussion for each environmental subject includes the following subsections:

- **Environmental and Regulatory Setting** – This subsection 1) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant and 2) provides a brief overview of relevant plans, policies, and regulatory framework for the project.

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impacts as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

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

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

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

1 Aesthetics

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

Setting

The project site is a bounded on the northeast by Oakland Road, on the northwest by Horning Street, on the southwest by surrounding residential development, and on the southeast by Madera Street. The site contains auto-related structures and businesses, including a tire shop, car wash, and print shop, and a single-family residence. The existing street frontages have sidewalks between driveways.

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

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

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

SAN JOSÉ OUTDOOR LIGHTING POLICY

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

SAN JOSÉ COMMERCIAL DESIGN GUIDELINES

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

CRITERIA FOR DRIVE-THROUGH USES – COUNCIL POLICY 6-10

The City of San José has established Criteria for Review of Drive-Through Uses (Council Policy 6- 10) for the analysis of drive-through uses, such as the proposed car wash. Section VI.B of the policy prohibits roof lighting and addresses recommended maximum lighting levels of 0.1 foot-candles at a residential property line, 0.5 foot-candles at other property lines, 0.5 foot-candles at the surface of a drive-up parking lot, and 0.2 foot-candles at a walk-in parking lot. Additionally, detached signs have a recommended maximum lighting level of 50 foot-lamberts, and attached signs have a recommended maximum of 20 foot-lamberts.

CALIFORNIA STATE SCENIC HIGHWAY PROGRAM

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

Impact Analysis

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

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

The project site is currently developed with auto-related structures and businesses, including a tire shop, car wash, print shop, and a single-family residence. The project site is located in a fully urbanized area of the City of San José that supports a mixture of commercial and residential land uses in buildings that are generally one to three stories in height.

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

The project site is located at the corner of Oakland Road and Horning Street. Neither of these roadways is designated as scenic corridors in the General Plan, but Oakland Road in the project vicinity is a designated gateway. The nearest designated urban corridor is US Highway 101, approximately 330 feet to the north. The project would be 50 feet tall at its highest point. The topography of the area is generally flat and there are no scenic views of designated resources, such as the Santa Clara Valley, the hills and mountains that frame the Valley floor, or the Baylands available from or through the project site. Therefore, the project would have a less than significant impact on scenic vistas and scenic resources.

Eleven existing deciduous trees would be removed from the site, but none of these trees are included on the City Council-adopted Heritage Tree list (City of San José 2004a). Additionally, there are no rock outcropping or historic buildings on the project site, and it is not located within clear

view of a state designated scenic highway. The proposed tree removals would be required to comply with the City's Tree Replacement Ratios regulations. Therefore, the project would not damage scenic resources along a scenic highway. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The visual character of the surrounding area is characterized by single and two-story commercial development along Horning Street and the western side of Oakland Road, and multi-story residential development on the eastern side of Oakland Road. The site itself exhibits a low visual quality, consisting of a one-story structure containing a tire shop, car wash, print shop, and a single-family residence.

Figure 3 and Figure 4 show photographs of the project site and its surroundings.

The structure's maximum height would be 50 feet and would result in a substantial change in the visual character of the site, with greater height, massing, and lot coverage than the current development. Additionally, five deciduous trees would be removed from the site.

Project design for the hotel would include a 17-foot building setback from Horning Street and 15-foot building setback from Oakland Road, a clear glazed, frontage on the hotel building, and stone texture and hanging vines proposed along the western side of the building. Project design for the carwash would include a 16-foot building setback on Oakland Road, and would include the incorporation of wood panels, stone veneer, and wood slats. The structures would be painted in muted colors typical of California architecture and would not clash with the surrounding uses. Landscaping along the project frontages would provide some visual relief from the proposed hardscapes.

Although the hotel structure would be much taller than single-family residences to the west, it would more closely conform to the three-story multi-family residential development east of the site fronting Oakland Road. The urban design affect would contribute the urban corridor streetscape of busy Oakland Road. The incorporation of design elements would affect a consistent character with the commercial development in the area.

The project would comply with the City's tree replacement ratios for the site. In accordance with City requirements, existing trees on adjoining properties would be protected to the extent feasible during construction (San José Municipal Code [SJMC] Chapter 13.32.130). Therefore, impacts on visual character would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is in an urban area with high levels of existing lighting and is currently developed with auto-related structures. The site's existing light sources include lights from the existing residence, tire store, and car wash and a pole-mounted streetlight at the corner of Oakland Road and Horning Street. Light sources from surrounding land uses include parking lot lighting and exterior structure lighting at the residential uses across Oakland Street, as well as streetlights on Oakland Road and vehicle lights along both Horning Street and Oakland Road. The primary source of

glare in the project area is the sun's reflection from light colored and reflective building materials and finishes, and metallic and glass surfaces of vehicles parked on-site.

The proposed hotel windows could generate glare from reflected sunlight during certain times of the day. However, the level of glare would be similar to that already experienced at the surrounding commercial areas and residences. The car wash would contain minimal glazing material and would not contribute to glare.

Exterior lighting onsite would consist of 21 parking lot lighting poles distributed throughout the hotel parking lot and car wash area. These light sources would not have a significant impact on the night sky, as they would only add incrementally to the existing background light levels from surrounding development, and would comply with City lighting standards, including Section 20.40.530 of the SJMC, which limits residential light fixture heights to eight feet along residential property lines. Headlights of vehicles entering and exiting the project site at night would be comparable to existing conditions and would not affect nearby light-sensitive receptors since perimeter walls would interrupt eye-level light sources. Signage would be required to adhere to the regulations set under the City's Sign Ordinance (SJMC Chapter 23.04). All signage would be required to adhere to the lighting regulations that state that light from any signage shall be concealed from view from vehicular traffic in the public right-of-way, and the light shall not travel from the light source directly to vehicular traffic in the public right-of-way, but instead shall be visible only from a reflecting or diffusing surface (SJMC Chapter 23.02.970). Therefore, proposed project signage would not cause a significant source of light or glare.

Once the project's lighting is constructed, the car wash site would have an average illumination of 1.26 foot-candles, which would exceed Policy 6-10's recommended maximum for parking lot areas and at the property line. However, the project would be required to comply with the City of San José Policy 4-3, "Outdoor Lighting on Private Developments," which promotes energy-efficient outdoor lighting on private development that provides adequate light for nighttime activities. This policy is intended to benefit the continued enjoyment of the night sky and the continued operation of the Lick Observatory. In compliance with Policy 4-3 the use of low-pressure sodium lighting is required for all unroofed areas. Furthermore, Policy 4-3 states that lighting shall not be directed skyward, shall be fully shielded if over 4,050 lumens1 and partially shielded if under 4,050 lumens, and shall be reduced to the minimum level necessary for safety and security after normal business hours.

Because the proposed hotel structure would be four stories in height, it may cast shadows in the immediate area. Shadow-sensitive uses include nurseries, outdoor-oriented retail uses, or routinely useable outdoor spaces associated with recreational, institutional, or residential uses. These uses are considered sensitive because sunlight is important to their function, physical comfort, and/or commerce. The single-family residences located west of the project site do not have routinely useable outdoor space and are not considered shadow-sensitive. Shadow sensitive land uses in the project area include balconies at the multifamily residences approximately 115 feet east of the project site, farther than the proposed building's shadows would reach during most daylight hours. Therefore, the project would not result in significant shading of shadow-sensitive areas.

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

[1] Lumen is a measurement of light.

would be required to adhere to the requirements set in the SJMC Chapter 13.02.970. Therefore, impacts related to project light and glare would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The project would have less than a significant visual and aesthetic impact. **(Less than Significant Impact)**

2 Agriculture and Forest Resources

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

Setting

The site is located in an urban area of San José, surrounded by development, including roadways, commercial, retail, and residential uses. The project site is zoned Combined Industrial/Commercial (CIC), consistent with the site's land use designation.

The California Department of Conservation (DOC) manages the Farmland Mapping and Monitoring Program to assess and record suitability of land for agricultural purposes. In each county, the land is analyzed for soil and irrigation quality and the highest quality land is designated as Prime Farmland. The project site and vicinity are designated as Urban and Built-Up Land, and the site does not have any identified agricultural or forest land (DOC 2014).

Regulatory Setting

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

Impact Analysis

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

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

The project is located in a highly urbanized area of the City of San José at Oakland Road and Horning Street. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance identified in or near the project site (DOC 2016). Furthermore, there are no Williamson Act contract lands within or adjacent to the project area. Therefore, the project would not result in the conversion of farmland to non-agricultural uses. There would be no impact on agriculture or forestry resources.

NO IMPACT

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

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

The project site is in the highly urbanized area of San José and is zoned for commercial and light industrial uses. There are no identified timberland production zones or forest land at the project site. Therefore, the project would have no impact to zoning for forest land or timberland production and would not convert any forest land to non-forest use. There would be no impact.

NO IMPACT

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

The project would represent an intensification of the current urban condition in the project area. Therefore, the location or nature of the project would not result in the conversion of any farmland to non-agricultural use. There would be no impact.

NO IMPACT

Conclusion

The project would not result in impacts to agricultural or forest lands. **(No Impact)**

This page left intentionally blank.

3 Air Quality

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

Discussions within this section are based on air quality modeling and a health risk assessment prepared by Rincon Consultants, Inc. in November 2018. These reports are included in Appendix AQ and HRA.

Setting

The project site is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Existing air emission sources at the project site include energy sources, such as direct emissions from combustion of natural gas on the project site, emissions from vehicle trips to and from the project site associated with the current uses (mobile source), and area source emissions associated with any landscape maintenance equipment, consumer products and architectural re-coating of the existing structures. Summary of existing air emissions are presented in Table 6 and a detailed breakdown of existing operational air emissions sources is available in the Appendix AQ. As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that State and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards. Air quality studies generally focus on four pollutants, referred to as criteria pollutants, which are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (p.m.$_{10}$ and p.m.$_{2.5}$).

Depending on whether the standards are met or exceeded, the SFBAAB is classified as being in "attainment" or "nonattainment." Under State law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The BAAQMD is in non-attainment for the federal and state ozone standards, the federal and state p.m.2.5 (particulate matter up to 2.5 microns2 in size) standards, and the state p.m.10 (particulate matter up to 10 microns in size) standards. Additionally, BAAQMD is required to prepare a plan for improvement for these pollutants in nonattainment (BAAQMD 2017a). The health effects associated with criteria pollutants for which the SFBAAB is in non-attainment are described in **Error! Reference source not found.**. Figure 11 shows the locations of the nearest sensitive receptors included in the analysis.

Table 3 Health Effects Associated with Non-Attainment Criteria Pollutants

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

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

Source: U.S. EPA, http://www.epa.gov/airquality/urbanair/

Regulatory Setting

Air Quality Management

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

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

Figure 11 Sensitive Receptor Location

Imagery provided by Microsoft Bing and its licensors © 2018.

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

TOXIC AIR CONTAMINANTS

The Air Toxic "Hot Spots" Information and Assessment Act of 1987 (AB 2588) seeks to identify and evaluate risk from air toxics sources but does not directly regulate air toxics emissions. A TAC is a substance CARB determined to have the potential to cause serious health effects. TACs tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. Under the Act, TAC emissions from individual facilities are quantified and prioritized. "High priority" facilities are required to perform a health risk assessment and, if specific thresholds are violated, are required to communicate the results to the public in the form of notices and public meetings. Because a number of communities within the Bay Area experience relatively high exposure to TACs compared with other communities, the BAAQMD established the Community Air Risk Evaluation program in 2004 to identify impacted communities. The City of San José is considered an impacted community based on the Bay Area TAC inventory developed in 2005, demographic, and health data. Depending on the risk levels, emitting facilities are required to implement varying levels of risk reduction measures. Risk analyses should follow guidance developed by BAAQMD for risk screening of operation and construction activities at the project-level described in *Recommended Methodology for Screening and Modeling Local Risks and Hazards* version 3.0 (2012). BAAQMD strongly recommends that impacted communities develop and adopt Community Risk Reduction Plan. In the absence of a qualified Community Risk Reduction Plan, BAAQMD has established the following *Thresholds of Significance* for local community risks and hazards associated with TACs and $PM_{2.5}$ for assessing individual source impacts at a local level (BAAQMD 2017c):

- Not to exceed an increased cancer risk of > 10 in one-millions
- Not to exceed increased non-cancer (i.e., Chronic or Acute) risk of > 1.0 Hazard Index
- Not to exceed ambient $PM_{2.5}$ concentration increase > 0.3 $\mu g/m^3$ annual average

A project would be considered to have a cumulatively considerable impact if the aggregate total of current and proposed TAC sources within a 1,000 feet radius of the project fence line in addition to the proposed project would exceed the following *Thresholds of Significance*:

- Not to exceed an increased cancer risk of > 100 in one-million
- Not to exceed increased non-cancer (i.e., Chronic or Acute) risk of > 10 Hazard Index
- Not to exceed ambient $PM_{2.5}$ concentration increase > 0.8 $\mu g/m^3$ annual average

Excess cancer risks are defined as those occurring in excess of or above and beyond those risks that would normally be associated with a location or activity if toxic pollutants were not present. Non-

carcinogenic health effects are expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable reference exposure level.

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill. These facilities include residences, school playgrounds, child-care centers, retirement homes, and convalescent homes. The nearest sensitive receptors are residential units located immediately west of the project site, as well as multi-family residential units located to the east of the site across Oakland Road.

Air Emission Thresholds

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

Table 4 BAAQMD Air Quality Significance Thresholds

Pollutant/ Precursor	Construction Emissions (lbs/day)[1]	Operational Emissions (lbs/day)
ROG	54	54
NO_X	54	54
PM_{10}	82	82
$PM_{2.5}$	54	54

Notes: lbs/day = pounds per day; NO_X = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ROG = reactive organic gases
[1] Note the thresholds for PM_{10} and $PM_{2.5}$ apply to construction exhaust emissions only.
Source: BAAQMD 2017b

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

Policy MS-11.2 For projects that emit TACs, 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. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

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

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

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 toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Impact Analysis

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

The California Clean Air Act requires that air districts create a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The most recently adopted air quality plan is the BAAQMD 2017 Plan. As described in the *Air Quality Management* Section above, the 2017 Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, pursuant to air quality planning requirements defined in the California Health and Safety Code. To fulfill State ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—ROGNO_X—and reduce transport of ozone and its precursors to neighboring air basins. The CAP builds upon and enhances the

BAAQMD's efforts to reduce emissions of fine particulate matter and TACs. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 CAP focuses on two paramount goals:

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

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

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

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

LESS THAN SIGNIFICANT IMPACT

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

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

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. Temporary construction emissions from these activities were estimated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2, based on parameters that include the duration of construction activity, area of disturbance, and anticipated equipment used during construction. Based on the applicant's proposed and provided schedule, construction would occur in three sequential phases. The first phase, consisting of demolition, grading, and site preparation, would be completed in four months. The second phase, construction of the car wash, would occur in eight months and the third phase, construction of the hotel, would be completed in 24 months. Watering exposed surfaces twice daily was included in construction modeling, as recommended by BAAQMD (BAAQMD 2017b). The temporary construction emissions and long-term operational emissions for the proposed project are discussed below.

Construction Emissions

Project construction would generate temporary criteria pollutant emissions primarily due to construction equipment and truck trips. Emissions associated with the first phase of the project were estimated assuming demolition of 11,760 square feet of existing on-site structures and no material imported or exported as cut and fill was less than approximately two feet. CalEEMod defaults for acreages graded during the site preparation and grading phase were used to provide a conservative estimate of emissions from site preparation and grading activities. Emissions associated with building construction, parking lot paving, and architectural coating in second and third phase were estimated from the applicant provided site plans described in Table 5..

Maximum daily emissions of ROG, NO_X, PM_{10} and $PM_{2.5}$ by construction phase are shown in Table 5. As shown, construction emissions would not exceed the BAAQMD thresholds of 54 pounds per day of ROG, NO_X and $PM_{2.5}$ and 82 pounds per day of PM_{10}. Complete results from CalEEMod and assumptions are included in Appendix AQ.

Table 5 Construction Emissions

	Maximum Daily Emissions (lbs/day)[1]			
Construction Phase	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Phase 1	2.2	21.4	7.6	1.1
Phase 2	1.3	9.6	0.6	0.5
Phase 3	3.7	14.5	1.2	0.8
BAAQMD Significance Threshold	54	54	82	54
Threshold Exceeded?	No	No	No	No

Notes: Emission data is pulled from winter "unmitigated" results.

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

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

Standard Permit Conditions

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered or maintain at least two feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- Enclose, cover, water daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.

With the implementation of the previously described Standard Permit Conditions, construction air quality impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Operational Emissions

The BAAQMD screening level size regarding operational criteria pollutants for the land use category of "hotel" is 489 rooms. As this project is proposing 116 rooms, it is below the screening size and would result in a less than significant impact. A BAAQMD screening level for the land use category of "carwash" is not specifically listed. However, because criteria pollutant emissions from a carwash would largely be associated with mobile emissions from vehicle trips and idling, the land use category of "fast food restaurant with drive thru" serves as a conservative surrogate. The proposed 2,880 square foot car wash is below the screening size of 4,000 square feet for a "fast food restaurant with drive thru" and the result would be less than significant. Long-term emissions associated with the proposed project operation and existing use, presented in Table 6 for informational purposes, would include emissions from vehicle trips (mobile sources), natural gas and electricity use (energy sources), and landscape maintenance equipment, consumer products and architectural coating associated with on-site development (area sources).

As shown in Table 6, emissions from the project operation would not exceed BAAQMD thresholds for any criteria pollutant. Consequently, the impact of the proposed project's operational emissions on regional air quality would be less than significant.

Table 6 Operational Emissions (pounds/day)

	Maximum Daily Emissions (lbs/day)			
Entity	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Area Emissions	1.6	<0.1	<0.1	<0.1
Energy Emissions	0.1	0.8	0.1	0.1
Mobile Emissions	1.2	5.1	2.4	0.6
Proposed Project Total Emissions	2.9	5.9	2.4	0.7
Existing Use Emissions	0.9	2.8	0.9	0.2
Net Total Emissions	**2.0**	**3.1**	**1.5**	**0.5**
BAAQMD Significance Threshold	54	54	82	54
Threshold Exceeded?	No	No	No	No

Notes: Values are rounded and therefore may not add up. Emission data is pulled from winter "mitigated" results which incorporates the project design features discuss in Section 8: Greenhouse Gas Emissions. See Appendix AQ for CalEEMod worksheets.

LESS THAN SIGNIFICANT IMPACT

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

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Per BAAQMD's CEQA Guidelines, sensitive receptors are defined as population groups that are more susceptible to exposure to pollutants and examples include health care facilities, retirement homes, school and playground facilities, residential areas, and other places where people reside for long periods of time. As such, the proposed carwash and hotel would not create any additional sensitive receptors. The sensitive receptors nearest to the project include existing single-family residences approximately 80 feet to the east of the project site boundary along North 12th Street and multi-family residences approximately 125 feet to the west directly across from the project site on Oakland Road.

Health Impacts of TACS

Health impacts associated with TACs are generally due to long-term exposure. Typical sources of TACs include industrial processes such as petroleum refining operations, commercial operations such as gasoline stations and dry cleaners, and diesel exhaust. Additionally, BAAQMD recommends that lead agencies should review risks from nearby roadways, freeways, and stationary sources for new receptor projects (BAAQMD 2012). The operation of the proposed car wash facility and hotel would not create new receptors and are not typical sources of TAC emissions. Most vehicles visiting the car wash would be gasoline powered and may emit elevated levels of carbon monoxide (CO) while idling. While CO is not defined as a TAC it can cause acute health effects such as impairment of the central nervous system and cardiovascular system (California Office of Environmental Health Hazard Assessment 2015). The SFBAAB is an attainment area for CO, although CO "hotspots" can form if there is a high level of congested traffic, poor atmospheric ventilation, and many vehicles are cold-starting. In 2017 the average maximum one-hour concentration of CO in San José was reported as 2.1 ppm, approximately 18 ppm below the state standard and 33 ppm below the national standard. The average maximum eight-hour concertation of CO in San José was 1.8 ppm in 2017,

which is approximately 7.1 ppm below the national and state standard of 9 ppm. The CO national and state standards for CO have not been exceeded in the last 10 years (BAAQMD 2017c).

BAAQMD recommends comparing project's attributes with the following screening criteria as a first step to evaluating whether the proposed project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the *Thresholds of Significance*. The proposed project would results in a less than significance impact to localized CO concentrations if: 1) The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans, 2) the project would not increase traffic volumes at affected intersections to more than 44, 000 vehicles per hour, and 3) the project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage). Although these screening thresholds are designed to conservatively assess localized CO concentrations as it relates to traffic congestion, idling of vehicles at the carwash or in the carwash tunnel would similarly emit localized concentrations of CO. As discussed in section 16, *Transportation*, the carwash and hotel would result in a total of 1,368 vehicle trips to the site per day, of which 963 vehicles trips would be for the carwash. Furthermore, given the length of the tunnel and the drive-through line per the applicant's site plans, no more than approximately 15 vehicles would be idling in line at one time on-site; thus the concentration of CO emissions would be low and would rapidly disperse. The conditions of idling traffic for the carwash are well below the screening level traffic congestion discussed above and therefore the impact of localized CO emissions would be less than significant.

The BAAQMD identifies construction activities as a common source of TAC and $PM_{2.5}$ emissions due to the operation of diesel powered equipment and heavy-duty trucks that emit diesel particulate matter (DPM) (BAAQMD 2017b). Although construction activity is short-lived, it may increase TAC concentrations in the short term at nearby sensitive receptors. Diesel particulate matter (DPM) is the primary contaminant of concern for the project and would be the TAC emitted in the largest quantity, thus health risks were assessed as they relate to DPM exposure. A health risk assessment (HRA) was conducted to evaluate construction emissions, including DPM and $PM_{2.5}$, and their potential impacts on the sensitive receptors located 80 feet to the east and 125 feet to the west of the project site.

The construction HRA was conducting following the methodology outlined in BAAQMD's *Recommended Methods for Screening and Modeling Local Risks and Hazards* (2012). Potential cancer and non-cancer health impacts were estimated using exposure periods appropriate to evaluate short-term emission increases. DPM and $PM_{2.5}$ dispersion was modeled using the USEPA air dispersion model, the AMS/EPA Regulatory Model (AERMOD), version 19044 utilizing local meteorological data from the Norman Y. Mineta San José International Airport, approximately 1.5 miles east of the project site. The specific meteorological data was pre-processed with AERMET, version 14134, and is identified by BAAQMD as appropriate meteorological data to use with AERMOD while conducting an HRA for the City of San José. Average annual and maximum daily on-site PM_{10} and $PM_{2.5}$ emissions estimated by CalEEMod were used as input into AERMOD to determine the concentration level in micrograms/cubic meter at off-site sensitive receptors. DPM concentration was estimated based on the PM_{10} exhaust emissions. Only on-site emissions were considered in this analysis as implementation of the project is not anticipated to result in a substantial amount of TACs emitted off-site due to a large amount of diesel trucks queuing outside the entrance or hauling materials (BAAQMD 2017c). Cancer and non-cancer health impacts were

subsequently estimated using the CARB Hot Spots Analysis and Reporting Program Version 2 (HARP 2) and TAC exposure results were compared to BAAQMD thresholds to assess potential impacts.

The BAAQMD recommends that TAC exposure would be considered less than significant if the project is consistent with a qualified Community Risk Reduction Plan. In areas where a Community Risk Reduction Plan has not been adopted, such as the city of San José, the BAAQMD recommends that TAC exposure would have a significant impact if the probability of contracting cancer exceeds 10 in one million, the non-cancer hazard index is greater than 1, and $PM_{2.5}$ concentrations exceed 0.3 µg/m^3. These thresholds are the same for project operation and construction-related risk. Project construction would occur in three sequential phases lasting a total of 36 months. Construction activities would be periodic and short-term for each phase and project-related TAC emissions would cease with the completion of construction activities. The results of the HRA are provided in Table 7.

Table 7 Health Risks Associated with Construction Activity

Scenario	Excess Cancer Risk (per million)	Chronic Health Risk[1]	$PM_{2.5}$ µg/m^3 annual average
Maximum Exposed Individual	67	0.04	0.22
BAAQMD Significance Threshold	>10	>1	>0.3
Threshold Exceeded?	Yes	No	No

Notes: [1] Noncancer health impacts are assessed are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

As previously mentioned, there are several single-family residences located approximately 80 feet west of the project site along North 12th Street and multi-family condominiums located approximately 125 feet east of the project site across Old Oakland Road. As shown in Figure 11**,** the air dispersion and risk analysis identified the maximum exposed individual (MEI) to be located at the multi-family condominiums located on Old Oakland Road. As shown in Table 7, at the MEI, the chronic hazard index is less than 1 and $PM_{2.5}$ ground level concentrations are below 0.3 µg/m^3. However, the excess cancer risk due to DPM exposure during the 3 years of construction at the MEI exceeds the 10 in one million cancer risk. It should be noted that the analysis is considered conservative as CalEEMod defaults for construction equipment, hours of use, and emission rates were used. Nonetheless, the health risk to nearby residents due to project construction would be potentially significant without mitigation. In addition to the Basic Construction Mitigation Measures that BAAQMD requires for all construction activities, Mitigation Measure, AQ-1, would be required to reduce health risks to nearby sensitive receptors associated with DPM exposure.

The cumulative impact of the project was further assessed by evaluating all current and proposed substantial sources of TACs within 1,000 feet of the identified construction MEI. Existing sources within 1,000 feet of the construction MEI includes U.S. Highway 101, Old Oakland Road, and three permitted stationary sources including two gas stops and Cardinal Industrial Finishes. Additionally, a Gas Station and Mini Storage facility is proposed to be constructed at 645 Horning Street, approximately 50 feet northeast of the currently proposed project and 275 feet north east of the construction MEI. Cumulative risk impacts on the construction MEI from these sources was estimated as described below following *BAAQMD's CEQA Guidelines* (2017c). Cumulative impacts from construction of the proposed project are reported in Table 8.

Highway TAC Impacts

Cumulative risk, hazard, and $PM_{2.5}$ impacts associated with the mobile TAC emissions from U.S. Highway 101 were estimated using BAAQMD's *Highway Screening Analysis* tool[3]. The tool estimates risk and hazard impacts from highways throughout the Bay Area based on parameters specific to individually identified segments such as average daily traffic count and fleet mix. The nearest segment of Highway 101 (i.e. link 568) was approximately 580 feet north of the construction MEI. Impacts were estimated at the 6-foot elevation, equivalent to the first floor of a building.

Roadway TAC Impacts

Old Oakland Road is considered another significant source of mobile TAC emissions due to the high level of daily traffic. Old Oakland Road was estimated to have an average daily volume of approximately 17,500 in the *Transportation Impact Analysis Report* for the City's General Plan (2011a). Using BAAQMD's *Roadway Screening Analysis Calculator*[3] for Santa Clara for a north-south directional roadway, cancer risk and chronic hazard index was estimated at approximately 50 feet east of the roadway for the construction MEI.

Stationary Source TAC Impacts

BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*[3] was used to identify permitted stationary sources within 1,000 feet of the construction MEI and to estimate the health and $PM_{2.5}$ impacts based on distance. Stationary sources that had reported screening level less than 0.1 in one in a million at 50 feet from the source were excluded from this estimate. Therefore, the only current stationary source with a substantial risk impact was G8801, a gasoline dispensing facility approximately 845 feet south of the construction MEI. Health risk and $PM_{2.5}$ concentrations from the gasoline dispensing facility at the construction MEI were adjusted using BAAQMD's *Distance Adjustment Multiplier Tool for Gasoline Dispensing Facilities*[3].

Planned and Pending Projects

In addition to the proposed project, a Gas Station and Mini Storage facility is also proposed at 645 Horning Street. The 645 Horning Street Project, would occur on the parcel approximately 50 feet north of the currently proposed project directly across Horning Street. The *645 Horning Street Gas Station and Mini Storage Community Risk Assessment* submitted December 2016, identified that project construction, unmitigated, would exceed BAAQMD's *Thresholds of Significance* for local community risks and hazards associated with TACs and $PM_{2.5}$ for individual source and cumulative source impacts at a local level (David J. Powers & Associates, Inc. 2016). As such, the approved 645 Horning Street Project includes mitigation that is required to be implemented during construction to reduce TAC emissions. Considering that the 645 Horning Street Project would be a source of TACs from construction activities and as a gasoline dispensing facility (stationary source), both mitigated construction and operational activities are considered sources in the cumulative risk assessment of the proposed project. To provide a conservative analysis it is assumed that construction of the 645 Horning Street Project may overlap with construction of the proposed project. Because the cancer risk MEI identified in the 645 Horning Street Project was found to be located at the multi-family

[3] BAAQMD screening and analysis tools recommended for use in the BAAQMD CEQA Guidelines can be accessed here: http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools

condominiums along Old Oakland Road, similar to the proposed project, the MEI for both projects is assumed to be at the same MEI location.

Combined Sources

As shown in Table 8, cumulative sources of TACS would not result in an exceedance of annual $PM_{2.5}$ concentrations or chronic health risks above cumulative significance thresholds. However, cumulative sources of TACs would exceed the cumulative cancer risk threshold of 100 per million at the MEI. Therefore, cumulative impacts would be potentially significant without incorporation of mitigation.

Table 8 Cumulative Health Risks Associated with Construction Activity at the MEI

Source	Excess Cancer Risk (per million)	Chronic Health Risk[1]	$PM_{2.5}$ µg/m^3 annual average
Unmitigated project construction	67	0.04	0.22
Mitigated project construction at 645 Horning Street	2.0	0.00	0.03
Gasoline dispensing facility at 645 Horning Street	5.7	0.00	na
Plant G8801, Gas Stop and Mini Mart at ~ 841 feet	0.4	<0.01	na
Link 568, Highway 101 at ~ 580 feet	14.3	0.01	0.11
Old Oakland Road at ~ 50 feet	11.2	0.26	<0.03
Cumulative Total	**100.6**	**0.32**	**0.39**
BAAQMD Significance Threshold	>100	>10	>0.8
Threshold Exceeded?	Yes	No	No

Notes: [1] Noncancer health impacts are assessed are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

Mitigation Measure

Because project construction does not exceed any BAAQMD criteria pollutant emission thresholds but does present a potential excess cancer risk due to DPM exposure, the following mitigation measure focuses on reduction of DPM emissions for construction. The following mitigation measure is recommended by BAAQMD in *Additional Construction Mitigation Measures* (BAAQMD 2017) and would reduce the excess cancer risk at the nearest sensitive receptor to a less than significant level.

Mitigation Measure AQ-1

The project shall require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of PM. Such equipment shall include, but is not limited to, the following requirements:

- Mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:
    - Engines meeting United States EPA particulate matter emissions standards for Tier 4 engines or equivalent;
    - Tier 2 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent);
    - Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or
    - Other measures may be the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.
- The installation of diesel particulate filters (DPF) on heavy-duty diesel engines trap DPM and can provide up to 100 percent particulate reduction depending on the level of technology. CARB provides a list of current verified technologies regarding particulate traps (CARB 2018).

The project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee prior to the issuance of any grading permit. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that equipment included in the plans meets the standards set forth in this mitigation measure.

Significance After Mitigation

DPM and $PM_{2.5}$ construction emissions after implementation of Mitigation Measure AQ-1 was estimated using CalEEMod's construction mitigation option (C-1). The model allows for different levels of DPFs to be selected that correspond to DPFs' efficiency at removing particulates from equipment exhaust. Table 9 and Table 10 shows health risks associated with the project's construction activity as a single source and a cumulative source after incorporation of a level three DPF on all on-site construction equipment.

Table 9 Health Risks Associated with Construction Activity After Mitigation

Scenario	Excess Cancer Risk (per million)	Chronic Health Risk[1]	$PM_{2.5}$ µg/m^3 annual average
Maximum Exposed Resident	10.0	0.006	0.04
BAAQMD Significance Threshold	>10	>1	>0.3
Threshold Exceeded?	No	No	No

Notes: [1] Noncancer health impacts are assessed are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

As shown in Table 9, installation of a Level 3 DPF that reduces DPM by at least 85 percent was necessary to reduce the excess cancer risk at the nearest sensitive receptor such that it not exceed

the single-source, 10 in one-million significance threshold. Furthermore, Table 10 shows that incorporation of Mitigation Measure AQ-1 would also reduce the excess cancer risk at the MEI to less than the cumulative significance threshold of 100 in one million. Therefore, incorporation of Mitigation Measure AQ-1 and equipping construction equipment with Best Available Control Technology that reduces DPM emissions by at least 85 percent would reduce the potentially significant impact to a less than significant level.

Table 10 Cumulative Health Risks Associated with Construction Activity After Mitigation

Source	Excess Cancer Risk (per million)	Chronic Health Risk[1]	$PM_{2.5}$ µg/m^3 annual average
Mitigated project construction	10.0	0.006	0.04
Mitigated project construction at 645 Horning Street	2.0	0.00	0.03
Gasoline dispensing facility at 645 Horning Street	5.7	0.00	na
Plant G8801, Gas Stop and Mini Mart at ~ 841 feet	0.4	<0.01	na
Link 568, Highway 101 at ~ 580 feet	14.3	0.01	0.11
Old Oakland Road at ~ 50 feet	11.2	0.26	<0.03
Cumulative Total	**43.6**	**0.29**	**0.21**
BAAQMD Significance Threshold	>100	>10	>0.8
Threshold Exceeded?	**No**	**No**	**No**

Notes: [1] Noncancer health impacts are assessed are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

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

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 development of a four-story hotel and one-story carwash, as well as associated parking. These types of land uses would not generate objectionable odors that would affect a substantial number of people. Odors associated with construction machinery would be those of diesel machinery, which may include the smells of oil or diesel fuels. However, these odors would be limited to the time that construction equipment is operating. As a result, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project would not result in significant air quality impacts with the incorporation of construction-related dust and exhaust-control Standard Permit Conditions and mitigation measure AQ-1. **(Less than Significant Impact with Mitigation).**

This page left intentionally blank.

4 Biological Resources

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

Environmental Setting

The project site is located in an urbanized area of San José. The existing property is currently occupied by auto-related structures and businesses and a single-family residence. The project site supports five landscape specimen trees. According to the Envision San José 2040 General Plan Final Program EIR, thirteen special-status plants and 41 special-status animals have the potential to occur in the city of San José and its urban growth boundary. Due to the disturbed nature of the site, it has a relatively low habitat value (City of San José 2011b).

Regulatory Setting

Federal

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. These regulatory standards include disturbance of nests during construction.

Regional

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

SANTA CLARA VALLEY HABITAT PLAN

The project site is located in the Santa Clara Valley Habitat Plan (Habitat Plan). The Santa Clara Valley Habitat Conservation Plan (Habitat Plan) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The Habitat Plan provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities (Santa Clara Valley Habitat Agency 2012).

The project site's land use is identified as "Urban Development" in the Santa Clara Valley Habitat Plan, and has a designated land cover of Urban-Suburban. 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.

City of San José

CITY OF SAN JOSÉ TREE REMOVAL ORDINANCE

The purpose of the City of San José's Tree Removal Ordinance (SJMC Chapter 13.32) is to promote the health, safety, and welfare of the city by controlling the removal of trees, as they enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased stormwater quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks, and are prime oxygen producers and air purification systems. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

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

Policy MS-21.6 As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a

level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

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

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

Impact Analysis

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

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

Special-status animals are not expected to occur generally in urban areas of the City developed with structures and paving and that do not support natural plant communities since these areas do not meet their habitat requirements for nesting, foraging, or cover. Other than in riparian zones, vacant areas that support grassland and serpentine grassland vegetation, and agricultural habitats, special-status animal species are not expected to occur in most developed areas of the city (City of San José 2011b). The site contains five deciduous trees that could support nesting birds, raptors, or other migratory birds protected under the Migratory Bird Treaty Act. All of these trees are proposed for removal, and as this may affect protected nesting birds, Mitigation Measure BIO-1 is required.

Mitigation Measure

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

Mitigation Measure BIO-1.1

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

Mitigation Measure BIO-1.2

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

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

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

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

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

The project site has been identified as entirely within an urban/suburban habitat (City of San José 2011b). The nearest sensitive habitat to the project site is the riparian habitat along Coyote Creek, approximately 0.9 mile east. Development of the project site would therefore not result in a loss of sensitive habitat. Impacts would be less than significant.

The City's Riparian Corridor Policy Study analyzed streams and riparian corridors found within the city of San José and addresses how development should protect and preserve these riparian corridors. Furthermore, the City's Riparian Corridor Protection and Bird-Safe Design Policy (Council

Policy 6-34) supplements the regulations for riparian corridor and provides guidance for proposed project design that protects and preserves the city's riparian corridors. As discussed above, the nearest riparian corridor to the project site is Coyote Creek, which is located approximately 0.9 mile to the east. The Riparian Corridor Policy applies to riparian projects, defined as those within 300 feet of the top of bank or vegetative edge a riparian corridor, whichever is greater. This project would not affect any riparian corridors and would not conflict with the Riparian Corridor Policy. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The USFWS National Wetlands Inventory was reviewed to determine if any wetland and/or non-wetland waters had been previously documented and mapped on or in the vicinity of the proposed survey area (USFWS 2018). No habitat of quality to support native riparian plant/wildlife species is present on the project site. Additionally, federally protected wetlands or waters as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) do not occur on-site. Coyote Creek, classified as a freshwater forested/shrub wetland, is located approximately 0.9 mile east of the project site. The project would not result in the direct removal, filling, hydrological interruption, or other means to the bed, bank, channel or adjacent upland area of Coyote Creek. No impact would occur.

NO IMPACT

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

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

Migratory fish species that occur in the city would potentially use streams and local waterways. As discussed above, the project site is located approximately 0.9 mile from Coyote Creek and is too far away to impede movement of fish species. See discussion section a) for impacts and mitigation measures related to potential impacts to migratory birds. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site contains trees that would be removed during project construction, specifically, eleven trees on the project site currently, as shown in Table 11. Pursuant to Chapter 13.28 of the Municipal Code, none of the trees proposed for removal qualify as heritage trees. The removal of trees from the project site would still be required to meet the City's tree replacement ratios, outlined in the standard permit condition below. Therefore, impacts would be less than significant.

Table 11 Trees on the Project Site to be Removed

No.	Tree Species	Circumference
1	Prunus spp. – multi-trunk	22.77 inches
2	Photina serrulatia	18.84 inches
3	Prunus spp.	13.5 inches
4	Ficus carica – multi-trunk	166.50 inches
5	Ligustrum texanum	62.80 inches
6	Prunus spp. – 3 trunks	92.67 inches
7	Prunus spp. – 2 trunks	51.05 inches
8	Ligustrum texanum – 2 trunks	81.68 inches
9	Ligustrum texanum	43.98 inches
10	Unknown deciduous	75.39 inches
11	Prunus spp. 2 trunks	18.84 inches

Source: Project plans

Standard Permit Condition

The removed trees would be replaced per tree replacement ratios required by the City, as provided in Table 12. 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.

Table 12 City of San José Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or greater	5:1	4:1	3:1	15-gallon
19-38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree equals two 15-gallon trees.
Per SJMC Section 13.32

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Director of Planning, Building and Code Enforcement or Director's designee, prior to issuance of a development permit:

- A 15-gallon replacement tree can be increased to 24-inch box tree and count as two replacement trees to be planted on the project site.

- The applicant shall pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permits, in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fees to plant trees at alternative sites.

The project proposes to remove eleven non-native trees necessitating replacement of 23 24-inch box trees and 4 15-gallon box trees. The proposed project is currently proposing to plant 50 24-inch box trees and 34 15-gallon trees on site. Thus, the project would be in compliance with the City's tree replacement standards and impacts to trees would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

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

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

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

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

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

Standard Permit Conditions

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

The project is subject to the Habitat Plan and required to pay all applicable fees prior to issuance of permits; therefore, the project would not conflict with the provisions of the Habitat Plan.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project would not result in significant biological impacts with the incorporation of Standard Permit Conditions and Mitigation Measures BIO-1.1 and 1.2. **(Less than Significant Impact with Mitigation).**

5 Energy

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

Setting

Energy use is typically quantified using the British Thermal Unit (BTU). The BTU is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit. As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWh) of electricity are 123,000 BTUs, 1,000 BTUs, and 3,400 BTUs, respectively. Natural gas usage is expressed in therms. A therm is equal to 100,000 BTU.

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San José and provides natural gas and electric service to approximately 15 million people throughout a 70,000 square-mile service area in northern and central California. PG&E's operations are regulated by the California Public Utilities Commission (CPUC). Electricity and natural gas supplies, including those supplied to San José by PG&E, are also regulated by the California Energy Commission (CEC).

Regulatory Setting

State

RENEWABLE PORTFOLIO STANDARD PROGRAM

In 2002, with the adoption of SB 1078, California established its Renewable Portfolio Standard (RPS) program, with the goal of increasing the percentage of renewable energy in the State's electricity mix by at least one to 20 percent per year by 2017. The adoption of SB 107 subsequently accelerated that goal to 2010 for electrical corporations, and under Executive Order S-14-08 the target for all retail electricity sellers increases to 33 percent by 2020. The Renewable Portfolio Standard was developed to provide a flexible, market-driven policy to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy aims to ensure that a minimum amount of renewable energy is included in the portfolio of electricity resources serving a state or county, putting the energy industry on a path toward increasing sustainability. The CPUC and CEC are jointly

responsible for implementing the RPS program. Legislation establishing the RPS created no obligation for local land authorities. However, to meet the requirements of this legislation, additional renewable energy projects and transmission line connections will be necessary and local land use planning processes can facilitate or hinder the ability of energy providers to establish these additional facilities.

BUILDING ENERGY EFFICIENCY STANDARDS (TITLE 24)

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (CCR), were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The current version of the standards was adopted on April 23, 2008 and took effect August 1, 2009. Compliance with these standards is mandatory at the time new building permits are issued by City and County governments.

Part 11 of Title 24 refers to the California Green Building Standards Code (CALGreen), that establishes mandatory green building standards for new construction (new buildings and expansions) 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 minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. Local communities may institute more stringent versions of the code if they choose.

Regional

SILICON VALLEY ENERGY WATCH

The City of San José is a partner, along with PG&E and Ecology Action, in the Silicon Valley Energy Watch (SVEW) program. This program is designed to assist municipal governments, non-profits, small businesses, community organizations, professionals, and residents Santa Clara County take advantage of cost-saving, energy-efficient technologies. The program offers free energy audits, targeted retrofits, technical assistance, education, and training.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter Three in the General Plan) sets forth the goal to protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface. The Environmental Resources subsection discusses energy conservation and renewable energy use Goals, Policies, and Actions, summarized below (City of San José 2011a):

Policy MS-2.1 Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources.

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

Policy MS-2.3 Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4 Promote energy efficient construction industry practices

Policy MS-2.5 Encourage responsible forest management in wood material selections and encourage the use of rapidly renewable materials.

Policy MS-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

Policy MS-2.7 Encourage the installation of solar panels or other clean energy power generation sources over parking areas

Action MS-2.8 Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers. Also require consideration of distributed power production for these facilities to reduce energy losses from electricity transmission over long distances and energy production methods such as waste-heat reclamation or the purchase of renewable energy to reduce greenhouse gas emissions.

Action MS-2.9 Develop, implement, and utilize programs that help businesses and homeowners improve the energy efficiency of new and existing buildings and use of renewable energy sources, such as solar, through on-site generation or purchase of electricity from solar power programs in California.

Action MS-2.10 Develop policies to encourage the use of building materials extracted and/or manufactured in California, or within 500 miles of San José.

Action 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).

Action MS-2.12 Update the Green Building Ordinance to require use of energy efficient plumbing fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent, in new construction and renovation projects.

SUSTAINABLE CITY STRATEGY

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency. The Sustainable City Strategy is intended to support these efforts by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection.

Currently, San José receives most of its electricity from PG&E, which produces energy via nuclear, hydroelectric, wind, geothermal, biomass, and solar sources in addition to burning of natural gas and coal. With a City goal of converting its energy sources entirely to clean, renewable sources by

2022, it is expected that the City could employ sources such as wind, geothermal, biomass, and solar (and possibly tidal) to meet demands of General Plan-related growth.

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Removal of the existing on-site structures, including a single-family residence, car wash, billboard, print shop, and tire shop, would result in short-term consumption of energy from the use of construction equipment and processes. The California Green Building Standards Code and City of San José Green Building Policy includes specific requirements related to recycling, construction materials, and energy efficiency standards that would apply to construction of the proposed project to minimize wasteful, inefficient, and unnecessary energy consumption.

The proposed project would involve the use of energy during construction and operation. Energy use during construction would be primarily from fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators. Temporary grid power may also be provided to construction trailers or electric construction equipment. Table 13 illustrates the anticipated fuel consumption from construction equipment and vehicles, including construction worker trips to and from the project site. As shown therein, project construction, which would last approximately three years, would require approximately 54 gallons of gasoline and 64,700 gallons of diesel fuel. Table 13 also provides the anticipated annual operational fuel consumption from vehicles and the existing operational fuel consumption from vehicles. As shown therein, the project would increase the annual operational gasoline consumption by approximately 48,300 gallons per year, and diesel consumption by approximately 10,700 gallons per year.

Table 13 Proposed Project Energy Use

	Fuel Consumption (Gallons)	
Source	**Gasoline**	**Diesel**
Construction Equipment & Hauling Trips		
Phase 1	-	3,535
Phase 2	-	9,811
Phase 3	-	51,314
Construction Equipment and Hauling Trips Total	**-**	**64,659**
Construction Worker Vehicle Trips		
Phase 1	14	-
Phase 2	10	-
Phase 3	30	-
Construction Worker Vehicle Trips Total	**54**	**-**
Operational Vehicle Trips (Annual)	**76,172**	**16,834**
Existing Operational Vehicle Trips (Annual)	**27,876**	**6,160**

See Appendix AQ for CalEEMod default values for fleet mix and average distance of travel, and Appendix EN for energy calculation sheets.

In addition to transportation energy use, project operation would require permanent grid connections for electricity and natural gas. Approximately 1,824 million BTU per year (MMBtu/yr) of electricity would be used for lighting and large appliances within the project's commercial components. This represents a 1,605 MMBtu/yr increase from existing conditions. Approximately 2,951 MMBtu/yr of natural gas would be used primarily for heating and cooking. This represents a 2,833 MMBtu/yr increase from existing conditions (Appendix AQ).

Project construction would comply with the California Green Building Standards Code. This code requires the provision of electric vehicle charging stations, water efficient plumbing fixtures and fittings, recycling services, and other energy-efficient measures. The parking lot would include five electric vehicle charging spaces and eight clean air vehicle parking spaces, thereby encouraging the use of electric or clean air vehicles over the use of petroleum-fueled vehicles. This would result in reduced energy use from fuels because the existing site does not have any electric vehicle charging stations.

Due to the large number of materials and manufacturers involved in the production of construction materials, including manufacturers in other states and countries, upstream energy use cannot be reasonably or accurately estimated. However, it is reasonable to assume that manufacturers of building materials such as concrete, steel, lumber, or other building materials would employ energy conservation practices in the interest of minimizing the cost of doing business.

Overall, project operation would result in consumption of fuels from vehicle trips, and electricity and natural gas from proposed buildings. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, and the proposed project would implement energy-efficient components to reduce energy demand. Additionally, the trees proposed to be planted on the project site would reduce some of the electricity and natural gas requirements, as they would provide shading in the summer (reducing air conditioning needs) and insulation in the winter (reducing heating needs). Therefore, project construction and operation would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. Impacts would be less than significant.

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Table 14 provides energy efficiency goals and policies provided in the Envision San José 2040 General Plan and summarizes the project's compliance with these policies. Additionally, Table 17 (in Section 8, *Greenhouse Gas Emissions*) provides a consistency analysis with GHG-related goals and policies, some of which require energy efficiencies with new developments.

Table 14 Project Consistency with applicable energy efficiency goals and policies in the Envision San José 2040 General Plan

Energy Efficiency Goal or Policy	Project Consistency
Policy MS-2.3. Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.	**Consistent.** Trees that would be planted around the proposed hotel would provide some insulation around the building, requiring less energy consumption from air conditioning and heating in winter and summer months.
Policy MS-2.4. Promote energy efficient construction industry practices.	**Consistent.** The project would include the following green building features: ▪ Use of sun shades for passive cooling

	▪ High performance building envelope ▪ Light colored roof and paving
Policy MS-2.5. Encourage responsible forest management in wood material selections and encourage the use of rapidly renewable materials.	**Consistent.** As feasible, project construction would utilize rapidly renewable materials.
Policy MS-2.6. Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.	**Consistent.** Trees planted surrounding the proposed hotel would provide some insulation around the building, requiring less energy consumption from air conditioning and heating in winter and summer months.
Action 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).	**Consistent.** The project would comply with the City's Green Building Ordinance, and the project would include the following green building features: ▪ Use of sun shades for passive cooling ▪ High performance building envelope ▪ Light colored roof and paving
Action MS-2.12. Update the Green Building Ordinance to require use of energy efficient plumbing fixtures and appliances that are WaterSense certified, Energy Star rated, or equivalent, in new construction and renovation projects.	**Consistent.** The project would incorporate water efficient measures, including plumbing fixtures within the hotel and water recycling within the car wash, to reduce energy consumption.

As shown in Table 14, the project would be compliant with applicable energy efficiency goals and policies. Therefore, potential impacts associated with renewable energy and energy efficiency would be less than significant.

6 Cultural and Tribal Cultural Resources

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

Portions of the discussion within this section are based on a cultural and historic evaluation prepared by Rincon Consultants, Inc. in November 2018. This evaluation is included in Appendix CUL.

Setting

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

The project site is located in an urban area and is developed. The project site is paved and was graded for the existing development.

Historic Evaluation

Initial development of the properties at 955 and 995 Oakland Road took place in 1960 and 1967, respectively. This occurred within the city's period of Industrialization and Urbanization. During this period, San José greatly expanded its geographic footprint through annexation and became increasingly decentralized form its traditional urban core, just south of the project area. The area's network of roadways greatly expanded and historically agricultural areas were developed with residential subdivisions and accompanying commercial enterprise.

The proposed site contains four existing structures, including a 1900 one-story residence, 1900 one-story commercial building, 1967 car wash, and 1960 service station. Each property was recorded and evaluated on a California Department of Parks and Recreation (DPR) 523 series form, which is included as an Appendix. Per the findings by Rincon Consultants, Inc., none of the properties within the project site are eligible for listing in the NRHP, CRHR or for designation as San José City Landmarks. As such, they are not qualifying historical resources and their demolition would not result in a significant adverse impact to historical resources as defined by CEQA. Furthermore, the CHRIS records search and a review of City of San José historic resources surveys failed to identify any historical resources, including historic districts, within close proximity to the project site. The proposed project therefore does not have the potential result in any indirect effects to historical resources.

Regulatory Setting

Federal and State

NATIONAL REGISTER OF HISTORIC PLACES

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

1. that are associated with events that have made a significant contribution to the broad pattern of our history; or
2. that are associated with the lives of persons significant to our past; or

3. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. that have yielded, or may be likely to yield, information important in prehistory or history.

CALIFORNIA REGISTER OF HISTORIC PLACES

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

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

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

ASSEMBLY BILL 52

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

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

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)
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 PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that

is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 3, Environmental Leadership, of the City's General Plan sets forth sustainability goals for the City of San José through 2040. The Environmental Resources subsection discusses archaeology- and paleontology-related Goals, Policies, and Actions. Chapter 6, Land Use and Transportation, of the General Plan discusses the land use policies that focus on historically-significant buildings and areas of the city. Chapter 7, Implementation, in the General Plan provides environmental clearance goals and policies that relate to cultural resources. The following are applicable policies that relate to the proposed project (City of San José 2011a):

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

Impact Analysis

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

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

None of the properties on the project site are eligible for listing in the National Register of Historic Places, the California Register of Historic Places, or for designation as San José City Landmarks, according to the historical resources report prepared by Rincon Consultants (Appendix CUL). As such, they do not qualify as historical resources and their demolition would not result in an impact

to historical resources. The California Historical Resources Information System records search and a review of City of San José historic resources surveys failed to identify any historical resources, including historic districts, close to the project site. The project therefore would not result in any effects to historical resources.

NO IMPACT

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

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

The project site is located in a highly urbanized area and is developed with multiple structures. The site was disturbed during construction of these existing structures. No archaeological resources have been recorded within a 0.5-mile radius of the project site, according to an archaeological memo prepared by Rincon Consultants and included as Appendix CUL. The project site is situated between the Guadalupe River and Coyote Creek, and both waterways have deposited a substantial amount of alluvial build-up known to have deeply buried archaeological sites in others areas of the city. However, the current project requires relatively shallow grading (a maximum of two feet) and is considered to have a low potential to impact archaeological resources. The possibility remains, however, of encountering unexpected resources. As part of the development permit approval by the City of San José, the project would be required to conform to the following standard permit conditions.

Standard Permit Conditions

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

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and Historic Preservation shall be notified, and a qualified archaeologist will 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 PBCE 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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC

will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the 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 Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

LESS THAN SIGNIFICANT IMPACT

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

The project site is located in a highly urbanized area and is developed. The project would include grading and limited excavation. The site has been disturbed previously during construction of the existing structure. New ground disturbance would be approximately 2 feet below surface grade to accommodate cut and fill. The proposed project has little possibility of encountering undisturbed subsurface paleontological resources during project excavation.

Ground disturbance associated with project construction has a low potential to directly disturb a geologic unit with high paleontological sensitivity. Impacts to paleontological resources resulting from ground disturbing construction activity at depths proposed by the project would be unlikely, as recent grading activities would have already disturbed sediment 2 feet below the project site. However, in accordance with the Envision San José 2040 General Plan Policy ER-10.3, the following standard permit condition would be applied to project permits, reducing impacts to the currently unknown paleontological resources to a less than significant level.

Standard Permit Conditions

Implementation of the following standard permit conditions would avoid potential impacts to unknown paleontological resources:

- If vertebrate fossils are discovered during construction, the Director of Planning, Building, and Code Enforcement or Director's designee shall be notified and all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided to the Director of Planning or Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.

LESS THAN SIGNIFICANT IMPACT

Tribal Cultural Resources

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

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.

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

Assembly Bill (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 submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José. The City of San José sent notification of the project on September 21, 2018 and has yet to receive any request for consultation from the Ohlone Tribe or any other tribal representative.

LESS THAN SIGNIFICANT IMPACT

Conclusion

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

7 Geology and Soils

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

The discussion within this section is based on a geotechnical evaluation prepared for the project site by Stantec Consulting in August of 2017. The geotechnical evaluation is included with this document as Appendix GEO.

Setting

The site is located in the northern portion of the Great Valley Geomorphic Province of northern California. This region is characterized as a 50-mile-wide and 400-mile-long sediment filled trough in which the sediments have been deposited almost continuously, since the Jurassic period. The site is in the portion of the Province drained by the Sacramento River (Appendix GEO).

Regional geologic maps indicate the site is underlain by Quaternary age Holocene alluvial deposits. Geologic mapping presented in the California Geological Survey Seismic Hazard Zone Report indicate the site is underlain by Holocene alluvial fan deposits (Appendix GEO).

The project site is also located in a California Geological Survey Liquefaction Hazard Zone (Appendix GEO).

Regulatory Setting

Regional

INTERNATIONAL BUILDING CODE

The International Building Code is a model building code that provides the basis for the California Building Code (CBC), described below. The International Building Code defines different regions of the United States and ranks them according to their seismic hazard potential (Seismic Design Category A through E, from lowest to highest). The three project sites, like all of coastal Southern California, are located in Design Category E (Federal Emergency Management Agency [FEMA] 2013).

CALIFORNIA BUILDING CODE

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

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

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

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT

The Alquist-Priolo Earthquake Fault Zoning Act was signed into law in 1972, in response to widespread damage caused by the 1971 San Fernando Earthquake. The purpose of this act is to

avoid or reduce damage to structures in the future by prohibiting the location of most structures intended for human occupancy across the traces of active faults, thereby mitigating the hazard of fault rupture. Under the act, the state geologist is required to delineate "Earthquake Fault Zones" along known active faults in California. Cities and counties affected by the zones must regulate certain development projects in the zones by withholding development permits for sites in the zones until geologic investigations demonstrate the sites are not threatened by surface displacement from future faulting.

SEISMIC HAZARDS MAPPING ACT

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 3, Environmental Leadership, in the City's General Plan sets forth sustainability goals for the San José through 2040. The Environmental Considerations/Hazards subsection discusses natural hazards and related goals, policies, and actions. The following policies relate to the project (City of San José 2011a):

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

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

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

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

Policy EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan

is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

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

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

Impact Analysis

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

The project site is in the seismically active San Francisco Bay Area. The nearest active fault to the project site is the Hayward-Rodgers Creek Fault, approximately 6.8 miles northeast (Appendix GEO). The site is not located in an Alquist-Priolo Earthquake Fault Zone, and no active faults are known to underlie or project toward the site (Appendix GEO). The probability of surface fault rupture from a known active fault is considered low. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As with any site in the Bay Area, the project site is susceptible to strong seismic ground shaking in the event of a major earthquake. Nearby active faults include the Hayward-Rodgers Creek fault (6.8 miles northeast), the Calaveras fault (7.2 miles), the Monte Vista-Shannon fault (11.9 miles), and the North San Andreas fault (24.7 miles) (Appendix GEO). These faults are capable of producing strong seismic ground shaking at the project site. The City of San José's Geologic Hazard Regulations (SJMC Chapter 17.10) requires that no discretionary approval for development, grading, or building permit shall be issued for any property located in the geologic hazard zone unless the director has first issued a certificate of geologic hazard clearance. However, Figure 3.6-1 of the Envision San José 2040 General Plan EIR shows that the project site is not located in an identified geologic hazard zone (City of San José 2011a). Therefore, the project would not require a special geologic clearance. Additionally, with modern construction and adherence to geology and soil provisions of the CBC, which sets forth seismic design standards (Chapters 16 and 18) and geohazard study requirements (Chapter 18), as well as the standard permit condition below, impacts would be less than significant.

Standard Permit Condition

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.

LESS THAN SIGNIFICANT IMPACT

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

Liquefaction is a process whereby soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction occurs typically in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. The project site is in a California Geological Survey Liquefaction Hazard Zone (Appendix GEO). A geotechnical investigation conducted for the project site by Stantec concluded that two relatively thin, granular layers are present below the site and are susceptible to potential liquefaction (Appendix GEO). Therefore, Mitigation Measure GEO-1 would be required to reduce potential impacts from liquefaction.

Mitigation Measure

The following mitigation measure would be required to reduce liquefaction-related impacts to a less than significant level. With implementation of Mitigation Measure GEO-1 impacts would be less than significant.

Mitigation Measure GEO-1

The project shall use a stiffened foundation system combined with removal and re-compaction of soil within the upper 5 feet below finished grade, or equivalent, as recommended in the project geotechnical report (Appendix GEO). Prior to the issuance of any building permits, the project applicant shall submit a request for geohazard clearance, with the accompanying geotechnical report, to the City Engineering Geologist. The project shall conform to the recommendations of the project-specific geotechnical report, including design considerations for the proposed foundations, unless otherwise determined by the City Engineering Geologist.

LESS THAN SIGNIFICANT WITH MITIGATION

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

Earthquakes can trigger landslides that may cause injuries and damage to many types of structures. Landslides are typically a hazard on or near slopes or hillside areas. The site is located in a relatively flat valley and there are no historic landslides mapped at the site (Appendix GEO). Accordingly, the geotechnical investigation report concluded that the potential for landslides or slope instabilities to occur at the site is considered low (Appendix GEO). This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is developed and generally level, which limits the potential for substantial soil erosion. The grading and excavation phase when soils are exposed has the highest potential for erosion. Ground-disturbing activities that would occur during project construction would include

site-specific grading for foundations, the project parking garage, access driveways, and utility trenches. Temporary erosion could occur during project construction. The project would be required to comply with SJMC Chapter 17.04, which requires a grading permit prior to ground disturbing activities and calls for protection of slopes and the use of erosion and sediment controls on construction sites as necessary to protect water quality.

Since the project would disturb approximately 2.60 acres, it would be required to obtain a NPDES Construction General Permit and to develop a Stormwater Pollution Prevention Plan (SWPPP). The San Francisco Bay RWQCB administers erosion control standards through the NPDES program, which requires implementation of nonpoint source control of stormwater runoff. With compliance with above listed requirements and the following standard permit condition, project impacts associated with soil erosion and the loss of topsoil would be less than significant.

Standard Permit Conditions

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary

LESS THAN SIGNIFICANT IMPACT

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

According to the project's geotechnical report, the project site is located in a relatively flat valley, and there are no historic landslides mapped at the site. No evidence of landslides or slope instabilities was observed on-site. The geotechnical report concluded that the potential for landslides or slope instabilities to occur at the project site is low (Appendix GEO).

Lateral spreading is the horizontal movement or spreading of soil toward an open face. When soils located on a sloping site liquefy, they tend to flow downhill. The potential for failure from lateral spreading is highest in areas where the groundwater table is high and where relatively soft, where recent alluvial deposits exist, and in areas with liquefaction risks. According to Appendix GEO, the since the topography of the site is relatively flat, the potential for lateral spreading is low.

Liquefaction potential is discussed above under criterion (a.3). The project is not located in an identified landslide hazard area, as discussed under criterion (a.4). Therefore, the project site is not located on soils susceptible to lateral spreading or landslides. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project's geotechnical report concluded that near-surface (approximately the upper 10 feet) soils on the project site consist of non-expansive granular soil (Appendix GEO). All new habitable structures in San José are required to be constructed in accordance to the most recent CBC as adopted by the City, which includes provisions for expansive soils. The City also requires a grading permit and adherence to the Geologic Hazard Regulation Ordinance (SJMC Chapter 17.10), outlined in the standard permit condition below.

Standard Permit Conditions

The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. 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. 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 the site is designed to properly account for soils-related hazards on the site.

LESS THAN SIGNIFICANT IMPACT

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

The proposed project would be connected to the local wastewater treatment system. No septic tank systems would be utilized on the project site. No impact would occur.

NO IMPACT

Conclusion

With implementation of the identified Standard Permit Conditions and Mitigation Measure GEO-1, the proposed project would result in less than significant geologic and soil impacts, and would not expose people or structures to new adverse seismic risks. **(Less than Significant Impact with Mitigation).**

8 Greenhouse Gas Emissions

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

Setting

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

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

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

in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

Existing GHG emission sources at the project site are due to the operation of the existing business and family home. Operational emissions include area sources (consumer products, landscape maintenance equipment, and painting), energy use (direct natural gas emissions and indirect electricity emissions), solid waste, transportation emissions, and indirect production of GHG emissions associated with the energy required to deliver water. Summary of existing GHG emissions are presented in Table 16Table 16 and a detailed breakdown of existing operational air emissions sources is available in Appendix AQ.

Regulatory Setting

Federal and State

CLEAN AIR ACT

The EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al. ruled that carbon dioxide (CO2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of greenhouse gases (GHGs). Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

ASSEMBLY BILL 1493

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

EXECUTIVE ORDER S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA] 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies.

The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

ASSEMBLY BILL 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020, and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO_2e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

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

SENATE BILL 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

SENATE BILL 375

SB 375, signed in August 2008, enhances the state's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning Organizations to prepare a "sustainable communities strategy" that contains a growth strategy to

meet these emission targets for inclusion in the Regional Transportation Plan. In July 2013 the Metropolitan Transportation Commission and the Association of Bay Area Governments adopted *Plan Bay Area*, the sustainable communities strategy document for the Bay Area, to meet GHG reduction targets (Metropolitan Transportation Commission 2013). The updated document, *Plan Bay Area 2040*, adopted July 2017, updated regional goals for reducing GHG emissions per capita from vehicles by 2035.

ASSEMBLY BILL 2230

On September 25, 2012, the governor approved AB 2230, which requires in-bay or conveyor carwashes constructed after January 1, 2014 to either install, use, or maintain a water recycling system where at least 60 percent of the wash and rinse waster is recycled. The State Water Resources Control Board (SWRCB) is responsible for making determination with regard to the availability of recycled water.

SENATE BILL 97

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

EXECUTIVE ORDER S-13-08

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

SENATE BILL 1383

Adopted in September 2016, SB 1383 requires CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. The bill requires the strategy to achieve the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

EXECUTIVE ORDER B-55-18

On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

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

City of San Jose

CITY OF SAN JOSE GREENHOUSE GAS REDUCTION STRATEGY

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy through 2020.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in 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 can be incorporated as mitigation measures for proposed projects, at the City's discretion. Below is a listing of the mandatory criteria utilized to evaluate project conformance with the GHG Reduction Strategy:

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)
2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
   a. Solar Site Orientation
   b. Site Design
   c. Architectural Design
   d. Construction Techniques
   e. Consistency with the City Green Building Ordinance and Policies
   f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.
3. Pedestrian/Bicycle Site Design Measures
   a. Consistency with Zoning Ordinance
   b. Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, 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.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following General Plan policies are related to GHG emissions and are 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.

CITY OF SAN JOSE MUNICIPAL CODE

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

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

CITY OF SAN JOSE PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

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

Significance Thresholds

The vast majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1]).

According to CEQA Guidelines, and guidance provided in the California Air Pollution Control Officers Association (CAPCOA) white paper, *CEQA & Climate Change,* the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, *Climate Smart San José* (*The Plan)*, that serves to support the City's General Plan. *The Plan* was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, *The Plan* only focuses on GHG emissions related to energy and mobility, omitting emissions due to solid waste, wastewater treatment, and water. Therefore, *The Plan* is not in compliance with CEQA Guidelines 15183.5 (b) and it does not serve as a qualified GHG reduction plan. Additionally, the City of San José's current GHG Reduction Strategy presented in the Envision San José 2040 General Plan aligns with AB 32 (2020 emission target), but it does not specifically address the SB 32 2030 emission target. Because the City's GHG plan does not specifically address the 2030 target and the project would become operational post-2020, the City's GHG reduction plan is not applicable to this project.

The AEP Climate Change Committee white paper also identified other applicable thresholds for operational emissions. The following three methods[4] described are the most widely used evaluation criteria, if showing consistency with an applicable climate action plan is not an available threshold option to prove that a proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

(1) **Bright line Thresholds.** There are two types of bright line thresholds:

   a. **Standalone Threshold.** Emissions exceeding standalone thresholds would be considered significant.

   b. **Screening Threshold.** Emissions exceeding screening thresholds would require evaluation using a second-tier threshold, such as an efficiency threshold or other threshold concept to determine whether project emissions would be considered significant.

   However, projects with a horizon year beyond 2020 should take into account the type and amount of land use projects and their expected emissions out to the year 2030.

(2) **Efficiency Thresholds.** Land use sector efficiency thresholds are currently based on AB 32 targets and should not be used for projects with a horizon year beyond 2020. Efficiency metrics should be adjusted for 2030 and include applicable land uses.

(3) **Percent Below "Business as Usual" (BAU).** GHG emissions would be less than significant if the project reduces BAU emissions by the same amount as the statewide 2020 reductions. However, this method is no longer recommended following the Newhall Ranch ruling.

In the 2017 CEQA Air Quality Guidelines, the BAAQMD outlines an approach to determine the significance of projects. For residential, commercial, industrial, and public land use development projects, the thresholds of significance for operational-related GHG emissions are as follows:

- Compliance with a qualified GHG reduction strategy
- Annual emissions less than 1,100 metric tons (MT) per year (MT/yr) of carbon dioxide equivalent (CO_2e)
- Increase location efficiency service person threshold of 4.6 MT CO_2e/SP/yr (residents + employees)

The BAAQMD annual emissions threshold of 1,100 MT of CO_2e per year was designed to capture 90 percent of all emissions associated with projects in the Basin and require implementation of mitigation so that a considerable reduction in emissions from new projects would be achieved. According to the CAPCOA white paper, *CEQA & Climate Change*, a quantitative threshold based on a 90 percent market capture rate is generally consistent with AB 32 (CAPCOA 2008).[5] However, because the project would be operational in 2022, the established BAAQMD bright-line threshold would not apply.

An efficiency threshold is calculated by dividing the allowable GHG emissions inventory in a selected calendar year by the service population (residents plus employees). This calculation identifies the

[4] The other thresholds are best management practices/best available mitigation, compliance with regulations, and a hybrid threshold concept: separate transportation and non–transportation threshold. These are not commonly used and do not specifically apply to this project.

[5] SB 32, codified in 2016, sets a more conservative emission reduction target of 40 percent below the 1990 level by 2030.

quantity of emissions that can be permitted on a per service population basis without significantly impacting the environment. According to the BAAQMD CEQA Guidelines, the efficiency threshold is appropriate for mixed-use projects that include both residential and non-residential land uses. Therefore, this approach is not appropriate for the proposed project because there are no residents. Additionally, BAU emissions are no longer recommended following the Newhall Ranch ruling. Therefore, although the BAAQMD has not yet quantified a threshold for 2030, reduction of the 1,100 MT CO_2e bright-line threshold by 40 percent to 660 MT CO_2e/year would be consistent with state goals detailed in SB 32. As such, the adjusted bright-line threshold of 660 MT CO_2e is the most appropriate threshold for the project.

Methodology

As discussed under Section 3, *Air Quality*, the BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant GHG impacts. If all of the screening criteria are met by a project, then the lead agency or applicant would not need to perform a detailed GHG assessment of their project's GHG emissions (BAAQMD 2017b). The BAAQMD's screening level size for operational GHG emissions for a "hotel" is 83 rooms and 1,000 square feet for a "fast food restaurant with drive thru", a conservative surrogate for a drive through carwash.

As the project exceeds the screening thresholds, CalEEMod version 2016.3.2 was used to calculate total project emissions, which include construction and operational emissions for informational purposes. This methodology is recommended by the CAPCOA CEQA and Climate Change white paper (CAPCOA 2008). The analysis focuses on CO_2, N_2O, and CH_4 as these are the GHG emissions that on-site development would generate in the largest quantities. Fluorinated gases, such as HFCs, PFCs, and SF_6, were also considered for the analysis. However, the proposed project is not expected to be a significant contributor of fluorinated gases since fluorinated gases are primarily associated with industrial processes. Calculations were based on the methodologies discussed in the CAPCOA white paper and included the use of the California Climate Action Registry (CCAR) General Reporting Protocol (CCAR 2009).

Construction Emissions

The BAAQMD has not established a threshold of significance for construction-related GHG emissions. Nevertheless, air districts have recommended amortizing construction-related emissions over a 25-year period for commercial projects and a 50-year period for residential projects in conjunction with the project's operational emissions. To estimate the annual emissions that would result from construction activity associated with the project, GHGs from construction projects are quantified and amortized over a 25-year period. The amortized construction emissions are added to the annual average operational emissions and then compared to the applicable operational threshold.

Construction of the proposed project would generate temporary GHG emissions from the operation of construction equipment on-site, from vehicles transporting construction workers to and from the project site, and from the use of heavy trucks to export earth materials offsite. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling equipment. CalEEMod provides an estimate of emissions associated with the construction period, based on parameters such as duration of construction activity, area of disturbance, and types of equipment used during construction.

Operation Emissions

CalEEMod provides operational emissions of CO_2, N_2O, and CH_4. Emissions from energy include electricity and natural gas use. The emissions factors for natural gas combustion are based on USEPA's AP-42, (Compilation of Air Pollutant Emissions Factors) and CCAR. Electricity emissions are calculated by multiplying the energy use times the carbon intensity of the utility district per kilowatt hour (CAPCOA 2017). The default electricity consumption values in CalEEMod include the California Energy Commission-sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey studies. CalEEMod incorporates 2016 Title 24 CALGreen Building Standards, which are the most recent and thus apply to the proposed project. Additionally, the applicant will be utilizing LED lights within the interior and exterior of the hotel building and within the parking area and has committed to installing energy efficient Energy Star appliances in the hotel kitchen. As such, these features have been incorporated as part of the project design in CalEEMod. The percent of appliance energy efficiency was obtained from the Energy Star annual report. To provide a conservative estimate the CAPCOA minimum estimation in lighting energy reduction of 16% due to installation of high efficiency lighting was used (CAPCOA 2010).

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating were calculated in CalEEMod and utilize standard emission rates from USEPA and CARB, and emission factor values provided by the local air district (CAPCOA 2017).

Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CAPCOA 2017). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle).

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the California Energy Commission's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for northern and southern California. CalEEMod defaults were used to calculate indirect GHG emissions for the hotel based on building square footage and operational year. Water usage and wastewater treatment for the carwash facility was adjusted based on project specifics. Indoor water use was calculated based on applicant provided information of 18.2 gallons of water per day. Outdoor water usage from car washing activity was calculated using applicant provided usage information of 30.48 gallons per vehicle for in-bay car washes. Additionally, 60 percent of outdoor wastewater was estimated to be recycled and reused as required by AB 2230. The applicant has also committed to using low flow bathroom and kitchen fixtures within the hotel and smart irrigation controllers for both land uses. The percent reduction in flow was applied as a project design feature where the percent reduction in flow is the percent improvement between the Mandatory and Voluntary California Green Building Standards Code for flow. CAPCOA recommends applying a 6.1 percent reduction in outdoor water use when smart irrigation systems are installed (CAPCOA 2010).

For mobile sources, CO_2 and CH_4 emissions were quantified in CalEEMod. Because CalEEMod does not calculate N_2O emissions from mobile sources, N_2O emissions were quantified using the CCAR's General Reporting Protocol (CCAR 2009) direct emissions factors for mobile combustion (see Appendix AQ for CalEEMod input and calculations). The estimate of total daily trips associated with the proposed project was based on the project transportation analysis conducted by Stantec Consulting Services Inc., and was calculated and extrapolated to derive total annual mileage in CalEEMod. Emission rates for N_2O emissions were based on the vehicle mix output generated by

CalEEMod and the emission factors found in the CCAR General Reporting Protocol. As discussed in section 16, *Transportation*, traffic credits were given for the project's location in an urban area where trips to the hotel were decreased by 13 percent. Trip length for each land-use of the project was adjusted in accordance with the traffic study (Appendix TR) These features were incorporated in CalEEMod as a project design feature.

Although the project would comply with 2016 CALGreen Building Standards, additional specific sustainability features beyond those discussed above that would be applied to the project are not known to the level of detail required for applying reductions in CalEEMod. Thus, the analysis excludes these sustainability features and is, thus, a conservative analysis of operational emissions.

Impact Analysis

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

The project's proposed construction activities, energy use, daily operational activities, and mobile sources (traffic) would generate GHG emissions. CalEEMod was used to calculate emissions resulting from project construction and long-term operation.

Construction

Project-related construction emissions are confined to a relatively short period in relation to the overall life of the proposed project. Therefore, construction-related GHG emissions were amortized over a 25-year period to determine the annual construction-related GHG emissions over the life of the project. Table 15 shows the project construction would result in an average of approximately 19.8 MT of CO_2e per year. GHG emissions associated with construction were computed to be 494 MT of CO2e for the total construction period, which encompasses three phases.

Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, although the BAAQMD recommends quantifying emissions and disclosing GHG construction emissions.

Table 15 Estimated Construction GHG Emissions

Construction Phase	Project Emissions MT/yr CO_2e
Phase 1	86.9
Phase 2	50.2
Phase 3	356.9
Total	494
Total Amortized over 25 Years	19.8

See Appendix AQ for CalEEMod worksheets.

Operation

Operational emissions include area sources (consumer products, landscape maintenance equipment, and painting), energy use (electricity and natural gas), solid waste, electricity to deliver water, and transportation emissions and are shown in Table 16. In accordance with AB 939, this

analysis assumes that the proposed project would achieve at least a 50 percent waste diversion rate. Additionally, per AB 2230, car washing facilities are required to recycle 60 percent of the wash and rinse water; therefore 60 percent of outdoor water is assumed to be reclaimed and was taken into account in CalEEMod (CAPCOA 2010). Project design features such as use of energy efficient appliances, high efficiency lighting, smart irrigation systems and low flow fixtures have been incorporated into CalEEMod as described previously. Nitrous oxide emissions associated with mobile sources were calculated based on the proposed project's VMT using calculation methods previously described.

As previously mentioned in the *Significance Thresholds* section, to meet the emission reduction target of 40 percent below the 1990 level by 2030 the BAAQMD threshold has been adjusted based on the project's proposed operational year of 2022. To be consistent with SB 32, the project would need to emit no more than 660 MT CO_2e to be on trajectory to meet the 2030 reduction established by SB 32. As shown in Table 16, total emissions associated with the project are estimated to be approximately 857 MT of CO_2e per year. Elimination of the emissions associated with the existing single-family residences, tire shop, print shop, and self-service car wash currently on the project site, net estimated emissions are approximately 601 MT of CO_2e per year. Therefore, net new GHG emissions associated with the project would not exceed the 660 MT of CO_2e per year adjusted threshold of significance and would not conflict with SB 32. Impacts would be less than significant.

Table 16 Combined Annual Emissions of GHGs

Emission Source	Annual Emissions (CO_2e) in metric tons
Construction	19.8
Operational	
Area	< 0.1
Energy	299
Solid Waste	38
Water	11
Mobile	
CO_2 and CH_4	467
N_2O	22
Total	857
Existing Operational Uses	256
Net New Emissions	**601**
BAAQMD Threshold (*Adjusted for SB 32*)	660
Exceeds Threshold?	No

See Appendix AQ for CalEEMod worksheets. Values are rounded to the nearest whole number.

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

The City of San José has an adopted GHG Reduction Strategy as an appendix to the Envision San José 2040 General Plan and recently adopted the *Climate Smart* San José that offers GHG reduction strategies only related to energy and mobility. The GHG reduction strategy includes mandatory measures for all projects and others that are voluntary and that could be incorporated as mitigation measures for proposed projects, at the discretion of the City. Table 17 shows that the project would be consistent with the goals, targets, and policies of *Plan Bay Area 2040*, the City of San José GHG Reduction Strategy, and the *Climate Smart* San José.

Table 17 Project Consistency with Plan Bay Area 2040, the City of San José GHG Reduction Strategy, and the *Climate Smart San José*

Goals, Targets, and Policies	Consistency
Plan Bay Area	
Plan for housing sufficient to house 100% of the Bay Area's future workers and residents from all income levels, without displacing current low-income residents.	**Consistent** The proposed project would be a compact infill development that would add a new hotel and car wash on a site currently developed with self-service carwash, print shop, tire shop, and single-family residence. As discussed in Section 13, *Population and Housing*, the project would not add substantial additional residents or employees.
Reduce vehicle miles traveled (VMT) per capita by 10%.	**Consistent** The proposed project is a compact infill development. Seven Santa Clara Valley Transit Authority (SCVTA) bus stops are located within 0.25 mile of the project site and serve routes 12, 62, 65, and 66. Two light-rail stops are located within 1.0 mile of the project site. With viable alternative transportation options, employees could be encouraged to drive less to and from the project site. The project includes 5 EV charging stations and 8 Clean Air Vehicle stalls thus promoting alternative fuel vehicles.
City of San José GHG Reduction Strategy	
Compliance with the City Green Building Ordinance	**Consistent** The project would be required to comply with the City's Green Building Ordinance. The Green Building Ordinance requires all Tier 2 projects, such as the proposed project, to receive a minimum green building certification of LEED Silver.
New construction must be developed as green buildings.	**Consistent** The project would include the following green building features: ▪ Use of sun shades for passive cooling ▪ High performance building envelope ▪ Light colored roof and paving ▪ Exterior glazing with low Solar Heat Gain Coefficient ▪ R-rating wall insulation
Increased density of development	**Consistent** The project would be considered a compact infill development based on CAPCOA guidelines (2010) and would include the construction of a four-story hotel and automated car wash on a site currently developed with a print shop, tire shop, single-family residence, and carwash. Therefore, the project would increase

Goals, Targets, and Policies	Consistency
	development density on the site and replace older buildings with new one subject to the Green Building Codes. .
Increase location efficiency	**Consistent** The project site would be located adjacent to the Santa Clara Valley Transit System (SCVTA) Route 66, which operates along Oakland Road between the Cities of Milpitas and San José every day and approximately one mile from several light-rail stations that connect Santa Teresa with Alum Rock and Mountain view to Winchester. Furthermore, the project is approximately 1.75 miles from the downtown center of San José and San José State University. Therefore, the project would increase location efficiency.
Provide Bike Parking in Non-Residential Projects	**Consistent** The project would provide 13 bike spaces for the hotel and three for the car wash.
Use reclaimed water	**Consistent** The car wash component of the project would recycle and reuse at least 60 percent of wash and rinse water from the car wash operation per AB 2230.
Climate Smart Plan	
Employ sustainable use practices of water	**Consistent** The car wash component of the project would recycle and reuse at least 60 percent of wash and rinse water from the car wash operation per AB 2230. The hotel would include low-flow fixtures in the bathrooms and kitchen. A smart irrigation system would be implemented on both the hotel and car wash sites.
Densify land-use to make room for anticipated new residents	**Consistent** The project would be replacing older commercial services with new services at a greater density and making use of undeveloped space on the project-site.
Improve commercial building stock and reduce energy consumption	**Consistent** The project would be replacing older less energy efficient buildings and would comply with the City's Green Building Ordinance as new structures.

As shown in Table 17, the project would be consistent with the *Plan Bay Area 2040*, the City of San José GHG Reduction Strategy, and the *Climate Smart Plan*. According to the adjusted BAAQMD GHG significance thresholds, a proposed project's GHG emissions would be less than significant if they are less than 660 MT/year of CO_2e. The estimated net increase in emissions associated with operation of the proposed project would be 601 MT/year CO_2e. Therefore, the project would not conflict with the adjusted BAAQMD GHG threshold..

Conclusion

The project would have a less-than-significant impact related to GHG emissions. **(Less than Significant Impact).**

This page left intentionally blank.

9 Hazards and Hazardous Materials

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

The discussion contained within this section is based in part on the information contained within the Phase I and Phase II Environmental Site Assessment prepared for the project site by Stantec Consulting Services in 2018. These reports are included with this Initial Study as Appendix HAZ.

Setting

Stantec Consulting Services (Stantec) conducted a Phase I Environmental Site Assessment (ESA) and a Phase II ESA for the project site in 2018 (see Appendix HAZ). The project site consists of four parcels, totaling approximately 2.60 acres in size. It is flat with a regional topographic gradient in the project vicinity to the west and north. The site is at an elevation of approximately 71 feet above mean sea level (Appendix HAZ). Recent groundwater monitoring data indicates that depth to groundwater was approximately 12 to 15 feet below grade, and groundwater flow direction was to the north-northwest (Appendix HAZ).

The northeastern parcel (APN 235-16-012) was historically a gasoline station from the 1960s to the 1970s. Four underground storage tanks (USTs) were removed in 1988 from the parcel which revealed subsurface contamination from the USTs. The leaking underground storage tank (LUST) case was granted regulatory closure in November 1996. The adjacent parcel to the south (955 Oakland Road, APN 235-16-011) is also a closed LUST case for a release of petroleum hydrocarbons to the subsurface. Four USTs were removed from the parcel in 1993. Because both parcels were owned by the same owner they were considered to be unified cases. The latter case was granted regulatory closure in June 2010. Because this case was closed with residual contamination left in place, there are site management requirements prior to any subsurface work or redevelopment (Appendix HAZ).

The northwest parcel (APN 235-16-011) appears to have been used as a car and truck wash since the 1960s to present. There are two oil/water separators associated with the operation as a car and truck wash. The southernmost parcel of the project site (APN 235-16-014) is currently vacant but paved with concrete. According to the 1950 Sanborn Fire Insurance Map a gas station occupied the parcel at that time. Refer to Figure 2 of Appendix HAZ for a parcel map of the project site.

Regulatory Setting

Federal

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

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA), signed in 1976, established a program administered by the USEPA to regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous wastes. Among other things, this Act specifically prohibited the use of certain techniques for the disposal of some hazardous wastes.

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

The Comprehensive Environmental Response, Compensation, and Liability Act was enacted in 1980 and amended by the Superfund Amendments and Reauthorization Act in 1986. This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, the Comprehensive Environmental Response, Compensation and Liability Act established requirements

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

HAZARDOUS MATERIALS TRANSPORTATION ACT

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

State

THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control (DTSC) is part of the California Environmental Protection Agency and is the primary state agency that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code.

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

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

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

Regional

REGIONAL WATER QUALITY CONTROL BOARD

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 3, Environmental Leadership, of the City's General Plan sets forth sustainability goals for the City of San José through 2040. The Hazardous Materials and Environmental Contamination subsections discuss Goals, Policies, and Actions relating to the transport, distribution, use, storage, and disposal of hazardous materials, as well as protection of the community and environment from exposure to hazardous soil, soil vapor, groundwater, indoor air contamination, hazardous building materials in existing and proposed structures and developments, and on public properties, such as parks and trails. The following are applicable policies that relate to the proposed project (City of San José 2011a):

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

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

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

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

Policy EC-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and

asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

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

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

Impact Analysis

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

Typically, hotel uses do not use or store large quantities of hazardous materials. The proposed car wash would routinely use, and store, materials such as soap, cleaners, and polishes. Materials would be stored indoors in containers. Water from the car wash would first flow to reclamation tanks and then to the sanitary sewer, where it would be treated appropriately and would not be released unexpectedly into the environment. The project would not use, store, transport, or dispose of hazardous materials other than those used for routine business operation, cleaning, maintenance and landscaping. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

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

Based on the findings of the Phase I ESA, a Phase II ESA was recommended to evaluate the potential for subsurface soil, groundwater, and soil vapor impacts from past uses of the project site or nearby properties (Appendix HAZ). The Phase II ESA concluded that residual petroleum hydrocarbon impacts were observed in soil in the vicinity of former fuel USTs at 995 and 955 Oakland Road, and

adjacent to oil-water separators at 955 Oakland Road. Based on the investigation documented in the Phase II ESA, concentrations in soil do not exceed environmental screening level human health screening criteria, but if these soils are disturbed during construction activities, they have the potential to create a hazard. Although these locations are in the parking lot area of the proposed hotel and residual petroleum hydrocarbons would have a low potential to occur, it could be a significant impact and Mitigation Measure HAZ-1 would be necessary. The mitigation measure would require a soil management plan that would describe the nature of the chemical impacts and methods for handling and disposing of impacted soils designed to protect human health. Implementation of this mitigation measure would reduce impacts to a less than significant level.

Minor residual chemicals from petroleum hydrocarbons were observed in groundwater beneath the project site. Concentrations in the sample collected from 955 Oakland Road exceed direct-contact screening criteria, but due to the depth of groundwater (approximately 9 feet below grade) this exposure pathway is considered incomplete, and would not constitute a hazard. As no excavation is proposed beyond two feet of cut and fill, no groundwater would be encountered during project construction, and therefore no impacts due to contaminated groundwater would occur.

The Phase II ESA also assessed shallow soil vapor conditions at the two former UST areas at the far southern portion of the project site. Aromatic hydrocarbons consistent with a historical fuel release were detected in the soil vapor samples from 935 and 955 Oakland Road. Concentrations are orders of magnitude lower than environmental screening level human health screening criteria and would not create a hazard. An elevated concentration of isooctane, an octane booster associated with gasoline and diesel fuel, was reported in soil gas at 955 Oakland Road, but there are no health screening criteria for isooctane. Regardless, Mitigation Measure HAZ-1 would ensure that the elevated levels of isooctane are noted in the soil management plan. With incorporation of this measure, impacts related to soil vapor conditions would be less than significant.

Impact HAZ-1

The proposed project has the potential to expose the public, construction workers, future employees, future hotel patrons, and the environment to on-site hazardous materials due to past soil contamination.

Mitigation Measure

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

Mitigation Measure HAZ-1

Prior to the issuance of a demolition or grading permit, the applicant shall contact the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent, to discuss the proposed redevelopment project and perform any other necessary investigations and studies to address the residual contamination as deemed necessary. The regulatory agency may require a Site Management Plan (SMP), or similar document, to manage the cleanup of contaminated soils. If applicable, a SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. Isooctane presence shall be noted in the soil management plan, along with provisions for proper handling and/or disposal of impacted groundwater, though no groundwater is

anticipated to be encountered during construction. If required, the SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

The SMP, or similar document, shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent, for review and approval. A copy of the documentation shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee and Municipal Compliance Officer of the City of San Jose Environmental Services Department for approval prior to the issuance of any grading permits.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

No schools are within 0.25-mile of the project site. Aarush School, approximately 0.5 mile north of the project site, is the nearest to the project site. There would be no impact.

NO IMPACT

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

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

The project site is located approximately 1.5 miles east of the San José International Airport and is not located in an airport safety zone (Santa Clara County Airport Land Use Commission 2016). Therefore the project would not result in safety hazards to people residing in the project area. There would be no impact.

NO IMPACT

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

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

LESS THAN SIGNIFICANT IMPACT

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

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

NO IMPACT

Conclusion

With the incorporation of Mitigation Measure HAZ-1, the project would have a less-than-significant impact related to hazards and hazardous materials. **(Less than Significant Impact with Mitigation).**

10 Hydrology and Water Quality

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

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

Setting

The generally level, fully developed site is located approximately 0.9 mile west of Coyote Creek, which flows in a northerly direction towards San Francisco Bay.

The project site is not in a flood hazard zone (i.e., a 100-year flood zone) identified by FEMA Flood Insurance Rate Map Number 06085C0232H (dated May 2009). It is designated by FEMA as Zone D, which is designated for areas in which flood hazards are undetermined, but possible (FEMA 2009). Most of the approximate 2.60-acre project site is covered with impermeable surfaces.

Regulatory Setting

Federal

CLEAN WATER ACT

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

Individual projects in the city that disturb more than one acre would be required to obtain NPDES coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction

General Permit requires the development and implementation of a SWPPP describing best management practices (BMP) the discharger would use to prevent and retain stormwater runoff. The SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a waterbody listed on the 303(d) list for sediment.

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

NATIONAL FLOOD INSURANCE ACT/FLOOD DISASTER PROTECTION ACT

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

Regional

CALIFORNIA PORTER COLOGNE WATER QUALITY CONTROL ACT

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 3, Environmental Leadership, in the City's General Plan sets forth sustainability goals for the city of San José through 2040. The Environmental Resources subsection discusses goals, policies, and actions relating to stormwater discharge into the City's storm drain system. In addition, the Environmental Considerations/Hazards subsection, presented in the *Hazards and Hazardous Materials* Section, describes flooding hazards. The following are applicable policies that relate to the project (City of San José 2011a):

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

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

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

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

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

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

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 1 and April 30.

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

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

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

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

GRADING ORDINANCE

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

POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT POLICY AND HYDROMODIFICATION MANAGEMENT POLICY

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

Impact Analysis

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

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

f. Would the project otherwise substantially degrade water quality?

The project site is developed predominantly with impermeable surfaces. Project construction could result in temporary impacts to water quality of runoff leaving the site.

Since the project would disturb approximately 2.60 acres, the project would be required to obtain an NPDES Construction General Permit and develop a SWPPP. The San Francisco Bay RWQCB administers erosion control standards through the NPDES program, which requires implementation of nonpoint source control of stormwater runoff.

All development projects in San José must comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the applicant would be required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discard of stormwater pollutants.

Consistent with the NPDES Municipal Regional Stormwater Permit, the City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The project would be required to comply with the City of San José General Plan standard permit conditions implemented during construction. These standard permit conditions to be included in the project are listed below.

The project would be required to comply with the City of San José Grading Ordinance, including 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, which may include the following:

- Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;

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

Standard Permit Conditions

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project 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.
- A Storm Water Permit will be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP that includes measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

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

Project construction would not increase the impermeable surfaces on the project site; rather it would add pervious landscaping. The project would also include bioretention basins to promote filtration and infiltration of stormwater from the proposed hotel roof area. There would not be an increase in runoff leaving the site as a result of the project. Therefore, the project would not exceed the capacity of the existing storm drain facilities.

Operation of the existing automotive facilities on-site has the potential to introduce contaminants associated with motor vehicles, such as fuels and lubricants. Operation of the proposed project would not represent a significant increase in generation of pollutants that could potentially impact water quality. Additionally, the project would be required to comply with the current NPDES Regional Municipal Stormwater Permit during operation. The Regional Municipal Stormwater Permit convers stormwater discharges from municipalities and local agencies in Santa Clara County and other parts of the Bay Area. This permit identifies low-impact development techniques that the City of San José, as a permittee, must require of new development and redevelopment projects, for the purpose of reduction the discharge of pollutants in stormwater runoff and preventing increases in runoff flows (RWRCB 2009).

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

The Envision San José 2020 General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development will have a less than significant impact on stormwater quality. Therefore, with compliance with the Regional Municipal Stormwater Permit requirements and the City's regulatory policies pertaining to stormwater runoff, the project would have a less than significant impact on water quality.

LESS THAN SIGNIFICANT IMPACT

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

The San Jose Water Company (SJWC) would provide potable water for the project. SJWC receives one-third of its potable water supply from groundwater from the Santa Clara subbasin, which is managed by the Santa Clara Valley Water District (SCVWD). The remaining potable water would come from surface water purchased from the SCVWD, imported from the State Water Project and The Central Valley Project, as well as local surface water supplies originating from the Santa Cruz Mountains (SJWC 2016). The Santa Clara Subbasin is an un-adjudicated basin, but SCVWD manages the basin and ensures that it does not become over drafted. As the groundwater manager, SCVWD

is tasked with maintaining adequate storage in the Santa Clara basin to optimize reliability during extended dry periods. As groundwater is pumped by SJWC and other subretailers and municipalities in Santa Clara County, SCVWD influences groundwater pumping reductions and thus reliability through financial and management practices to protect groundwater storage and minimize the risk of land subsidence. SCVWD does not yet have direct control over the amount of groundwater SJWC can extract from the basin. The SCVWD plans to update its Groundwater Management Plan to meet the requirements of the Sustainable Groundwater Management Act. As of 2016, the Santa Clara subbasin is not in a condition of chronic overdraft, and long-term average yields are sustainable (SCVWD 2016a).

Available water groundwater supply available to SJWD is predicted to increase by approximately 8 million gallons per year by 2040 (SJWD 2016). As discussed in Section 17, *Utilities and Service Systems*, the project would require approximately 18,118 gallons of potable water per day, which would be provided by a blend of groundwater and surface water. Therefore, the project would not deplete groundwater resources substantially.

The project site is developed with impermeable surfaces. The project would not result in an increase in the amount of impermeable surfaces in the project area and therefore would not interfere with groundwater recharge. In addition, as discussed in the geotechnical investigation (see Appendix GEO), groundwater under the project site is approximately 19 feet below ground surface, well below the proposed depth of excavation. Therefore, impacts on groundwater supplies would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

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

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

The project site is located in an urbanized area of the City of San José. Coyote Creek is approximately 0.9 mile east of the project site and does not flow through or adjacent to the site. Existing development between the project site and Coyote Creek includes roadways and single-family residences. Project construction would not alter the course of this creek or any other streams or rivers. As discussed under criteria (a), (e), and (f), the project site and surrounding area is predominantly paved with impermeable surfaces. The project would not introduce new impermeable areas to the extent that the rate or amount of surface runoff would substantially increase.

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

LESS THAN SIGNIFICANT IMPACT

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

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

The project site is located in a Zone D flood area as identified on the FEMA Flood Insurance Rate Map Number 06085C0232H (FEMA 2009). Zone D indicates areas that have undetermined flood hazards. Therefore, the project would not develop housing in a 100-year flood hazard area and would not place structures in a 100-year flood area that would impede or redirect flood flows. There would be no impact.

NO IMPACT

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

The project site is located approximately 11 miles northeast of Stevens Creek Reservoir and 12 miles northeast of Lexington Reservoir. It is not located in the inundation zone of either of these reservoirs (Santa Clara County 1994, SCVWD 2016b). Calabazas Creek is approximately 0.9 mile east of the site. However, there are no levees on Calabazas Creek that would subject the project site to flooding in the event of a failure. There would be no impact.

NO IMPACT

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

The project site is located approximately 6.5 miles southeast of San Francisco Bay and 28 miles from the Pacific Ocean. The project site does not appear on the state of California Tsunami Inundation Maps (Appendix GEO). San Francisco Bay is the closest body of water that could experience a seiche event. Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. Due to the distance from the project site and intervening development, a seiche in San Francisco Bay would not have potential to affect the project site. Additionally, the project site and surrounding area is predominantly flat and surrounded by urban development away from crests and steep ridges. Therefore, the project is in a low hazard area for tsunami, seiche, and mudflow. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project would have a less than significant impact on hydrology and water quality with incorporation of Standard Permit Conditions and compliance with Construction General Permit requirements. **(Less than Significant Impact).**

11 Land Use and Planning

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

Setting

The site is occupied by existing auto-related structures and businesses, including a billboard, tire shop, car wash, print shop, and a single-family residence. It is predominately paved. The project site zoned CIC, a designation intended for commercial, office, or industrial developments or a compatible mix of these uses. The project site is bordered by Oakland Road to the east, Madera Avenue to the south, residential development to the west, and Horning Street to the northwest. Residences are located across Oakland Road to the east. Other commercial uses are located south of the project site, and the adjacent properties north across Horning Street consist of other automotive uses.

Regulatory Setting

City of San José

CRITERIA FOR DRIVE-THROUGH USES – COUNCIL POLICY 6-10

The City of San José has established Criteria for Review of Drive-Through Uses (Council Policy 6- 10) for the analysis of drive-through uses, such as the proposed car wash. The criteria address ingress and egress locations, vehicle stacking, and turning movements. The goal of the policy is to ensure that drive-through uses do not impact adjacent uses, intersections, or streets; and do not create safety issues for drivers and pedestrians. While the goals of this policy are not necessary concerned with reducing environmental impacts, information regarding the project's consistency with this policy are included for informational purposes. The project's consistency with this policy is described in detail below under criterion *b*.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The project site has a General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial, which allows the following type of development:

- Density: Floor Area Ratio up to 12.0 (1 to 24 stories)
- A significant amount of flexibility is provided for the development of a varied mixture of compatible commercial and industrial uses.
- Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.
- Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area.
- In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses. Hospitals and private community gathering facilities are also allowed in this designation.

General Plan Policies

The General Plan includes several land use policies that are applicable to new commercial development in San José. The following land use policies are applicable to the proposed project.

Policy LU-3.6 Prohibit uses that serve occupants of vehicles (such as drive-through windows) and discourage uses that serve the vehicle (such as car washes and service stations), except where they do not disrupt pedestrian flow, are not concentrated, do not break up the building mass of the streetscape, and are compatible with the planned uses of the area.

Policy LU-4.3 Concentrate new commercial development in identified growth areas and other sites designated for commercial uses on the Land Use/Transportation Diagram. Allow new expansion of existing commercial development within established neighborhoods when such development is appropriately located and designed, and is primarily neighborhood serving.

Policy LU-5.3 Encourage new and intensification of existing commercial development, including standalone, vertical mixed-use, or integrated horizontal mixed-use projects, consistent with the Land Use / Transportation Diagram.

Impact Analysis

a. Would the project physically divide an established community?

The project would continue the existing urban development of the area and would not cut off connected neighborhoods or land uses from each other. There would be no new roadways, linear infrastructure, or other development features that would divide an established community or limit movement, travel, or social interaction between established land uses.

NO IMPACT

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

The project would construct a four-story hotel and car wash on two parcels designated CIC in the City's General Plan. The project would combine four existing parcels and then divide them into two separate parcels. The proposed development would comply with the CIC zoning: hotels are a permitted use and car washes are a conditional use allowed in the CIC zoning district subject to a conditional use permit (SJMC Chapter 20.50, Table 20-110). The CIC zoning district and General Plan designation allow a broad range of commercial uses with a local or regional market. The project would not conflict with the City's land use designation or zoning district for the site.

Additionally, City Council Policy 6-10 and General Plan Policy LU-3.6 are applicable to the project's drive-through car wash component. City Council Policy 6-10 contains provisions for drive-through uses. Emission control consistency is discussed in Section 3, *Air Quality*; noise-related consistency is discussed in Section 12, *Noise*; traffic-related provisions are discussed in Section 16*, Transportation*.

General Plan Policy LU-3.6 prohibits car washes except where they do not disrupt pedestrian flow, are not concentrated, do not break up the building masses of the streetscape, and are compatible with the planned uses of the area. As the project site is zoned CIC, and the project would comply with the applicable zoning requirements, the project would be compatible with planned uses in the area. As discussed in Section 16, *Transportation*, the project would not disrupt pedestrian flow. Based on the site's location, the project site is not in an area with a substantially high concentration of car washes, nor would the project break up building masses of the streetscape. The project would be consistent with General Plan Policy LU-3.6.

LESS THAN SIGNIFICANT IMPACT

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

As discussed in Section 4, *Biological Resources*, the project site is in the plan area for the Santa Clara Valley Habitat Plan. The project is located in the urban development zone of the plan area and is not near an interface with any reserve system land. The project would be required To adhere to 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 Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

Therefore, the project would not conflict with the Habitat Plan. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project is consistent with General Plan policies related to commercial development and vehicle uses, and conforms to its Land Use/Transportation Diagram designation of Combined Industrial/ Commercial. Thus, the project therefore would not result in significant land use impacts. **(Less Than Significant Impact)**

This page left intentionally blank.

12 Mineral Resources

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

Setting

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

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA (City of San José 2011b). The project site is approximately 6 miles northwest of Communications Hill.

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

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

Impact Analysis

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

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

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

NO IMPACT

Conclusion

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

13 Noise

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

The discussion in this section is based on noise measurements taken for the project by Rincon Consultants, Inc. on October 12, 29, and 30. This data is provided as Appendix NOI of this Initial Study.

Noise Fundamentals

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the

reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while arterial streets are in the 50-60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

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

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

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

Vibration

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

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude/decibels (Federal Transit Administration [FTA] 2006). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line

between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources inside buildings such as the operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads.

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

Setting

Environmental Setting

The project site is adjacent to residential and commercial land uses. The nearest sensitive noise receptors are residential uses adjacent to the western property line of the project site. The predominant noise source in the project area is traffic on Oakland Road and Horning Street. Rincon Consultants, Inc. conducted four short-term 15-minute noise measurements on October 12, 2018 and two long-term 24-hour noise measurements from October 29 to 30, 2018 (see Appendix NOI). Figure 12 shows the locations of the conducted noise measurements.

Existing noise levels range from 62.3 dBA Leq along Horning Street to 73.0 dBA Leq along Oakland Road. Table 18 shows the measured noise levels.

Table 18 Noise Monitoring Results

Measurement Number	Duration	Measurement Location	Primary Noise Source	Sample Time	dBA
1	15-min	50 feet from the intersection of Oakland Avenue and Horning Street	Roadway traffic along Oakland Road	October 12, 2018 4:11 pm – 4:26 pm	73.0
2	15-min	Starving Student Movers along Oakland Road	Roadway traffic along Oakland Road	October 12, 2018 4:31 pm – 4:46 pm	70.0
3	15-min	Prop line midway	Roadway traffic	October 12, 2018 4:57 pm – 5:12 pm	59.7
4	15-min	Horning at prop line and residences	Roadway traffic	October 12, 2018 5:18 pm – 5:33 pm	62.3
5	24-hour	Horning on site by residences (back corner of truck wash about 250 ft south of Horning adjacent to the residences)	Truck wash hours 7am-4pm	October 30, 2018 – October 31. 2018 8:45 am – 8:45am	70
6	24-hour	Oakland Rd at billboard (below the billboard sign in the truck wash nearest to Oakland Road)	Truck wash hours 7am-4pm	October 29, 2018 – October 30. 2018 8:50 am – 8:50 am	73.0

Appendix NOI provides noise monitoring data sheets and monitoring locations
Source: Field visit using ANSI Type II Integrating sound level meter in October 2018

Figure 12 Noise Measurement Locations

Imagery provided by Microsoft Bing and its licensors © 2018.

Regulatory Setting

Standards and guidelines for addressing noise exposure within the City of San Jose are contained primarily in the City of San Jose General Plan, with additional guidelines found in the City of San Jose Municipal Code. Where the San Jose General Plan and Municipal Code do not provide noise standards FTA recommended noise criteria was applied to the project.

Envision San José 2040 General Plan

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

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

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

Interior Noise Levels

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

Exterior Noise Levels

The General Plan establishes exterior noise level standards and maximum allowable noise exposure levels at noise-sensitive land uses, which are considered "normally acceptable," and shown in Table 19 and Table EC-1 of the City of San Jose General Plan. The intent of these guidelines is to affect new project development through discretionary review process to reduce potential noise exposure and excessive noise within the community. The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 19).

Table 19 City of San José Noise and Land Use Compatibility Guidelines

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

Source: City of San José 2011a

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

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

As shown in Policy EC-1.2, the General Plan seeks to minimize noise impacts of new development on existing noise-sensitive receptors by limiting the effect of a project on the existing ambient noise environment.

Policy EC-1.3 of the General Plan limits noise generation for new non-residential land uses which are adjacent to residential land uses, to 55 dBA DNL at the residential property line.

The effects of operational noise are discussed briefly in General Plan Policy EC-1.6, which prescribes regulation of commercial and industrial operational noise levels through application of the City's Municipal Code, discussed below.

The General Plan provides guidelines for construction operations within Policy EC-1.7, requiring construction operations within San Jose to use best available noise suppression devices and techniques; and limit construction hours near residential uses per the City's Municipal Code.

Policy EC-1.8 of the General Plan states that commercial drive-through uses will only be allowed "when consistency with the City's exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated."

Policy EC-1.9 requires new development to minimize vibration impacts to adjacent uses during demolition and construction to 0.08 in/second PPV for historic structures and 0.2 in/second PPV for buildings of conventional construction.

CITY OF SAN JOSÉ COUNCIL POLICY 6-10

The City of San Jose Council Policy 6-10: Criteria for Review of Drive-Through Uses is intended to provide guidelines for the development of establishments with drive-through facilities within the City. Policy 6-10 includes the following noise-related guidelines:

- Drive-through speakers shall not be audible from adjacent residentially used, zoned, or General Plan properties.
- Drive-through speakers shall not be used when the drive-through lane abuts residentially used, zoned, of General Planned properties.
- Use of sound attenuation walls and landscaping shall be encouraged.

City of San José Municipal Code

The City of San José regulates noise through the City's Zoning Ordinance (SJMC Section 20.40.600). Chapter 20 of the SJMC establishes a maximum noise level of 60 dBA Lmax at the property line of commercial land uses when adjacent to other commercial uses or non-residential uses and 55 dBA Lmax when adjacent to residential uses. Chapter 20.40.600 also states that there shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

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

FEDERAL TRANSIT ADMINISTRATION (FTA)

The FTA has recommended noise criteria related to traffic-generated noise in *Transit Noise and Vibration Impact Assessment,* a document that can be to determine whether a change in traffic would result in a substantial permanent increase in noise. Under the FTA standards, lower ambient noise levels have a higher allowable noise exposure increase because lower noise levels allow for increased noise in the ambient environment. Table 20 shows the significance thresholds for increases in traffic-related noise levels. These standards are applicable to project impacts on existing sensitive receptors (as defined under *Environmental Setting* above).

Table 20 Significance of Changes in Operational Roadway Noise Exposure

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

Source: FTA 2006

Impact Analysis

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

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

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

Construction

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

Table 21 provides estimates of construction noise at the nearest sensitive receptor, the residences located adjacent to the southwestern boundary the project site, for each phase of project construction. Construction noise was estimated using the Federal Highway Administration's Roadway Construction Noise Model (RCNM). Noise was modeled based on the project's construction equipment list for each phase and distance to nearby receptors. As a project-specific construction equipment list is not currently available, an equipment list for the project was generated using CalEEMod, which takes into consideration the project's proposed land uses, construction schedule, building and lot area, volume of export, and square footage of demolition. The CalEEMod-generated equipment list and RCNM outputs are provided in Appendix NOI.

As shown in Table 21, construction noise would reach as high as 87 dBA Leq at a distance of 50 feet during the demolition phase, which would exceed the measured ambient noise level of 62.3 dBA Leq by 24.7 dBA. According to the City's General Plan, the project would be considered to have a significant impact if generates substantial noise continuing for more than 12 months within 500 feet of a residence or 200 feet of commercial or office use, or does not use best available suppression devices and techniques. Therefore, construction noise would represent a potentially significant impact and the following mitigation would be required.

Mitigation Measure

The following mitigation measure would be required to reduce impacts from construction noise to a less than significant level. With implementation of Mitigation Measure N-1, impacts would be less than significant.

Table 21 Estimated Maximum Construction Noise – dBA Leq

Construction Phase	Equipment	Estimated Noise at 50 feet (dBA Leq)
Phase 1		
Demolition	Concrete saw, dozer, tractor/backhoe/loader (3)	87
Site preparation	Tractor/backhoe/loader, grader	85
Grading	Tractor/backhoe/loader (2), dozer, grader	85
Phase 2		
Building construction	Crane, forklift (2), Tractor/backhoe/loader (2)	82
Paving	Concrete mixer (4), paver, roller, tractor/loader/backhoe	84
Architectural coating	Air compressor	74
Phase 3		
Building construction	Crane, forklift, generator, tractor/loader/backhoe, welder (3)	81
Paving	Concrete mixer, paver, roller, tractor/loader/backhoe, paving equipment	86
Architectural coating	Air compressor	74

See Appendix NOI for RCNM modeling results.

Mitigation Measure N-1

Prior to the issuance of any grading permits or demolition, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- As part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices: Limit construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences would provide noise reduction if the noise barrier interrupts the line-of sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where it is not audible at existing residences bordering the project site.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly
- erected. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- 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) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The noise logistics plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to the issuance of any grading permit.

Significance After Mitigation

Implementation of this mitigation measure would avoid potentially significant construction-related noise and vibration impacts to adjacent residential receptors during demolition and construction activities. Plywood fences would reduce noise by 5 to 10 dBA Leq and exhaust mufflers would reduce noise by 8 dBA Leq. Assuming a conservative reduction of 5 dBA Leq for the fences and noise barriers, the noise reduction mitigation would reduce noise from project construction by at least 13 dBA Leq. Therefore, ambient noise levels 50 feet from the construction site would be reduced to 74 dBA Leq during the loudest construction phase. This would exceed the measured ambient noise level of 64.3 dBA Leq by 11.7 dBA Leq. Mitigation Measure N-1 would reduce construction noise to the degree feasible; therefore, the proposed project would have a less than significant construction noise impact.

Operation

Pursuant to General Plan Policies EC-1.1, EC-1.2 and -1.3, the project would have a significant impact on ambient noise levels if it would:

- Result in interior noise levels for the hotel to exceed 45 dBA DNL
- Noise levels on the project site exceed 60 dBA DNL
- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level

- Cause the noise at the adjacent residential property lines to exceed 55 dBA DNL

Operation of the proposed hotel would potentially increase ambient noise from both on-site operational noise and off-site roadway noise.

Project Site Compatibility

The project would introduce a new commercial use and hotel on the project site that would be exposed to existing ambient noise levels. As show in Table 18 noise levels on the project site range from 70 to 73 dBA DNL. Therefore, ambient noise levels fall within the conditionally acceptable levels for hotels and commercial development. The future noise environment at the project site would continue to result primarily from vehicle traffic along Highway 101 and Oakland Road, as well as car wash operation. The proposed hotel does not include an outdoor common areas where guests would be exposed to exterior noise. In addition, commercial uses consist of a drive-through car wash and would not expose people to exterior noise levels on the site. Therefore, exterior noise exposure would be less than significant.

Interior noise levels within the hotel rooms are required by the State and City of San José to be maintained at 45 dBA DNL or lower. Perimeter hotel rooms on the site would be exposed to the highest noise levels. The proposed hotel would have conventional construction with air conditioning and heating units, which would allow the uses to operate with closed doors and windows to reduce exterior to interior traffic noise as needed. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows. Therefore, interior noise levels at the hotel would range from 50 to 53 dBA DNL, which exceeds the 45 dBA DNL standard. The following Condition of Approval would be required:

Condition of Approval

The project applicant shall complete a design-level acoustical analysis and include appropriate site and building design, building construction and noise attenuation techniques to meet the State and City interior standards of 45 dBA DNL. A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to issuance of a building permit to calculate the expected interior noise levels as required by State noise regulations. The specific determination of required noise insulation treatments shall be completed on a room-by-room basis. Building sound insulation requirements shall include provision of forced-air mechanical ventilation for all perimeter units, so that windows can be kept closed at the occupant's discretion to control noise. All recommendations from the acoustical study shall be implemented in final project design.

On-site Operational Noise

The proposed project would generate non-mobile operational noise that would be typical of hotel uses, including periodic instantaneous sounds such as conversations in outdoor activity areas, music, vehicular movement, and doors slamming. In addition, the project would generate noise from the proposed one-lane drive-through car wash on the project site.

Noise levels from the hotel and car wash were modeled using SoundPlan, a three-dimensional noise modeling software that accounts for the shielding and reflective effects associated with intervening buildings and walls. The model takes into account intervening topography to accurately represent the noise environment. Existing buildings surrounding the project site were modeled with a

reflection loss of 1, which is consistent with acoustically hard surfaces. A ground factor of 0 was applied to account for the existing hard asphalt and concrete surfaces.

The main source of operational noise from the car wash would come from the water pump and spray noise during the wash cycle inside the car wash building and the blowers used during the drying process after the washing cycle is complete. Pumps would be located in the building interior and the water spray noise would occur in the wash tunnel; therefore, they would be shielded from noise-sensitive receptors. The drying fans at the exit of the car wash and vacuums west of the car wash would have the greatest impact on noise sensitive receptors near the project site. The drying fans used for the project would be 15 horsepower (HP) fans and vacuums used for the project would be Vacutech 40 HP Vacstar Turbine vacuums.[6] The dryer fans, located at the northern end of the car wash tunnel, were modeled at 95.8 dBA Leq at three feet and the vacuums located west of the carwash were modeled at 60 dBA Leq at 3 feet (see Appendix NOI). The supplied reference sound level data and operational characteristics for the equipment were used to calculate sound power levels (LwA)[7] for the dryer and vacuum. Due to model limitations the car wash was modeled as two parallel walls, without a roof. Therefore, this document provides a more conservative analysis of car wash noise. It should be noted that an existing outdoor truck car wash is located on the project site and would be demolished as part of the project. Therefore, noises produced by the project would be similar in character to the existing noise environment on the project site. Noise from the project would likely be lower than the truck car wash because the proposed car wash would be an enclosed structure.

The main noise source from the proposed hotel would be general vehicular movement and parking lot noise including doors slamming, car alarms, and conversations. The proposed 100 parking spaces in the hotel parking lot were modeled in SoundPlan to account for exterior noise from the hotel. The default traffic volume for a hotel in moves per parking bay was added to the model to account for noise associated with parking lot activity.

As shown in Table 22 noise levels generated from the project were anticipated to range from approximately 32 to 59 dBA DNL at the prediction receivers representing the adjoining property lines and nearby buildings. The project would not result in an exceedance of 55 dBA standard at the adjacent residential property line to the west and the residential property line east across Oakland Road, see Figure 13. However, the project would result in an exceedance of the City of San José noise standards at the residential receptor and property line northeast of the project site. Graphical results of operational noise at receptor locations are shown in Figure 13 (see Appendix NOI for SoundPlan results).

Mitigation Measure

The following mitigation measure would be required to reduce impacts from operational on-site noise at residential receptors to the northeast. With implementation of Mitigation Measure N-2, impacts would be less than significant.

[6] Equipment noise levels were based on equipment specifications provided by the project applicant.

[7] The Sound Power Level represents the total sound energy produced by the source under the specified operating conditions. Sound Power Levels cannot be measured directly; instead they are computed from reference sound pressure level measurements, such as those conducted by the manufacturer.

Mitigation Measure N-2

The project applicant shall utilize installation of noise control devices on car wash dryers such that noise levels are less than 55 dBA DNL at residential receptors to the northeast of the project site. The following equipment combinations for dryers would reduce noise below the City of San José standard of 55 dBA DNL:

- 10 HP drying fan with baffle at minimum air flow at 84.9 dBA Leq
- 10 HP drying fan with baffle and foam at maximum air flow at 87.9 dBA Leq
- 10 HP drying fan with baffle and foam at minimum air flow at 84.9 dBA Leq
- 15 HP drying fan with baffle and foam at minimum air flow at 87.1 dBA Leq

The project applicant shall determine which equipment to install prior to the issuance of any grading permits. The project applicant shall submit confirmation (i.e. purchasing of equipment, equipment detailed on plan sets, etc.) of which equipment shall be used to the Director of Planning, Building, and Code Enforcement or Director's designee prior to the issuance of any building permits. Equipment combinations that are different from the list above shall require an additional acoustic study prepared by a qualified acoustic professional/specialist.

Figure 13 Modeled Car Wash and Hotel Noise Levels

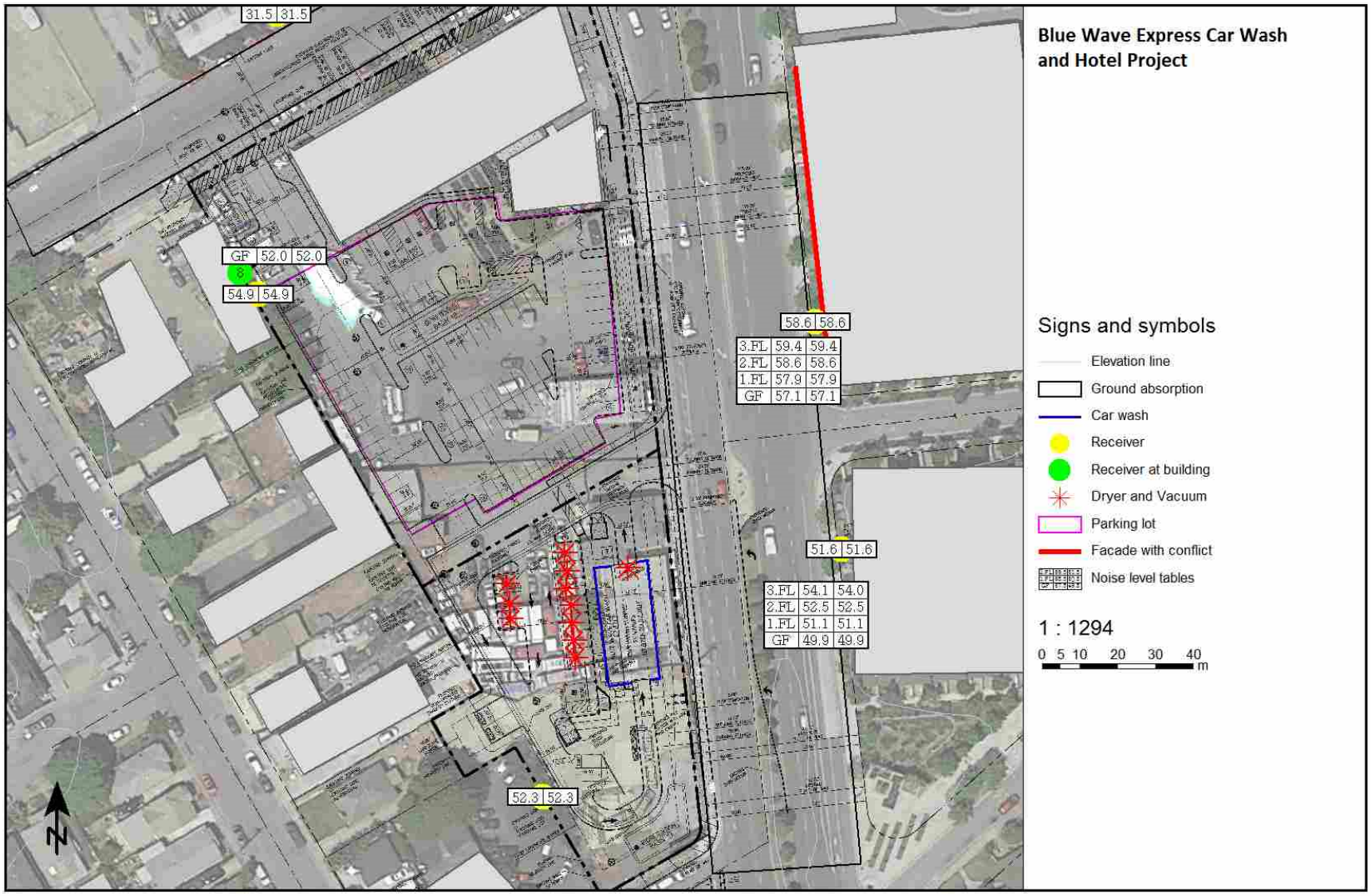


Table 22 Modeled Project Noise Levels

Location	Noise Level Exposure (dBA DNL)[1]
Commercial receptor to the north	31.5
Commercial property line to the south	52.3
Residential property line to the east	51.6
Residential property line to the northeast	58.6
Residential property line to the northwest	54.9
Residential receptor to the east	49.9[2]
Residential receptor to the northeast	57.1[2]
Residential receptor to the northwest	52.0

[1] Noise level exposure for receptors is from both car wash and hotel noise

[2] Represents noise exposure on the ground floor of a multi-family building

See Appendix NOI for SoundPlan data and results

Significance After Mitigation

Table 23 indicates overall project noise levels are predicted to range from approximately 24 to 51 dBA DNL at nearby noise sensitive receptors following implementation of the Mitigation Measure N-3. Figure 13 shows results of noise at receptor locations graphically (see Appendix NOI for SoundPlan results). Figure 14 shows a graphic representation of project operational noise with mitigation (10 HP fan with baffle and foam at maximum air flow because this conservative option would reduce noise the least of the four possible equipment combinations). Therefore, the proposed project is anticipated to comply with the City of San José 55 dBA DNL noise level standard for residential land uses.

Table 23 Modeled Project Noise Levels with Mitigation

Location	Noise Level Exposure (dBA DNL)[1]
Commercial receptor to the north	24.1
Commercial property line to the south	44.9
Residential property line to the east	43.8
Residential property line to the northeast	50.7
Residential property line to the northwest	47.3
Residential receptor to the east	42.1[2]
Residential receptor to the northeast	49.3[2]
Residential receptor to the northwest	44.4

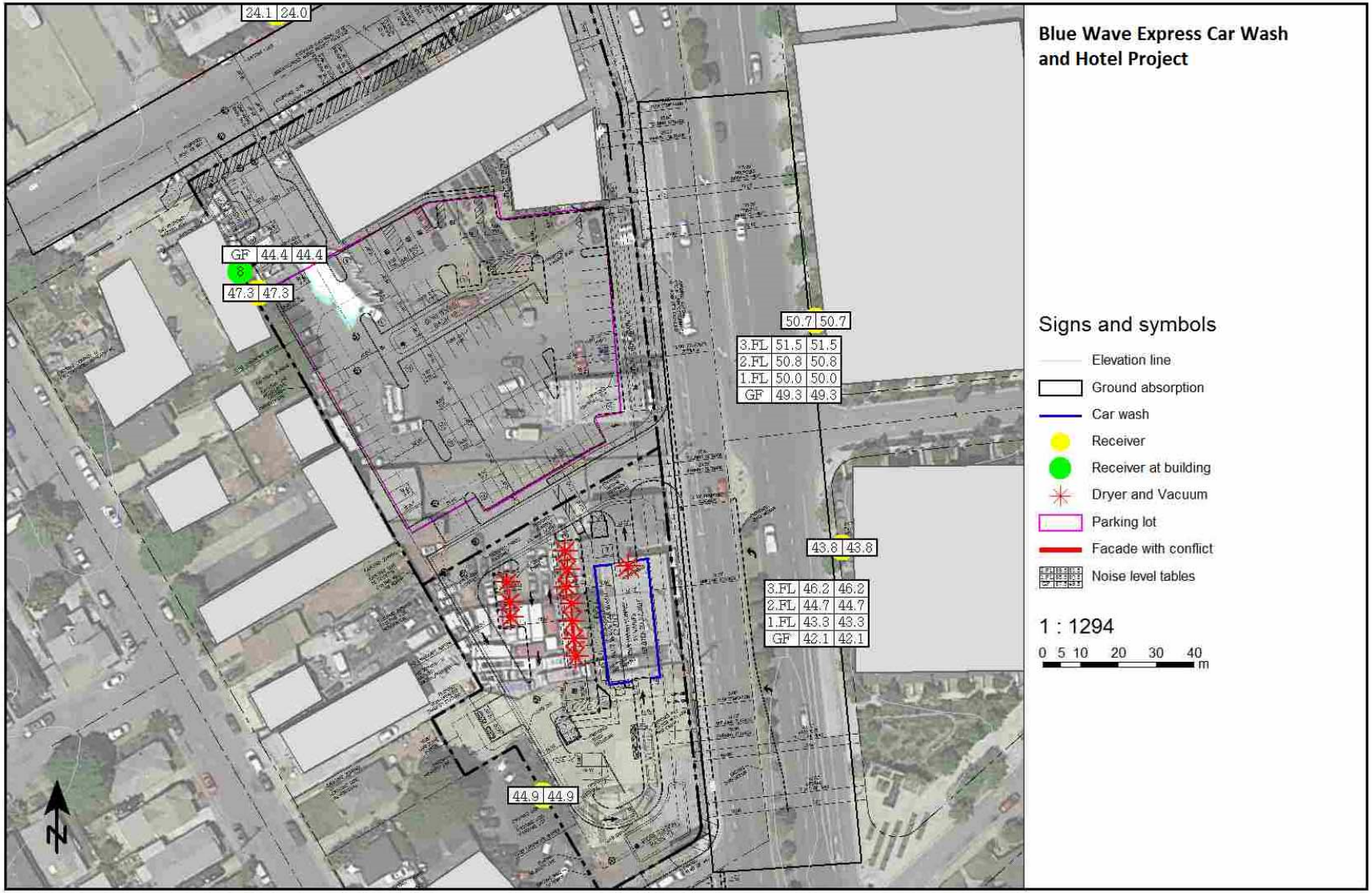
[1] Noise level exposure for receptors is from both car wash and hotel noise

[2] Represents noise exposure on the ground floor of a multi-family building

See Appendix NOI for SoundPlan data and results

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

Figure 14 Modeled Car Wash and Hotel Noise Levels with Mitigation



Increase in Traffic Noise

Project operation would result in an increase in the average number of daily vehicle trips along Oakland Road. Appendix TRA determined that the project would result in a net increase of 332 trips daily, as described further in Section 16, *Transportation*. The number of daily trips along Oakland Road was 39,381 in 2014. The project would therefore result in a 0.8 percent increase in vehicle trips along Oakland Road. A doubling of trips would result in an increase of 3-dBA to the existing ambient noise environment (FTA 2018). As described above, 3-dBA is the threshold of a barely noticeable change; therefore, the increased traffic associated with the project would not result in an audible addition of traffic noise and the project would have a less than significant impact from increasing long-term traffic noise.

LESS THAN SIGNIFICANT IMPACT

Combined Car Wash and Traffic Noise

As shown in Table 24 the proposed car wash would result in an increase in the measured noise levels up to 0.2 dBA at the residential property lines and residential properties surrounding the project site. Project traffic would result in a 0.8 percent increase in vehicle trips along Oakland Road which is less than a 1 dBA increase in noise. Therefore, combined car wash and traffic noise would not result in an increase of 3 dBA or more at nearby residential receptors. Impacts from combined operational noise would be less than significant.

Table 24 Car Wash Noise Level Increase without Mitigation

Location[1]	Noise Level Exposure (dBA DNL)[2]	Existing Noise Level (dBA DNL)[4]	Noise Level with Car Wash (dBA DNL)	Noise Level Increase (dBA)
Residential property line to the east	51.6	73	73.0	0.0
Residential property line to the northeast	58.6	73	73.2	0.2
Residential property line to the northwest	54.9	70	70.1	0.1
Residential receptor to the east	49.9	73	73.0	0.0
Residential receptor to the northeast	57.1	73	73.1	0.1
Residential receptor to the northwest	52.0	70	70.1	0.1

[1] Commercial uses not included because they are not considered sensitive land uses per General Plan Policy EC-1.2

[2] Noise level exposure for receptors is from both car wash and hotel noise

[3] Represents noise exposure on the ground floor of a multi-family building

[4] See noise levels in Table 18. Noise level at the residential property to the northeast is equal to the measured Leq because the project site is located in an urban area where Leq is roughly equal to DNL (SWRCB 1999)

See Appendix NOI for calculations

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

Operationally, the project would not be a source of vibration. However, the project would include standard construction activities that would result in some vibration felt in the project vicinity, as

commonly occurs with construction projects. The closest sensitive receptors are existing residences adjacent to the western edge of the project site. In accordance with the San Jose Municipal Code, noise- and vibration-generating construction activity is limited to the hours of 7 a.m. to 7 p.m. Monday through Friday and at no time on weekends because the project is located within 500 feet of a residence (SJMC 20.100.450). Timing restrictions on construction activity would avoid vibration during normal sleeping hours. The proposed project also would be required to comply with General Plan Policy EC-2.3, which requires new development to minimize vibration impacts to adjacent uses during demolition and construction, limiting the vibration to 0.20 in/sec PPV (approximately 94 VdB at 25 feet distance), to avoid potential cosmetic damage at buildings of normal conventional construction. Table 25 provides a summary of the vibration levels at a distance of 50 feet for potential construction equipment. Therefore, no damage to adjacent structures would occur. Vibration impacts would be less than significant.

Table 25 Vibration Source Levels for Construction Equipment

Equipment	Approximate VdB 50 Feet
Large Bulldozer	78
Loaded Trucks	77
Jackhammer	70
Vibratory Roller	85

Source: FTA 2006

LESS THAN SIGNIFICANT IMPACT

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

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

The nearest airport to the project site is the San José International Airport, approximately 1.5 miles east of the project site. The project site is not in areas included in the airport noise contours (Santa Clara County Airport Land Use Commission 2016). Therefore, the project would not expose people to excessive noise associated with an airstrip. There would be no impact.

NO IMPACT

Conclusion

With the incorporation of Mitigation Measures N-1 and N-2, the proposed project would result in less than significant noise impacts for construction and operation. **(Less Than Significant Impact with Mitigation)**

14 Population and Housing

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

Setting

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

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 4, Quality of Life, in the City's General Plan addresses how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well maintained infrastructure, urban services, and cultural and entertainment options.

Impact Analysis

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

The project would not construct any permanent residences. It is expected that project employees would be drawn primarily from existing populations in nearby communities. No new roads or infrastructure are proposed. Therefore, the project would not result in direct or substantial indirect

population growth within the city of San José or the region. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

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

The project site contains one single-family residence that would be demolished. Therefore, as the only housing that would be displaced is a single residence, substantial numbers of people would not be displaced as a result of the project. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project would not induce substantial population growth and would have a less than significant impact on population and housing. **(Less than Significant Impact)**

15 Public Services

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

Setting

The San José Fire District (SJFD) provides fire protection to the project site, and responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area and the city. The SJFD consists of 33 fire stations throughout the City and is divided into four bureaus: Administrative Services, Field Operations, Fire Prevention and Permits, and Fire Dispatch. In addition to fire and emergency response, the SJFD provides permitting, inspection, and planning services through the Fire Prevention and Permits Bureau. The City's General Plan establishes a goal of a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

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

Schools nearest the project site include Aarush School, approximately 0.5 mile north of the project site; Burnett Middle School, 0.7 mile southwest of the project site; and Challenger School – Berryessa, approximately 0.7 mile northeast of the project site.

As of 2010, the City of San José provides and manages approximately 3,520 acres of parks (regional/city-wide and neighborhood/community), community gardens, and open space lands. It also provides management for over 50 community facilities. As described in the San José 2040 General Plan, the City plans to implement a 100-mile network of multiuse trails (City of San José 2011a). Parks nearest the project site include Luna Park, approximately 0.1 mile east of the project site, Raymond Bernal Jr. Memorial Park, approximately 0.4-mile southwest of the project site; Backesto Park, approximately 0.7 mile southeast of the project site; and Watson Park, approximately 0.8 mile east of the project site. Luna Park is a 1.21-acre park with picnic sites and a playground (City of San José 2018a). Raymond Bernal Jr. Memorial Park is 5.8 acres and has a number of amenities, such as a picnic sites, BBQ area, an unlighted softball field, youth playground and restrooms (City of San José 2018b). Backesto Park is a 10.5-acre park with picnic sites, BBQ area, a lighted softball field, two basketball courts, two handball courts, three bocce ball courts, and eight unlighted tennis courts, two playgrounds, and restrooms (City of San José 2018c). Watson Park is a 26.6-acre park with picnic sites, BBQ, two basketball courts, two playgrounds, and restrooms (City of San José 2018d).

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

Chapter 4, Quality of Life in the City's General Plan includes goals, policies and implementation actions for various public services, including education, libraries, health care, public safety (police and fire), and code enforcement. In addition, the Parks, Open Space, and Recreation Subsection of the same chapter, provides the goals, policies, and actions related to parks, open space, and recreational facilities.

Education

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

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

Law Enforcement and Fire Protection

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

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

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

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

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

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

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

Impact Analysis

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

The SJFD Fire Station 5 currently serves the project site, being the closest station, located at 1380 N 10th Street, approximately 0.5 mile northwest of the project site. The site is in the existing service area of the SJFD and on-site construction would be required to comply with current applicable Fire Code requirements. In addition, the project site is located within an already developed area and involves a commercial structure and a transient occupancy use, and the structure's size and construction features would be generally similar to other existing buildings in the area; therefore, there would be no need for new or expanded fire department facilities to serve the project. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Officers patrolling the project area are dispatched from police headquarters located approximately 1 mile to the southwest at 201 West Mission Street. The project is not a residential project and would not generate new residents, although transient hotel occupants may require a limited level of police services. The City has four patrol divisions, which consist of a total of 16 patrol districts. The patrol districts consist of 83 patrol beats, and the patrol beats consist of 357 patrol beat building

blocks. The City General Plan establishes the goal for response times of six minutes of less for 60 percent of all Priority 1 calls, and 11 minutes or less for 60 percent of all Priority 2 calls.

The project is located in the SJPD service area, and would replace existing automotive-related buildings and structures with a new hotel and car wash within the City, which could warrant police response. However, the City does not have a service ratio percentage for each new development, but each new development is a part of the goal response times as provided in the City's General Plan. As discussed in Section 13, *Population and Housing*, the project would not result in an increased population within the SJPD service area. Therefore, there would be no need for new or expanded police department facilities to serve the project, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project would be located in the San José Unified School District (SJUSD), within the boundary for Bachrodt Elementary School, Burnett Middle School, and San José High School (SJUSD 2015). As discussed in Section 13, *Population and Housing*, the project would not substantially increase permanent residents within the City of San José. Therefore, the project would not significantly impact school enrollment in the SJUSD and would not result in the need for new or expanded school facilities. There would be no impact.

NO IMPACT

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

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

NO IMPACT

Conclusion

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

16 Recreation

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

Setting

There are currently 16,067 acres of parkland in San José (The Trust for Public Land 2016). Parklands in the city are managed by the US Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The parks nearest the project site are Luna Park and Raymond Bernal Jr. Memorial Park, approximately 0.7-mile southeast of the project site. Luna Park is 1.21 acres with picnic sites and a playground (City of San José 2018a). Raymond Bernal Jr. Memorial Park is 5.8 acres and has a number of amenities, such as a picnic sites, BBQ area, an unlighted softball field, youth playground and restrooms (City of San José 2018b).

Regulatory Setting

Parks

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

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

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

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

Impact Analysis

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

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

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

Guests at the proposed hotel could potentially utilize neighborhood or regional parks and recreational facilities within the City. However, this use would be temporary and intermittent and would not result in substantially increased demand or significant deterioration of recreation facilities. As discussed in Section 13, *Population and Housing*, the project would not result in a substantial increase in population within the City of San José. Therefore, the project would not affect the City's parkland ratio goals established in the General Plan. The project would not substantially alter citywide demand for parks. No impacts to parks or recreational facilities would occur.

NO IMPACT

Conclusion

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

17 Transportation

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

Setting

The following analysis of the potential traffic impacts resulting from the project is based primarily on the Transportation Analysis Report conducted for the project by Stantec, dated May 22, 2019 (see Appendix TRA). The Transportation Analysis Report analyzed the projected trip generation to and from the project site, pedestrian and bicycle facilities, transit facilities, on-site circulation and access, and on-site parking.

The project site currently has driveway access off Oakland Road and Horning Street. VTA provides local and community bus routes along Oakland Road and Hedding Street and two express routes along US 101 in the project vicinity. For a more detailed description of existing facilities, please see Appendix TRA. The average vehicles mile traveled (VMT) for the area is 15.43 per non-industrial worker (Appendix TRA).

Regulatory Setting

Regional

CONGESTION MANAGEMENT PROGRAM

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

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. SCVTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. SCVTA also prepares and adopts guidelines for preparing transportation impact analyses (TIA) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

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

City of San Jose

CITY COUNCIL POLICY 6-10

The City Council approved Council Policy 6-10 - Criteria for the Review of Drive-Through Uses in 1979 and updated the policy in 1990. The purpose of the policy is to provide guidelines for the development of drive-through facilities within the City. According to Council Policy 6-10, development shall be restricted to Commercial Zoning Districts, designated as C-1, C-2, and C-3, and to Planned Development (PD) zoning; however, the current CIC zoning is a Commercial Zoning District which did not exist at the time the policy was written but is consistent with the policy.

US 101/OAKLAND/MABURY TRANSPORTATION DEVELOPMENT POLICY

The City adopted the US-101/Oakland/Mabury Transportation Development Policy (TDP) in 2007 which "is intended to achieve all of the following: (1) management of traffic congestion generated by near-term new development in the vicinity of the US-101/Oakland interchange; (2) promotion of General Plan goals for economic development and housing; and (3) improvement of the US-101/Oakland Road interchange and construction of the new US-101/Mabury Road interchange to accommodate new development." The TDP defines the interchange capacity available, identifies the required improvements for future development in the area, explains the funding to complete the required improvements, establishes a traffic fee program for new development in the area to fund the improvements, promotes industrial land use in the area, and allows the LOS of signalized intersections covered by the TDP to temporarily exceed the City's LOS standards until the required improvements are constructed. More information on this policy can be found in Section 4.4.3 of Appendix TRA.

LEVEL OF SERVICE STANDARDS AND CITY COUNCIL POLICY 5-1

City Council Policy 5-1 "Transportation Impact Policy" aligns with California Senate Bill 743 (SB 743) that establishes the thresholds for transportation impacts under CEQA, removing transportation "Level of Service" (LOS) based on delay and congestion and replacing it with VMT. VMT refers to the amount of and distance of automobile travel in a day attributed to a development project. VMT is measured by multiplying the total vehicle trips generated by a development project by the average distance of those trips, adjusting for the number of people in the vehicle. In the City of San Jose, VMT is calculated using the Origin-Destination VMT method, which measures the full distance of vehicle travel with one end within the project. See Section 2.1 of Appendix TRA for more information on VMT analysis.

The City has developed screening criteria to determine when a detailed CEQA transportation analysis would not be required because projects are expected to result in less-than-significant VMT impacts based on project description, characteristics, or location.

The City has defined "Local-Serving Retail" as a type of project that will not result in significant transportation impacts on the transportation system and will conform to the City's General Plan and other City goals and policies. As defined in City Council Policy 5-1, local-serving retail typically diverts existing trips from established local retail to new local retail without measurably increasing trips outside of the area. In recognition of this effect, retail commercial projects up to a combined total of 100,000 gross square feet meet the City's screening criteria and do not require a detailed VMT analysis. A development of this size would generate 3,775 daily trips based on Institute of Transportation Engineers (ITE) trip rate.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

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

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

Policy TR-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

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

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

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

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

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

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

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

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

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

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

Impact Analysis

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

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

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

The project would change the number of vehicular trips generated by the proposed use of the site. Stantec developed trip estimates using trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation*, 10th Edition (2017), which are based on a compilation of empirical trip generation surveys at locations throughout the country to forecast the number of trips that would be generated by the project. The average trip rates for the land use category of Business Hotel (ITE code 312) and Automated Car Wash (ITE code 948) were used to estimate the daily and peak-hour trip generation for the project, and observed traffic for the existing site was subtracted from to yield a net total. As shown in Table 26, the project is expected to generate a net increase of 30 a.m. peak hour trips, and 24 p.m. peak hour trips.

Vehicle Miles Traveled

The project would generate 1,429 daily vehicle-trips (as shown in Table 26) and would be equivalent to 38,000 square feet of local-serving retail; therefore, the project is less than the criteria of 100,000 square feet of retail and is exempt from a detailed VMT analysis, according to City Council Policy 6-1 thresholds (Appendix TRA).

Additionally, per San Diego Association of Governments (SANDAG) *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, a hotel has an average trip length of 7.6 miles. A gas station has an average trip length of 2.8 miles, and the proposed car wash patron would have a similar average trip length. Both of these land uses have much shorter average trip lengths than the VMT for the area of 15.43 per non-industrial worker; therefore, the project would reduce the overall VMT for the area (Appendix TRA).

Table 26 Project Trip Generation

	a.m.			p.m.			
ITE Land Use	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**ADT**
Proposed Project							
312: Business Hotel (116 rooms)	19	26	45	20	17	37	466
948: Automated Car Wash (1 tunnel)	28	21	49	39	39	78	963
Baseline Total	47	47	94	59	56	115	1,429
Project Trip Reduction							
Hotel Location-Based Adjustment	-2	-3	-5	-2	-2	-4	-56
Adjusted Vehicle Trips	45	44	89	57	54	111	1,373
Existing Site Traffic	-30	-12	-42	-22	-27	-49	-650
Net External Vehicle Trips	15	32	45	35	27	62	723

Source: Appendix TRA

Pedestrian, Bicycle, and Public Transit

From the peak hour counts and field observations Stantec conducted, pedestrian and bicycle traffic is light during the a.m. peak hour and moderate during the p.m. peak hour in the study area. Sidewalks are present and in good condition along Oakland Road and Hedding Street in the study area, with the exception of the north side of Hedding Street, between 11th Street and 10th Street, where the sidewalk becomes a dirt path. A sidewalk is provided on the east side of 10th Street north of Hedding Street, but does not exist on the west side. Sidewalks are provided on both sides of 10th Street south of Hedding Street, on 11th Street south of Hedding Street, and on Madera Avenue. Sidewalks are missing on portions of Horning Street.

Class II bike lanes are provided on Oakland Road north of Commercial Street and south of Horning Street, but they are not carried through the US Highway 101 interchange area. SCVTA rates Oakland Road between Hedding Street and US Highway 101 as a “High Caution” area on the Santa Clara Valley Bikeways Map, which indicates high traffic volumes, high traffic speeds, high number of vehicles turning right, and narrow travel area for bicycles. Class II bike lanes are provided on Hedding Street, which is designated as an On-Street Primary Bicycle Facility. Class II bike lanes are provided in both directions on 10th Street north of Hedding Street, but are not striped on the one-way portion of 10th Street south of Hedding Street, although “Bike Lane” signs are posted. Northbound Class II bike lanes are striped on 11th Street south of Hedding Street. All of the bike facilities are in good repair, with the exception of 10th Street north of Hedding Street where the bike lane striping is badly faded in some places.

Several local and express bus routes are located in the study area. SCVTA provides local and community bus routes along Oakland Road and Hedding Street and two express routes along US 101 in the study area. Route 66 travels along Oakland Road from north of Commercial Street to Hedding Street with bus stops on Oakland Road adjacent to the project site. Route 66 continues west along Hedding Street past 10th Street. Route 65 travels from the Oakland Road/Hedding Street intersection south along 13th Street south of the study area. Route 12 travels from the Civic Center

area west of the study area to east of the study area along Hedding Street. Similarly, Route 62 travels from west of the study area to east of the study area via Hedding Street. Bus stops are located along Hedding Street in the study area.

SCVTA provides express Route 121 and Route 122 through the study area via US Highway 101, but bus stops for these routes are not provided in the study area.

Monterey-Salinas Transit provides an Amtrak thruway bus route that travels between Mineta San José International Airport and King City to the south. Monterey-Salinas Transit Route 86 travels through the study area via US Highway 101 and does not provide any bus stops in the study area.

On-site Parking

On-site parking is not identified as an environmental impact topic in the CEQA Appendix G checklist; therefore, the following discussion of available parking is included for informational purposes only. The project includes 117 surface parking spaces: 100 would be associated with the hotel; 40 would be compact spaces; four would be designated ADA-accessible, five electric vehicle charging, and eight clean air vehicle spaces. The car wash would provide 11 parking spaces: 3 employee spaces, 7 vacuum spaces, and 1 ADA-accessible. SJMC requirements provide for one automobile parking space per room and one space per employee at the hotel, and one space per employee for the car wash.

Bicycle parking spaces would be provided, according to SJMC requirements, with 13 associated with the hotel and 1 with the car wash. SJMC requires one bicycle space per 10 rooms for hotels and 1 bicycle per 10 employees for the car wash. The proposed project would not conflict with any plan, ordinance, or policy and would meet the required transportation standards. Therefore, the proposed project would result in less than significant impacts to traffic and circulation.

LESS THAN SIGNIFICANT IMPACT

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

As discussed in Section 8, *Hazards and Hazardous Materials*, and Section 12, *Noise*, the project site is approximately 1.5 miles from the nearest airport and is not located within an airport safety zone (Santa Clara County Airport Land Use Commission 2016). Therefore, the project would not result in a change in air traffic patterns that would result in a substantial safety risk. There would be no impact.

NO IMPACT

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

The project site has 10 driveways currently. The proposed project would have two driveways: a main driveway on Oakland Road opposite Boardwalk Way and a second driveway on Horning Avenue. The project includes stacking for five vehicles, as required by SJMC and Council Policy 6-10. The project would not increase hazards due to design features. The impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project result in inadequate emergency access?

No roads would be closed during construction. The proposed project would be required to conform to traffic and safety regulations that specify adequate emergency access measures. The project also meets ingress/egress requirements in City Council Policy 6-10 (Appendix TRA). The project site would be required to meet the standards set forth by the SJFD. Adherence to existing federal and state regulations and the City's Envision San José 2040 General Plan goals and policies would reduce impacts. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project is not expected to generate a significant amount of pedestrian or bicycle traffic. Business hotel guests are expected to use rental cars, ride-sharing services (e.g., Uber/Lyft), or hotel shuttle services (if provided), but some employees might walk or bike to the site. Car wash customers would drive their vehicles to the car wash. The car wash would have a minimal number of employees who might walk or bike to the site. The project is not expected to have a noticeable effect on the pedestrian or bicycle network (Appendix TRA).

A bus route travels along the project frontage and several routes travel along Hedding Street south of the site, but a low percentage of transit use is expected. Business hotel guests are likely to use the ride-sharing services than to take public transit to and from the hotel. The most common users of transit to the site would be employees of the hotel or car wash. However, the project is not expected to have a noticeable effect on transit use in the study area (Appendix TRA).

LESS THAN SIGNIFICANT IMPACT

Conclusion

The proposed project would have a less than significant traffic impact. **(Less than Significant Impact).**

18 Utilities and Service Systems

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

Setting

Potable Water

SJWC would provide potable water to the project, as it does to other commercial and residential customers in the project area. Water in the project area is sourced predominantly from water

imported and treated by the SCVWD (SJWC 2015). The SCVWD operates three WTPSs currently: the Penitencia WTP, Rinconada WTP, and Santa Teresa WTP. The SJWC treats local surface water resources at the Montevina WTP and Saratoga WTP.

Wastewater

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

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

There is an existing 30-inch vitrified clay pipe[8] sanitary sewer main along the project site's Horning Street frontage. There is also an existing 6-inch vitrified clay pipe sanitary sewer main on Oakland Road and Madera Avenue.

Solid Waste

Republic Services would collect solid waste from the project site. Landfills serving the city include Guadalupe Mines, Kirby Canyon, and Newby Island.

Other Utilities

Pacific Gas and Electric Company would provide gas and electric utilities to the project site (Pacific Gas and Electric Company 2014a, 2014b).

Regulatory Setting

State of California

CALIFORNIA GREEN BUILDING STANDARDS CODE

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

[8] Vitrified clay pipe is pipe made from a blend of clay and shale that has been subjected to high temperature to achieve vitrification, which results in a hard, inert ceramic.

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

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

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

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

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

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

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

Impact Analysis

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

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

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

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

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

The City of San José does not have any published wastewater generation factors. Therefore, standard wastewater generation rates were used to estimate the amount of wastewater that would be generated by hotel (City of Los Angeles 2006). Wastewater generation associated with a similar car wash facility was used to estimate the proposed project's wastewater generation rate.

As shown in Table 27, the proposed project would generate approximately 15,098 gallons of wastewater per day. This increase would be less than 0.03 percent of the existing unused capacity of the RWF. Therefore, there would be sufficient wastewater capacity to serve the project site. Additionally, as the wastewater of the existing on-site structures has not been subtracted, this analysis is conservative, as net wastewater generation would be lower than the 15,098 gallons per day associated with the project. Therefore, the project would not exceed wastewater treatment requirements or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, impacts would be less than significant.

Table 27 Estimated Wastewater Generation

Type of Land Use/ Occupancy	Generation Factor (gallons per day)	Quantity	Wastewater Generation (gallons per day)
Proposed Project			
Hotel[1]	130 per room	116	15,080
Car Wash[2]	18.2 per tunnel	1	18.2
Project Wastewater Generation			15,098.2

Notes: [1] use guest rooms only

[2] Based on a similar facility located in San Rafael

Source: City of Los Angeles 2006

LESS THAN SIGNIFICANT IMPACT

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

The project site would continue to connect to the existing storm drain system operated and maintained by the City of San José. The City's storm drain system delivers water to local creeks and ultimately to San Francisco Bay. The project would construction a new hotel and car wash on a site that is currently developed with existing automotive-related uses. As the project site is already covered by impervious surfaces, development of the project would not increase impermeable surfaces on the project site. The project also includes new pervious landscaping areas and bioretention basins and would direct runoff from the roof to landscaped areas. There would be no increase in runoff generated from the site as a result of the project. The project would not necessitate the construction of new stormwater drainage facilities or expansion of existing facilities. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Potable water for the proposed development would be supplied by SJWC. The SJWC receives approximately one third of its potable water supply from the Santa Clara subbasin. The remaining potable water supply is provided by surface water purchased from the SCVWD from and imported from the State Water Project and The Central Valley Project, as well as local surface water supplies originating from the Santa Cruz Mountains (SJWC 2016).

The SJWC projects that water supply availability will increase from 35,369 million gallons per year in 2015 to approximately 55,213 million gallons in 2040. Projected population growth in San José is anticipated to result in water demand increase from 34,729 million gallons in 2015 to 55,213 million gallons in 2040. This increase would account for 100 percent of water supply available through 2040 under average conditions (Table 27). However, as shown in Table 28, under a multiple year drought scenario, it is anticipated that the water demand would exceed available water supply by as much as approximately 21,437 million gallons during the third year of drought in 2040 (SJWC 2016).

Table 28 San José Water Company Supply/Demand Balance Normal Year (million gallons)

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

Source: SJWC 2016

Table 29 San José Water Company Supply/Demand Balance Multiple Years of Drought (million gallons)

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

() indicates a negative number

Source: SJWC 2016

To account for the potential water shortage under severe drought conditions, the SJWC has adopted a Water Shortage Contingency Plan (WSCP). The WSCP establishes staged mandatory water use reductions that reduce water supply from 10 percent under stage 1 with voluntary conservation to 50 percent under stage 5 with emergency conservation. Furthermore, the WSCP established prohibited end uses of water under each water shortage stage (SJWC 2016). Furthermore, the City of San José General Plan contains policies and actions that require the installation of water-efficient landscaping, and water efficient fixtures and appliances (City of San José 2011a).

Assuming that water demand is approximately 120 percent of the estimated wastewater generated by the project, it would require approximately 18,118 gallons of water per day. Therefore, the project would result in a potable water demand of approximately 6.6 million gallons per year. This is a conservative estimate because it does not account for the water demand from existing uses. This water demand would represent approximately 0.03 percent of the anticipated 20.5 million gallon increase in water demand from SJWC by 2040.

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

LESS THAN SIGNIFICANT IMPACT

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

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

Solid waste from the project site would be collected by Republic Services. Landfills serving the City include Guadalupe Mines, Kirby Canyon, and Newby Island. Table 30 shows the estimated remaining capacity and anticipated closure dates of landfills serving the city.

Table 30 Estimated Landfill Capacities and Closure Dates

Landfill Facility	Permitted Capacity (cubic yards)	Remaining Capacity (cubic yards)	Anticipated Closure Date
Guadalupe Mines	28,600,000	11,055,000[1]	2048
Kirby Canyon	36,400,000	16,191,600[2]	2022
Newby Island	57,500,000	21,200,000[3]	2041

[1] Cal Recycle 2018a
[2] Cal Recycle 2018b
[3] Cal Recycle 2018c

Assuming a waste generation rate of 1.31 tons of waste per guest room per year for hotel land uses, the hotel would generate approximately 151.96 tons of waste per year (CalRecycle 2015). Based on a waste generation rate of 0.9 lbs/day per 100 square feet, the 2,880 square foot car wash would generate 4.7 tons of solid waste per year (CalRecycle 2018d). The project's total waste generation would be approximately 156.69 tons per year. However, the City of San José diverted approximately 73 percent of their waste in 2013 and 66 percent of their waste in 2015 (City of San José 2017). Therefore, the project would result in an increase of approximately 103.42 tons of waste per year (at a 66 percent diversion rate) that would be added to landfills serving the city. This is a conservative estimate that does not account for waste generated from the existing gas station land uses. Furthermore, the proposed project would be required to conform to City plans and policies to reduce solid waste generation. For example, Santa Clara County's Integrated Waste Management Plan was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. The proposed project would comply with this requirement. The City is therefore served by landfills with adequate capacity to accommodate project waste. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Conclusion

The project would not result in a utility or service facility exceeding current capacity to require the construction of new facilities or expansion of existing facilities. **(Less than Significant Impact)**

This page left intentionally blank.

19 Wildfire

	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:				
c. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
d. 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?	☐	☐	☐	■
e. 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?	☐	☐	☐	■
f. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

Setting

Within the City limits, VHFHSZs are located in Alum Rock Park, east of The Villages Golf and Country Club in the Evergreen Planning Area and on both sides of Casa Loma Road in the Calero Planning Area. All of these areas are outside the City's Urban Growth Boundary. The project site is located within an urbanized area of the City of San José and is surrounded by existing urban development. Furthermore, the project site is identified as not being within a VHFHSZ and is located over four miles from the nearest VHFHSZ (CAL FIRE 2008).

Regulatory Setting

City of San José

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Environmental Leadership Chapter (Chapter Three in the General Plan) sets forth the goal to protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface. The Environmental Resources subsection discusses wildfire-related Goals, Policies, and Actions, summarized below (City of San José 2011a):

Policy EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2 Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy EC-8.3 For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

Policy EC-8.4 Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Action EC-8.5 Periodically assist with revisions and updates of appropriate sections of the County-wide Area Plan that address emergency response to fires at the urban/ wildland interface.

Action EC-8.6 Provide information to the public on fire hazard reduction in cooperation with local, regional, and state agencies, including the County of Santa Clara FireSafe Council.

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes

or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is located within an urbanized area of the City of San José and is surrounded by existing urban development. Furthermore, the project site is identified as not being within a VHFHSZ and is located over four miles from the nearest VHFHSZ (CAL FIRE 2008). Therefore, the project would not expose people or structures to a significant risk involving wildfires nor exacerbate the risk of wildfire. There would be no impact.

NO IMPACTNO IMPACT

20 Mandatory Findings of Significance

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

Impact Analysis

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

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

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

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

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, geology and soils, traffic hazards, and noise impacts. As detailed in the preceding responses, the proposed project would not result, either directly or indirectly, in significant adverse impacts related to traffic, noise or air quality. Mitigation Measure HAZ-1 would reduce impacts related to hazardous materials to less than significant levels. As noted in Section 6, *Geology and Soils*, Mitigation Measure GEO-2 and adherence to the applicable CBC and SJMC rules and regulations would avoid potentially significant impacts from liquefaction. Impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

References

Bibliography

Association of Bay Area Governments. 2017. Plan Bay Area 2040. July 26, 2018. Metropolitan Transportation Commission.

Association of Environmental Professionals. 2016. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. Final White Paper. October 18, 2016.

Bay Area Air Quality Management District (BAAQMD). 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards.* San Francisco, CA. May 2012. http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Risk%20Modeling%20Approach%20May%202012.ashx?la=en.

____. 2017a. Air Quality Standards and Attainment Status. [webpage]. Last modified January 5, 2017. http://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status BAAQMD. Accessed October 2018.

____. 2017b. *Final 2017 Clean Air Plan*. San Francisco, CA. April 19, 2017. http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

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

California Air Pollution Control Officers Association (CAPCOA). 2008. CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. January 2008.

____. 2010. Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures. August 2010.

____. 2017. California Emissions Estimator Model (CalEEMod) User's Guide. Version 2016.3.2. November 2017.

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

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

California Climate Action Registry (CCAR). 2009. California Climate Action Registry General Reporting Protocol. Reporting Entity-Wide Greenhouse Gas Emissions. Version 3.1. January 2009.

California Department of Conservation (DOC). 1997. California Agricultural Land Evaluation and Site Assessment Model. Sacramento, CA. https://www.conservation.ca.gov/dlrp/Pages/qh_lesa.aspx

____. 2014.

California Department of Finance (DOF) 2016a. "Report E-1 Population Estimates for Cities, Counties, and the State January 1, 2016 and 2016." State of California. Last modified: May 1, 2016. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/documents/E-1_2016_InternetVersion.xls. (Accessed November 2018).

____. 2016b. "Report E-5 Population and Housing Estimates for Cities, Counties, and the State, January 1, 2011-2016, with 2010 Benchmark." State of California. Last modified: May 1, 2016. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. (Accessed November 2018).

California Department of Forestry and Fire Protection (CAL FIRE). 2008. *Santa Clara County: Very High Fire Hazard Severity Zones in LRA as Recommended By CAL FIRE*. [map.] Tabular digital data and vector digital data. Sacramento, CA. State of California. http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf. (Accessed October 2018).

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

____. 2018a. Guadalupe Sanitary Landfill (43-AN-0015). SWIS Facility Detail. https://www2.calrecycle.ca.gov/swfacilities/directory/43-AN-0015/Detail (accessed November 2018).

____. 2018b. Kirby Canyon Recycl.& Disp. Facility (43-AN-0008). SWIS Facility Detail. https://www2.calrecycle.ca.gov/swfacilities/directory/43-AN-0008/Detail (accessed November 2018).

____. 2018c. Newby Island Sanitary Landfill (43-AN-0003). SWIS Facility Detail. https://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003/ (accessed November 2018).

____. 2018d. Estimated Solid Waste Generation Rates. Commercial Sector Generation Rates. https://www2.calrecycle.ca.gov/wastecharacterization/general/rates (accessed November 2018).

California Department of Transportation (Caltrans). 2008.

California Office of Environmental Health Hazard Assessment. 2015.

California Regional Water Quality Control Board (RWQCB). 2009. *Municipal Regional Stormwater NPDES Permit: Order R2-2009-0074, NPDES Permit No. CAS612008*. Oakland, CA. October 14, 2009. http://www.swrcb.ca.gov/rwqcb2/board_decisions/adopted_orders/2009/R2-2009-0074.pdf.

California State Water Resources Control Board (SWRCB). 1999. General Waste Discharge Requirements for Biosolids Land Application Draft Statewide Program EIR – Appendix G. Background Information on Acoustics. Available: http://www.waterboards.ca.gov/water_issues/programs/biosolids/deir/appendices/app_g.pdf

David J. Powers & Associates, Inc. 2016. *645 Horning Street Gas Station and Mini Storage Community Risk Assessment*. San Jose, CA. December 22, 2016. http://www.sanjoseca.gov/DocumentCenter/View/71257

Federal Emergency Management Agency (FEMA). 2009. *Flood Insurance Rate Map: Santa Clara County, California and Incorporated Areas: No. 06085C0232H*. [map.]. Tabular digital data and vector digital data. Washington, D.C. United States Department of Homeland Security. https://msc.fema.gov/portal/search (Accessed October 2018).

_____. 2013. Earthquake-Resistant Design Concepts: An introduction to the NEHRP Recommended Seismic Provisions for New Buildings and Other Structures. December 2010. Washington, D.C. https://www.fema.gov/media-library/assets/documents/21866 (accessed September 2018).

Federal Highway Administration (FHWA). 2006. *Highway Traffic Noise: Construction Noise Handbook.* United States Department of Transportation. Washington, D.C. http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.

Federal Motor Carrier Safety Administration (FMCSA). 2014. "How to Comply with Federal Hazardous Materials Regulations." U.S. Department of Transportation. Last modified: December 17, 2014. https://www.fmcsa.dot.gov/regulations/hazardous-materials/how-comply-federal-hazardous-materials-regulations. (Accessed October 2018).

Federal Transit Administration (FTA). 2006. *Transit Noise and Vibration Impact Assessment.* Washington, D.C. May 2006. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf.

____. 2018. *Transit Noise and Vibration Impact Assessment.* Washington, D.C. September 2018. FTA Report No. 0123. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed November 2018).

Intergovernmental Panel on Climate Change (IPCC). 2013. *Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S. K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. http://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_Sp.m._FINAL.pdf.

International Carwash Association, Inc. 2018. *Water Use, Evaporation and Carryout in Professional Car Washes.* 2018. https://www.carwash.org/docs/default-source/2018-water-study/ica---water-quality.pdf?sfvrsn=c271db4b_2

Los Angeles, City of. 2006. L.A. CEQA Thresholds Guide: Your Resource for Preparing CEQA Analyses in Los Angeles. http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf (accessed November 2018).

Metropolitan Transportation Commission (MTC).2013. *Plan Bay Area: Strategy for a Sustainable Region*. San Francisco, CA. July 18, 2013. http://files.mtc.ca.gov.s3.amazonaws.com/pdf/Plan_Bay_Area_FINAL/pbafinal/index.html.

Pacific Gas and Electric Company. 2014a. *Electric Service Area Maps.* San Francisco, CA. December 17, 2014. https://www.pge.com/nots/rates/tariffs/tm2/pdf/GAS_MAPS_Service_Area_Map.pdf.

____. 2014b. *Gas Service Area Maps*. San Francisco, CA. December 17, 2014. https://www.pge.com/tariffs/tm2/pdf/ELEC_MAPS_Service_Area_Map.pdf.

San José, City of. 2004a. *Heritage Tree Map*. San José, CA. http://www.sanjoseca.gov/index.aspx?NID=3435.

____. 2004b. *City of San José Emergency Operations Plan*. San José, CA. August 17, 2004 [Revised May 15, 2006]. https://www.sanJoséca.gov/DocumentCenter/View/47603.

____. 2011a. *Envision San José 2040 General Plan*. San José, CA. November 2011. https://www.sanjoseca.gov/DocumentCenter/Home/View/474.

____. 2011b. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.* San José, CA. June 2011. http://www.sanJoséca.gov/index.aspx?NID=4974

____. 2013. The Plant Master Plan. San José/Santa Clara Water Pollution Control Plant. Department of Environmental Services. November 2013. http://www.sanjoseca.gov/DocumentCenter/View/38425 (accessed November 2018).

____. 2016. "San José – Santa Clara Regional Wastewater Facility." http://www.sanJoséca.gov/index.aspx?NID=1663. (Accessed October 2016).

____. 2016. *San José-Santa Clara Regional Wastewater Facility*. San José, CA. April 25, 2016. http://www.sanJoséca.gov/DocumentCenter/View/34681.

____. 2017. Memorandum to Transportation and Environment Committee from Kerrie Romanow, regarding Status Report on Zero Waste Strategic Plan 2022. February 15, 2017. http://sanjose.granicus.com/MetaViewer.php?meta_id=619657 (accessed November 2018).

____. 2018a. Backesto Park. Facilities. https://www.sanjoseca.gov/Facilities/Facility/Details/Backesto-Park-121 (accessed November 2018).

____. 2018b. Watson Park. Facilities. https://www.sanjoseca.gov/Facilities/Facility/Details/Backesto-Park-121. (accessed November 2018).

____. 2018c. Luna Park. Facilities. https://www.sanjoseca.gov/Facilities/Facility/Details/Luna-Park-192 (accessed November 2018).

____. 2018d. Raymond Bernal Jr. Memorial Park. Facilities. https://www.sanjoseca.gov/Facilities/Facility/Details/Raymond-Bernal-Jr-Memorial-Park-124 (accessed November 2018).

San José Police Department (SJPD). 2016. "Inside SJPD – Department Information." City of San José. http://www.sjpd.org/InsideSJPD/. (Accessed October 2016.)

San José Unified School District (SJUSD). 2015. SchoolFinder. Las update: May26, 2015. http://www.schfinder.com/sjusd/.

San José Water Company (SJWC). 2015. *Annual Water Quality Report 2016*. San José, CA. https://s3-us-west-1.amazonaws.com/sjwater/files/documents/SJWC_Water_Quality.pdf.

-----. 2016. San José Water Company 2015 Urban Water Management Plan. San José, CA.

Santa Clara, County of. 1994. Inundation Map of Stevens Creek Dam.

Santa Clara County Airport Land Use Commission. 2016. *Comprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport*. San José, CA. May 25, 2010. Amended November 16, 2016. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf.

Santa Clara Valley Habitat Agency. 2012. *Final Santa Clara Valley Habitat Plan*. Santa Clara County, CA. August 2012. http://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Santa Clara Valley Water District (SCVWD). 2016a. *Groundwater Management Plan.* San José, CA. November 2016. https://s3.us-west-2.amazonaws.com/assets.valleywater.org/2016%20Groundwater%20Management%20Plan.pdf.

____. 2016b. Lenihan (Lexington) Dam Flood Inundation Maps. [map]. Tabular digital data and vector digital data. San José, CA. https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf. (Accessed October 2018).

United States Fish and Wildlife Service (USFWS). "National Wetlands Inventory: Wetlands Mapper." Last modified: October 17, 2018. https://www.fws.gov/wetlands/data/mapper.html. (Accessed October 2018).

List of Preparers

Rincon Consultants, Inc. prepared this IS-MND for the City of San José. Rhonda Buss is the Project Manager and Kara Hawkins is the Environmental Project Manager from the City of San José. Persons involved in data gathering analysis, project management, and quality control include the following.

RINCON CONSULTANTS
Stephen Svete, AICP, LEED AP ND, Principal
Darcy Kremin, AICP, Environmental Planning Practice Leader
Katherine Green, Associate Planner
Kari Zajac, MESM, Associate Planner
Erica Linard, PhD, Associate Planner
Lindsey Sarquilla, Technical Services Program Manager
Chris Thomas, Graphic Illustrator
Allysen Valencia, GIS Analyst
April Durham, PhD, Senior Technical Editor
Debra Jane Seltzer, Production Specialist