Initial Study/Addendum

Hotel Clariana
Expansion Project

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

January 2020

ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (SCH# 2003042127), AND ADDENDA THERETO

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (FEIR), and addenda thereto; because implementation of the project, as described below, does not raise important new issues about the significant impacts on the environment.

H17-059 – Hotel Clariana Expansion Project. Site Development Permit to allow the construction of an approximately 46,290 expansion of the existing Hotel Clariana, including 60 hotel rooms, three residential guest suites, an approximately 1,525 square foot eating establishment, and an approximately 1,058 square foot fitness space on an approximately 0.64-gross acre site.

Location: The 0.64-gross acre project site is located immediately south of Santa Clara Street, between South Third Street and South Fourth Street in downtown San José.

Assessor's Parcel Number: 467-23-033, -088. -089 **Council District:** 3.

The environmental impacts of this project were addressed by the "Downtown Strategy 2040 Final Environmental Impact Report," adopted by City Council Resolution No. 78942 on December 18, 2018, and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the EIR cited above:

☒Aesthetics	☒Agriculture Resources	☒Air Quality
☒Biological Resources	☒Cultural Resources	☒Geology and Soils
☒Greenhouse Gas Emissions	☒ Hazardous Materials	☒Hydrology & Water Quality
☒Land Use	☒Mineral Resources.	☒Noise
☒Population and Housing	☒Public Services	☒Recreation
☒Transportation/Traffic	☒Utilities & Service Systems	☒Energy
☒Growth Inducing	☒Cumulative Impacts	☒Mandatory Findings of Sig.

ANALYSIS

In December 2018, the City of San José certified the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). The Downtown Strategy 2040 FEIR responded to changed environmental circumstances and conditions since the Downtown Strategy 2000 FEIR was adopted by the City Council in 2005.

The Downtown Strategy 2040 is an update and replacement of the *Downtown Strategy 2000: San José Greater Downtown Strategy for Development* (Downtown Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy 2040 is necessary to: (i) respond to changed circumstances and conditions; and (ii)

increase the Downtown development capacity to year 2040 consistent with the General Plan. The Downtown Strategy 2040 FEIR is a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of the Downtown Strategy 2040:

- 14.2 million square feet of office uses;
- 14,360 residential dwelling units;
- 1.4 million square feet of retail uses; and
- 3,600 hotel rooms.

The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. The project, as proposed, would construct an office building with 840,000 square feet of office space, 229,200 square feet of above-grade parking, and 282,800 square feet of below-grade parking. The type and intensity of development proposed is consistent with the anticipated development in the Downtown Strategy 2040 FEIR.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. The Initial Study/Addendum prepared for this project provides that subsequent project-level environmental review. Consistent with the updated Downtown Strategy 2040 FEIR, the modified project will implement all applicable conditions and mitigation measures such as air quality equipment restrictions, pre-construction raptor surveys, cultural resource monitoring during construction, and noise and vibration monitoring during construction. Applicable project-specific mitigation measures have been included in a Mitigation Monitoring and Reporting Program (MMRP) document for project-conformance prior to grading and construction.

No new or more significant environmental impacts beyond those identified in the Downtown Strategy 2040 FEIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIR been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIR. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2040 EIR, and addenda thereto has been prepared for the proposed project.

The attached Initial Study provides background on the project description, specific project impacts, and the relationship between mitigation measures and the proposed project. This addendum (including Initial Study) will not be circulated for public review but will be attached to the Downtown Strategy 2040 Environmental Impact Report pursuant to CEQA Guidelines §15164(c).

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

2/11/2020
Date

Deputy

Kara Hawkins
Environmental Project Manager

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Appendix G: Traffic Operations Analysis

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY/ADDENDUM

This Initial Study (IS)/Addendum has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José.

1.1.1 Downtown Strategy 2040

On December 18, 2018, the City Council certified the Downtown Strategy 2040 Final EIR (FEIR) (Resolution No. 78942) and adopted the Downtown Strategy 2040 which provides a vision for future housing, office, commercial, and hotel development within the Downtown area. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office, 1.4 million square feet of retail, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development. All other environmental impacts were evaluated at a program level.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. This IS/Addendum provides that subsequent project-level environmental review.

1.1.1.1 *Employment Priority Area*

The subject site is located in the Downtown Employment Priority Area (EPA). The Downtown EPA is planned for intensive job growth because of the area's proximity and access to the future Downtown BART station. The overlay boundary is intended to respect property lines and not split parcels. Due to proximity to the future BART station, the EPA Overlay supports development at very high intensities, where such high intensity is compatible with other policies in the General Plan, such as Historic Preservation policies.

The EPA Overlay does not change the uses or density otherwise allowed within the base "Downtown" land use designation. The EPA Overlay, however, requires a minimum Floor Area Ratio (FAR) of 4.0 for commercial (job-generating) uses, including office, retail, service, hotel, or entertainment uses, prior to allowing residential uses, as supported by the "Downtown" General Plan Land Use/Transportation Diagram designation. Typically, the base land use designation will be "Downtown" with an allowed commercial FAR of up to 30.0 (3 to 30 stories) and density of up to 800 dwelling units per acre (du/ac). For example, a new development project on a one-acre site within the EPA Overlay would be required to provide at least 174,240 square feet of commercial space before the General Plan would support the addition of residential uses in the project. While the EPA Overlay would establish minimum commercial requirements prior to allowing residential uses, the EPA Overlay does not establish a minimum FAR for stand-alone commercial uses.

The development intensity and site design elements in the areas within the EPA Overlay designation should reflect an intense, transit-oriented land use pattern that is typically expected in Downtown. It

is envisioned that active commercial uses (e.g., retail and entertainment uses) would be located on the ground level with high-intensity office development above.

To help activate the Downtown BART corridor, new development within the EPA Overlay should incorporate active ground floor commercial uses along the street in new development projects. Projects with complete development permit applications already on file with the City prior to the date of adoption by the City Council of the Downtown EPA Overlay would not be subject to the requirements of the EPA Overlay, provided any new application, amendment, or adjustment to an existing complete application will subject the proposed project to the EPA Overlay requirements as set forth in the General Plan and the Downtown Strategy.

This IS/Addendum and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.

1.2 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Hotel Clariana Expansion Project

2.2 LEAD AGENCY CONTACT

Kara Hawkins, *Planner I*
Kara.Hawkins@sanjoseca.gov
(408) 535-7852
200 East Santa Clara Street, 3rd Floor
San José, CA 95113

2.3 PROJECT APPLICANT

Hotel Clariana Expansion Project

2.4 PROJECT LOCATION

The 0.64-acre project site is located immediately south of Santa Clara Street, between South Third Street and South Fourth Street in downtown San José.

The project site is shown on the following figures:

Figure 2.4-1 Regional Map
Figure 2.4-2 Vicinity Map
Figure 2.4-3 Aerial Map

2.5 ASSESSOR'S PARCEL NUMBERS

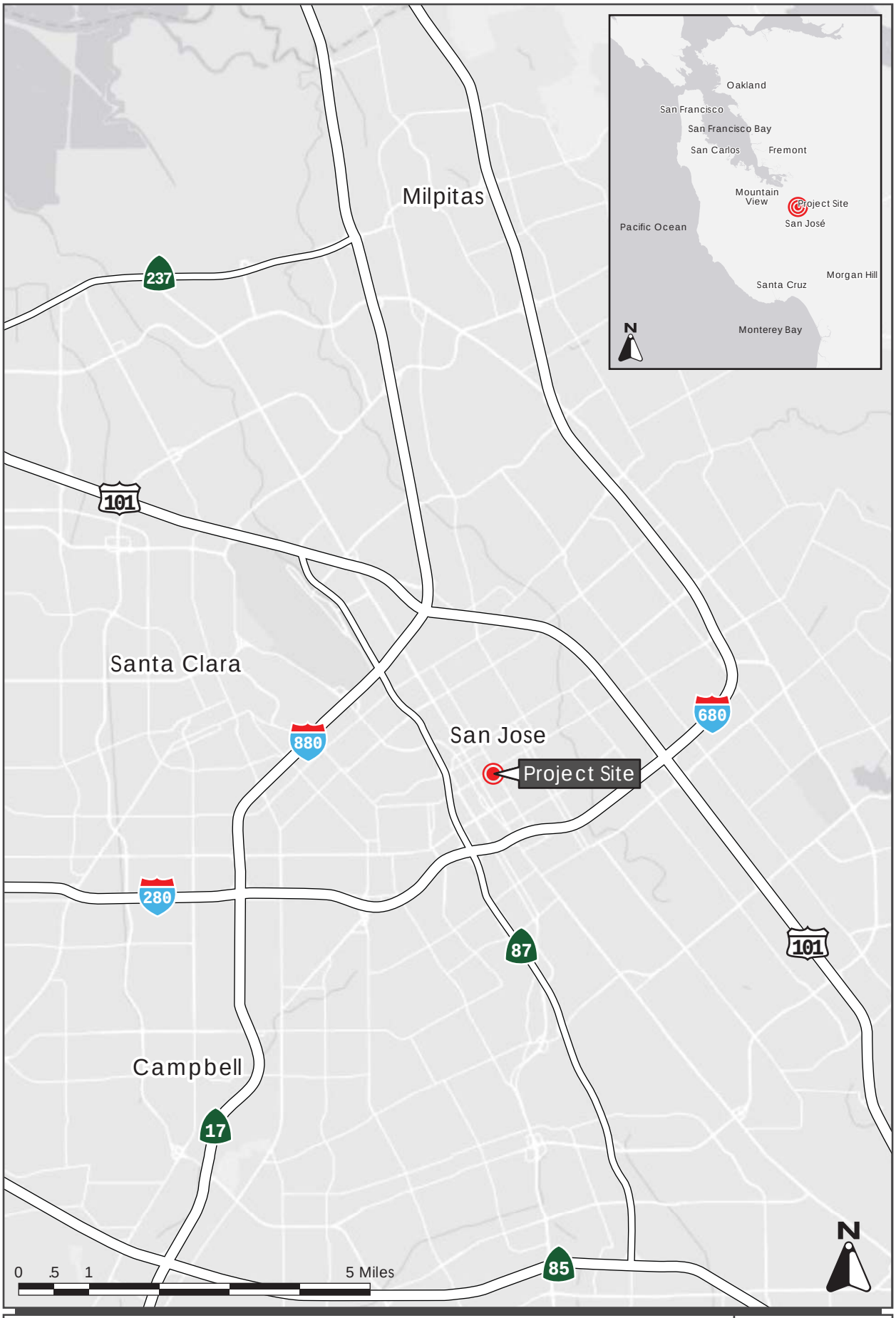
467-23-033
467-23-088
467-23-089

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The proposed project is designated *Downtown* under the General Plan and is zoned *DC – Downtown Commercial*.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Architectural Review
- Site Development Permit
- Demolition Permit
- Grading Permit(s)
- Building Permit(s)



REGIONAL MAP | FIGURE 2.4-1

VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

3.1.1 Background Information

The approximately 0.64-acre project site is comprised of three parcels (APNs 467-23-033, -088, -89) located immediately south of Santa Clara Street, between South Third Street and South Fourth Street in downtown San José. The site is currently developed with the Hotel Clariana (constructed in 1913) and a surface parking lot. The existing five-story hotel (approximately 28,425 square feet) currently has 44 guest rooms, meeting space, and retail space. The project parcels can be accessed via two driveways, one on South Fourth Street and one on South Third Street. The site is designated *Downtown* under the City's General Plan and has a zoning designation of *DC – Downtown Commercial*.

3.1.2 Proposed Development

As proposed, the project would remove the existing surface parking lot and expand the existing Hotel Clariana. The total area of impact would be approximately 0.3 acre of the 0.64-acre site. The expansion would include 60 additional guest rooms, three residential guest suites, a restaurant, and fitness space (refer to Figure 3.1-1 for the site plan). The total square footage of the expansion would be approximately 46,290. The proposed building addition would be approximately 69 feet tall (six-stories). Please refer to Figures 3.1-2 to 3.1-5 for elevations.

The project proposes an approximately 1,525-square foot restaurant, a 1,106-square foot pool and spa, and a 1,058-square foot fitness space on the ground floor. The restaurant would be located at the southwestern corner of the site. The pool and spa and fitness space would be located on the northeastern corner of the project site. The guest rooms would be on floors two to five and the three residential suites would be located on the sixth floor.

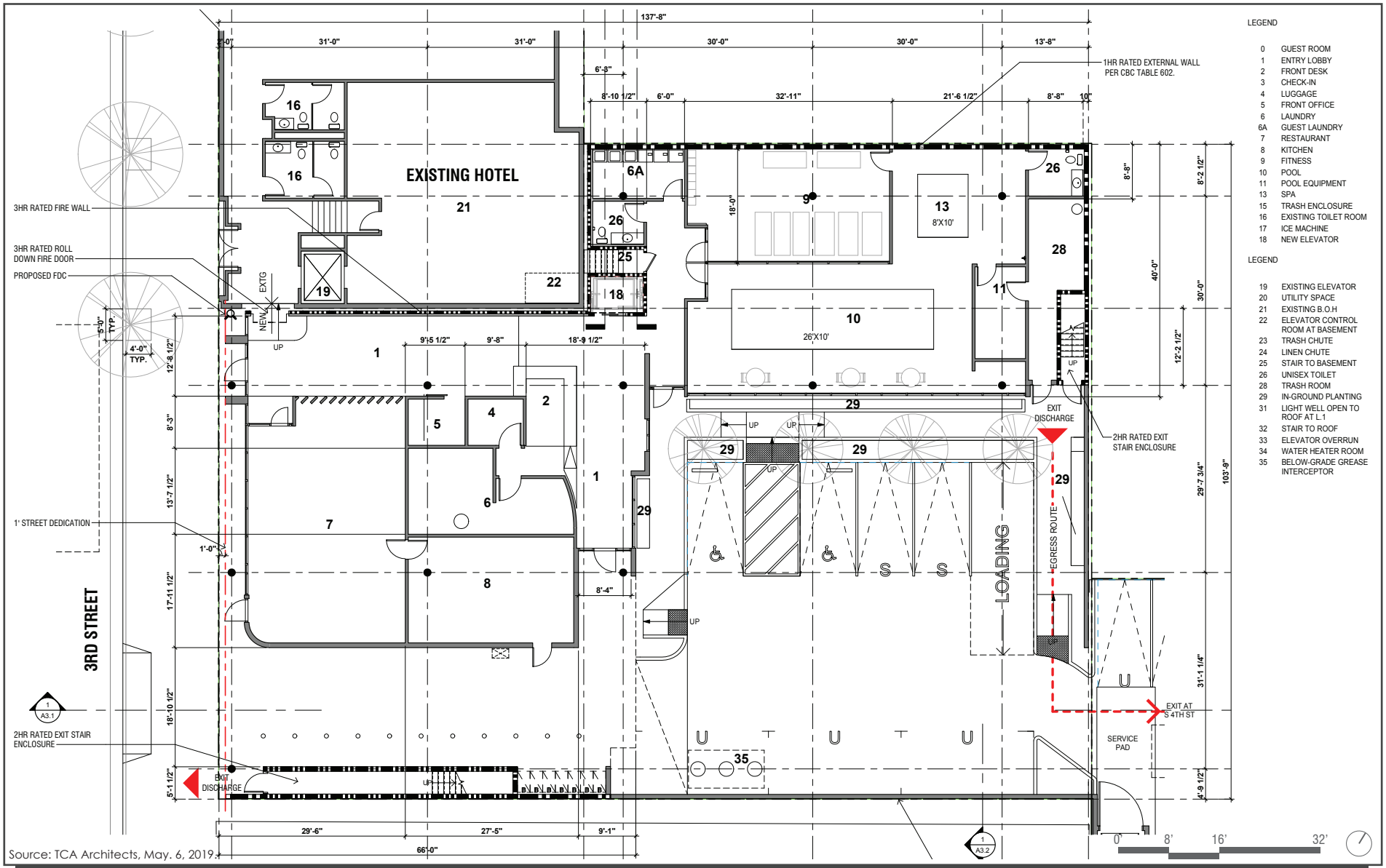
The project would retain the existing driveways. The project would be required to provide approximately 38 parking spaces and is providing 38, consistent with the City's parking requirement. The project proposes 38 parking spaces and seven bicycle spaces.

3.1.3 Green Building Measures

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

3.1.4 Envision San José 2040 General Plan and Zoning Designation

The site is designated *Downtown* under the City's General Plan and has a zoning designation of *DC – Downtown Commercial*. The Downtown designation includes office, retail, service, residential, and entertainment uses in the Downtown. All developments within this designation should enhance the "complete community" in development within the Downtown designation should incorporate



Source: TCA Architects, May. 6, 2019.

SITE PLAN - GROUND LEVEL

FIGURE 3.1-1

Source: TCA Architects, Aug. 15, 2019.

ELEVATION - WEST

FIGURE 3.1-2

Source: TCA Architects, May 6, 2019.

ELEVATION - NORTH

FIGURE 3.1-3

Source: TCA Architects, May 6, 2019.

ELEVATION - EAST

FIGURE 3.1-4

Source: TCA Architects, May 6, 2019.

ELEVATION - SOUTH

FIGURE 3.1-5

ground floor commercial uses. Under this designation, projects can have a maximum floor area ratio (FAR) of 30.0 and up to 800 du/ac.

Under the *DC* zoning designation, development shall only be subject to the height limitations necessary for the safe operation of Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements. Please refer to *Section 4.10, Land Use and Planning* for a complete discussion of the project's consistency with the General Plan and zoning designations.

3.1.5 Construction

It is anticipated that the project would be constructed over an approximate period of 12 months. Based on information provided by the applicant, the analysis assume construction would begin in June 2019.[1]

[1] At the time this study was completed, it was assumed that the project would begin construction in June 2019. If project construction were to start at a later date, the construction emissions estimated would be similar or slightly less than the emissions predicted because the model assumes vehicles used during construction would be cleaner overtime due to the phasing-in of emission control technology. The results and mitigation measures from the analysis would remain the same. Illingworth & Rodkin, Inc. *Hotel Clariana Air Quality & Greenhouse Gas Assessment*. December 17, 2018 and revised January 10, 2020.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.[2]

SB 743 also states that aesthetic impacts do not include impacts on historical or cultural resources. Further, it clarifies that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. Interstate 280 (I-280) from the San Mateo County line to State Route 17 (SR 17), which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[3]

[2] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed January 3, 2020. http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.

[3] California Department of Transportation. "California Scenic Highway Mapping System". Accessed February 25, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

Local

Municipal Code

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

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

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

City Design Guidelines and Design Review Process

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

City Council Policy 4-2: Lighting

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

Envision San José 2040 General Plan

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

Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.2: Install and maintain attractive, durable, and fiscally- and environmentally-sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.

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-1.9: 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-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

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

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

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

Policy CD-1.27: When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.

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

Policy CD-6.2: Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.

Policy CD-6.8: Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest, fostering active uses, and avoiding prominence of vehicular parking at the street level.

4.1.1.2 *Existing Conditions*

Project Site

The project site is currently developed with an approximately 28,425 square foot hotel (constructed in 1913) and a surface parking lot. The five-story hotel is of Beaux Arts[4] classical commercial architecture. There are two large glass windows and a recessed glass paneled entryway with two round columns on each side located on the northern building façade (Photo 1). The remaining four floors consist of rectangular-shaped, horizontally-oriented windows. The ground level of the western building façade consists of four large windows and a recessed glass entryway with two rounded columns. Between each window and the entryway are six round exterior lights. A horizontal band of bricks wraps around the building at the base. The southern building façade has no decorate architectural features and faces the surface parking lot (Photo 2).

Surrounding Land Uses

The project site is bounded by East Santa Clara Street to the north, South Third Street to the east, commercial and residential development to the south, and South Second Street to the west. The buildings in the immediate vicinity of the site range from one- to 18-stories in height. The hotel addition would be located adjacent to the City's Historic Commercial District which consists of 27 contributing structures and 18 non-contributing properties (refer to *Section 4.5 Cultural Resources*).

Located north of the project site is East Santa Clara Street, a four-lane street. North of East Santa Clara Street is a two-story commercial building, which is primarily stucco and has a flat roof (Photo 3). An eave with decorative support brackets is located along all façades of the building. A green awning is located along southern building façade, facing East Santa Clara Street. The building is set back from East Santa Clara Street by sidewalks. Located east of this commercial building is a gas station, a single-story building with two islands of gas pumps. The gas station utilizes Neo-Spanish Colonial architectural styles such as red clay tile roof and concrete brick walls.

Immediately east of the project site is a cluster of five two- to three-story commercial businesses. These businesses are set back from East Santa Clara Street by sidewalks and street trees. The commercial businesses to the east of the existing hotel utilize a mix of architectural styles. The two-story building immediately east of Hotel Clariana is comprised of two businesses. The building is primarily brick with wall tiles closer to the ground level. Immediately east of the businesses is a two-story building (124-126 East Santa Clara Street) comprised of stucco, brick, and tiles with six white

[4] Beaux Arts architecture combines classical architecture from ancient Greece and Rome with renaissance.

Photo 1 - View of project site, looking south on East Santa Clara Street.

Photo 2 - View of construction zone, looking west on South Fourth Street.

PHOTOS	1 & 2

Photo 3 - View of surrounding development, looking north on East Santa Clara Street.

Photo 4 - View of surrounding development, looking east on South Fourth Street.

PHOTOS	3 & 4

Photo 5 - View of surrounding development, looking east on South Third Street.

Photo 6 - View of surrounding development, looking west on South Third Street.

PHOTOS	5 & 6

columns located on the second floor. A two-story, stucco building is located at 130-134 East Santa Clara Street. The northern building façade consists of a green eave with five lanterns and three doors. The building located east is three stories. A fire escape ladder is located on the second and third floor. Similar to the adjacent structures to the west, the building consists of brick and tiles. There are four bay windows located on the second and third floor of the building. The two-story building located at the corner of the South Fourth Street and East Santa Clara Street intersection consists of large glass windows on the northern building façade and double doors. The double doors are further set back from the building which provides pedestrian cover.

East of the project site and businesses is South Fourth Street, a three-lane, one-way street. Immediately east of South Fourth Street is the City of San José City Hall (City Hall) which was all constructed in 2005 (Photo 4). City Hall consists of an 18-story tower on the eastern portion of the site, a domed rotunda in the center, and a three-story wing on the western portion of the site. The modern design is comprised primarily of glazing and stone.

Located south of the project site is a one-story commercial building and a modern five-story apartment complex. The one-story commercial building is primarily stucco with tinted windows (Photo 5). The building "steps-down" from the northern to the southern portion of the building. The apartment complex is of modern design and is primarily stucco with balconies. The apartment is set back from the roadway by street trees and sidewalks.

Immediately west of the project site is South Third Street, a two-lane, one-way street. West of South Third Street is a three-story commercial building. A tri-colored awning is located along the southeastern building façade (Photo 6). Eaves with decorative support brackets and arched windows are located on the second and third floor of the building. Located northeast of the project site is a two-story stucco commercial building.

Scenic Views and Resources

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

Light and Glare

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

4.1.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[5] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐

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

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the Downtown Strategy 2040 FEIR. Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant aesthetics impacts, as described below.

The proposed project would meet the criteria of SB 743 because 1) the project would construct an employment center project[6] and 2) the project is located within a transit priority area.[7] Consistent with Public Resources Code Section 21099, the project would have a less than significant aesthetics impact. While the project would have a less than significant aesthetic impact, this Initial Study addresses the CEQA checklist questions for informational purposes given the size and location of the project within the downtown.

[5] Public views are those that are experienced from publicly accessible vantage points.
[6] An employment center project is a project located on a property zoned for commercial uses with a floor area ratio of no less than 0.75 and is located within a transit priority area,
[7] Metropolitan Transportation Commission. *Transit Priority Areas (2017)*. Accessed January 3, 2020. http://opendata.mtc.ca.gov/datasets/d97b4f72543a40b2b85d59ac085e01a0_0?geometry=-121.930%2C37.306%2C-121.898%2C37.312.

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

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

The City's General Plan defines scenic vistas or resources in the City as broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project site is flat and prominent views, other than buildings, are limited. The project site is located within a highly urbanized area with no designated scenic resources. Therefore, expansion of the hotel would not diminish scenic views or damage any scenic resources within a state scenic highway; therefore, implementation of the project would not result in a substantial impact on any scenic vistas or resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The site is surrounded by a mix of commercial and residential land uses of varying ages, heights, and architectural styles. The existing hotel is located within the San José Downtown Historic District[8] (a National Register Historic District). The addition would be located adjacent to the historic district. Consistent with the Downtown Design Guidelines, the project would be required to incorporate high-quality architecture and materials in the building design. Because there is no predominant architectural style, expansion of the hotel would be compatible with the visual character of the existing urban environment.

The project would comply with the policies of the General Plan and would include streetscape features consistent with the Downtown Streetscape Master Plan, such as trees, lighting, wide sidewalks, and visible retail. With adherence to the Downtown Design Guidelines, Historic Design Guidelines (refer to *Section 4.5 Cultural Resources* for a complete analysis), and the measures outlined in the Downtown Strategy 2040 FEIR, the project would not substantially degrade the existing visual character or quality of the site and its surroundings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[8] The Downtown Commercial District was added to the National Register in 1983 and is comprised of 45 properties (27 contributing structures and 18 non-contributing properties). The Downtown Commercial District is bounded by South First Street to the west, East Santa Clara Street to the north, South Third Street/South Fourth Street to the east (along East Santa Clara Street), and East San Fernando Street to the south. This district is comprised of architecturally and historically significant buildings from the 1870s to the early 1940s.

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

The project would include external building lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows which would be minimally used or coated as needed to reduce glare. The project would go through a design review process, prior to the issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. The Downtown Strategy 2040 FEIR concluded that implementation of General Plan policies and existing regulations would reduce and avoid substantial light and glare impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

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

California Land Conservation Act

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

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[9]

4.2.1.2 *Existing Conditions*

The location of the addition is located in a developed, urban area of downtown San José. The *Santa Clara County Important Farmlands 2014 Map* designates the project site as "Urban and Built-Up Land." Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.[10] There are no forest lands on or adjacent to the project site. The site is not subject to a Williamson Act contract.[11]

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

[10] California Department of Conservation. "Santa Clara County Important Farmland 2014 Map". Accessed April 26, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

[11] County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement". Accessed April 26, 2019. https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	☐
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would have no impact on agriculture and forestry resources, as described below.

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

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

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

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

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **[Same Impact as Approved Project (No Impact)]**

The project site is located within an urbanized and developed area of downtown San José. The project would not convert *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* to non-agricultural uses. Additionally, the project would not conflict with existing zoning for agricultural operations or facilitate in the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. The project site is currently not utilized as forest lands nor would it result in the loss of forest lands in the City. For these reasons, the project would not result in impacts to agricultural or forest resources. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment completed by *Illingworth & Rodkin* in December 2018 and revised in January 2020.[12] A copy of this report is included in Appendix A of this document.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

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

Regional and Local Criteria Pollutants

The federal CAA requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants), including particulate matter (PM), ground-level ozone (O_3), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California

[12] At the time this study was completed, it was assumed that the project would begin construction in June 2019. If project construction were to start at a later date, the construction emissions estimated would be similar or slightly less than the emissions predicted because the model assumes vehicles used during construction would be cleaner overtime due to the phasing-in of emission control technology. The results and mitigation measures from the analysis would remain the same. Illingworth & Rodkin, Inc. *Hotel Clariana Air Quality & Greenhouse Gas Assessment*. December 17, 2018 and revised January 10, 2020.

highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[13]

Fine Particulate Matter ($PM_{2.5}$) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs. According to the Bay Area Air Quality Management District (BAAQMD), $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents. Sources of $PM_{2.5}$ include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

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

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[14]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

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

[13] California Air Resources Board. "Overview: Diesel Exhaust and Health". Accessed February 25, 2019. https://www.arb.ca.gov/research/diesel/diesel-health.htm.
[14] Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Accessed February 25, 2019. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

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

Policy MS-10.5: In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.

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

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

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

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.1.2 *Existing Conditions*

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

result from changes in atmospheric conditions. BAAQMD monitors air quality conditions at over 30 locations throughout the Bay Area.

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). These pollutants are considered criteria pollutants by the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 4.3-1 below shows violations of state and federal standards at the downtown San José monitoring station (the nearest monitoring station to the project site) during the 2016-2018 period (the most recent years for which data is available).[15,16]

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

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

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

Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, schools, parks, and places of assembly. The nearest sensitive receptors are the residences located approximately 115 feet south of the project site.

[15] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[16] Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries". Accessed January 28, 2020. http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

4.3.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would not result in a significant impact due to construction-related emissions of criteria pollutants or expose sensitive receptors to a significant risk associated with TACs or odors. The Downtown Strategy 2040 FEIR did, however, identify a significant unavoidable cumulative regional air quality impact, as discussed below.

4.3.2.1 *CEQA Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

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

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

Impacts to the Project

The California Supreme Court issued an opinion that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards (i.e., impacts to a project) unless the project would exacerbate existing environmental hazards.[17] Specific circumstances where CEQA does require the analysis of exposing new populations to environmental hazards include the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing.[18] The proposed project does not fall under any of these situations.

[17] California Supreme Court published opinion in *California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369* (No. S 213478), filed December 17, 2015.

[18] Although CEQA does not generally require an evaluation of the effects of existing hazards on future users of the proposed project, it calls for such an analysis in several specific contexts involving certain airport (Public Resources Code Section 21096), school projects (Public Resources Code Section 21151.8), and housing projects (Public Resources Code subsection 21159.21).

Nevertheless, the City of San José has policies that address existing air quality conditions affecting a proposed project, which are also discussed below. The criteria used by the City for determining whether new receptors would be affected are the same as those listed for Project Health Risk and Cumulative Health Risk in Table 4.3-2, above.

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

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

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The proposed development would be located in proximity to Caltrain, Altamont Commuter Express (ACE), Amtrak, and the Santa Clara Valley Transportation Authority (VTA) light rail. In addition, the project would comply with the City's bicycle parking requirement. Future development within the downtown area would be required to implement a transportation demand management (TDM) plan, consistent with the Downtown Strategy 2040 FEIR. The project is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking	As mentioned above, the project would be required to comply with the City's bicycle parking requirements. In addition, the project area is well equipped with pedestrian

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	facilities.	facilities including sidewalks and crosswalks. The project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project would be located in proximity to multiple transit services; therefore, the project is consistent with this measure (refer to *Section 4.17 Transportation* for more information).
Building Measures		
Green Buildings	Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with Building Energy Efficiency Standards (Title 24) and the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/ roofing upgrades for commercial and residential multifamily housing.	The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.

The project is consistent with applicable transportation, building, natural and working lands, and waste management control measures identified in the table above and is consistent with the City's General Plan. The project would not result in a significant impact related to consistency with the 2017 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Criteria Pollutant Emissions

Operational

BAAQMD developed screening criteria by land use type to provide a conservative indication of whether a project would result in potentially significant criteria pollutant impacts. The screening size for hotel land use type is 489 rooms. Hotels of smaller size are assumed to have a less than significant operational impact. As proposed, the project would result in the construction of 63 additional guest rooms, which is below the operational criteria pollutant screening size.

Additionally, an air quality assessment was completed to address operational air quality impacts from the proposed development on-site. Operation of the project was assumed to begin in 2021. Table 4.3-4 below shows estimated daily air emissions from operation of the proposed project using the California Emissions Estimator Model (CalEEMod).

Table 4.3-4: Operational Project Emissions

Scenario[1]	ROG	NO_x	PM_{10}	$PM_{2.5}$
2021 Project Operational Emissions (tons/year)	0.39	0.78	0.50	0.14
BAAQMD Thresholds (tons per day)	*10*	*10*	*15*	*10*
Exceed Threshold?	**No**	**No**	**No**	**No**
2021 Project Operational Emissions (pounds per day)	2.1	4.3	2.7	0.8
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes: [1] Assumes 365-day operation.

As seen in the table above, the project, by itself, would not result in operational criteria pollutant emissions above established thresholds. The project is, however, part of the planned growth in the downtown area and would contribute to the significant operational emissions forecast from build out of the Downtown Strategy 2040 FEIR, which was found to result in a significant and unavoidable regional criteria pollutant impact from operations.

To reduce emissions associated with vehicle travel, future development with the downtown area would be required to implement a TDM plan, consistent with the Downtown Strategy 2040 FEIR. The TDM program may incorporate, but would not be limited to, the following Transportation Control Measures (TCMs):[19]

Required Downtown Strategy 2040 FEIR Measures:

- **Rideshare Measures:**
  - Implement carpool/vanpool program (e.g., carpool ride matching for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.)
- **Transit Measures:**
  - Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.
  - Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.)
- **Services Measures:**
  - Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc.;
  - Provide on-site child care or contribute to off-site childcare within walking distance.
- **Shuttle Measures:**
  - Establish mid-day shuttle service from work site to food service establishments/commercial areas;
  - Provide shuttle service to transit stations/multimodal centers
- **Parking Measures:**

[19] These measures are recommended by BAAQMD for reducing emissions associated with vehicle travel and are identified in the Downtown Strategy 2000 EIR as mitigation measures for regional air quality impacts.

  - Provide preferential parking (e.g., near building entrance, sheltered area, etc.) for carpool and vanpool vehicles;
  - Implement parking fees for single occupancy vehicle commuters;
  - Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking);
- **Bicycle and Pedestrian Measures:**
  - Provide secure, weather-protected bicycle parking for employees;
  - Provide safe, direct access for bicyclists to adjacent bicycle routes;
  - Provide showers and lockers for employees bicycling or walking to work;
  - Provide secure short-term bicycle parking for retail customers or non-commute trips;
  - Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development;
- **Other Measures:**
  - Implement compressed work week schedule (e.g., 4 days/40 hours, 9 days/80 hours);
  - Implement home-based telecommuting program.

The project would contribute to the criteria pollutant emission identified in the Downtown Strategy 2040, but would not result in any new impacts or impacts of greater severity than were already disclosed in the Downtown Strategy 2040 FEIR. The project's contribution to criteria pollutant emissions would not be cumulatively considerable. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Operational Emissions – Carbon Monoxide Emissions

CO emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. Air pollutant monitoring data indicate that CO levels have been below state and federal standards in the Bay Area since the early 1990s, therefore, Santa Clara County is in attainment for CO. The highest measured level over any 8-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. The number of trips generated by the project (up to 755 new daily trips) would be insufficient to increase the traffic volume at any intersection above BAAQMD's screening criteria of 44,000 vehicles per hour. Implementation of the project would not result in significant CO emission impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction

Construction period criteria pollutants were estimated using CalEEMod Version 2016.3.2. The proposed land uses were input into CalEEMod which included 63 rooms, 44,774 square feet of "Hotel", approximately 2,525 square feet "Quality Restaurant", and 38 parking spaces entered as "Parking Lot". In addition, construction of the project assumed build out over a period of 12 months (approximately 269 construction workdays), beginning in June 2019. Table 4.3-5 below shows the average daily emissions from criteria pollutants over the 269 workdays for this project.

Table 4.3-5: Construction Period Criteria Pollutant Emissions				
Scenario	**ROG**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Total construction emissions (tons)	0.6	2.6	0.14	0.13
Average daily emissions (pounds per day)[1]	4.5	19.3	1.0	0.97
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold?	**No**	**No**	**No**	**No**
Note: [1] Assumes 269 construction workdays.				

As shown in the table above, construction period criteria pollutant emissions associated with the proposed project would not exceed the BAAQMD significance thresholds. Therefore, the project would not result in a significant impact from construction emissions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The Downtown Strategy 2040 FEIR concluded that build out of the Downtown Strategy 2040 would result in a significant increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. Although the proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds (refer to Impact AIR-1), it would contribute to the previously identified significant air quality impacts resulting from full build out of the Downtown Strategy 2040. To reduce emissions associated with vehicle travel, future development would be required to implement a TDM program. The project, by itself, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Dust Generation Impacts

Construction activities on-site may generate dust and other particulate matter that could temporarily impact nearby sensitive receptors and the adjacent land uses. Consistent with City policies, mitigation measures, and control measures identified in the Downtown Strategy 2040 FEIR, the project applicant shall ensure that the project contractor implements the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.

- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15-miles-per-hour (mph).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. 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.

Implementation of the Standard Permit Conditions would construction dust and other particulate matter. As a result, the project would have a less than significant construction air quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Community Risk Impacts – Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. The nearest sensitive receptors are the residences located approximately 115 feet south of the project site. A community risk assessment of project construction activities was completed to evaluate the effect of emissions of DPM and $PM_{2.5}$ on nearby residences. To quantify the effects of DPM on the nearby sensitive receptors, construction period exhaust emissions were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict construction-related concentrations of DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site.

Neither BAAQMD nor the City of San José have significance criteria for construction TAC impacts. As a result, the BAAQMD criteria for operational TAC impacts are used by the City. Based on the BAAQMD Guidelines (2017), a project would result in a significant construction TAC or $PM_{2.5}$ impact if:

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

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

Figure 4.3-1 below shows the construction area modeled and the locations of nearby sensitive receptors. Residential receptors are designated in green and the maximum off-site exposure location for residents are circled in red The U.S. EPA AERMOD dispersion model, assumptions, and results are described further in Appendix A of this document.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations occurred at the second floor of an apartment complex located south of the project site. At this location, the maximum residential cancer risk would be 193.1 per one million cases for infant exposure which exceeds the cancer risk of 10 cases per million. The maximum cancer risk for adults would be 3.4 cases per million which is below BAAQMD's significance threshold. The maximum annual $PM_{2.5}$ concentration was calculated to be 1.22 micrograms per cubic meter ($\mu g/m^3$) which exceeds BAAQMD's significance threshold of 0.3 $\mu g/m^3$. The maximum hazard index (HI) concentration is 0.24, which is below the BAAQMD non-cancer health index significance criterion of greater than 1.0. The proposed project could have a significant community risk impact on nearby sensitive receptors during construction activities.

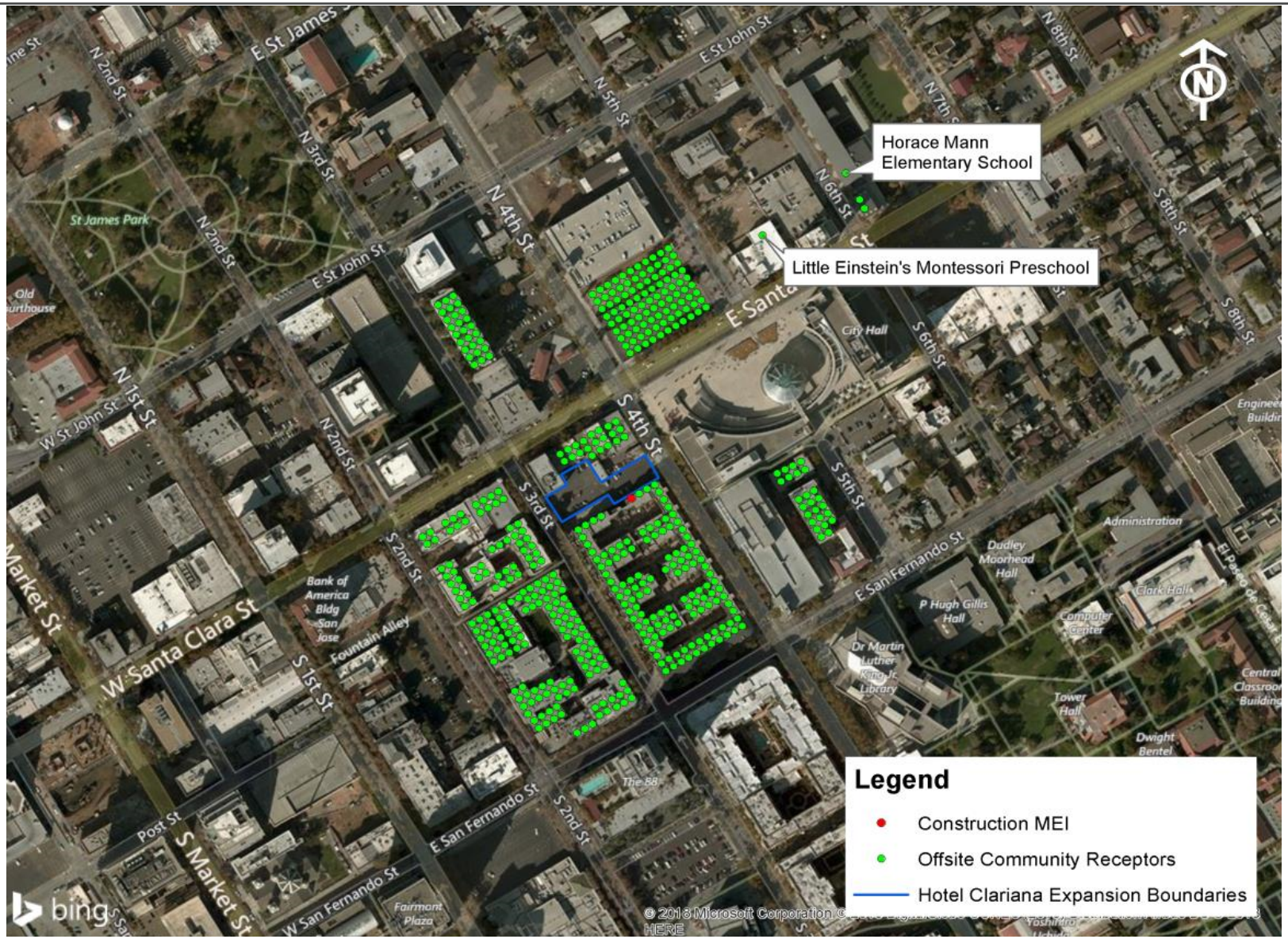
Additionally, modeling was completed to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ emissions associated with Little Einstein's Montessori Preschool (approximately 0.13 mile northeast) and Horace Mann Elementary School (approximately 0.2 mile northeast). Based on the results of the modeling, the maximum cancer risks (without any mitigation or construction emission controls) would be 0.3 per one million cases for infant exposure at Little Einstein's Montessori Preschool and 0.2 per one million cases for infant exposure at Horace Mann Elementary School. At both schools, the maximum-modeled annual $PM_{2.5}$ concentration would be 0.01 $\mu g/m^3$ and the maximum HI (based on the DPM concentration) would be less than 0.01. These risk values do not exceed the BAAQMD single-source significance threshold for annual cancer risk, $PM_{2.5}$ concentration, or HI.

Mitigation Measures

In addition to the Standard Permit Conditions listed above, in conformance with General Plan Policies MS-10.1 and MS-13.1, and consistent with the standard measures identified in the Downtown Strategy 2040 FEIR, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts.

MM AIR-1.1: All diesel-powered off-road equipment larger than 25 horsepower and operating at the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:

- U.S. EPA particulate matter emissions standards for Tier 4 interim engines or equivalent;
- Use of equipment that is electrically powered or uses non-diesel fuels 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



PROJECT SITE AND SENSITIVE RECEPTORS LOCATION | FIGURE 4.3-1

to reduce community risk impacts to less than significant.

In addition, the project applicant shall implement the following:

- The line power for electricity at the site shall be established prior to any major construction activity.
- Cranes and welders shall be powered by electricity.
- Diesel generator use shall be restricted to 100 hours or less for the entire construction period.
- Enforce idling limit of two minutes unless subject to state law exemptions (e.g., safety issues).

MM AIR-1.2: The project applicant shall submit to the Director of the City of San José Department of Planning, Building and Code Enforcement or Director's designee a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest). The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in Mitigation Measure AIR-1.1.

Implementation of the Standard Permit Conditions and Mitigation Measures AIR-1.1 and AIR-1.2 would reduce the infant residential cancer risk to 4.0 per one million cases and the maximum annual $PM_{2.5}$ concentration would be 0.04 $\mu g/m^3$ or less, which would be below the BAAQMD significance threshold of 10 in one million for cancer risk and 0.3 $\mu g/m^3$ for $PM_{2.5}$ exposure. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

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

Significant Impact)]

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

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and would not affect people off-site. Hotel operations are not considered sources of substantive odors by BAAQMD. Implementation of the proposed project would not result in long-term or short-term odor impacts. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.3.3 Non-CEQA Effects

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

Increased community risk can occur either by introducing a new sensitive receptor in proximity to an existing source of TACs or by introducing a new source of TACs to existing sensitive receptors within the project vicinity. There are sensitive receptors located approximately 115 feet south of the project site. BAAQMD recommends that projects be evaluated for community health risk when they are located within 1,000 feet of mobile and permitted stationary sources of TACs.

Mobile Sources

Mobile sources are freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). A review of the project area indicates that traffic on Fourth Street and East Santa Clara Street are the only substantial source of mobile TAC emissions within 1,000 feet of the project site. Fourth Street and East Santa Clara Street would have an ADT of 10,475 vehicles and 18,894 vehicles, respectively. Other nearby streets have less than 10,000 vehicles per day. The *Roadway Screening Analysis Calculator* was used to assess whether roadways with traffic volumes over 10,000 vehicles per day would have a significant effect on the proposed expansion. Two adjustments were made to the cancer risk predictions made by this calculator: (1) adjustment for latest vehicle emissions rates predicted using EMFAC2014 and (2) adjustment of cancer risk to reflect new Office of Environmental Health Hazard Assessment (OEHHA) guidance. Please refer to Appendix A for more information on the adjustments made to the *Roadway Screening Analysis Calculator*.

The construction maximum exposed individual (MEI) is located approximately 130 feet west of Fourth Street and 220 feet south of East Santa Clara Street. The estimated cancer risk from South Fourth Street would be 1.9 per one million cases for infant exposure and the annual $PM_{2.5}$ concentration would be 0.06 $\mu g/m^3$. The HI would be less than 0.03.

The estimated cancer risk from East Santa Clara Street would be 2.8 per one million cases for infant exposure and the annual $PM_{2.5}$ concentration would be 0.10 $\mu g/m^3$. The HI would be less than 0.03.

Stationary Sources

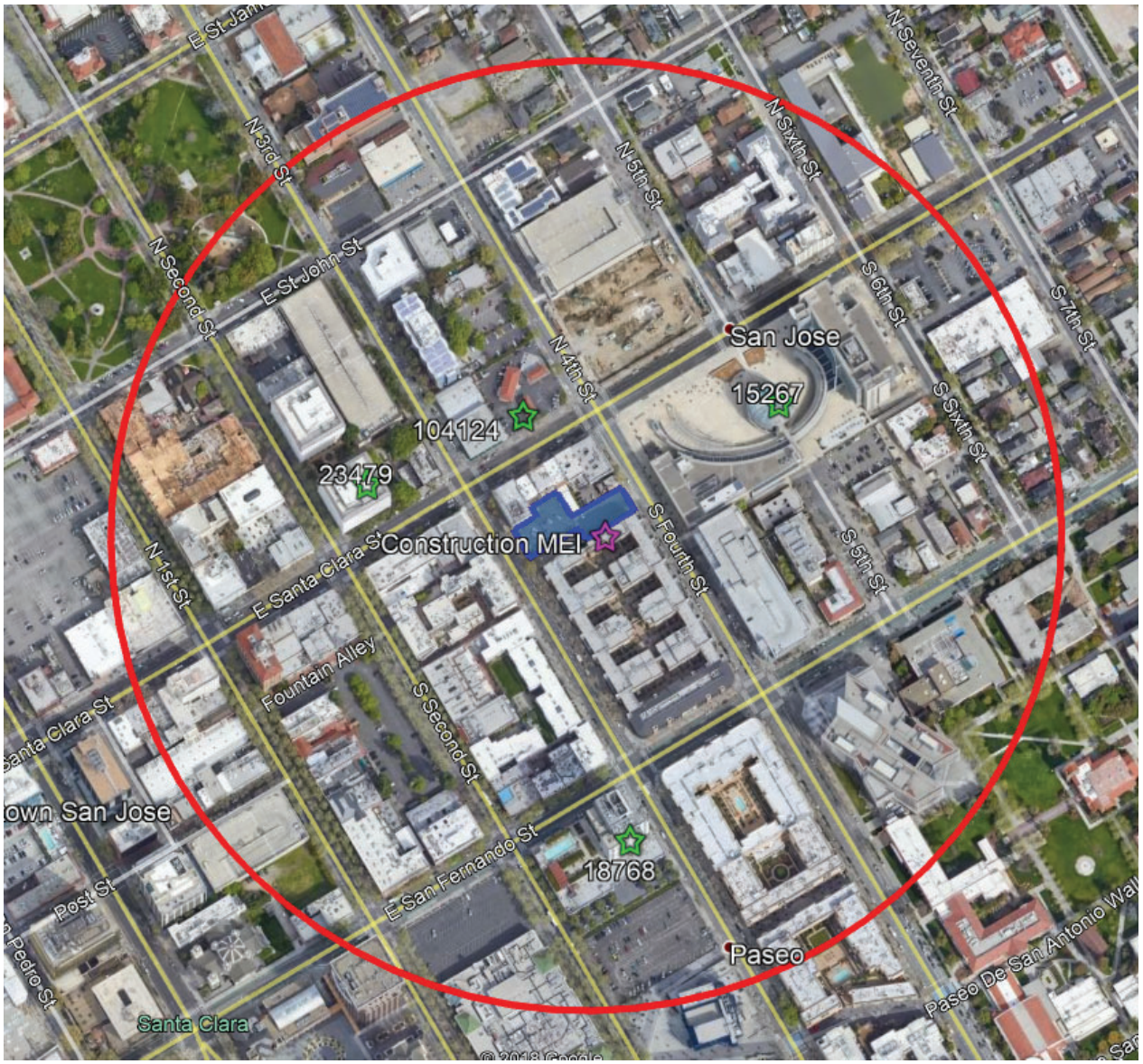
A review of BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*[20] identified four stationary sources (Plant #23479, Plant #104124, Plant #15267, and Plant #18768) with the potential to affect the construction MEI. Figure 4.3-2 shows the project site and the nearby TAC and $PM_{2.5}$ sources. The combined effect of mobile and stationary sources in the project area is shown in Table 4.3-6.

Table 4.3-6: Combined Sources at Construction MEI

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Project Construction			
Unmitigated	**193.1 (infant)** 3.4 (adult)	**1.22**	0.24
Mitigated	4.0 (infant) 0.1 (adult)	0.04	<0.01
Fourth Street (north-south) at 130 feet east	1.9	0.06	<0.03
East Santa Clara Street (east-west) at 220 feet north	2.8	0.10	<0.03
Plant #23479 (Generator) at 510 feet northwest	0.1	<0.01	<0.01
Plant #23479 (Fire Pump) at 510 feet northwest	0.1	<0.01	<0.01
Plant #104124 (Gas Station) at 330 feet north	1.5	0.00	0.01
Plant #15267 at 460 feet east	1.2	<0.01	<0.01
Plant #18768 at 600 feet southwest	0.3	<0.01	<0.01
Cumulative Total			
Unmitigated	201.0 (infant)	<1.42	<0.35
Mitigated	11.9 (infant)	<0.24	<0.12
BAAQMD Threshold – Cumulative Sources	***>100***	***>0.8***	***>10.0***
Threshold Exceeded?			
Unmitigated	***Yes***	***Yes***	***No***
Mitigated	***No***	***No***	***No***

As seen in the table above, the combined community risk impacts would have an unmitigated cancer risk of 201.0 cases per one million, an annual $PM_{2.5}$ concentration 1.42 or less, and a HI of 0.35 or less. The cancer risk and $PM_{2.5}$ concentration would exceed BAAQMD's cumulative source threshold of 100 cases per million for cancer risk for infants and the annual $PM_{2.5}$ concentration greater than 0.8 $\mu g/m^3$. The HI would not exceed BAAQMD's cumulative source threshold of 10.0. Implementation of the Standard Permit Conditions and Mitigation Measures AIR-1.1 and AIR-1.2, would reduce the infant residential cancer risk such that the mitigated risk would be 11.9 per one million cases for infants and the maximum annual $PM_{2.5}$ concentration would be 0.24 $\mu g/m^3$ or less, which would be below the BAAQMD significance threshold of 10 in one million for cancer risk and the maximum $PM_{2.5}$ concentration of 0.3 $\mu g/m^3$. As a result, the proposed project's contribution to mobile and stationary sources in the project area would not be cumulatively considerable and would not result in a significant health risk to nearby sensitive receptors.

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



PROJECT SITE AND NEARBY TAC AND PM2.5 SOURCES | FIGURE 4.3-2

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

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

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

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[21] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

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

[21] U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. Accessed April 26, 2019. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José Tre**e** Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches (4.5 feet) above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City Arborist.

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. Under the City's Tree Removal Ordinance, specific criteria or findings must be made before a permit for removal of a live or dead Heritage Tree would be granted.

Envision San José 2040 General Plan

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

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

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse affect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation

is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Policy CD-1.25: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

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

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

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

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

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

4.4.1.2 *Existing Conditions*

Overview of Habitat Found On-Site

The site is currently developed with the Hotel Clariana (constructed in 1913) and a surface parking lot. There is no native vegetation on-site. Based on the SCVHP, the project site is designated as "Urban-Suburban" land.[22] "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 having one or more structures per 2.5 acres. There are no sensitive habitats or wetlands on or adjacent to the site.

[22] Santa Clara Valley Habitat Agency. "GIS Data & Key Maps". Accessed April 26, 2019. https://scv-habitatagency.org/193/GIS-Data-Key-Maps.

Special-Status Species

Most special-status species occurring in the Bay Area use habitats that are not currently present on the project site, such as salt marsh, freshwater marsh, and serpentine grassland habitats. Native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located within the street trees adjacent to the project site.

Trees

A total of 21 trees were surveyed on and immediately adjacent to the site. Of the 21 trees surveyed, 13 trees are located on-site and the remaining eight are street trees (Tree Nos. one to eight). All on-site trees would be removed as part of the project. The eight street trees would remain. The following table lists the trees identified as part of a tree survey completed by *David J. Powers & Associates* in November 2018. The location of trees is shown on Figure 4.4-1.

Table 4.4-1: Tree Survey

Tree No.	Common Name	Scientific Name	Circumference in Inches	Diameter in Inches
1	**Raywood Ash**	***Fraxinus angustifolia***	**46.0**	**14.6**
2	**Raywood Ash**	***Fraxinus angustifolia***	**45.8**	**14.6**
3	**Raywood Ash**	***Fraxinus angustifolia***	**44**	**14**
4	**Oak Tree**	***Quercus sp.***	**41**	**13.1**
5	Oak Tree	*Quercus sp.*	28.5	9.1
6	Oak Tree	*Quercus sp.*	27.8	8.8
7	**Oak Tree**	***Quercus sp.***	**43**	**13.7**
8	**Oak Tree**	***Quercus sp.***	**65.5**	**20.8**
9	**Flowering plum**	***Prunus cerasifera***	**52.5**	**16.7**
10	--	--	6	2
11	Fuyu Persimmon	*Diospyros kaki*	24	7.6
12	--	--	10	3.2
13	Hass Avocado	*Persea americana 'Hass'*	8	2.5
14	Peach	*Prunus persica*	31	9.9
15	--	--	23	7.3
16	Hass Avocado	*Persea americana 'Hass'*	3	1
17	**Flowering plum**	***Prunus cerasifera***	**56**	**17.8**
18	Flowering plum	*Prunus cerasifera*	34.5	11
19	**Privet**	***Ligustrum***	**38**	**12.1**
20	Ash	*Fraxinus americana*	22.5	7.2
21	**Tree of Heaven**	***Ailanthus altissima***	**74**	**23.6**

Notes: Ordinance sized trees are 38+ inches in circumference (12.1+ inches in diameter)
Bold denotes ordinance sized trees.
-- denotes that the ornamental trees could not be identified.

TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant biological resources impacts, as described below.

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

Impacts to Nesting Migratory Birds

While the project site is located within an urban environment, the street trees adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the CDFW Code Sections 3505, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. The following measures shall be implemented during construction to avoid abandonment of raptor and other protected migratory bird nests, consistent with the Downtown Strategy 2040 FEIR.

Required Downtown Strategy 2040 FEIR Measures:

- Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.
- If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.
- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee, prior to the issuance of any grading or building permit.

With implementation of the identified measures, the project's impact to nesting birds and raptors would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **[Same Impact as Approved Project (Less than Significant Impact)]**

Guadalupe River and Coyote Creek are located approximately 0.7 mile west and 0.9 mile east of the project site, respectively. No riparian habitat or sensitive natural communities exist on or adjacent to the project site. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

There are no wetlands on-site; therefore, the proposed project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. The proposed project would not have a substantial adverse effect on any wetland habitat. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

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

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

There are eight street trees and 13 trees on-site which are all non-native trees. As mentioned previously, all trees on-site would be removed and the seven street trees would be retained. Mature trees are considered an important biological resource because trees can provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as providing habitat for insects. Development of the project would result in the loss of four ordinance-sized trees (Tree Nos. 9, 17, 19, and 21).

As part of the project's Standard Permit Conditions, any tree that would be damaged or removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

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

In addition, the project would be required to implement the following measures consistent with the Downtown Strategy 2040 FEIR.

Required Downtown Strategy 2040 FEIR Measures:

The project will be required to implement the following measures:

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

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

[1]As measured 4.5 feet above ground level
[2] x:x = tree replacement to tree loss ratio
[3]Ordinance-sized tree
Notes: Trees greater than 38 inches in circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
One 24-inch box tree = two 15-gallon trees.

The species and exact number of replacement trees to be planted on a given project site would be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. The planting and maintenance of replacement and street trees will be made conditions of development approval.

- **In-lieu Mitigation.** In the event the project site does not have sufficient area to accommodate the required tree mitigation, implement one or more of the following measures, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
  - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City

will use the off-site tree replacement fee(s) to plant trees at alternative sites.

- **Tree Protection Measures.** Implement the following measures during demolition and construction activities:

  Pre-construction Treatments
  - Retain a consulting arborist to discuss work procedures and tree protection with the construction superintendent before beginning work.
  - Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing, or grading. Fences shall be six feet tall and chain link, or equivalent, as approved by the consulting arborist. Fences are to remain until all grading and construction is completed.
  - Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

  During Construction
  - Prohibit grading, construction, demolition or other work within the TREE PROTECTION ZONE. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
  - Any root pruning required during construction shall receive the prior approval of, and be supervised by, the consulting arborist.
  - Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
  - Apply supplemental irrigation to trees as determined by the consulting arborist.
  - If injury should occur to any tree during construction, the consulting arborist shall evaluate the trees as soon as possible so that appropriate treatments can be applied.

In accordance with City policy, tree replacement would be implemented as shown in Table 4.4-2. Of the 14 on-site trees, five trees would be replaced at a 4:1 ratio and five trees would be replaced at a 2:1 ratio with 15-gallon containers. The four remaining trees would be replaced at a 1:1 ratio with 15-gallon containers. The total number of replacement trees required to be planted would be 34. 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.

The proposed project would be required to meet the requirements as noted above. The Downtown Strategy 2040 FEIR concluded that compliance with local laws, policies and guidelines would reduce impacts to the urban forest to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Based on the Habitat Agency Geobrowser, the project site is within the SCVHP area.[23] Private development in the SCVHP area is subject to the requirements of the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in *Section 2.3.2 Urban Development* or in *Section 2.3.7 Rural Development*;[24]
- In Figure 2-5 of the SCVHP, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
    - The project is located in an area identified as "Rural Development Equal to or Greater than two acres is Covered," or "Urban Development Equal to or Greater than two acres is Covered" or,
    - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

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

Standard Permit Condition:

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

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **[Same Impact as Approved Project (Less than Significant Impact)]**

[23] Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed April 26, 2019. https://scv-habitatagency.org/193/GIS-Data-Key-Maps.

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

4.5 CULTURAL RESOURCES

The following discussion is based upon a Literature Search completed by *Holman & Associates* in October 2018. In addition, the discussion is based upon Department of Parks and Recreation 523 forms and a Historic Report prepared by *Urban Programmers* in March 2019. Copies of these reports are attached as Appendix B and C, respectively. A copy of the Archaeological Literature Search is on file at the Department of Planning, Building and Code Enforcement.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility follow:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
    - Association with events that have made a significant contribution to the broad patterns of history.
    - Association with the lives of persons significant in the past.
    - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction.
    - Has yielded, or may yield, information important to prehistory or history.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local

planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[25]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence; in evaluating adverse changes to them. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The process of determining integrity is similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods. Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains to protect them from disturbance, vandalism, and inadvertent destruction.

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

Local

Historic Preservation Ordinance

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

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

[25] CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. March 14, 2006.

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

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

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

City Council's Development Policy on the Preservation of Historic Landmarks

The City Council's Development Policy on the Preservation of Historic Landmarks (as amended May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. The City also has various historic design guidelines that suggest various methods for the restoration or rehabilitation of older/historic structures and establish a general framework for the evaluation of applications involving historic preservation issues. The City offers a number of historic preservation incentives, including use of the State Historic Building Code, Mills Act/Historical Property Contracts, and various land use and zoning incentives.

Envision San José 2040 General Plan

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

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact

pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Policy ER-9.2: 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 their 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-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

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

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

Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

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

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

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

Policy LU-13.9: Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street

trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

4.5.2 Existing Conditions

4.5.2.1 *Subsurface Resources*

Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The project site is located approximately 0.7 mile east of Guadalupe River.

Mission Period

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

The pueblo was originally located near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The project site is located approximately 0.2 miles east of the second pueblo.

Literature Search

Based on an 1884 Sanborn Insurance Company map, the project site was developed with commercial buildings that fronted East Santa Clara Street and the central portion of the site was developed with outbuildings. A Presbyterian Church was located south of the site, facing South Third Street, and the Santa Clara Valley Mill operations fronting South Fourth Street. By 1891, the site was developed with many outbuildings and dwellings. By 1915, the site was rebuilt after the 1906 San Andreas

earthquake. The Young Men's Christian Association (YMCA) building was constructed in 1913 which faced East Santa Clara Street. The YMCA consisted of a swimming pool, gymnasium, and handball courts. The only remaining outbuildings were located to the east and South Fourth Street.

Based on the *Literature Search* completed by *Holman & Associates*, the project site is highly sensitive for historic-era archaeological deposits associated with the structures developed in the late-19th and early-20th century. Due to the distance between the project site and two major waterways (Guadalupe River and Coyote Creek), it was determined that the project site would have low to moderate potential Native American resources.

4.5.2.2 *Existing Structures On and Adjacent to the Project Site*

Structures On-Site

The existing five-story building on-site was constructed in 1913 as the City's YMCA. The YMCA was founded in London in 1844 as a social reform organization that was intended to improve young men's lives. The building was designed by William Binder, the City's first major modern architect. The YMCA provided living accommodations with 75 rooms.

By 1960, the YMCA moved to The Alameda. The building at the current location was used as an office building, a branch of the Philippines National Bank and between 2015 and 2017, the building was rehabilitated for use as a hotel.

The building is of Beaux Arts classical commercial architecture. The five-story building can be divided into three portions (a one-story base, a three-story middle, and a single-story top). The first floor is horizontal in feeling with two large glass windows and a recessed glass paneled entryway with two rounded columns on each side along the northern building façade. The windows rest on a base of brick that forms a horizontal band that wraps around the building. A horizontal band of bricks is located at the base of the building. The area above the shaft is the most decorative with a projecting cornice[26] line.

The YMCA building was listed in the NRHP as a contributing building to the San José Downtown Commercial District on May 26, 1983. Since the existing structure is listed in the NRHP, it is also listed in the CRHR.

The former YMCA building is associated with events of historic significance as it helped improve young men's lives, consistent with Criterion A.1 of Section 13.48.020 of the City's Municipal Code. The building is a distinctive example of Beaux Arts design, consistent with Criterion A.2.a of Section 13.48.020 of the City's Municipal Code. In addition, the building was designed by William Binder, the City's first major modern architect, consistent with Criterion A.3.b of Section 13.48.020 of the City's Municipal Code. The Clariana Hotel would meet the criterion of a historic resource as defined in the City's Historic Preservation Section of the Municipal Code and is eligible as a Candidate City Landmark.

[26] The cornice is defined as any horizontal decorative molding located between the wall and a roof or ceiling.

Adjacent Structures

The hotel addition would be located adjacent to the City's Historic Commercial District. This district is comprised of 45 properties (27 contributing structures and 18 non-contributing properties). The Downtown Commercial District is bounded by South First Street to the west, East Santa Clara Street to the north, South Third Street/South Fourth Street to the east, and East San Fernando Street to the south (refer to Figure 4.5-1 below). This district is comprised of architecturally and historically significant buildings from the 1870s to the early 1940s.

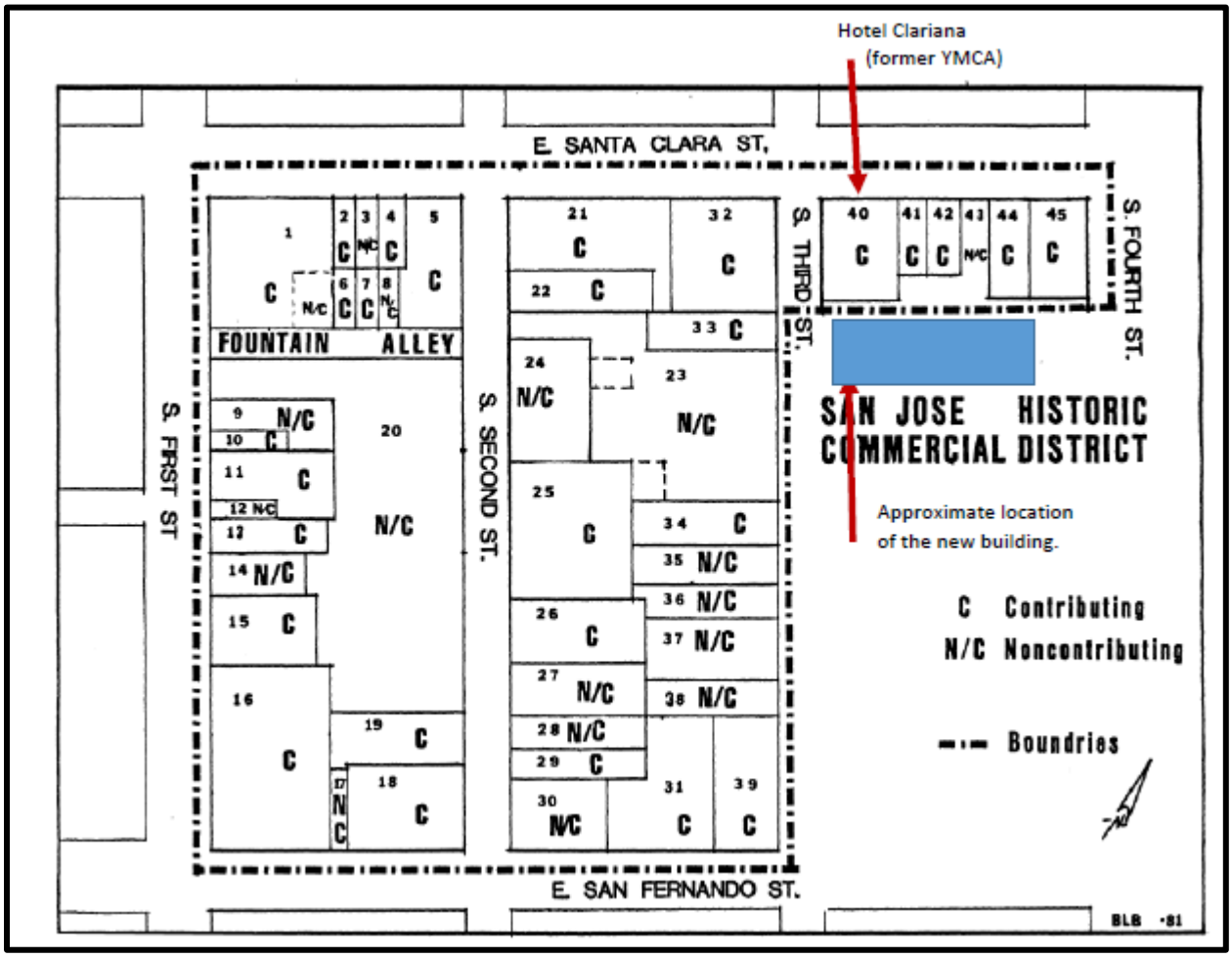


Figure 4.5-1: San José Historic Commercial District Map

Additionally, there are three buildings located outside of the Historic Commercial District and within approximately 500 feet of the project site that are eligible for listing in the CRHR. These buildings include the Opera House Block at 91-97 East Santa Clara Street, the Alliance Building at 101-109 East Santa Clara Street, and the Sperry Flour Building at 30 North Third Street.

4.5.3 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒	☐

In addition to the thresholds listed above, a significant impact would occur in the City of San José if the project would demolish or cause a substantial adverse change to one or more properties identified as a City Landmark or a Candidate City Landmark in the City's Historic Resources Inventory or a structure that is identified an eligible City Landmark through this analysis.

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant cultural resources impact, as described below.

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impacts to Historic Structures

The project would expand the existing Hotel Clariana which was originally constructed in 1913 as a YMCA. The YMCA building is listed in the NRHP and CRHR. Based on the historic report prepared for the site, the building retains its integrity as a historic resource.

Section 15064.5(b)(1) and (2) of CEQA states that demolition or the destruction, relocation or alteration activities that would impair the significance of a historic resource results in a "substantial adverse change." The hotel has been previously rehabilitated, including an extensive remodel of the interior. Rehabilitation of the building included repairs to the window frames and cleaning and painting of the building. The building's exterior façades were preserved with the exception of the minor changes to the entry doors. The doors located on the north and western building façades were removed several years ago.

The project proposes an expansion of the existing hotel which would connect to the hotel at the southern façade, which is a flat façade with no architectural elements. An addition to the building was previously located to the south which provided both residential and athletic space for the YMCA.

From East Santa Clara Street, the sixth floor of the addition would be set back and would not be visible. The historic building would be isolated from the new addition by a new parallel wall on the northern façade of the addition. Furthermore, the addition would be set back approximately three feet from the existing building's southeast corner which would help to distinguish between the existing building and the addition.

The horizontal banding of the existing building is of classical proportions. The addition would include horizontal banding at the same levels using less ornate cornice designs, providing a compatible design that is distinctly different. The ground floor of the addition would have a recessed storefront divided vertically. The second, third, and fourth levels would have fenestration[27] that is similar in spacing and height to the existing building. The proposed windows would be vertical, single-pane with minor frames and vents. The existing building has an ornate design while the addition would use a contemporary design of two projecting ledges with a recessed band between. The fenestration proposed is compatible with the existing design.

The Secretary of the Interior's Standards for Rehabilitating Historic Buildings

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The existing building included recreational space, meeting space, and residences when operated as a YMCA. The south annex to the building was demolished many years ago. The use of the historic building as a hotel required minimal change. The proposed addition would be located where the multi-story southern annex was. In addition, the connection between the existing building and the addition would occur in the same location on each floor as the annex. Lastly, multi-story buildings have been developed on both sides of South Third Street. As a result, the change to the environment would be minimal and the proposed addition would fill the vacant space and improve the urban streetscape.

The historic character of a property shall be retained and reserved. The removal of historic materials or alteration of features and space that characterizes a property shall be avoided.

The proposed addition would not remove or obscure the character-defining elements of the historic building's East Santa Clara Street and South Third Street façades.

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

[27] Fenestration is defined as the arrangement of windows and doors on the elevations of a building.

Rehabilitation of the building would not create a false sense of historical development. The proposed addition would be compatible with the materials and horizontal blocks of the building and does not include historical elements from the past.

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

The historic building has been altered over time, but these changes have no individual architectural merit, have not acquired historic significance, and do not diminish the Beaux Arts design of the building.

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The former YMCA building was seismically braced prior to conversion of the building to the current hotel use. The structural work changes the historic materials and removed some of the craftsmanship from the structure. The significant character-defining features and examples of craftsmanship on the exterior of the building were, however, repaired and preserved. The historic features on the exterior of the building along the façades of East Santa Clara Street and South Third Street, and minor window frames facing east, would still be maintained and preserved with construction of the proposed addition. The proposed addition would be sufficiently recessed behind the historic building to retain the historic corner and cornice of the former YMCA building. The proposed addition would not change the character-defining features of the historic building.

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The historic building was previously repaired and exterior features that characterize the architecture, particularly the windows and ornamentation on East Santa Clara Street and South Third Street have been repaired and preserved. The original entry doors were removed in the 1980s and the entryway columns were added. More recently, new frameless glass doors were installed.

The south façade of the historic building has no architecture design features. As such, construction of the proposed addition would not require repair or replacement of distinctive features of the building.

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Previous preparation and painting of the building did not use sandblasting or any chemical treatments to clean the building. The proposed addition be required to meet all Secretary of Interior Standards and construction of the additional would not utilize chemical or physical treatments that would damage the historic materials of the historic structure.

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

The proposed addition would not require any substantial excavations. Please see CUL-3 below for a discussion of measures to address subsurface resources.

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The proposed addition would be at the south end of the existing building where the previous annex was located. The proposed addition would be six-stories whereas the existing building is five stories. The sixth floor would have an open garden on its north end creating a separation from the existing building. The addition would be differentiated from the historic building in design but would be compatible by maintain the horizontal blocks of the historic building but not copying the architectural details. The project would also be compatible in scale and mass to the existing building. With these design features the project would be compatible with the historic building and its surrounding environment.

The façades of the building facing East Santa Clara Street and South Third Street would be maintained and would not be modified as a result of the project. The proposed addition would be on the south façade, which has no architectural detail other than the ornate cornice return at the roof line. Openings where the existing building connected to the former annex were closed and covered with smooth stucco that created a blank facade. This same treatment was applied on a portion of the east facade of the historic building (in the current parking lot). These facades, with the exception of a cornice return are without ornamentation or design qualities. Therefore, construction of the addition would not materially damage the historic materials that characterize the existing building.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The addition would be separated from the existing building. The connection between the addition and the historic building would occur on the second through fifth floors and utilize a casket type closure which would cover the space between the building. If the addition is removed in the future, the building would be easily repaired without damage to any of the character-defining features.

Secretary of Interior's Standards for the Treatment of Historic Property

The existing hotel is located within the City of San José's Historic Commercial District which is listed in the NRHP and CRHR. Parking lot where the addition is proposed is adjacent to the district. project site is located immediately adjacent to the City of San Jose's Historic Commercial District which is listed in the NRHP and CRHR. Within 500 feet of the project site, there are three additional buildings (the Opera House Block, the Alliance Building, and the Sperry Flour Building) eligible for listing in the CRHR.

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The annex, which consisted of residential rooms, athletic space, and meeting space, was demolished more than 40 years ago. The proposed addition would bring back a use similar to the annex.

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

The area where the expansion would occur is currently a surface parking lot and is located outside the historic district. The surface lot would be removed and replaced with a compatible building that meets the Secretary of the Interior's Standards for Rehabilitation. Furthermore, the addition would retain and preserve the integrity of the historic district.

Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

As mentioned previously, the proposed addition has been reviewed and found in conformance with the Secretary of the Interior's Standards for Rehabilitation. The design, size, bulk and height of the addition would be compatible with the historic buildings within the district and would not create a false historical development.

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The surface parking lot that replaced the former YMCA annex has not gained significance during the past years and is located outside the City's Commercial Historic District. The proposed addition would not change the historic properties on-site or adjacent to the site.

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The addition would not destroy historic features or materials of any contributing structures along East Santa Clara Street.

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The construction area is currently a surface parking lot and does not contain any deteriorated historic features. The contributing structures adjacent to South Third Street have been replaced with multi-family residences that extend from East San Fernando Street to the rear of the Odd Fellows Building (located at 82-96 East Santa Clara Street) and to the edge of the surface parking lot to the east.

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Construction of the project would not include paint strippers, high pressure water, or any other harsh chemical treatments that could damage the historic building. To ensure that construction of the proposed project does not damage the historic building, the project shall be required to implement the following Conditions of Project Approval:

Conditions of Approval:

- Prior to commencement of any construction activities, including any ground disturbing activities, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect nearby historic resources from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage).

  The HRRP shall be prepared by a qualified Historic Architect and reviewed and approved by the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to Public Works clearance, including any ground-disturbing work. The project applicant shall ensure the contractor follows the HRRP while working near these historic resources. At a minimum, the plan shall include:

  - Guidelines for operation of construction equipment adjacent to historical resources;
  - Guidelines for storage of construction materials away from historic resources;
  - Requirements for monitoring and documenting compliance with the plan; and
  - Education/training of construction workers about the significance of the historical resources around which they would be working.

Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The site was previously excavated to remove the YMCA annex foundations; it is unlikely that archaeological materials would be found. In addition, a Literature Search was prepared for the site and it was determined that the project site is highly sensitive for historic-era archaeological deposits and low to moderate potential for Native American resources. The project would comply with the measures identified in the Downtown Strategy 2040 FEIR to reduce and avoid impacts to as yet unidentified archaeological resources (refer to the Impacts to Archaeological Resources discussion below).

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Under project conditions, the proposed addition would not destroy any historic materials, features, or spatial relationships of the City's Historic Commercial District or any historic resources nearby. The

addition would be compatible with the historic materials, features, size, scale and proportion, and massing of the existing building. Construction of the addition does, however, have the potential to damage nearby historic structures. To ensure that construction of the proposed project does not damage nearby historic buildings within the district, the project shall be required to implement the following conditions of project approval:

Condition of Approval:

- The contributing structures facing East Santa Clara Street, between South Third Street and South Fourth Street, shall be protected during construction of the proposed project. A barricade and an eight-foot high metal fence shall be installed to separate the construction from the contributing structures. In addition, screening shall be used to protect the historic buildings from debris and a sign with the contact person of the construction company shall be posted on-site so any potential damaging work may be reported.

New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposed addition is isolated from all historic buildings with the exception of the former YMCA building. Based on the design of the addition, if the proposed addition is removed in the future, the opening could be easily repaired without any structural damage to the former YMCA building. If the addition were to be removed in the future, it would not impair any of the contributing buildings.

Based on the findings of the historic report, the proposed project would comply with the Secretary of the Interior's Standards for the Treatment of Historic Property. A project that has been determined to confirm with the Secretary of the Interior's Standards for the Treatment of Historic Properties can be generally considered to be a project that will not cause a significant change (14 CCR § 5126.4(b)(1)). The proposed project would not create an adverse change to the City's Commercial Historic District, historic resources, or to the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

Impacts to Archaeological Resources

Based on the literature search completed, the project site is highly sensitive for historic-era archaeological deposits associated with the structures developed in the late-19th and early-20th century. Due to the distance between the project site and Guadalupe River and Coyote Creek, the

project site would have a low to moderate potential for buried Native American archaeological deposits.

Consistent with the Downtown Strategy 2040 FEIR, the following measures shall be applied to the project to reduce and avoid impacts to as yet unidentified archaeological resources.

Required Downtown Strategy 2040 FEIR Measures:

- **Appropriate Prior Review.** For projects involving ground-disturbing activities, the City shall require preparation of a site-specific archaeological resources report to address the potential for archaeological resources to be affected by the project, unless sufficient documentation exists to make such a report unnecessary. At a minimum, this effort shall include a records search at the Northwest Information Center (NWIC) and a field inventory. The report shall be prepared by a qualified archaeologist. The report may recommend archaeological monitoring during construction.

- **Stop Work and Evaluate Unanticipated Finds.** If buried cultural deposits are encountered during project activities, all work within 50 feet of the find shall be redirected. A qualified archaeologist shall: (1) evaluate the find to determine if it meets the CEQA definition of a historical or archaeological resource; and (2) provide project-specific recommendations regarding the disposition of the find. The results of any archaeological investigation shall be submitted to the NWIC.

  If the find does not meet the definition of a historical or archaeological resource, then no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical or archaeological resource, then it must be avoided by project activities. Avoidance can be accomplished through redesign, conservation easements, or site capping.

  If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the evaluating archaeologist. Upon completion of the archaeological evaluation, a report documenting the methods, results, and recommendations of the archaeologist shall be prepared and submitted to the NWIC.

Even with implementation of the standard measures listed above, the literature search identified the site as being highly sensitive for historic-era archaeological deposits associated with structures developed in the late-19th and early-20th century.

Mitigation Measures

Consistent with the standard measures in the Downtown Strategy 2040 FEIR, the following mitigation measures have been developed by the project archaeologist and will be implemented during construction to avoid impacts to unrecorded subsurface archaeological resources.

MM CUL-1.1: Subsurface testing shall be completed by a qualified archaeologist after asphalt has been removed, but prior to any ground disturbing activities (including grading, potholing for utilities, and building foundation removal) to examine the locations of the previous outbuildings. At least one trench shall be mechanically excavated below existing stratigraphic layers to eliminate the potential for Native American deposits and paleosols.

If any ground disturbing activities need to be completed prior to presence/absence work, an archaeological monitor shall be present to observe all these disturbances. If any archaeological deposits discovered appear eligible to the California Register of Historical Resources (CRHR) during any stage of exploration or monitoring, an archaeological research design and work plan shall be prepared to facilitate archaeological excavation.

MM CUL-1.2: A qualified archaeologist shall prepare an Archaeological Resources Treatment Plan (ARTP) for the project site prior to issuance of any demolition or grading permits. The project applicant shall ensure implementation of the ARTP, prior to ground disturbance activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be prepared and submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement. The ARTP shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy used to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL-1.3: All historic-era features identified during exploration shall be evaluated by an archaeologist based on the California Register of Historical Resources criteria consistent with the ARTP. After completion of the field work, all artifacts shall be cataloged and the appropriate forms shall be completed and filed with the Northwest Information Center of the California Archaeological Inventory at Sonoma State University.

MM CUL-1.4: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are believed to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours of the identification. The NAHC shall then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make recommendations regarding proper burial (including the treatment of grave goods), which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act (CEQA) Guidelines. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement and the Northwest Information Center at Sonoma State University.

Within implementation of Mitigation Measures CUL-1.1 to CUL-1.4 and the identified standard measures, construction of the proposed project would have a less than significant impact on recorded and unrecorded subsurface archaeological resources and human remains. The Downtown Strategy FEIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within downtown San José would have a less than significant impact on subsurface cultural resources and human remains. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

4.6 ENERGY

The following discussion is based upon an Air Quality Analysis completed by *Illingworth & Rodkin* in December 2018. A copy of this report is included in Appendix A of this document.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

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

State

Renewables Portfolio Standard Program

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

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.[28]

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

[28] California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed March 4, 2019. https://www.dgs.ca.gov/BSC/Codes.

Local

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

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

Sustainable City Strategy

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

Municipal Code

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

Envision San José 2040 General Plan

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

Policy MS-1.1: Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green

Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

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

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

Policy MS-14.4: Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

Policy MS-14.5: Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

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

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,883 trillion Btu in the year 2017, the most recent year for which this data was available.[29] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.[30] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 GWh of electricity was consumed in Santa Clara County.[31]

[29] U.S. Energy Information Administration. "California Energy Consumption Estimates 2017". Accessed January 3, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[30] Ibid.
[31] CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed January 3, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.

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

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[32] In 2018, residential and commercial customers in California used 32 percent, power plants used 32 percent, and the industrial sector used 36 percent. Transportation accounted for one percent of natural gas use in California.[33] In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[34]

Fuel for Motor Vehicles

In 2018, 15.6 billion gallons of gasoline were sold in California.[35] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970's to 24.9 mpg in 2018.[36] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.[37,38]

4.6.1.3 *Energy Use by Existing Development*

The construction area is currently developed with a surface parking lot. For the purposes of this analysis, it is assumed that the construction area does not currently generate energy use and, as a result, the calculations for net increases in energy uses with the project were conservatively estimated.

[32] California Gas and Electric Utilities. 2018 California Gas Report. Accessed January 3, 2020. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.
[33] U.S. EIA. "Natural Gas". Accessed January 3, 2020. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[34] CEC. "Natural Gas Consumption by County". Accessed January 3, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[35] California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed January 3, 2020. https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.
[36] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019. .
[37] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.afdc.energy.gov/laws/eisa.
[38] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in a less than significant energy impact, as described below.

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

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

Estimated Energy Use of the Proposed Project

Operation of the proposed project would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, and water heating. The following table summarizes the estimated energy use of the proposed addition to the hotel. Existing uses on-site that would remain are not accounted for as that energy usage is already occurring.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline[39] (gallons per year)
Hotel – 63 guest rooms	341,178	1,983,940	47,473
Parking Lot – 38 spaces	5,320	0	0
Quality Restaurant – 1,525 square feet	49,898	317,017	5,035
Total:	**396,396**	**2,300,957**	**52,508**

Notes: Illingworth & Rodkin, Inc. *Hotel Clariana Air Quality & Greenhouse Gas Assessment*. December 17, 2018.

[39] 1,182,080 annual VMT (Hotel) / 24.9 mpg = 47,473 gallons of gasoline annually.
125,383 annual VMT (Quality Restaurant) / 24.9 mpg = 5,035 gallons of gasoline annually.

Construction

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

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

Operation

The proposed project would result in a net increase in electricity usage of approximately 396,396 kWh and natural gas usage of approximately 2,300,957 kBtu. Annual gasoline consumption as a result of the project would have a net increase of approximately 52,508 gallons.

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

The proposed project would be required to provide a total of 14 bicycle parking spaces consistent with the City's bicycle parking requirement. The downtown area is served by many local bus lines (refer to Table 4.17-1), light rail, and Diridon Station. The nearest bus stops are along Santa Clara Street, between Third and Fourth Street, and along First Street and Second Street. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site, thus reducing potential gasoline consumption.

Based on the measures required for LEED certification, Council Policy 6-32, and the City's Green Building Ordinance, the proposed project would comply with existing state energy standards and would not obstruct implementation of a state or local plan for renewable energy or energy efficiency. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Investigation Report prepared by *Advance Soil Technology, Inc*. in August 2018. A copy of this report is attached in Appendix D of this document.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Paleontological Resources Regulations

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

Local

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

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

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

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

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

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

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

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

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

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

4.7.1.2 *Existing Conditions*

Geology and Soils

San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below the ground surface (bgs). The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains. Soil types in the area include clay in the low-lying central areas, loam and gravelly loan in the upper portions of the valley, and eroded rocky clay loam in the foothills. Soils on-site consist of a layer of stiff clays and silts and medium dense to dense silty sands and gravelly sands.

Seismicity and Seismic Hazards

Table 4.7-1: Active Faults Near the Project Site

Fault	Distance from Site
Silver Creek	0.8 miles
Monte – Vista Shannon	7.5 miles
Hayward	5.5 miles
Calaveras	8.2 miles
San Andreas	12.2 miles

The project site is located within the seismically active San Francisco Bay Region. According to the Geotechnical Report, the project site is not within a defined Alquist-Priolo Earthquake Fault Zone and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site. Active faults near the project site are shown above in Table 4.7-1.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with

poor drainage. According to the Geotechnical Report prepared for the site, the project area is located within a potential liquefaction zone and could experience low to moderate vertical settlement during a seismic event.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Areas of San José most prone to lateral spreading include lands adjacent to Guadalupe River and Coyote Creek. Guadalupe River is located approximately 0.7 mile west of the project site and Coyote Creek is approximately 0.9 mile east of the project site. At these distances, the potential for lateral spreading on-site is low.

Landslides

Landslides occur when the stability of a slope changes from a stable to an unstable condition. Since the project area is relatively flat, the potential for landslides on-site is low.

Groundwater

Groundwater depth encountered on-site ranges from 10 to 15 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐
– Landslides?	☐	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect 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?	☐	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR the proposed project would result in less than significant geology and soils impacts, as described below.

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

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

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

Geological and Soil Impacts

Based on an earthquake forecast completed by the U.S. Geological Survey on March 2015, there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044.[40] As mentioned previously, the project site is not located within an Alquist-Priolo Earthquake Zone. The project site would, however, experience intense ground shaking in the event of a large earthquake. The project site is located within an area with moderate to high soil expansion potential. Hazards associated with expansive soils would be reduced and managed consistent with the City adopted regulations and policies, in combination with state building regulations. Because the site is located approximately 0.7 mile east of Guadalupe River, the potential for lateral spreading during a seismic event would be low. In addition, the potential for liquefaction and landslides on-site would be low. The soils on-site have moderate to high expansion potential, which could damage the hotel addition.

The geotechnical report makes specific recommendations regarding existing utilities, demolition, clearing, and site preparation, pad preparation, lime/cement treatment, utility trenching, foundation, pavement design, and site drainage.

Standard Permit Condition:

Consistent with the General Plan and current standard practices in the City of San José, the project proposes to implement the following Standard Permit Condition to reduce significant seismic and seismic-related impacts:

- 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.

The proposed project would be built in conformance to the most recent CBC requirements, as well as the site-specific geotechnical report; therefore, the project would not exacerbate any existing geologic conditions or result in a significant geology hazards impact to the project area. **[Same Impact as the Approved Project (Less Than Significant Impact)]**

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

[40] U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System." Accessed April 30, 2019. https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

Ground disturbance on-site would include demolition of a portion of the existing hotel to expand the hotel and grading. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until the construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The project would be required to comply with all applicable City regulatory programs pertaining to construction-related erosion including the following Standard Permit Conditions for avoiding and reducing construction-related erosion impacts.

Standard Permit Conditions:

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

Because the proposed project would comply with applicable policies and regulatory programs related to erosion, implementation of the project would have a less than significant erosion impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a lower potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments, often found at depths of more than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the Downtown Strategy 2040 FEIR found the project site to have a high sensitivity (at depth) for paleontological resources. The project would be required to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Conditions for avoiding and

reducing construction related paleontological resources impacts.

Standard Permit Conditions:

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

4.7.3 Non-CEQA Effects

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

The proposed project is located within a seismically active region in the U.S. and would experience very strong ground shaking during a seismic event. Additionally, the soils on-site have moderate to high expansion potential which could damage the hotel addition. As discussed in Downtown Strategy 2040 FEIR, differential settlements, structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils and undocumented fill are not considered during project design and construction.

As mentioned previously, the proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including CBC requirements. The Downtown Strategy 2040 FEIR concluded that adherence to CBC requirements would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by hazardous conditions on-site. For these reasons, the project would comply with General Plan Policies EC-4.2 and EC-4.4.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment completed by *Illingworth & Rodkin* in December 2018. A copy of this report is included in Appendix A of this document.

4.8.1 Environmental Setting

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

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

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

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

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

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

course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[41]

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the 2017 CAP. The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of CO_2 by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of San José Municipal Code

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

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

[41] CARB. "Advanced Clean Cars Program". Accessed March 4, 2019. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about.

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

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

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

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR as amended. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[42]

[42] As described in Downtown Strategy 2040 FEIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

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

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

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

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

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas

Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

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

4.8.1.2 *Existing Conditions*

The project site is currently developed with the Hotel Clariana and a surface parking lot. GHG emissions are generated by traffic trips to and from the project site. Emissions are also generated by the production of electricity required for lighting, heating, and cooling of the hotel. In addition, the project site is located within a defined PDA.[43]

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☐	☒

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project, by itself, would result in a less than significant GHG emissions impacts, as described below.

Thresholds of Significance

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. The BAAQMD GHG recommendations include a specific plan-and project-level GHG emission efficiency metric of 1,000 MT or 4.6 MT of CO_2e per service population (future residences and fulltime workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. Given the project would not be

[43] Association of Bay Area Governments. "Priority Development Area Showcase." Accessed August 29, 2018. http://gis.abag.ca.gov/website/PDAShowcase/.

constructed and operational prior to December 31st, 2020, the City has developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population based on the GHG reduction goals of SB 32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[44]

Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Construction Emissions

The proposed development would result in a temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because construction would be temporary (approximately 12 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Consistency with the San José Greenhouse Gas Reduction Strategy

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy.

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

Mandatory Criteria

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

[44] Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.

LU-10)

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

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

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

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

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

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

The proposed project would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and CALGreen requirements. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. In addition, the project would be required to provide a total of 14 bicycle parking. Given the project's consistency with the General Plan land use designation, compliance with Policy 6-32, and the provision of adequate bicycle parking, the project would be consistent with the mandatory criteria 1, 2, and 3.

Criteria 4 is not applicable because the project does not include demolition of the existing building. Criteria 5 through 7 are not applicable to the proposed project because the project is not an energy intensive use, the project is a hotel project and not a large employer, and the project does not propose vehicle-serving uses.

The proposed project is consistent with the mandatory GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **[(Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Emissions

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified Greenhouse Gas Reduction Strategy, it can be presumed that the project would not have significant GHG emissions under CEQA.[45]

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

The BAAQMD GHG recommendations include a specific plan- and project-level GHG emission efficiency metric of 4.6 MT of CO_2e per service population (future residences and full-time workers) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. Given the project would not likely be constructed and operational prior to December 31st, 2020, the City has developed updated GHG efficiency targets reflecting statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Bright-Line" threshold of 660 MT CO_2e per year and a "Substantial Progress" threshold of 2.6 MT CO_2e per year per service population which is based on the GHG reduction goals of EO B-30-15. The service population metric of 2.6 takes into account the 1990 inventory and the projected 2030 statewide population and employment levels.[46] The adjusted bright line is 40 percent below the year 2020 1,100 MT CO_2e per year threshold (which was established to meet the 1990 levels).

In addition, the Downtown Strategy 2040 FEIR concluded that Citywide 2040 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. Achieving the substantial emissions reductions would require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the needed 2040 emissions reductions, the Downtown Strategy 2040's contribution to GHG emissions and climate change for the 2040 timeframe was determined to be significant and unavoidable.

To estimate daily emissions associated with operation of the proposed project, the CalEEMod model, along with the project's vehicle trip generation rates was used. Annual emissions resulting from

[45] Bay Area Air Quality Management District, 2017. *CEQA Air Quality Guidelines*. May 2017.
[46] Association of Environmental Professionals. Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. October 2016.

project operations are shown below in Table 4.8-1. This analysis was based upon a service population of 20[47] employees.

Table 4.8-1: GHG Emissions (MT of CO_2e)	
Source Category	**Proposed Project in 2030**
Area	<1
Energy Consumption	176
Mobile	395
Solid Waste Generation	18
Water Usage	2
Total:	592
Significance Threshold:	**660 MT CO_2e/year**
Service Population Estimates Total (MT CO_2e per year per service population):	29.6
Significance Threshold:	**2.6 in 2030**
Exceeds Both Thresholds?	**No**
Note: The service population was estimated based on 20 future employees.	

The project would have a significant GHG emissions impact if the project exceeds both the 660 MT CO_2e per year and the 2.6 MT CO_2e per year per service population thresholds. The project would exceed the "Substantial-Progress" threshold of 2.6 MT CO_2e per year per service population, but not the "Bright-Line" threshold of 660 MT CO_2e per year threshold. Therefore, implementation of the proposed project would not result in a GHG emissions impact. **[Less Than Approved Project (Significant Unavoidable Impact)]**

[47] The project applicant estimates 20 new employees would be hired as a result of the expansion. Phan, Tina. Hotel Clariana. Personal Communication. November 28, 2018.

4.9 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based upon a Phase I Environmental Site Assessment (ESA) prepared by *PIERS Environmental Services* in January 2018. A copy of this report is provided in Appendix E.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

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

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

Cortese List

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials and Lead-Based Paint

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, and vinyl floor tiles. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

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

Federal Aviation Administration Regulations

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

Local

Envision San José 2040 General Plan

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

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

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

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

hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.

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

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

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards navigation.

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

4.9.1.2 *Existing Conditions*

The approximately 0.64-acre project site is currently developed with the Hotel Clariana and a surface parking lot. Groundwater depth encountered on-site ranges from approximately 10 to 15 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns. Groundwater in the project area flows to the west. The project is not on the Cortese List.[48]

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

A land use history of the site was compiled based on aerial photographs, Sanborn Fire Insurance Maps, City directories, and local fire, building and health department files. From 1884 to 1915, three residential one-story structures were located on the western portion of the site and one residential structure and sheds were located on the eastern portion of the site. A Presbyterian Church is shown

[48] CalEPA. "Cortese List Data Resources". Accessed March 4, 2019. https://calepa.ca.gov/sitecleanup/corteselist.

on the property to the south of the site on Third Street. By 1915, the project site became part of the YMCA which consisted of a swimming pool, gymnasium, and handball courts. The YMCA occupied the existing hotel building. The eastern portion was undeveloped. No significant changes occurred on-site from 1915 to 1950. By 1956, the western portion of the site was occupied with a structure and the eastern portion was developed with a parking lot. By 1960, the site was undeveloped and used as a parking lot. From 1980 until 1993, the site was developed with a warehouse building on the western portion and by a parking lot on the eastern portion. From 1998 to present, the building has been used as a hotel.

4.9.1.4 *On-Site Sources of Contamination*

In March 1989, a 1,200-gallon fuel oil underground storage tank (UST) and vault-like structure were found below the sidewalk at 10 South Third Street. Holes from the bottom of the tank released fuel oil into the native soil and up to 12 feet of contaminated soil was removed from the tank excavation and disposed of. In October 1992, the area was reopened to remove additional contaminated soil to a depth of approximately 16 feet bgs. Six soil samples taken from around the boundaries of the excavation were analyzed for Total Petroleum Hydrocarbons or Diesel (TPH-D), Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX). Analysis of the soil samples detected diesel fuel and low levels of metals. After one year of quarterly groundwater monitoring (1993-1994), no TPH-D or BTEX were detected. In 2000, SCVWD analyzed the site for the potential contamination of an abandoned municipal/industrial well located more than 40 feet from the former leaking underground storage tank (LUST) site. It was determined that the residual fuel oil in the soil did not pose a threat to groundwater, human health, or the environment. As of November 2000, the RWQCB and SCVWD recommended and approved a case closure for the site.

Asbestos-Containing Materials/Lead-Based Paint

The construction area is currently developed with a surface parking lot. No ACMS or lead-based paint would be present.

4.9.1.5 *Off-Site Sources of Contamination*

Based on the Phase I ESA, there are no open cases in proximity to the project site. Within one-eighth of a mile, off-site facilities were identified in the Treatment, Storage and Disposal Sites (TSD), Contaminated Sites List (CSL), SUPERFUND, Leaking Underground Storage Tanks (LUST), Hazardous Materials Storage and Incident Records (HAZMAT), Small and Large Quantity Generators (GENERATOR), and Hazardous Waste Information System (HAZNET) database. These off-site facilities were determined to not represent a significant environmental concern for the project site because either no release has occurred, the distance of the facility from the project site, the site is listed as a closed case, and/or the direction of groundwater flow.

The off-site facility located at 15 South Third Street, immediately west of the site, is listed as a closed case and is discussed further in the Phase I ESA. In the early 1990s, the off-site facility contained several commercial structures that were demolished. During excavation and grading, concentrations of total petroleum hydrocarbons (TPH) in soil and TPH as diesel in groundwater were identified. In 1994, the City of San José bought the site and four groundwater monitoring wells were installed. A remedial action plan was prepared in June 2013 which included excavation of soil to a depth of approximately 25 feet bgs and extraction and treatment of groundwater before discharge to

the sanitary sewer. In February 2004, a letter from the RWQCB approved removal of the groundwater monitoring wells. In May 2005, additional soil and groundwater remediation was performed. A letter dated July 2005 requested a work plan for off-site groundwater investigation to assess if the contaminated groundwater had migrated off-site. The groundwater samples collected detected low levels of TPH as gasoline and other petroleum products. No volatile organic compounds (VOCs) were identified. The RWQCB determined that remedial activities had been completed and no further action was needed. This off-site facility is currently listed as a closed case.

4.9.1.6 *Other Hazards*

Airports

Norman Y. Mineta San José International Airport is located approximately 1.8 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is not located within the Airport Influence Area (AIA). The proposed project is not located within a CLUP-defined safety zone[49] nor is it located in the vicinity of a private airstrip.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any proposed structure of a height greater than approximately 75 feet above ground is required to be submitted to the FAA for review (under FAR Part 77).

4.9.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐

[49] Walter B. Windus, PE. Aviation Consultant. "Comprehensive Land Use Plan: Norman Y. Mineta San José International Airport." May 2011. Accessed April 30, 2019. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	☐
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040, the proposed project would result in less than significant hazards and hazardous impacts, as described below.

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

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

As mentioned in *Section 4.9.1.4 On-Site Sources of Contamination*, a 1,200-gallon fuel oil UST and vault-like structure were found below the sidewalk on 10 South Third Street. After remediation, it was determined that the residual fuel oil in the soil did not pose a threat to groundwater, human health, or the environment. As of November 2000, the RWQCB and SCVWD approved a case closure for the site.

The off-site facilities listed in the Phase I ESA were determined to not represent a significant environmental concern for the project site because either no release has occurred, the distance of the facility from the project site, and/or the direction of groundwater flow. Therefore, implementation of the project would not exacerbate any existing soil or groundwater contamination issue and would not impact persons or properties off-site. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project is located within one-quarter mile of San José State University, Horace Mann Elementary School, and Little Einstein's Montessori Preschool. The hotel addition would utilize small quantities of cleaning chemicals as part of their standard business operations, consistent with the existing hotel. The hotel and addition would not, however, use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact HAZ-4:	The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

As mentioned in *Section 4.9.1.2*, the project site is not on the Cortese List. As a result, the project would not create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact HAZ-5:	The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **[Same Impact as Approved Project (Less than Significant Impact)]**

FAA Regulations (Title 14 of the Code of FAR Part 77) set forth standards and review requirements for protecting the airspace near airports, particularly by restricting the height of potential structures and minimizing other hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. The height of the proposed building is approximately 69 feet tall. If any point of

the proposed structure exceeds a height of approximately 75 feet above ground, the project will need to be filed for FAA airspace safety review, and FAA issuance of a "determination of no hazard" will be required by the City. In addition, the site is not located within a CLUP-defined safety zone nor is it located within the airport's AIA. As a result, the project would not result in a substantial safety hazard for people residing or working in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project would not remove or add any emergency access points to and from the site. The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **[Same Impact as Approved Project (Less than Significant Impact)]**

The proposed project is located in a highly urbanized area that is not subject to wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Water Quality Overview

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

Federal

National Flood Insurance Program

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

State

Statewide Construction General Permit

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

Regional

San Francisco Bay Basin Plan

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

waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater NPDES Permit/Provision C.3

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[50] (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

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

Santa Clara Valley Water District

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within SCVWD property or easements are required under the SCVWD's Water Resources Protection Ordinance and District Well Ordinance.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[51] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

[50] MRP Number CAS612008
[51] State of California. 2018. *2018 State Hazards Mitigation Plan*. Accessed February 26, 2019. https://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan.

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

Local

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM). This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

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

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

Envision San José 2040 General Plan

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

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

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

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

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

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

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

4.10.1.2 *Existing Conditions*

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps the project site is located within Zone D.[52] Zone D is in an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D.

Dam Failure

Based on the Downtown Strategy FEIR, the project site is not located within any dam failure inundation zone.

Seiches, Tsunamis, and Mudflows

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

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

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

[52] Federal Emergency Management Agency. "FEMA Flood Map Service Center: Search By Address." Accessed April 30, 2019. https://msc.fema.gov/portal/search.
[53] Association of Bay Area Governments. "Tsunami Maps and Information." Accessed April 30, 2019. http://resilience.abag.ca.gov/tsunamis/.

Storm Drainage System

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

Water Quality

Stormwater from the project site drains into Guadalupe River. Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Guadalupe River is currently listed on the 303(d) list for diazinon, mercury, and trash.[54]

Groundwater

Groundwater levels fluctuate seasonally depending on variations in rainfall, underground drainage patterns, irrigation from landscaping, and other factors. Groundwater at the site is estimated to range from 10 to 15 feet bgs.

Hydromodification

Based on the SCVUPPP watershed map for the City of San José, the site is located within a subwatershed greater than or equal to 65 percent impervious. As a result, the project would not be subject to the NPDES hydromodification requirements.[55]

4.10.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒	☐

[54] U.S. Environmental Protection Agency. "Final California 2012 Integrated Report (303(d) List/305(b) Report)." Accessed April 30, 2019. https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml?wbid=CAR2054005019980928160437.

[55] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed April 30, 2019. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant hydrology and water quality impacts, as described below.

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

Construction Impacts

The project site is 0.64 acre in size and would not disturb more than one acre of soil; therefore, the project would not be required to obtain a NPDES General Permit for Construction Activities. All development projects in the City are required to comply with the City of San José's Grading Ordinance[56] whether or not the project is required to obtain an NDPES General Construction Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant shall submit an Erosion Control Plan to the Director of Public Works for review and approval. The Erosion Control Plan shall detail BMPs that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the NDPES General Permit for Construction and City requirements, the following Standard Permit Conditions have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

Standard Permit Conditions:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

In addition, the project will be required to implement the following measures, consistent with the Downtown Strategy 2040 FEIR.

Required Downtown Strategy 2040 FEIR Measures:

- **Construction General Permit Requirements.** Prior to initiating grading activities, the project applicant will file a Notice of Intent (NOI) with the SWRCB and prepare a SWPPP prior to commencement of construction. The project's SWPPP shall include measures for soil stabilization, sediment and erosion control, non-stormwater management, and waste

[56] The San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality when a site is under construction.

management to be implemented during all demolition, site excavation, grading, and construction activities. All measures shall be included in the project's SWPPP and printed on all construction documents, contracts, and project plans. The following construction BMPs may be included in the SWPPP:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season.
- Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff with secure plastic sheeting or tarps.
- Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck washdown area.
- Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
- Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

The SWPPP shall also include a Post-Construction Stormwater Control Plan that includes site design, source control, and treatment measures to be incorporated into the project and implemented following construction.

When the construction phase is complete, a Notice of Termination (NOT) will be filed with the RWQCB and the DTSC, in conformance with the Construction General Permit requirements. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a Post-Construction Stormwater Control Plan is in place, as described in the SWPPP for the site.

The Downtown Strategy 2040 FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the proposed project would include the specific measures and actions identified above, the project would have a less than significant construction-related water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Impacts

Under existing conditions, the project site 100 percent covered with impervious surfaces. Upon completion of the project, impervious surfaces within the location of the addition would decrease by approximately 2,810 square feet (21 percent).

Because the project would result in the replacement of more than 10,000 square feet of impervious surface area, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To comply with the MRP, the project proposes to install media filters and pervious pavement with an underground detention and infiltration system. The proposed project would comply with City Policy No. 6-29 and the City's regulatory policies pertaining to stormwater runoff and would, therefore, have a less than significant water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Implementation of the project would not require any substantial excavations except trenching for utilities. The proposed project is not located within a natural or facility groundwater recharge area. In addition, development and redevelopment of new residential, commercial, or industrial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it otherwise affect the operation of the percolation or recharge facilities. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Guadalupe River and Coyote Creek are located approximately 0.7 mile west and 0.9 mile east of the project site, respectively. Under project conditions, the impervious surfaces on-site would decrease by approximately 2,810 square feet (21 percent), which would result in a slight decrease in stormwater runoff. Although the project would slightly increase pervious surfaces on-site due to landscaping and pavement, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Storm Drainage Impacts

The pervious and impervious surfaces where the location of the addition would be is shown on Table 4.10-1 below.

Table 4.10-1: Pervious and Impervious Surfaces of Hotel Addition

Site Surface	Existing/Pre-Construction (sq ft)	%	Project/Post-Construction (sq ft)	%	Difference (sq ft)	%
Impervious Surfaces						
Building Footprint	--	--	8,150	62	+8,150	+62
Parking	13,180	100	485	4	-12,695	-96
Sidewalks, Patios, Driveways, Etc.	--	--	1,735	13	+1,735	+13
Streets (Public/Private)	--	--	--	--	--	--
Subtotal	13,180	100	10,370	79	-2,810	-21
Pervious Surfaces						
Pavement and Landscaping	0	0	2,810	21	+2,810	+21
Total:	13,810	100	13,180	100		

Under existing conditions, the location of the addition is entirely covered with impervious surfaces (approximately 13,180 square feet). Under project conditions, the impervious surfaces would decrease by approximately 2,810 square feet (21 percent). The existing storm drain lines have sufficient capacity to support the site under current conditions. The reduction in impervious surfaces would result in a small net decrease of stormwater runoff from the site. As a result, the existing storm drain lines would have sufficient capacity to accommodate the proposed project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project would not place the structure in a 100-year floodplain nor is the project site located within a dam failure inundation zone. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche and the site is not in proximity to the Bay. The project area is relatively flat and there are no mountains in proximity and, as a result, development of the project would not cause mudflows that would impact adjacent properties. The proposed project would not release pollutants due to inundation by seiches, tsunamis, or mudflows. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact

water quality. The proposed project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.3 Non-CEQA Effects

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

General Plan Policy EC-5.1 requires evaluation of flood hazards prior to approval of development within a FEMA designated floodplain. New development shall be reviewed to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence or the 100-year flood. Based on the FEMA FIRM, the site is located in Zone D, an area outside of the 100-year floodplain. As a result, implementation of the proposed project would not expose people or structures to flood hazards, consistent with General Plan Policy EC-5.1.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.12: 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-1.23: 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-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.
3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.
4. Locate retail and other active uses at the street level.
5. Create easily identifiable and accessible building entrances located on street frontages or paseos.
6. Accommodate the physical needs of elderly populations and persons with disabilities.

7. Integrate existing or proposed transit stops into project designs.

Policy CD-2.11: Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.

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

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

Policy LU-3.4: Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.

Policy LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrian, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.

Policy TR-14.2: Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

4.11.1.2 *Existing Conditions*

Project Site

The 0.64-acre site is comprised of three parcels (APNs 467-23-033, -088, -89) located immediately south of Santa Clara Street, between South Third Street and South Fourth Street in downtown San José. The site is currently developed with the Hotel Clariana, a five-story hotel, and a surface parking lot. Figure 2.4-3 shows an aerial of the project site and surrounding land uses.

The project site is designated as *Downtown* under the City's General Plan and is zoned *DC – Downtown Commercial*, consistent with the General Plan. The *Downtown* designation allows for office, retail, service, residential, and entertainment uses within the downtown area. All developments within this designation should enhance the "complete community" in downtown, support pedestrian and bicycle circulation, and increase transit ridership. The residential component within the *Downtown* designation should incorporate ground floor commercial uses. Under this designation, projects may have a maximum floor area ratio (FAR) of 30.0 and up to 800 dwelling units per acre.

Under the *DC* zoning designation, development shall only be subject to the height limitations necessary for the safe operation of Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements.

Surrounding Land Uses

The project site is surrounded by a mix of commercial and residential buildings that range from one- to 18-stories. The site is bounded by South Third Street to the west, East Santa Clara Street to the north, and commercial and residential buildings to the east and south. Aside from street trees, there is minimal landscaping in the immediate project area.

Immediately north of the site is East Santa Clara Street, a four-lane roadway. North of East Santa Clara Street is a two-story commercial building. Immediately east of the hotel are commercial buildings and South Fourth Street, a one-way local connector with two southbound lanes. Located east of the South Fourth Street is City Hall which consists of an 18-story office tower, a glass rotunda, and a council chamber wing. South of the project site is a one-story commercial building and a five-story apartment complex. West of the site is South Third Street, a roadway with two northbound lanes. West of South Third Street is a three-story commercial building.

4.11.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Physically divide an established community?	☐	☐	☐	☒	☐
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐
3) Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant land use impacts, as described below.

Impact LU-1:	The project would not physically divide an established community. **[Same Impact as Approved Project (Less than Significant Impact)]**

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The project proposes to expand the existing hotel by approximately 46,290 square feet within an existing parking lot. The proposed addition would have a building height of six-stories (approximately 69 feet). The project site is surrounded by commercial and residential land uses ranging from one- to five-stories. The proposed project would be compatible with the surrounding land uses and would not divide an established community. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The project site is designated as *Downtown* under the City's General Plan and has a zoning designation of *DC*. The Downtown designation allows for a maximum FAR of 30.0 and up to 800 dwelling units per acre. The project proposes to expand the existing hotel and would have a FAR of 3.1.[57]

Under the *DC* zoning designation, development shall only be subject to the height limitations necessary for the safe operation of the Norman Y. Mineta San José International Airport. Developments located in this zoning district shall not be subject to any minimum setback requirements. The proposed project would be 69 feet tall and would not interfere with aircraft operations. If any point of the proposed structure exceeds a height of approximately 75 feet above ground, the project will need to be filed for FAA airspace safety review, and FAA issuance of a "determination of no hazard" will be required by the City. As a result, the project would be consistent with the General Plan and zoning designations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact LU-3:	The project would not result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park). **[Same Impact as Approved Project (Less than Significant Impact)]**

Pursuant to the Downtown Strategy 2040 FEIR, a project would have a shade and shadow impact if it would:

- Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de César Chávez, Paseo de San Antonio, Guadalupe River Park, McEnery Park)

[57] 74,715 combined total of proposed and existing square footage / 24,394 square footage of entire site = 3.1 FAR

The major open space area to the project site is St. James Park Plaza, located approximately 660 feet north of the site. At this distance, the proposed project would not shade the park. Although expansion of the existing development on-site may create shadows on adjacent properties, it would not substantially impair the beneficial use of adjacent residences or businesses. Therefore, the shadows cast by the proposed building would have a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.12.1.2 *Existing Conditions*

The project site is not located in or near Communications Hill and does not contain known mineral resources.

4.12.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040 FEIR, the proposed project have no impact on mineral resources, as described below.

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

Impact MIN-2:	The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **[Same Impact as Approved Project (No Impact)]**

Communications Hill is located approximately four miles southeast of the project site. Implementation of the project would not result in impacts to known mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.13 NOISE AND VIBRATION

The following discussion is based upon a Noise and Vibration Assessment completed by *Illingworth & Rodkin* in March 2019. A copy of this report is included in Appendix F of this document.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[58] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.13.1.2 *Vibration Overview*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

4.13.1.3 *Regulatory Background*

State

California Building Standards Code

The California Building Standards Code (CBC) establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels,

[58] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 dBA DNL or CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source.

Local

Envision San José 2040 General Plan

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

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

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

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

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

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

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

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

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis

following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown.

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

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

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

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

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

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

Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Policy EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

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

Municipal Code – Construction Standards

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

Chapter 20.100.450 of the City's Municipal Code also establishes allowable hours of construction within 500 feet of a residential unit between the hours of 7:00 AM and 7:00 PM, Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.13.1.4 *Existing Conditions*

The existing noise environment at the project site results primarily from vehicular traffic on surrounding streets. A noise monitoring survey was completed in the vicinity of the project site from November 30 to December 3, 2018. The monitoring survey included two long-term noise measurement (LT-1 and LT-2) and three short-term noise measurements (ST-1 to ST-3). Table 4.13-2 below summarizes the long-term acoustical locations and measurements.

Table 4.13-2: Existing Long-Term Noise Measurements

Measurement	Location	Daytime Level (dBA L_{eq})	Nighttime Level (dBA L_{eq})	Average Noise Level (dBA DNL)
LT-1	Approximately 25 feet west from the centerline of Third Street near the existing residential mixed-use buildings west of the site and Third Street	63-80	58-68	71-74
LT-2	At the east end of Hotel Clariana parking lot	55-67	51-64	63-67

Table 4.13-3 gives a summary of the short-term acoustical locations and measurements. The noise monitoring locations are shown in the figure below.

Table 4.13-3: Existing Short-Term Noise Measurements

Measurement	Location	Noise Level (dBA)					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1	Approximately 35 feet from the centerline of South Third Street near residences south of the site	81	75	68	62	58	65
ST-2	Approximately 40 feet from the centerline of East Santa Clara Street in front of 124A East Santa Clara Street	87	82	72	65	62	70
ST-3	Approximately 35 feet from the centerline of South Fourth Street near residences to the south	89	80	70	65	59	69

The noise monitoring locations are shown in Figure 4.13-1 below.

The nearest sensitive receptors are residences located approximately 115 feet south of the project site. In addition, the Norman Y. Mineta San José International Airport is located approximately 1.8 miles northwest of the project site. The project site is not located within the AIA and lies outside the City of San Jose's projected 2027 60 dBA CNEL for the Airport.

4.13.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project result in:					
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐

NOISE MONITORING LOCATIONS | FIGURE 4.13-1

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site (refer to *Section 4.13 Noise and Vibration*), a significant noise impact would result if exterior noise levels at the proposed residential uses exceed 60 dBA DNL (except in the environs of the Norman Y. Mineta San José International Airport and the Downtown) and/or if interior day-night average noise levels exceed 45 dBA DNL (General Plan Policy EC-1.1).

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, of if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A 3.0 dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

City of San José Standards

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

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by 5.0 dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of 3.0 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or 5.0 dBA DNL or more where noise levels would remain "Normally Acceptable".

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 mm/sec (0.5 inches/sec), PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structure sounds but structural damage is a major concern. For historic buildings or buildings that are

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

Noise Impacts

In conformance with the Downtown Strategy 2040, the project would be required to be constructed in accordance with General Plan policies and Zoning Ordinance requirements. Impacts as a result of noise would be less than significant, consistent with the Downtown Strategy 2040, as described below.

Impact NOI-1:	The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Operational Noise Impacts

Project-Generated Traffic Noise Impacts

A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Implementation of the project would result in approximately 755 new daily trips.

To determine the effect of project-generated traffic at sensitive receptors in the vicinity, traffic volumes under Existing Plus Project, Background, and Background Plus Project conditions were compared to Existing conditions to calculate the increase in L_{eq} (refer to Appendix F). Traffic noise levels due to the hotel addition would increase traffic noise levels along the Third Street/San Fernando intersection and the Fourth Street/San Fernando intersection by zero dBA DNL. Under Background and Background Plus Project conditions, traffic noise levels along the surrounding roadways would increase by zero to one dBA DNL. The project's contribution to the increase traffic noise level would, however, be zero dBA DNL. The change in the DNL would be the same as the change in the peak hour L_{eq}. As mentioned in the Downtown Strategy 2040 FEIR, the traffic noise impact at existing noise-sensitive receptors along segments of Santa Clara Street, Autumn Street, San Carlos Street, Bird Avenue, Julian Street, Almaden Boulevard, Race Street, The Alameda, King Road, First Street, Fruitdale Avenue, Alma Avenue, Naglee Avenue, and Keyes Street would be significant and unavoidable due to substantial increase in traffic noise. The project, by itself, would have a less than significant long-term traffic noise impact and would not result in any new project-generated traffic noise impacts or impacts of greater severity than were already disclosed in the Downtown Strategy 2040 FEIR. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Mechanical Equipment

Hotels typically include various mechanical equipment such as air condition systems, exhaust fans, and ventilation systems that could increase ambient noise levels in the immediate project vicinity. At the time the Noise and Vibration Assessment was prepared, the specific mechanical equipment was not known, nor were specific details such as manufacturer's noise data for such equipment available. Since mechanical system specifications are unknown at this time, it is assumed that the project has the potential to exceed 55 dBA DNL at the shared residential property lines. In accordance with the Downtown Strategy 2040 FEIR, the proposed project would be required as a Condition of Project Approval to implement the following measure:

Condition of Approval:

- Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the shared residential property line. A qualified acoustical consultant shall be retained by the applicant to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce noise to comply with the City's noise level requirements and prepare a detailed acoustical study. A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits for vertical construction. In addition, the project applicant shall ensure that noise-generating activities, such as maintenance activities and loading/unloading activities, are limited to the hours between 7:00 AM and 9:00 PM.

With implementation of the identified Condition of Approval, the project would have a less than significant operational noise impact from mechanical equipment. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

Truck Deliveries

The site plan shows that one loading space would be provided on-site. Delivery trucks may also utilize a 75-foot on-street freight loading zone located along the west side of Third Street. Typical noise levels generated by loading and unloading of truck deliveries are expected to be similar to the noise levels produced by the existing deliveries to the hotel, truck passbys along the surrounding roadways, and by similar commercial activities at the surrounding uses. Assuming typical daytime delivery schedules, the maximum instantaneous noise levels from truck activities is not anticipated to increase the DNL under current conditions. Truck deliveries would not substantially increase ambient noise levels at the nearby noise-sensitive land uses. The project would have a less than significant operational noise impact from truck deliveries. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction Noise Impacts

Construction activities associated with the project would temporarily increase noise levels in the project area (approximately 12 months). Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Construction activities on-site would include ground clearing, excavation, foundations, construction of the building, and finishing. Pile driving is not proposed and a mat slab foundation would be used instead.

Construction of the project would generate noise levels ranging from 78 to 89 dBA L_{eq} at the nearest receptors. This would exceed the 60 dBA L_{eq} at residences, the 70 dBA L_{eq} at commercial buildings, and ambient noise levels by five dBA L_{eq} or more for a period longer than one year. Consistent with the Downtown Strategy 2040 FEIR and the Municipal Code, the proposed project will be required to implement the following measures during all phases of construction on the project site:

Required Downtown Strategy 2040 FEIR Measures:

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet, where feasible).
- The surrounding neighborhood within 500 feet shall be notified early and frequently of the construction activities.
- A "noise disturbance coordinator" shall be designated to response to any local complaints about construction noise. The disturbance coordinator will shall determine the cause of the noise complaint (e.g., beginning work too early, bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The notice sent to neighbors regarding the construction schedule shall be included in the posted sign.

Projects that would exceed the City's standard or last over a duration of one year would be required to prepare a "construction noise logistics plan", in accordance with General Plan Policy EC-1.7. A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of the identified measures and Construction Noise Logistics Plan would reduce construction noise levels, limit construction hours, and minimize disruption and annoyance. With the implementation of these conditions and recognizing that noise generated by construction activities would occur over a limited period, the increase in ambient noise levels would be less than significant. Therefore, the project would have a less than significant construction noise impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed addition is located adjacent to the City’s Historic Commercial District and three buildings that are eligible for listing in the CRHR (within approximately 500 feet of the project site). According to General Plan Policy EC-2.3, a continuous vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction and a continuous vibration limit of 0.08 in/sec PPV would be used to minimize the potential for cosmetic damage for sensitive historic structures. Vibration levels exceeding these thresholds could result in cosmetic damage to adjacent buildings.

Construction activities on-site would include drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) which may generate substantial vibration in the immediate vicinity of historic properties adjacent to the site. Some construction activities would occur at a distance of approximately five feet. At this distance, vibration levels could go up to approximately 1.2 in/sec PPV, which would exceed the 0.08 in/sec PPV threshold for historic buildings and the 0.2 in/sec PPV threshold for buildings of normal conventional construction.

Heavy vibration generating construction equipment, such as vibratory rollers or clam shovel drops, would have the potential to produce vibration levels of 0.08 in/sec PPV or more at historic buildings

within 60 feet of the location of the addition. Please see Figure 4.13-2 below for a map of the contributing historic buildings (in red) adjacent to the location of the addition.

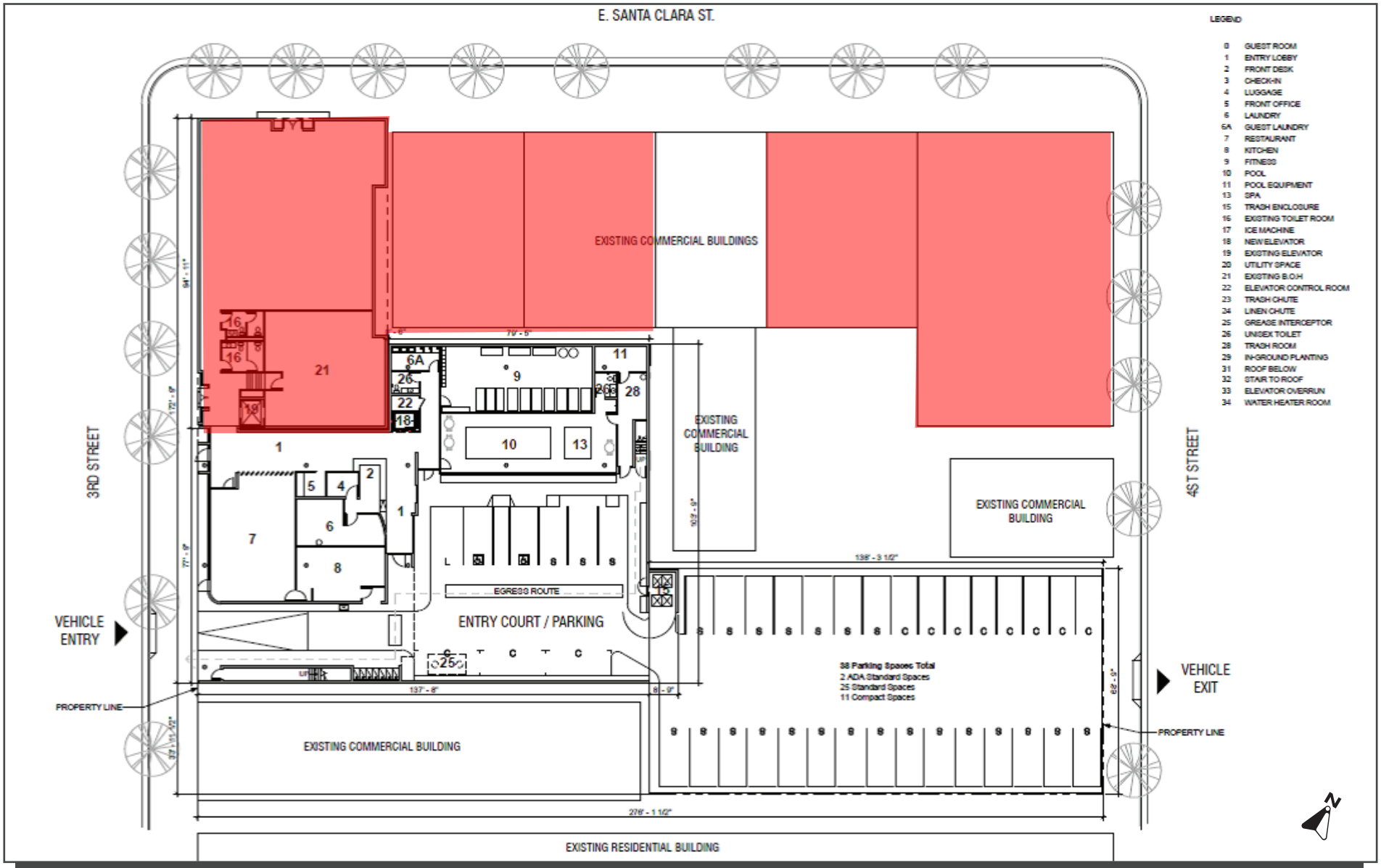
Within 25 feet of the location of the addition, heavy construction equipment would have the potential to produce vibration levels exceeding 0.2 in/sec PPV at buildings of normal convention construction (e.g., 43 East Santa Clara Street, 17 South Fourth Street, 101 East San Fernando Street, and 32 South Third Street). At a distance of 30 feet, project-generated vibration levels would not exceed vibration threshold of 0.2 in/sec PPV at other surrounding conventional buildings. No damage would occur at conventional buildings located 30 feet or more from the project site.

Nevertheless, the project shall implement the following standard measures to reduce construction-related groundborne vibration impacts to a less than significant level.

Required Downtown Strategy 2040 FEIR Measures:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g. tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and clam shovel drops near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.
- Notify neighbors within 500 feet of the construction site of the construction schedule.
- A construction vibration monitoring plan shall be implemented to document conditions at the historic properties within 60 feet of the site and conventional properties within 25 feet of the project site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California (and a Historic Architect if the affected structures are historic resources) and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:

    - Identification of sensitivity to ground-borne vibration of nearby structures. A vibration survey (generally described below) would need to be performed.
    - Performance of a photo survey, elevation survey, and crack monitoring survey for each of these structures. Surveys shall be performed prior to the start of construction, in regular intervals during construction, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the



CONTRIBUTING BUILDINGS WITHIN 60 FEET OF CONSTRUCTION AREA | FIGURE 4.13-2

interior and exterior of said structures.

- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction. Alternative construction methods would be identified for when vibration levels approach the limits that are stated in the 2040 General Plan such as Policy EC-2.3.
- If vibration levels approach limits, suspend construction and implement alternative construction methods to either lower vibration levels or secure the affected structures.
- Conduct post-construction survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- The results of all vibration monitoring shall be summarized and submitted in a report to the City's Director of Planning, Building, and Code Enforcement or Director's designee, shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

With implementation of standard measures, the project would have a less than significant construction vibration impact on standard construction and historic structures in the project area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact NOI-3:	The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **[Same Impact as Approved Project (Less than Significant Impact)]**

Norman Y. Mineta San José International Airport is located approximately 1.8 miles northwest of the project site and is not located within the AIA or the projected 2027 60 dBA CNEL for the Airport.. As a result, the proposed project would not expose people residing or working in the project area to excessive aircraft noise levels. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.13.3 Non-CEQA Effects

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

The policies of the City's General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, state and City noise standards and guidelines as a part of new development review. Within the City of San José, applicable standards and guidelines for land uses in San José include:

Future Exterior Noise Levels

Based on a review of the proposed site plan, there are no common outdoor areas proposed as part of the project.

Future Interior Noise Levels

The City of San José and the CBC require that interior noise levels be maintained at 45 dBA DNL or less for hotels. Floors two to five of the proposed expansion would consist of guest rooms and the sixth floor would consist of three residential guest suites. The building façade facing South Third Street would be exposed to traffic noise levels ranging from 73 dBA DNL at the sixth floor to 75 dBA DNL at the second floor.

Interior noise levels would vary depending upon the final design of the building (relative window area to wall area) and the selected construction materials and methods. Standard hotel construction with the windows and doors closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing hotel guests the option of closing the windows to reduce noise. Force-air mechanical ventilation systems and sound-rated construction methods are normally required where exterior noise levels exceed 65 dBA DNL.

In accordance with the Downtown Strategy 2040 Plan and General Plan Policy EC-1.1, the proposed project will be required, as Conditions of Approval, to implement the following measures.

Conditions of Approval:

- The project shall include sound rated windows to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC[59] Ratings of 35 to 38 would be satisfactory for rooms facing South Third Street. Guest rooms on the interior of the site would not have direct line of sight to South Third Street or East Santa Clara Street and preliminary calculations show that sound-rated windows with minimum STC Ratings of 28 to 30 would be satisfactory.
- The project shall provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all guest rooms and residential suites, so that windows can be kept closed to control noise.

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

- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the final design phase of the project pursuant to requirements set forth in the General Plan and CBC. The study will review the final site plan, building elevations, and floor plans prior to construction and confirm building treatments necessary to reduce interior noise levels to 45 dBA DNL or lower, and address and adequately control noise from rooftop equipment on adjacent buildings, as necessary.

  Treatments would include, but are not limited to, sound-rated windows and doors as specified above, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee, along with the building plans and approved design, prior to issuance of a building permit.

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

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

Based on information from the Department of Finance E-5 report, the population of San José was estimated to be approximately 1,051,316 in January 2018 with an average of 3.20 persons per household.[60] As of January 2018, the City's total number of housing units was estimated at 335,164.[61] By the year 2040, the City's population is projected to reach 1,445,000 with 472,000 households.[62]

The jobs/housing balance refers to the ratio of employed residents to jobs in a given community or area. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

4.14.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐

Similar to the capacity build-out evaluated in the Downtown Strategy 2040, future development under the Downtown Strategy 2040 FEIR would not induce substantial population growth in the City or displace substantial amounts of existing housing or people. The proposed project, by itself, would result in less than significant population and housing impacts, as described below.

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **[Same Impact as Approved Project (Less than Significant Impact)]**

[60] State of California, Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018." Accessed May 1, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[61] Ibid.
[62] City of San José. "Projections of Jobs, Population and Households for the City of San José." August 2008. Accessed May 1, 2019. http://www.sanjoseca.gov/DocumentCenter/View/3326.

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

The project proposes to expand the Hotel Clariana by approximately 46,290 square feet. The expansion would include 63 additional guest rooms (including three penthouse guest suites) for a combined total of 107 guest rooms. The project does not include any residential uses and hotels do not generate demand for housing. Additionally, the project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would result in a less than significant population and housing impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The proposed project would expand the existing hotel within an existing parking lot and would not result in the displacement of people or necessitate the construction of replacement housing elsewhere. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

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

> 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
> 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
> 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
> 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
> 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.9: 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-11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project are provided by the San José Fire Department (SJFD). SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 1, located at 225 North Market Street, approximately 0.4 miles northwest of the project site.

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

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 1.2 miles northwest of the project site.

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

Schools

The project site is located within the San José Unified School District (SJUSD). The SJUSD currently has 27 elementary schools, six middle schools, and seven high schools in operation. Students in the project area attend Horace Mann Elementary School, Hoover Middle School, and Lincoln High School.

Parks

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José operates and maintains approximately 195 neighborhood-serving parks and nine regional parks.[63] The nearest park to the project site is St. James Park, located approximately 660 feet north of the site.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr. Library) and 22 branch libraries. The library closest to the project site is Dr. Martin Luther King Jr. Main Library, which is located approximately 610 feet to the southeast.

4.15.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
1) Fire Protection?	☐	☐	☐	☒	☐
2) Police Protection?	☐	☐	☐	☒	☐
3) Schools?	☐	☐	☐	☐	☒
4) Parks?	☐	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☐	☒	☐

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

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant public services impacts, as described below.

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **[Same Impact as Approved Project (Less than Significant Impact)]**

The proposed project would expand the existing hotel which would place more people on-site compared to existing conditions and increase calls for fire and police protection services. The Downtown Strategy 2040 FEIR concluded that construction of new fire stations, other than those currently planned, would not be required to adequately planned growth within the Downtown Strategy 2040 plan area. In regard to police protection services, full build out of the General Plan (of which the downtown is a part) would result in the need for additional police services, but is not anticipated to have significant, adverse environmental impacts. The project by itself would not, however, not require additional police services to meet the City's service goals.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to avoid unsafe building conditions and promote public safety. The proposed development would not require new fire or police stations to be constructed or existing stations to be expanded to serve the development while maintaining City service goals. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **[Less Impact than Approved Project (No Impact)]**

The project proposes to construct an addition to an existing hotel and would not generate students that could require expansion of existing schools or construction of new schools. **[Less Impact than Approved Project (No Impact)]**

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project proposes to expand the existing hotel on-site. Guests, visitors, and employees of the hotel may use nearby parks that could incrementally increase the use of these facilities. This increased use, however, would not substantially deteriorate or result in significant adverse impacts to existing park facilities. In addition, the project includes on-site amenities (pool and spa and fitness space) for guests to use. For these reasons, the project would result in a less than significant impact to park facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

The Downtown Strategy 2040 FEIR concluded that the existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population growth under build out of the General Plan which is above the City's General Plan service goal of 0.59 square feet of library space per capita (General Plan Policy ES-2.2).

The Downtown Strategy 2040 FEIR concluded that development and redevelopment allowed under the Downtown Strategy 2040 FEIR would be adequately served by existing and planned library facilities. As mentioned previously, the project would expand the existing hotel and no residents would be generated as a result of the project. Therefore, implementation of the project would not result in a significant impact to San José library facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.16 RECREATION

4.16.1 Environmental Setting

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks.[64] The City currently operates 195 neighborhood parks, 50 community centers, nine regional parks, and over 61 miles of urban trails.

The nearest parks to the project site is St. James Park, located approximately 660 feet north of the site. The Guadalupe River Trail is located approximately 0.7 mile west of the project site. The nearest community center is Grace Community Center located approximately 0.7 northeast of the project site.

4.16.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040, the proposed project would result in less than significant recreation impacts, as described below.

Impact REC-1:	The project would not increase in 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. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact REC-2:	The project would not include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The increase in employees and patrons on-site, as a result of the proposed development, would not substantially increase the usage of existing recreational facilities since the resident population of the City would not increase. While future employees and patrons may use City parks or other recreational facilities, they would not place a major physical burden on existing recreational facilities that would result in substantial physical deterioration of these facilities. The proposed project would not increase the usage of existing parks and other recreation facilities such that the construction of new or expanded recreational facilities would be required. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.17 TRANSPORTATION/TRAFFIC

The following analysis is based on a Traffic Operations Analysis completed by *Hexagon Transportation Consultants, Inc.* in April 2019. A copy of this report is included in Appendix G of this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on July 1, 2020, the provisions of SB 743 will apply statewide.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact

analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

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

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

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

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

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

Policy TR-5.3: Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

- Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.

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

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

4.17.1.2 *Existing Conditions*

Regional Access

Regional access to the site is provided via Interstate 280 (I-280) and State Route 87 (SR 87).

I-280 is primarily an eight-lane freeway that connects from Highway 101 (US 101) in San José to Interstate 80 (I-80) in San Francisco. The section of I-280 through the downtown, north of Bascom Avenue, has six mixed-flow lanes and two high-occupancy vehicle (HOV) lanes.

SR 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation. SR 87 begins at its interchange with State Route 85 (SR 85) and extends northward, terminating at its junction with US 101.

Local Access

Local access to the project site is provided by Santa Clara Street, San Fernando Street, Third Street, and Fourth Street.

Santa Clara Street is an east-west, four-lane street that extends as West Santa Clara Street from First Street to Stockton Avenue.

San Fernando Street is an east-west, two-lane street that extends from Diridon Transit Center to Seventeenth Street.

Third Street is a north-south, two-lane street providing northbound-only travel between Humboldt Street and its intersection with Julian Street.

Fourth Street is a north-south, two-lane street providing southbound-only travel between its intersection with St. James Street and Reed Street.

Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities within the project area consist primarily of sidewalks along the surrounding roadways including the project frontages along South Third Street and Fourth Street. Crosswalks and pedestrian signal heads are present on all four approaches at the intersections of Santa Clara Street and San Fernando Street. A pedestrian-only walkway (Fountain Alley) connects the northbound and southbound platforms of the Santa Clara Light Rail Transit (LRT) station between First Street and Second Street. Overall, the existing pedestrian facilities in the immediate vicinity provide good connectivity and provide pedestrians with safe routes to other areas within the project area.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Class II striped bicycle lanes are present on the following roadways:

- Fourth Street, between Jackson Street and Reed Street
- Seventh Street, north of San Fernando Street
- San Fernando Street, between Cahill Street and Almaden Boulevard

First Street (north of San Salvador Street) and Second Street (north of San Carlos Street) are designated Class III bicycle paths and provide shared-lane markings. In addition, San Salvador Street, San Carlos Street, and St. John Street are designated Class III bicycle paths and provide shared-lane markings.

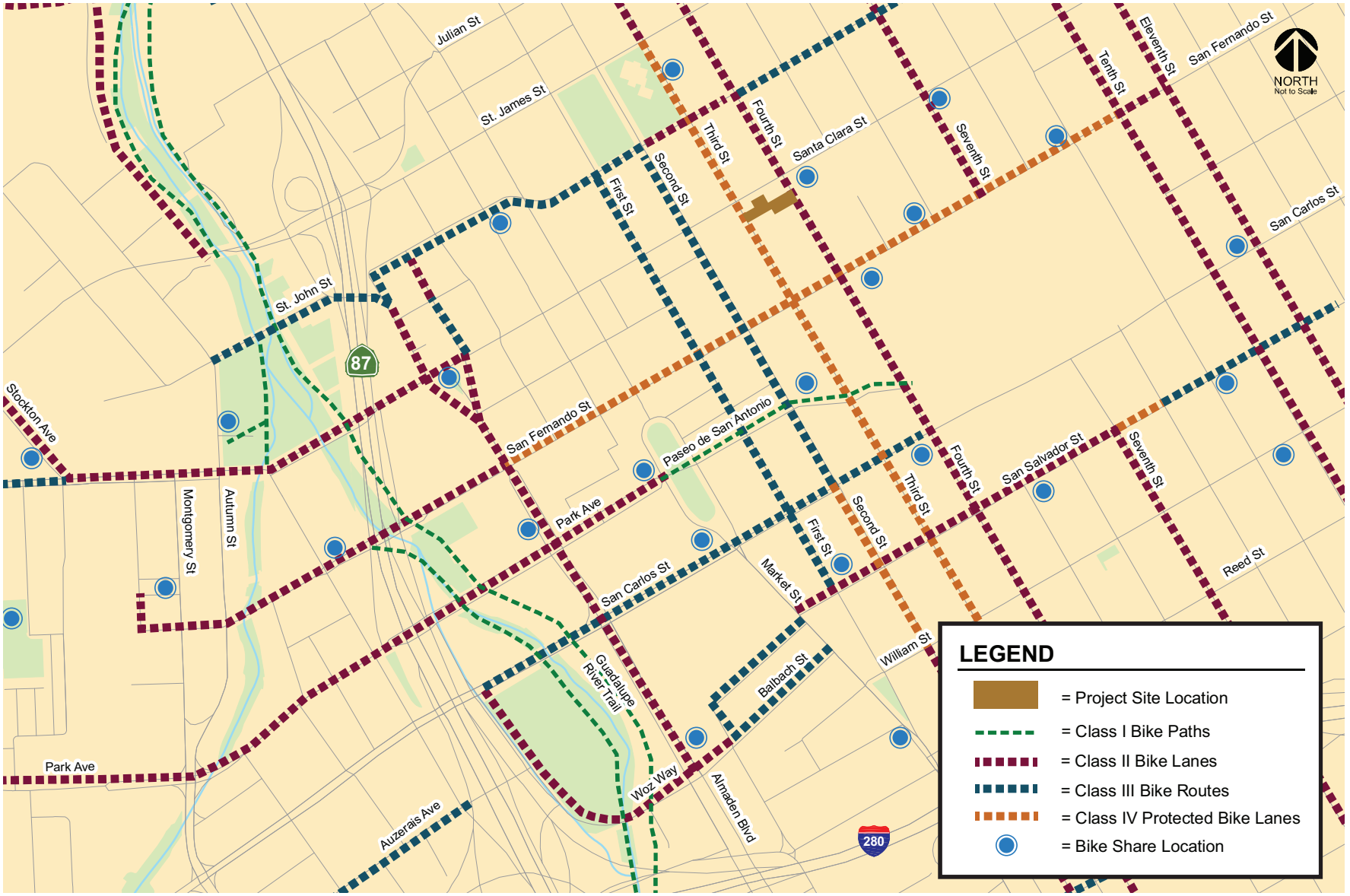
The Guadalupe River trail system, an 11-mile continuous Class I bike path, runs through the City of San José along the Guadalupe River. The trail can be accessed from Santa Clara Street. Existing bicycle facilities are shown on Figure 4.17-1.

Existing Transit Service

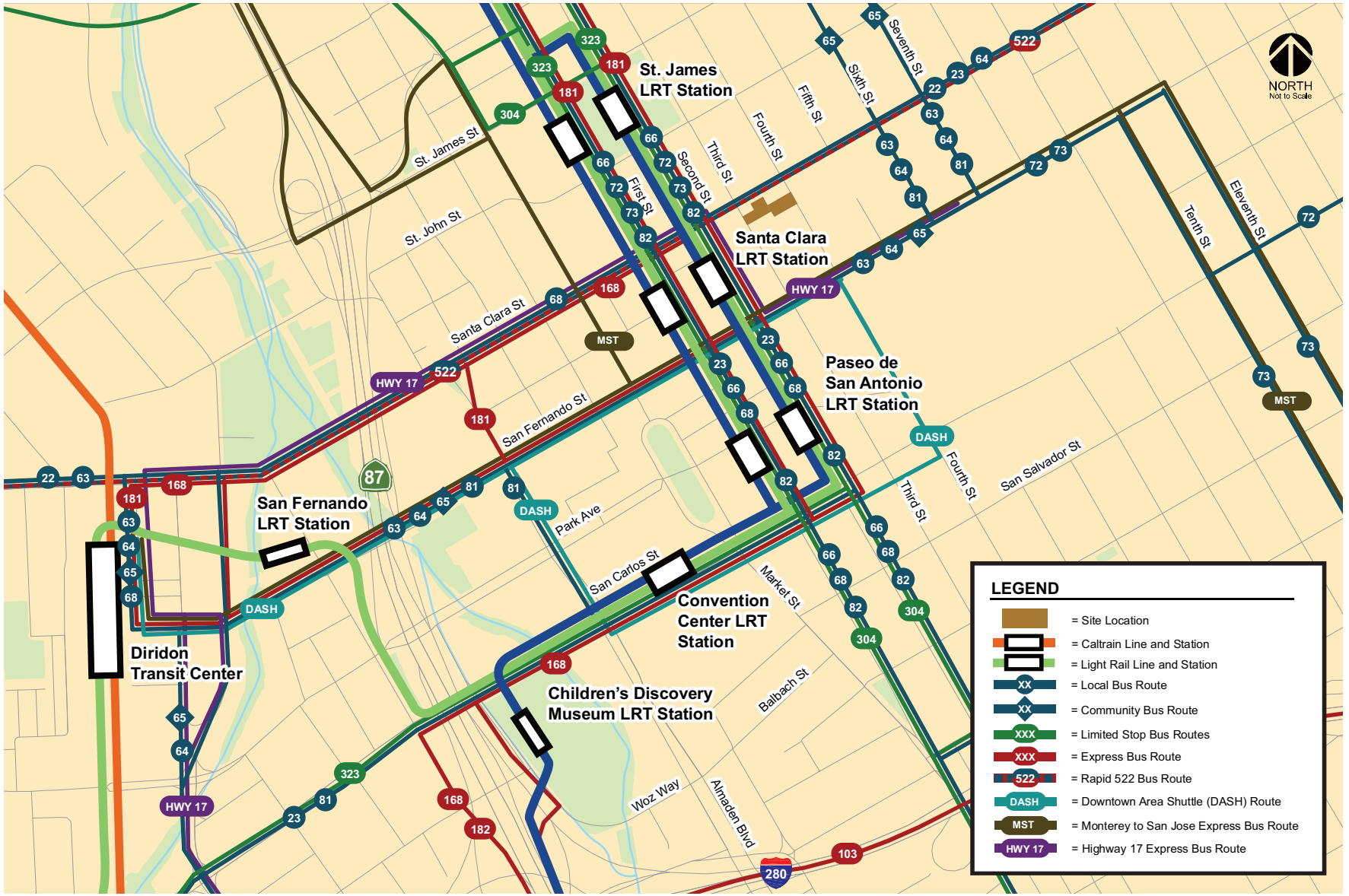
Transit services in the project area are provided by the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. The project site is located within 1,000 feet (walking distance) of two VTA light rail stations and approximately one mile from the Diridon Transit Center. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center. Existing bicycle facilities are shown on Figure 4.17-2.

Bus Service

The downtown area is served by many local bus lines. Existing bus lines near the project site are listed in Table 4.17-1 below. The nearest bus stops are along Santa Clara Street, between Third and Fourth Street, and along First Street and Second Street.



EXISTING BICYCLE FACILITIES | FIGURE 4.17-1



EXISTING TRANSIT FACILITIES

FIGURE 4.17-2

Table 4.17-1: Existing Bus Service Near the Project Site		
Route	**Route Description**	**Headway (min)**
Local Route 22	Palo Alto Transit Center to Eastridge Center via El Camino Real	12-15
Local Route 23	De Anza College to Alum Rock Transit Center via Stevens Creek Boulevard	10-15
Local Route 63	Almaden Expressway & Camden to San José State University	30
Local Route 64	Almaden LRT Station to Mckee & White via Downtown San José	15-17
Community Route 65	Kooser & Blossom Hill to 13th & Hedding	45-50
Local Route 66	Kaiser San José Medical Center to Dixon Landing Road	15
Local Route 68	Gilroy Transit Center to San José Diridon Station	15-20
Local Route 72	Senter and Monterey to Downtown San José	12-15
Local Route 73	Snell and Capital Expressway to Downtown San José	15
Local Route 81	San José State University-Moffett Field/Ames Center	25-30
Local Route 82	Westgate Mall to Downtown San José	30
Express Route 168	Gilroy Transit Center to San José Diridon Station	15-30
Limited Stop Route 323	Downtown San José to De Anza College	15
Rapid Route 522	Palo Alto Transit Center to Eastridge Transit Center	10-12
Hwy 17 Express	Downtown Santa Cruz/Scotts Valley to Downtown San José	20-35
Downtown Area Shuttle (201)	Downtown Area Shuttle	5-10

Light Rail Transit Service

The VTA currently operates the light rail train (LRT) system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View, and Sunnyvale. The Mountain View/Winchester and Alum Rock/Santa Teresa LRT lines operate along First and Second Streets, north of San Carlos Street. The LRT station platforms on both First and Second Streets are located within walking distance of the project site.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain and is accessible from the Diridon Station. The project site is located approximately 0.75 mile east of the Diridon Station. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during weekday commute hours.

Altamont Commuter Express Service

The ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday, and is accessible from the Diridon Station. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes.

Amtrak Service

Amtrak provides daily commuter passenger train service along the Capital Corridor between the Sacramento region and the Bay Area, with stops in San José (Diridon Station), Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn.

4.17.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☐	☒	☐
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant transportation impacts, as described below.

Impact TRN-1: The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Bicycle and Pedestrian Facilities

The Downtown Streetscape Master Plan (DSMP) provides design guidelines for existing and future development to enhance the pedestrian experience in the Greater Downtown Area. Third Street, Fourth Street, and San Fernando Street are designated Downtown Pedestrian Network Streets (DPNS), which are intended to support a high level of pedestrian activity as well as retail and transit connections. The DSMP policies state that vehicles crossing the sidewalk are often a safety hazard for pedestrians and measures should be taken within any new project design to minimize the number of curb cuts and driveways. The project driveways would be required to meet the City's driveway width of 16 feet in width. As mentioned previously, there are sidewalks along Third Street and

Fourth Street. Crosswalks and pedestrian signal heads are present on all four approaches at the intersections of Santa Clara Street and San Fernando Street.

Class II bicycle facilities are provided on Second Street, Third Street, Fourth Street, Seventh Street, and San Fernando Street. In addition, there are Class III bicycle paths with shared-lane markings on First Street and Second Street, San Salvador Street, San Carlos Street, and St. John Street.

Overall, the existing pedestrian and bicycle facilities in the project area have adequate connectivity and provide pedestrians with a safe connection between the project site and surrounding land uses. Implementation of the proposed project would not conflict with any policies or plans regarding bicycle and/or pedestrian facilities or decrease the safety of these facilities. **[Same Impacts as Approved Project (Less Than Significant Impact)]**

Transit Facilities

The project site is in proximity to several major transit services. The Santa Clara LRT station platforms on both First and Second Streets are located within walking distance (less than 1,000 feet) of the project site. There are bus lines that run along Santa Clara Street, First Street, and Second Street (refer to Table 4.17-1). Implementation of the proposed project would not preclude the construction of planned transit facilities, conflict with transit policies, or increase transit usage resulting in an exceedance of the capacity of the existing system. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **[Same Impact as Approved Project (Less than Significant Impact)]**

Any development that exceeds the City's VMT thresholds would be subject to the standard process for evaluating a project's VMT, as outlined in Policy 5-1. Based on the Downtown Strategy 2040 FEIR, future development within the Downtown would result in low VMT. The proposed project is located within the downtown area which does not exceed VMT per job and residential VMT per capita (refer to Figures 3.15-6 and 3.15-7 of the Downtown Strategy 2040 FEIR). For these reasons, the project would have a less than significant VMT impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **[Same Impact as Approved Project (Less than Significant Impact)]**

Under project conditions, vehicular access to the project site would be provided via one ingress driveway along Third Street and one two-way driveway on Fourth Street. Access to the project site is constrained due to the one-way operations of Third Street and Fourth Street. All outbound traffic would exit onto Fourth Street (southbound-only). Outbound traffic headed for areas north of the site would go south on Fourth Street and use San Fernando Street to access Third Street. The site plan does not show the proposed width of the proposed driveways. The project driveways would be

required to meet the City's minimum width of 16 feet for one-way driveways and 32 feet for two-way commercial driveways, respectively. The City of San José requires building entrances to be located at least 50 feet from the face of the curb in order to provide adequate stacking space for at least two inbound vehicles. The inbound drive aisle provides queueing space for at least two vehicles between the entry court parking lot and the Third Street driveway. The parking lot adjacent to the Fourth Street driveway has queueing space for at least four vehicles. As a result, queueing onto Third Street and Fourth Street would be minimal with the provided on-site vehicle storage.

Adequate site distance would be required for the Fourth Street project driveway in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. Fourth Street has a posted speed limit of 30 miles per hour (mph). Based on AASHTO standards, the stopping distance for a roadway with a posted speed limit of 30 mph is 200 feet. A driver exiting the Fourth Street project driveway must be able to see 200 feet to the north along Fourth Street to stop and avoid a collision. Based on the proposed site plan, the egress project driveway would be approximately 150 south of the Fourth Street/Santa Clara Street intersection and an additional 100 feet north of the Fourth Street/Santa Clara Street intersection would be visible from the project driveway. Additionally, turn movements from the project driveway would be restricted to right-turns only due to the one-way operations on Fourth Street. The sight distance from the proposed Fourth Street driveway to the Fourth Street/Santa Clara Street intersection would be adequate.

The project would not substantially increase hazards due to a geometric design feature. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact TRN-4:	The project would not result in inadequate emergency access. **[Same Impact as Approved Project (Less than Significant Impact)]**

The final site design would be reviewed for consistency with applicable fire department standards. As such, the proposed project would have a less than significant emergency vehicle access impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.17.3 Operational Transportation Issues Not Required Under CEQA

Trip Generation Estimates

Traffic trips generated by the proposed hotel addition were estimated using the rates for "Hotel" (Land Use Code 310) and "Quality Restaurant" (Land Use Code 931) published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition (2017). Trips generated by the existing hotel were not included.

Based on the City's Vehicles Miles Traveled (VMT) Evaluation Tool, the project would qualify for a location-based adjustment since the site is located within a designated central city urban area. The baseline project trips were adjusted to reflect a central city urban mode share. Central city urban areas are characterized as areas with high density, excellent accessibility, high public transit access, low single-family homes, and older housing stock. Hotel developments within central city urban areas have a vehicle mode share of 84 percent; therefore, a 16 percent reduction was applied to the trips generated by the proposed hotel.

A summary of the project trip generation estimates is shown in Table 4.17-2 below.

Table 4.17-2: Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Hotel	770	23	16	39	23	23	46
Location Based Reduction (16%)	<123>	<4>	<3>	<7>	<4>	<4>	<8>
Quality Restaurant	128	1	0	1	8	4	12
Location Based Reduction (16%)	<20>	<0>	<0>	<0>	<1>	<1>	<2>
Total Proposed Project Trips:	**755**	**20**	**13**	**33**	**26**	**22**	**48**

Notes: [1] The project site is located within a central city urban area based on the City's VMT Evaluation Tool. The VMT Evaluation Tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT.

Implementation of the project would generate up to 755 new daily vehicle trips with 33 new trips occurring during the AM Peak Hour and 48 new trips occurring during the PM Peak Hour.

Vehicle Parking

According to the City's Downtown Zoning Regulations (Section 20.70.100), the proposed project would be required to provide 0.35 off-street vehicle parking space per hotel room. No off-street parking spaces would be required for the proposed restaurant. Based on the City's off-street parking requirements, the 107-room hotel would be required to provide a total of 38 off-street parking spaces. The project proposes a total of 38 on-site parking spaces and would meet the City's requirement for off-street parking.

Bicycle Parking

Based on the City's Municipal Code (Table 20-190), the project would be required to provide one bicycle parking space plus one parking space per 10 guest rooms. Bicycle parking spaces shall consist of at least 80 percent short-term and at most twenty percent long-term spaces. Public eating establishments are required to provide one bicycle parking space per 800 square feet of dining area with a minimum of two short-term bicycle parking spaces and one long-term bicycle parking space. The existing hotel and proposed project would be required to provide a total of 14 bicycle parking spaces (11 short-term bicycle parking spaces and three long-term bicycle parking spaces).

The site plan shows seven bicycle storage spaces along the entry drive aisle. The proposed project would be required to provide seven additional bicycle parking spaces to meet the City's requirement.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[65]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

4.18.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					

[65] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
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)?	☐	☐	☐	☒	☐
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant tribal cultural resources impacts, as described below.

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact TCR-2:	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. **[Same Impact as Approved Project (Less than Significant Impact)]**

Guadalupe River and Coyote Creek are located approximately 0.7 mile west and 0.9 mile east of the project site, respectively, which are considered highly sensitive areas for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

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 has sent a written request for notification of projects citywide to the City of San José. In a meeting with the Ohlone tribe representative on July 12, 2018, it was requested that notification be sent only for projects in the City of San José that involve ground-disturbing activities or the preparation of a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. The Ohlone tribe was notified of the proposed project on March 3rd, 2019 and did not request additional information or consultation.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Santa Clara adopted its most recent UWMP in November 2016.

Wastewater

The San Francisco Bay RWQCB includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill (AB) 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

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

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

Local

San José Zero Waste Strategic Plan/Green Vision

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

San José Construction & Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition (C&D) debris. The City's Construction & Demolition Diversion (CDD) Program ensures that at least 75 percent of this waste is recovered and diverted from landfills.

Private Sector Green Building Policy

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

Envision San José 2040 General Plan

The General Plan includes the following utilities and service system policies applicable to the proposed project.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

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

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

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

Policy 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.

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

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

4.19.1.2 *Existing Conditions*

Water Services

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company (SJWC).

The existing five-story hotel currently has 44 rooms and uses approximately 3,398[66] gallons of water per day (gpd). There are existing storm drain lines along East Santa Clara Street, South Third Street, and South Fourth Street.

Sanitary Sewer/Wastewater Treatment

Wastewater from the City is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The

[66] Water usage rates were calculated using CalEEMod Appendix D (Hotel). CalEEMod. "Table 9.1: Water Use Rates." Accessed May 1, 2019. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.

Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.53F[67] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment.

Because the project site has no landscaping, it is assumed that the total wastewater generation is equal to total potable water use. There are existing sanitary sewer lines along East Santa Clara Street, South Third Street, and South Fourth Street. There is an existing 12-inch vitrified clay pipe (VCP) sanitary sewer main along East Santa Clara Street and South Third Street and a 27-inch VCP along South Fourth Street which serves the site.

Storm Drainage

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

Under existing conditions, the location of the addition is 100 percent (approximately 13,810 square feet) covered in impervious surface area. There are existing storm drain lines along East Santa Clara Street, South Third Street, and South Fourth Street. There is an existing 18-inch reinforced concrete pipe (RCP) storm drain main along South Third Street, a 24-inch RCP along East Santa Clara Street, and a 54-inch RCP along South Fourth Street which serves the existing site.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. According to the IWMP, the County adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. It is estimated that the existing building generates approximately 88 pounds of solid waste per day.[68,69]

[67] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed May 1, 2019. http://www.sanjoseca.gov/?nid=1663.
[68] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed May 1, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[69] Solid waste generation was estimated at a rate of two pounds per room per day for hotel.

4.19.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒	☐
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒	☐

Similar to the development evaluated in the Downtown Strategy 2040, the proposed project would result in less than significant utilities and service systems impacts, as described below.

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project would utilize existing utility connections to connect to the City's stormwater, electric, telecommunications, waste, and wastewater systems. Although the hotel addition would increase the demand on existing facilities in the City of San José, construction of new or relocation of existing

utilities would not be needed to serve the project. The analysis in the following sections discusses the potential impacts of the project on existing facilities. Based on the following analysis, no relocation of existing or construction of new facilities are needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **[Same Impact as Approved Project (Less than Significant Impact)]**

Full build out of the General Plan could exceed water supply during single-dry and multiple-dry years after 2025. The Downtown Strategy 2040 FEIR concluded, however, that with implementation of existing regulations and proposed polices, water demand (including planned downtown development) would not exceed water supply.

The project would expand the hotel by approximately 46,290 square feet which would include 63 additional guest rooms and approximately 1,525 square feet of restaurant space. The project would be required to comply with CALGreen requirements and the City's Private Sector Green Building Policy by incorporating a variety of design features including water efficiency and conservation measures. The proposed project would use approximately 6,192[70] gallons of water daily, a net increase of 2,794 gpd compared to existing site conditions. The proposed project would be consistent with planned growth in the Downtown Strategy 2040 Plan and would comply with the policies and regulations identified in the General Plan. No new or expanded water facilities would be needed as a result of the project. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **[Same Impact as Approved Project (Less than Significant Impact)]**

For the purposes of this analysis, it is assumed that the total wastewater generation would be equal to total water usage due to the minimal landscaping proposed on-site. There are sewer lines located along East Santa Clara Street, South Third Street, and South Fourth Street that currently serve and would continue to serve the project site. Based on a sanitary sewer hydraulic analysis prepared for the General Plan, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. Planned development within the Downtown Strategy 2040 area would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater

[70] Water usage rates were calculated using CalEEMod Appendix D (Hotel and Quality Restaurant). CalEEMod. "Table 9.1: Water Use Rates." Accessed May 1, 2019. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.

treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact UTL-5:	Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste? **[Same Impact as Approved Project (Less than Significant Impact)]**

The project would generate approximately 134 pounds of solid waste per day, a net increase of 46 pounds per day, compared to existing site conditions.[71,72] As noted in the Downtown Strategy 2040 FEIR, waste generated by full build out of the General Plan would not exceed the capacity of existing landfills serving the City of San José. Additionally, the County has adequate disposal capacity beyond 2030.[73] The estimated increases in solid waste generation from development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts on solid waste disposal capacity. The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. In addition, the project would comply with any applicable federal, state, policies, and regulations related to solid waste. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[71] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed May 1, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[72] Solid waste generation was estimated at a rate of two pounds per room per day for hotel and 0.005 pounds per square feet per day for restaurant.
[73] The County of Santa Clara. Recycling and Waste Reduction Commission Meeting Agenda. June 22, 2016. Accessed February 26, 2019. https://www.sccgov.org/sites/rwr/rwrc/Documents/Revised%20June%2022%20RWRC%20Packet.pdf.

4.20 WILDFIRE

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.[74]

4.20.1 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒	☐
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒	☐
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒	☐

4.20.1.1 *Project Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

[74] CALFIRE. "Wildland Hazard & Building Codes". Accessed: March 8, 2019. http://egis.fire.ca.gov/FHSZ/.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **[Same Impact as Approved Project (Less than Significant Impact)]**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions, standard measures listed in the Downtown Strategy 2040 FEIR, and mitigation measures.

As discussed in *Section 4.3 Air Quality*, to reduce emissions associated with vehicle travel, future development with the downtown area would be required to implement a TDM plan and the required Downtown Strategy 2040 FEIR measures. In addition, construction activities on-site may generate

dust and other particulate matter that could temporarily impact nearby sensitive receptors and the adjacent land uses. The project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions. In addition to complying with the Standard Permit Conditions, the proposed project would be required to implement Mitigation Measures AIR-1.1 and AIR-1.2 to reduce TAC emissions below the acceptable thresholds.

As discussed in *Section 4.4 Biological Resources*, the project would not impact sensitive habitats or species. The project would be required to comply with the Downtown Strategy 2040 FEIR measures to avoid abandonment of raptor and other protected migratory bird nests. As discussed in Section 4.4.3.3 Consistency with the Habitat Conservation Plan, the project would require discretionary approval by the City and is consistent with the activity described in Section 2.3.2 of the SCVHP. The project would be subject to all applicable SCVHP conditions and fees (including the cumulative nitrogen deposition fee).

Construction activities may damage historic resources on and adjacent to the project site. The project would be required to comply with all applicable City regulatory programs related to unknown buried paleontological resources. Additionally, the project would implement Mitigation Measures CUL-1.1 to CUL-1.4 and standard measures identified in the Downtown Strategy 2040 FEIR, to reduce impacts on recorded or unrecorded subsurface cultural resources on-site.

The project would implement the Standard Permit Conditions listed in *Section 4.6 Geology and Soils* to reduce construction related erosion impacts and any impacts to paleontological resources. As discussed in *Section 4.10 Hydrology and Water Quality*, the project would be required to implement Standard Permit Conditions and the required standard measures identified in the Downtown Strategy 2040 FEIR to reduce potential construction-related water quality impacts.

As discussed in Section *4.13 Noise and Vibration*, the project would be required to implement Condition of Approval and the measures identified in the Downtown Strategy 2040 to reduce the noise level to 55 dBA at nearby noise-sensitive land uses. The proposed project would not result in new or more significant impacts than identified in the Downtown Strategy 2040 FEIR.

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed development would result in temporary air quality, water quality, biological, and noise impacts during construction. With the implementation of the identified Standard Permit Conditions,

and measures identified in the Downtown Strategy 2040 FEIR, BMPs, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on water quality, biological resources, and noise.

Implementation of the proposed project could result in the loss of 14 on-site trees. Any trees removed would be replaced in accordance to the City's Standard Tree Replacement Ratios (refer to Table 4.4-2). The project would have no long-term effect on the City's urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable long-term impact on biological resources.

Earthmoving activities may result in the loss of unknown subsurface prehistoric and historic resources on-site and nearby. The project would implement the standard measures identified in the Downtown Strategy 2040 FEIR. As a result, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

Because a project's criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified project-level thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. Based on the Downtown Strategy 2040 FEIR, full build out of the Downtown Strategy 2040 Plan would result in annual emissions of 2.09 MT of CO_2e/service population which would not exceed the 2030 "Substantial Progress" threshold of 2.6 MT CO_2e/service population annually. Development from full build out in 2040, however, would exceeding the 2040 "Substantial Progress" threshold of 1.7 MT of CO_2e/service population annually by approximately 0.51 MT CO_2e/service population annually, resulting in a significant unavoidable GHG emissions impact. The project, by itself, would not result in the significant emissions of criteria air pollutants or GHGs and, therefore, would not result in a cumulatively considerable impact. As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, energy, geology and soils, hazardous materials, hydrology, land use, mineral resources, population and housing, public services, recreation, and utility and service facilities.

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **[Same Impact as Approved Project (Less than Significant Impact)]**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. However, implementation of General Plan policies would reduce these impacts

to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

SECTION 5.0 REFERENCES

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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