

January 2018

**Addendum to the
Final Program Environmental Impact Report for the
North San José Development Policies Update
(SCH# 2004102067) and the
Final Program Environmental Impact Report for the
Envision San José 2040 General Plan
(SCH# 2009072096) and Supplemental EIR**

**San José Hilton Garden Inn
111 East Gish Road**

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**ADDENDUM TO
THE NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE FINAL
ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72768),
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM
ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
(RESOLUTION NO. 77617), AND ADDENDA THERETO**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the North San José Development Policies Update Final Environmental Impact Report, Envision San José 2040 General Plan Final Program Environmental Impact Report, Envision San José 2040 General Plan Supplemental Environmental Impact Report, and addenda thereto because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

Project Name: Hilton Garden Inn on Gish Road
File Number: H17-044

Project Description: Site Development Permit to allow the removal of 16 non-ordinance sized trees, 7 ordinance-sized trees, the demolition of an approximately 56,640 square foot existing 2-story office building and to allow the construction of an approximately 96,260 square foot, 5-story 150-room hotel with approximately 160 at grade parking stalls and site improvements on a 2.2 gross acre site.

Location: The project site is located at 111 East Gish Road on the north east corner of East Gish Road and Kerley Drive in San José, California.

Council District: 3

Assessor's Parcel Number: 235-03-002

The environmental impacts of this project were addressed by the following Environmental Impact Reports: North San José Development Policies Update Final Environmental Impact Report (FEIR) adopted by City Council Resolution No. 72768 on June 21, 2005, the Envision San Jose 2040 General Plan FPEIR adopted by City Council Resolution No. 76041 on November 1, 2011, and the Envision San Jose General Plan 2040 Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015 and other addenda to these EIRs. 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."

The following impacts were reviewed and found to be adequately considered by the EIRs:

- | | | |
|--------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities & Service Systems | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Growth Inducing | <input checked="" type="checkbox"/> Cumulative Impacts | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

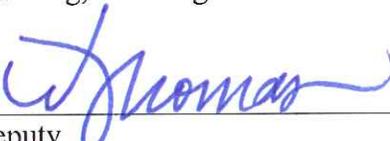
ANALYSIS

The proposed project the demolition of an approximately 56,640 square foot existing 2-story office building and to allow the construction of an approximately 96,260 square foot, 5-story 150-room hotel. The proposed project would comply with all standard permit conditions and mitigation measures set forth in the Initial Study/Addendum and Mitigation and Measure and Monitoring Reporting Program for this project. The proposed project, therefore, will not result in new impact or impacts of greater severity than those previously identified in the North San José Development Policies Update FEIR, the Envision San Jose 2040 General Plan FPEIR, the Envision San Jose 2040 General Plan SEIR, and addenda thereto.

Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts that have not been previously disclosed; nor would it result in a substantial increase in the magnitude of any significant environmental impacts previously identified in the previously certified EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR. This addendum will not be circulated for public review, but will be attached to the EIRs, pursuant to CEQA Guidelines §15164(c).

Rosalyn Hughey, Acting Director
Planning, Building and Code Enforcement

1/30/18
Date


Deputy

Project Manager: Kieulan Pham

Attachment: Initial Study/Addendum and Appendices

Table of Contents

1.	INTRODUCTION AND PURPOSE.....	1-1
1.1	EIR Addendum Process.....	1-1
1.2	North San José Area Development Policies Update FEIR.....	1-2
1.3	Envision San José 2040 General Plan Final EIR and Supplemental EIR.....	1-2
2.	PROJECT INFORMATION.....	2-1
2.1	Project Title.....	2-1
2.2	Project Location.....	2-1
2.3	Project Applicant.....	2-1
2.4	Lead Agency Contact.....	2-1
2.5	Assessor’s Parcel Number.....	2-2
2.8	General Plan Land Use Designation.....	2-6
2.9	Zoning District.....	2-6
2.10	Habitat Plan Designation.....	2-6
2.11	Required Permits and Approvals.....	2-6
3.	PROJECT DESCRIPTION.....	3-1
3.1	Project Overview.....	3-1
3.2	Project Description.....	3-1
3.3	Construction Phasing.....	3-7
4.	DISCUSSION OF ENVIRONMENTAL IMPACTS.....	4-1
4.1	Aesthetics.....	4.1-1
4.2	Air Quality.....	4.2-1
4.3	Biological Resources.....	4.3-1
4.4	Cultural and Tribal Resources.....	4.4-1
4.5	Geology and Soils.....	4.5-1
4.6	Greenhouse Gas Emissions.....	4.6-1
4.7	Hazards and Hazardous Materials.....	4.7-1
4.8	Hydrology and Water Quality.....	4.8-1
4.9	Land Use and Planning.....	4.9-1
4.10	Noise.....	4.10-1
4.11	Population and Housing.....	4.11-1
4.12	Public Services and Recreation.....	4.12-1
4.13	Transportation and Traffic.....	4.13-1
4.14	Utilities and Service Systems.....	4.14-1
5.	REFERENCES.....	5-1

TABLE OF CONTENTS

6.	REPORT PREPARERS.....	6-1
APPENDICES		
	Appendix A: Air Quality and Greenhouse Gas Background and Modeling Data	
	Appendix B: Health Risk Assessment Background and Modeling Data	
	Appendix C: Historic Resource Evaluation	
	Appendix D: Hilton Garden Inn Phase I Environmental Site Assessment	
	Appendix E: Proposed Hilton Garden Inn Geotechnical Exploration Report	
	Appendix F: Santa Clara Valley Habitat Agency Geobrowser Property Report	

TABLE OF CONTENTS

LIST OF FIGURES

Figure 2-1 Regional and Local Context2-3
Figure 2-2 Project Site Location within North San José Area Development Policy.....2-4
Figure 2-3 Surrounding Uses2-5
Figure 2-4 Zoning.....2-8
Figure 3-1 Project Renderings.....3-2
Figure 3-2 Architectural Site Plan.....3-3
Figure 3-3 Concept Elevations.....3-4
Figure 3-4 Conceptual Utilities Plan.....3-6
Figure 4.1-1 Existing Site Perspectives..... 4.1-3

LIST OF TABLES

Table 4.2-1 Envision San José 2040 Relevant Air Quality Policies..... 4.2-2
Table 4.2-2 Construction Risk Summary – Unmitigated 4.2-7
Table 4.2-3 Construction Risk Summary – Mitigated 4.2-8
Table 4.3-1 Envision San José 2040 Biological Resources Policies 4.3-2
Table 4.3-2 Tree Replacement Ratios 4.3-6
Table 4.6-1 Project GHG Emissions – Construction Phase 4.6-6
Table 4.6-2 Project GHG Emissions – Operational Phase 4.6-8
Table 4.7-1 Schools in Vicinity of Project Site..... 4.7-2
Table 4.8-1 Pervious and Impervious Surfaces Comparison..... 4.8-4
Table 4.9-1 Rincon South Specific Plan Goals and Opportunities..... 4.9-4
Table 4.10-1 Envision San José 2040 General Plan Land Use Compatibility Guidelines..... 4.10-3
Table 4.10-2 Relevant Envision San José 2040 General Plan Noise Policies 4.10-5
Table 4.14-1 Solid Waste Disposal 4.14-2

TABLE OF CONTENTS

1. Introduction and Purpose

1.1 EIR ADDENDUM PROCESS

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 2100 et seq.) requires a lead agency to prepare and certify an Environmental Impact Report (EIR) before approving a project or plan that may have a potentially significant impact on the physical environment.

In the event that changes to a project or plan for which an EIR has already been certified are proposed, the lead agency must prepare a supplemental EIR only if the changes are “[s]ubstantial” and require “major revisions” to the original EIR (Id., Section 21166). The CEQA Guidelines (California Code of Regulations, Title 4, Section 15000 et seq.) further outline when a subsequent EIR is needed and when an addendum to the original EIR will suffice.

Pursuant to CEQA Guidelines Section 15164, an addendum to a previously certified EIR is appropriate if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 have occurred. Under Section 15162, a subsequent EIR is required only when the lead agency has substantial evidence that the modified project or plan would create new or greater environmental impacts. In making this determination, the lead agency would need to consider if:

- a) Substantial changes are proposed which would involve new significant impacts or a substantial increase in the severity of previously disclosed impact;
- b) Substantial changes to circumstances under which the project is undertaken have occurred which would result in new or more severe environmental impacts;
- c) New information of substantial importance, which was not known at the time the previous EIR was certified, is now known and shows any of the following:
 - The project will have one or more significant effects not discussed in the original EIR;
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - Mitigation measures or alternatives previously found infeasible would in fact be feasible and would substantially reduce one or more significant impacts of the project;
 - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

INTRODUCTION AND PURPOSE

1.2 NORTH SAN JOSÉ AREA DEVELOPMENT POLICIES UPDATE FEIR

In June 2005, the City of San José certified the Final Program Environmental Impact Report for the North San José Area Development Policies Update (NSJADP), (NSJ FEIR). (SCH# 2004102067). The NSJADP allows for 26.7 million square feet of new industrial/office/research & development uses, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new residential units in the City's Rincon Area. As part of the industrial development capacity established in the NSJADP, the policy program allows for 1,000 hotel rooms. Currently, there are approximately 560 rooms remaining in the NSJADP hotel capacity.

1.3 ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL EIR AND SUPPLEMENTAL EIR

In September 2011, the City of San José certified the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, (General Plan FEIR). (#2009072096). The General Plan provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity would allow a total of 839,450 jobs and 429,350 dwelling units in San José, an increase of 127 percent and 39 percent, respectively, which, if fully developed, would result in a jobs-to-employed-resident ratio (J/ER) of 1.3 to 1. The General Plan has since undergone a series of updates, requiring approval of a Supplemental FEIR (SEIR).

Given the proposed project description and knowledge of the project site the City, as lead agency, has concluded that the proposed project would not result in any new impacts not previously disclosed in the NSJ FEIR and General Plan FEIR and SEIR, nor would it result in a substantial increase in the significance of any environmental impact previously identified in those documents. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the NSJ FEIR and General Plan FEIR and SEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the NSJ FEIR and General Plan FEIR and SEIR, pursuant to CEQA Guidelines Section 15164(c).

2. Project Information

2.1 PROJECT TITLE

San José Hilton Garden Inn

2.2 PROJECT LOCATION

The 2.2-acre project site is located at 111 East Gish Road in San José, California. It is bordered by an existing hotel to the north, East Gish Road to the south, Kerley Drive to the west, and North 4th Street to the east. The site is approximately 0.3 miles west of the Interstate 880/US Route 101 interchange and 0.5 miles east of San José International Airport (see Figure 2-1). It is positioned in the southern portion of the North San José Planning Area (see Figure 2-2).

As shown in Figure 2-3, Surrounding Uses, the site is immediately surrounded by a variety of uses, including multi-family housing, neighborhood offices, automotive businesses, restaurants, institutional uses, and hotel/motels.

2.3 PROJECT APPLICANT

Sunny Tong, Managing Director of Development
Westlake Urban, Inc.
520 S. El Camino Real, 9th Floor
San Mateo, CA 94402

2.4 LEAD AGENCY CONTACT

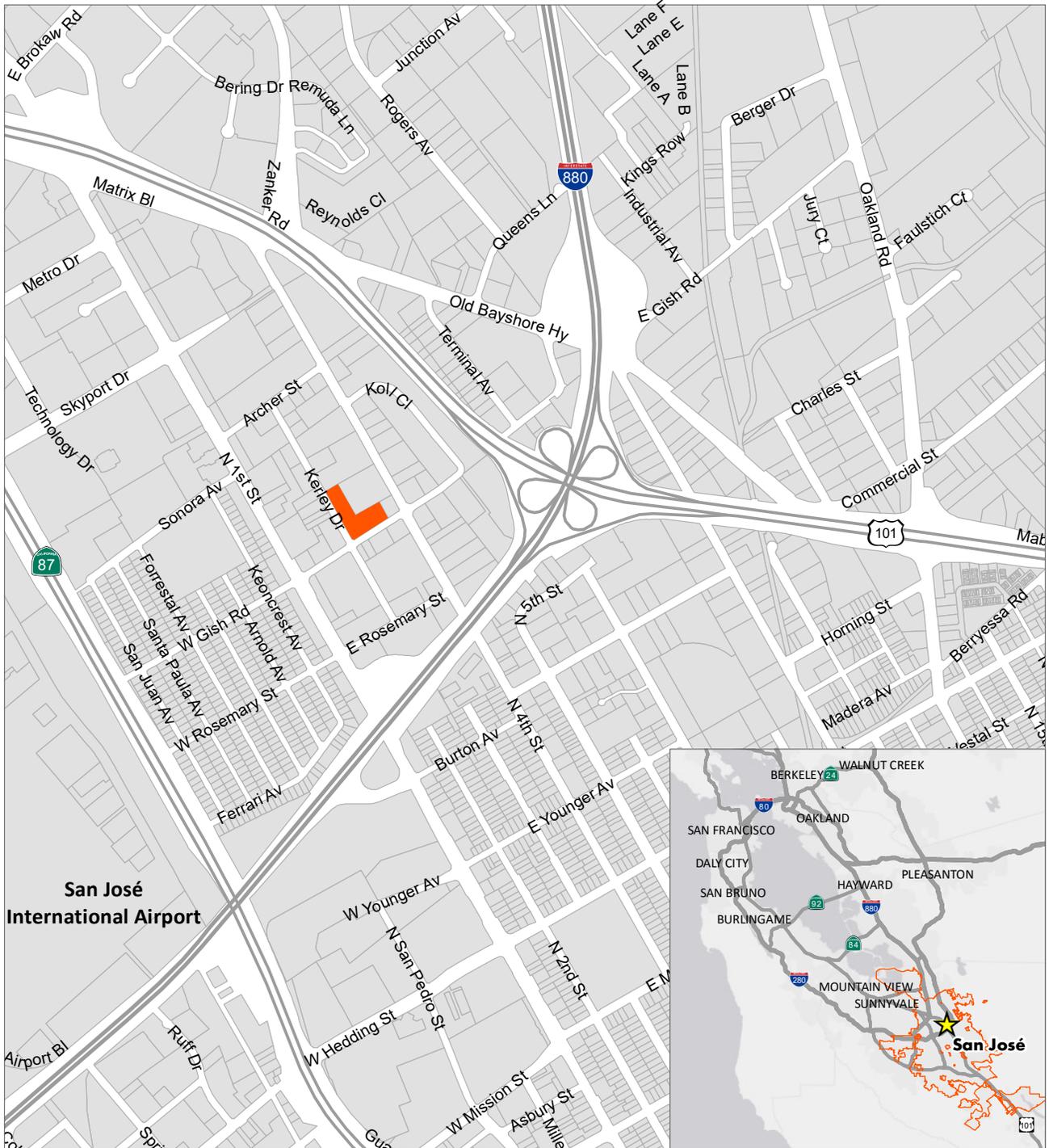
City of San José
Planning Division
Kieulan Pham, AICP, Planner III
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
408-535-3844
Kieulan.Pham@sanjoseca.gov

PROJECT INFORMATION

2.5 ASSESSOR'S PARCEL NUMBER

235-03-002

PROJECT INFORMATION



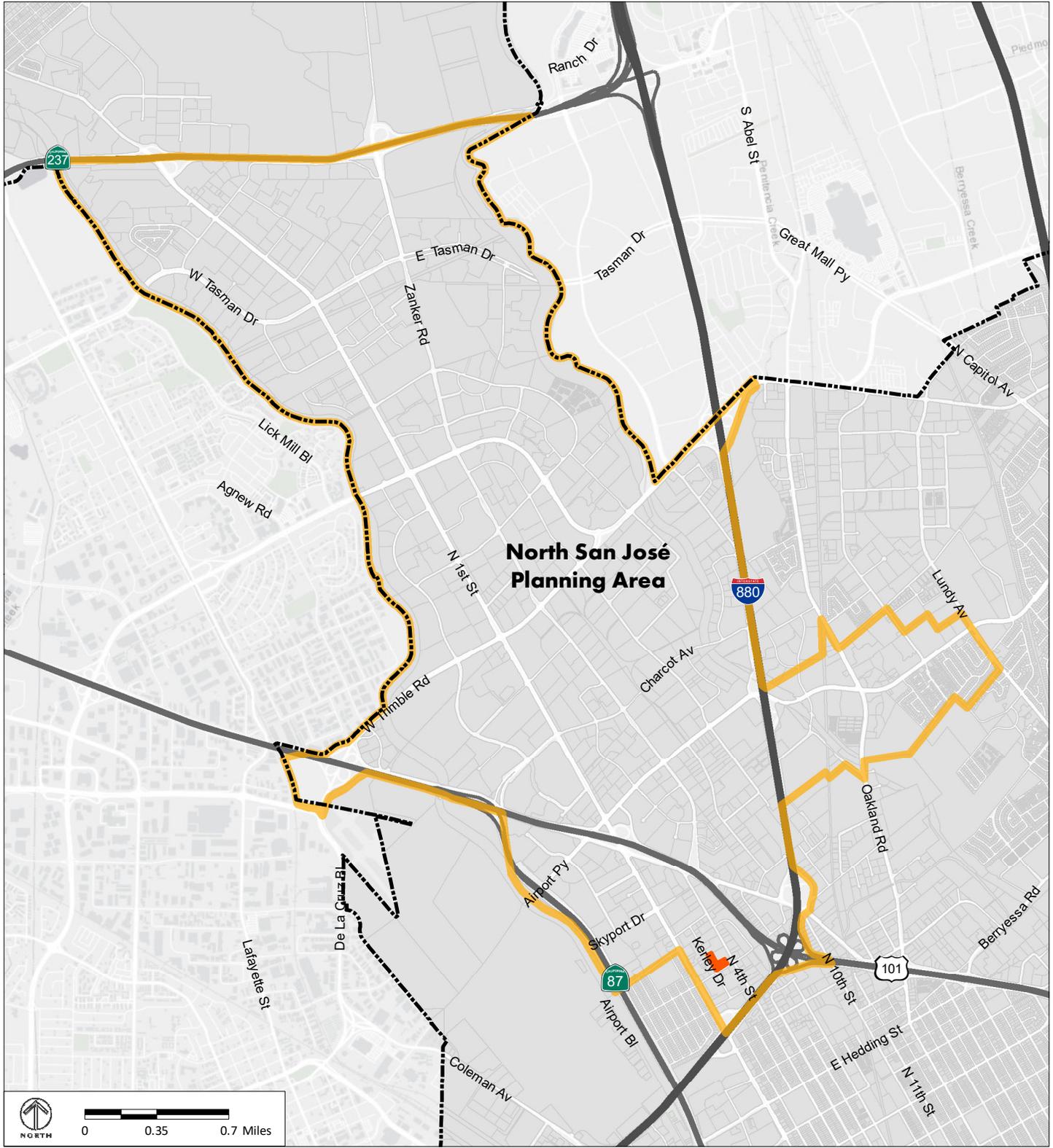
Source: PlaceWorks, 2016; City of San Jose, 2017; Merced County, 2017; ESRI 2015.

 Project Site



Figure 2-1
Regional and Local Context

PROJECT INFORMATION



Source: PlaceWorks, 2016; City of San Jose, 2017; Merced County, 2017; ESRI 2015.

- Project Site
- City Limits
- UpdatedNorthSJplanningArea

Figure 2-2

Project Site Location within North San José Area Development Policy

PROJECT INFORMATION



Source: Google Earth Professional, 2018. PlaceWorks, 2018.



Figure 2-3
Surrounding Uses

PROJECT INFORMATION

2.8 GENERAL PLAN LAND USE DESIGNATION

- Urban Village (UV)
- Open Space, Parklands and Habitat (OSPH)

2.9 ZONING DISTRICT

The project site is zoned Commercial General (CG). As shown in Figure 2-4, below, the site is on the southwest corner of a larger block of properties that are also zoned CG.

2.9.1 ZONING TO THE NORTH

Just beyond the CG-zoned properties immediately north of the site, zoning shifts to Light Industrial (LI). This is followed by a small Agricultural District with a Planned Development overlay.

2.9.2 ZONING TO THE SOUTH

The block immediately south of the project site, across E Gish Road, is primarily zoned Light Industrial (LI). However, as evident on Figure 2-4, the westernmost properties on that block are zoned CG. The CG District extends southwest across Kerley Drive and E Gish Road.

2.9.3 ZONING TO THE WEST

The LI zoning district is also predominant to the west of the site, immediately across Kerley Drive.

2.9.4 ZONING TO THE EAST

As shown in Figure 2-4, the small property that neighbors the project site to the east is zoned CG. However, further east across N 4th Street, zoning shifts to LI.

2.10 HABITAT PLAN DESIGNATION

The project site is within the permit area of the Santa Clara Valley Habitat Conservation Plan (HCP). It is designated as *Urban-Suburban* land cover by the HCP, in Private Development Area 4, which is considered Urban Development Equal to or Greater than 2 Acres Covered. It is outside any special permit or survey areas established by the HCP.

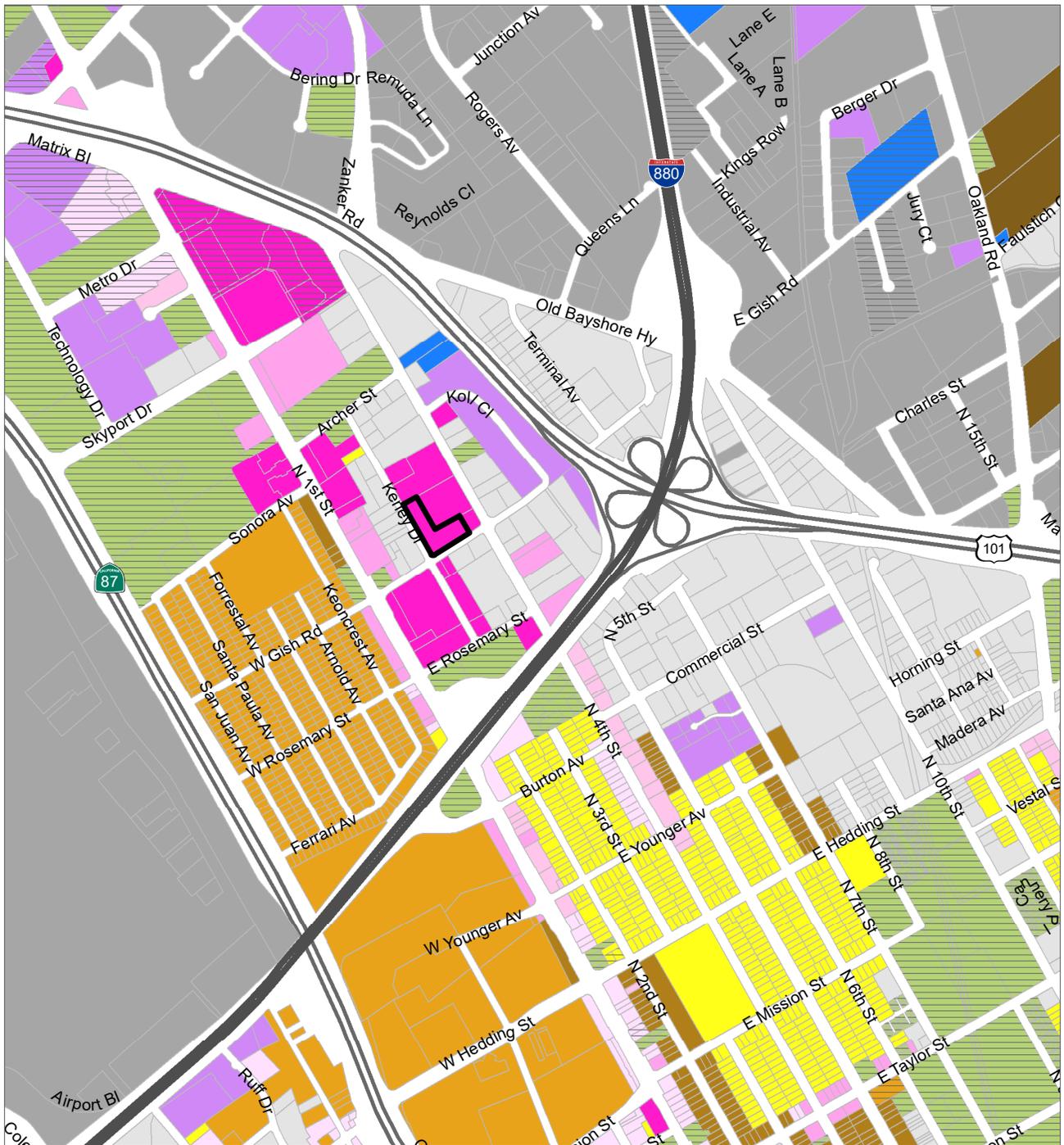
2.11 REQUIRED PERMITS AND APPROVALS

Initiating development of the proposed project will require the receipt of the following City approvals and permits:

PROJECT INFORMATION

- Environmental Clearance
- Site Development Permit
- Building Clearance
- Public Works Clearance
- Grading Permit
- Tree Removal Permit

PROJECT INFORMATION



Source: PlaceWorks, 2016; City of San Jose, 2017; Merced County, 2017; ESRI 2015.



Figure 2-4
Zoning

PROJECT INFORMATION

3. Project Description

This chapter provides a detailed description of the Hilton Garden Inn, San José (the project), including the location, setting, and characteristics of the project site, components, and approximate construction schedule. Additional descriptions of the environmental setting, as they relate to each of the environmental issues analyzed in Chapter 4, Environmental Analysis, of this Draft Final Environmental Impact Report Addendum (FEIR Addendum), are included in the environmental setting discussions contained within subchapters 4.1 through 4.11.

3.1 PROJECT OVERVIEW

The proposed Hilton Garden Inn Project would redevelop an approximately 2.2-acre site into a five-floor, 150-room hotel totaling approximately 96,260 square feet (see Figure 3-1). The proposed hotel would include 160 surface parking spaces. A two-story, 56,640-square-foot office building would be demolished to accommodate the project.

3.2 PROJECT DESCRIPTION

The proposed project would develop a five-story hotel with 150 rooms in north San José, on a site approximately 0.5 miles east of Norman Y. Mineta San José International Airport. The hotel roof would be 61 feet tall, with one 66-foot parapet and a second 69-foot parapet (see Figure 3-3, Concept Elevations). Due to the proximity to the airport, the hotel would be considered a regional, airport-oriented hotel. The hotel would have a footprint of 17,460 square feet, resulting in approximately 18 percent coverage of the 95,825-square-foot site and a floor area ratio (FAR) of .95/1. The hotel building would be oriented approximately west-east along East Gish Road, extending from Kerley Drive on the west to the property line on the east (see Figure 3-2). The main facade would front East Gish Road, as is evident in the renderings shown in Figure 3-3. Hotel amenities would include a fitness room, lounge area, dining area, bar and meeting space.

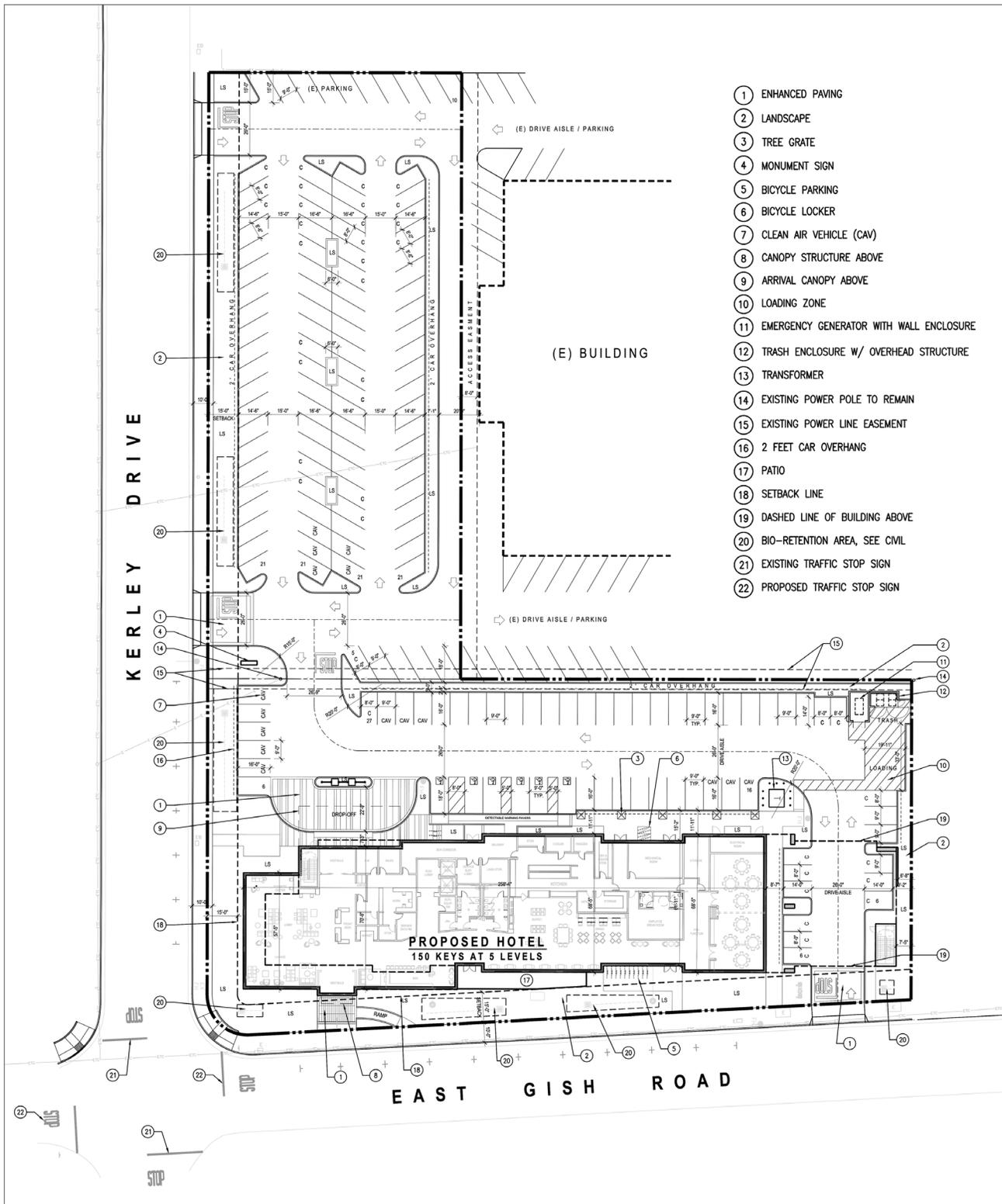
PROJECT DESCRIPTION



Source: Architects Orange, 2017.

Figure 3-1
Project Renderings

PROJECT DESCRIPTION



Source: Architects Orange, 2017.

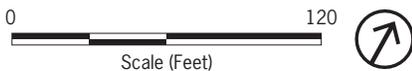


Figure 3-2
Architectural Site Plan

PROJECT DESCRIPTION



Source: Architects Orange, 2017.



Figure 3-3
Concept Elevations

3.2.1 PROPOSED SITE ACCESS

Regional access to the project site is afforded via the Interstate 880 North 1st Street exit and Santa Clara Valley Transportation Authority (VTA) light rail system Gish Station.

Access to the main drive aisle of the hotel, which would lead to the guest arrival and porte cochere on the north side (rear) of the hotel, would be from a driveway on East Gish Road just east of the hotel structure. This driveway would also provide access to a parking area oriented east-west just north of the hotel, and then to a larger parking area oriented north-south along Kerley Drive. Two driveways from Kerley Drive would provide access to the latter, larger parking area.

3.2.2 PARKING

The project would include 160 off-street surface parking spaces, including 103 standard stalls, 37 compact stalls, 6 ADA accessible stalls, and 14 vanpool/utilities vehicle stalls. Sixteen bicycle parking spaces are proposed.

3.2.3 UTILITIES

The proposed project would not reuse existing laterals extending from the site. As shown in the conceptual utility plan illustrated in Figure 3-4, a new 12-inch storm drain extending north-south through the project site would connect to proposed biofiltration areas and the existing storm drain in East Gish Road. A proposed 8-inch sanitary sewer line serving the hotel would connect to an existing manhole on East Gish Road. A new 0.5-inch water line would extend east-west from the eastern boundary of the property to the approximate center, where it would serve the hotel. A Pacific Gas & Electric (PG&E) gas line is located between the southern property line and East Gish Road.

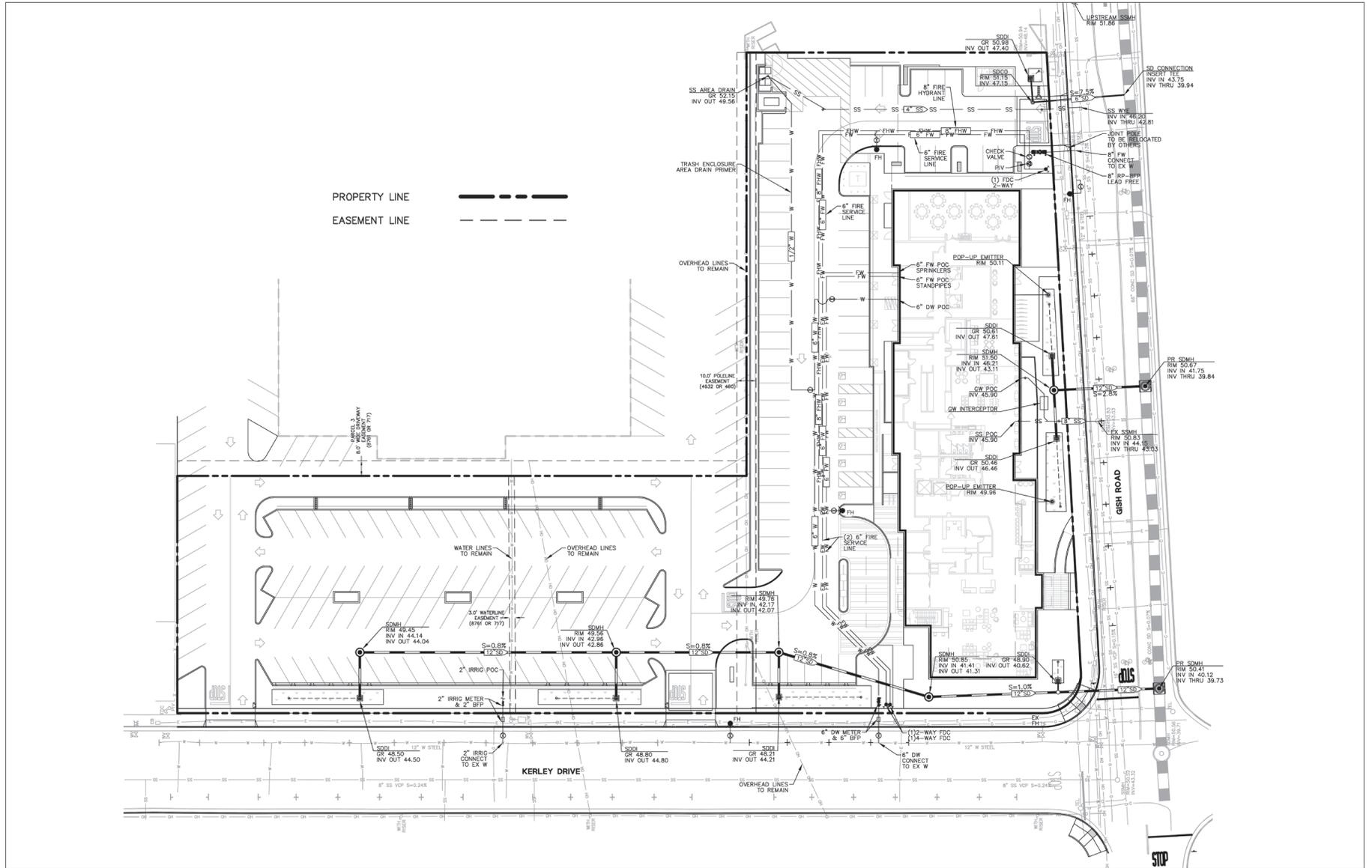
The project would also include a 6.7 liter, 130 kW emergency diesel generator on the northeast corner of the site, near the proposed trash enclosure and loading area. It would be surrounded by a steel enclosure that would provide weather protection and acoustic attenuation.

3.2.4 TREES

There are currently 22 trees on the project site.

Per the November 15, 2017 *Tree Inventory and Evaluation at 111 East Gish Road in San Jose*, 22 trees would be removed to accommodate the proposed project; 20 on the site itself and two on adjacent sidewalks. None of these trees are California natives.

PROJECT DESCRIPTION



Source: BKF, 2017.



PLACEWORKS

Figure 3-4
Conceptual Utilities Plan

3.3 CONSTRUCTION PHASING

Based on the applicant's estimated timeline, construction would be completed within the following approximate phases:

- Demolition: 4 to 6 weeks
- Grading: 2 to 3 weeks
- Construction: 14 months

PROJECT DESCRIPTION

4. *Discussion of Environmental Impacts*

This chapter describes any changes that have occurred in existing environmental conditions on and near the project site since CEQA certifications of the North San José Area Development Policies Update (NSJADP) and Envision San José 2040 General Plan (General Plan), collectively referred to as the “approved project,” as well as environmental impacts associated with the Hilton Garden Inn (“proposed project”) or the changed conditions. The Appendix G environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, is used to compare the environmental impacts of the proposed project with those of implementation of the development program of the approved project and to identify whether the proposed project would likely result in new significant environmental impacts.

The environmental impacts of buildout of the development and land use programs of the NSJADP and Envision San José 2040 General Plan were analyzed in the North San Jose Development Policies Update Final EIR and Envision San José 2040 General Plan Final EIR and Supplemental EIR (NSJ FEIR and General Plan FEIR and SEIR). This addendum evaluates potential project-specific environmental impacts that were not addressed in the previously certified EIRs. Because 560 hotel rooms remain in the NSJADP approved hotel capacity, the City of San José, as lead agency, has deemed the proposed project a minor technical project change that would result in no new significant impacts, and would not require major revisions to the previous EIRs prepared. As such, an Addendum has been prepared (CEQA Guidelines Sections 15162 and 15164) rather than a supplemental or subsequent EIR.

Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline Section 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Project Conditions.” Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Standard Construction Practices.”

Due to the past and current uses of the project site, no environmental impacts associated with agricultural and forestry resources and mineral resources are expected to occur as a result of the proposed project. These resource topics will not be addressed further in the addendum.

DISCUSSION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

This subchapter describes the current visual setting of the site and surroundings, and evaluates the aesthetics impacts of the proposed project as compared to the approved project.

4.1.1 SETTING

4.1.1.1 PROJECT SITE

The 2.2-acre project site is a flat, L-shaped parcel located at the northeast corner of Kerley Drive and East Gish Road, in the Rincon South Specific Plan Area of north San José. The site is currently developed with a two-story office building situated along East Gish Road and a parking lot that extends from the rear of the building to the north, along Kerley Drive. The site is nearly entirely hardscaped, with the exception of pockets of ornamental landscaping at the building frontage along East Gish Road and perimeter landscaping, including few trees, along Kerley Drive. The project site and surrounding area are flat, and as a result, the project site is only visible from the immediate area.

The existing building was built in 1971 and reflects suburban style office architecture of the time. It is a box-like structure with unarticulated concrete facades interrupted only by ground floor entry fenestration and small upper floor windows.

4.1.1.2 SURROUNDING AREA

The L-shaped parcel that comprises that project site forms the western and southern portions of a larger square of physically undivided parcels, the rest of which are not part of the project site. This square area is bounded by East Gish Road, Kerley Drive, and North 4th Street. A single-story, retro-style bowling alley and associated parking lot is located in the pocket formed by the “L” of the project site. An existing airport hotel is located just north of the bowling alley. A small restaurant surrounded by parking is located at the corner of East Gish Road and North 4th Street, just northeast of the project site parcel.

A series of two-story apartment complexes and light industrial uses are located immediately across Kerley Drive. A group of small, traditional airport inns is located behind these. The aesthetic environment immediately across East Gish Road is defined by two-story, neighborhood-style office structures of wood frame construction and rear parking lots. Immediately behind these, the aesthetic shifts due to a newer, full amenity airport hotel.

Moving outward from the site, the visual environment of the larger area is dominated by low-lying, surface parking- heavy office and light industrial uses typical of areas surrounded by transportation amenities and corridors such as the I-880, airport, and a Santa Clara Valley Transportation Authority (VTA) light rail.

4.1.1.3 SCENIC VISTAS

The project site is not located within a scenic view shed or along a scenic highway. Intermittent views of the foothills are available from the project site looking east. The views of the foothills are interrupted by existing buildings.

AESTHETICS

4.1.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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"
a) Have a substantial adverse effect on a scenic vista?				X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	

DISCUSSION

A. Scenic Vistas

The project site is not located within a scenic viewshed. The project site and the land surrounding it are relatively flat which significantly limits long range views. While the replacement of a two-story building with a five-story building would be noticeable to occupants of nearby businesses and residence, the construction of an airport hotel near similar facilities would not be a significant adverse environmental impact.

Redevelopment of the site has already been evaluated in the NSJ FEIR and General Plan FEIR and SEIR. The project does not propose any structures that would be of a height that would obstruct or limit any views of surrounding land uses, scenic or otherwise. The proposed project would have the *same impact as the approved project*.

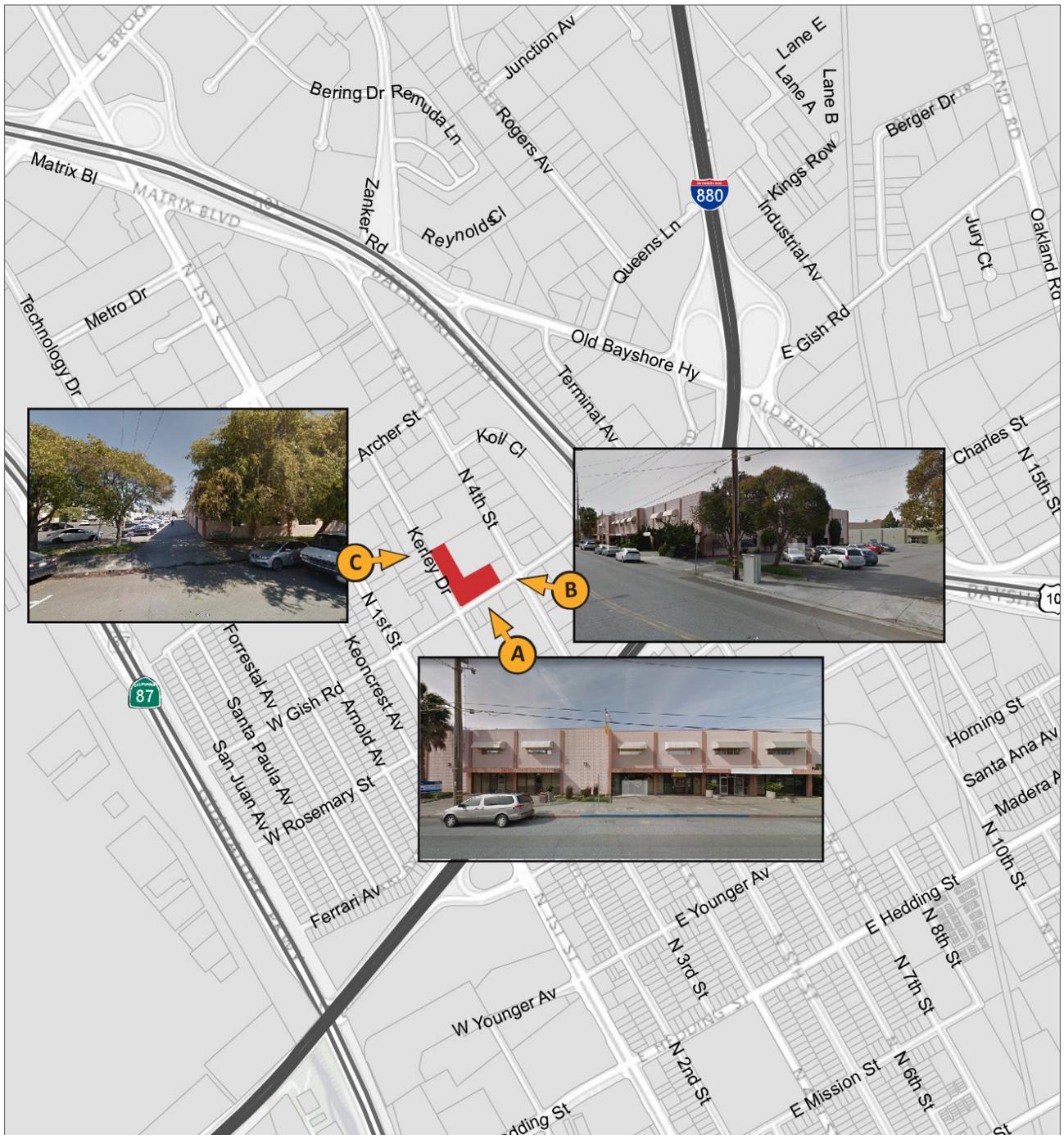
B. Scenic Highway

The project site is not located along a scenic highway. The closest officially designated State scenic highway to the project site is State Route 280. Due to the flat topography of the project site and its surroundings, the project site is not visible from this State scenic highway. Therefore, the proposed project would not result in any new or more significant impacts and would have the *same impact as the approved project*.

C. Visual Character

The proposed project would replace a two-story office building totaling 55,441-square-foot with a five-floor, 150-room hotel totaling 91,460 square feet. The proposed hotel would be a contemporary facility resulting from a new design strategy and including an integrated landscaping plan. As shown in Figure 4.1-1 the visual character of the existing site lacks visual interest from all perspectives, and is limited to the unarticulated facade of the existing building, associated parking

AESTHETICS



Source: PlaceWorks, 2016; City of San Jose, 2017; Merced County, 2017; ESRI 2015.



-  Project Site
-  Project View Points

Figure 4.1-1
Existing Site Perspectives

AESTHETICS

and few trees. The primary changes to the visual character of the site would be the addition of architectural composition, increased visual interest resulting from a new palette of colors, and a new, more extensive landscape plan to a site that is currently dominated by parking lots and a homogenous building. While the aesthetic qualities of development projects are subjective in nature, the addition of a newly-designed hotel and planned landscaping are likely to be seen by many observers as upgrades to the existing visual character of the site. Further, the project is not expected to degrade the existing visual character of the area, which is bordered by a mix of office/industrial/residential uses and, further outward, transit, and transportation infrastructure.

The visual conditions in the North San José area are described in the certified 2005 NSJ FEIR. The visual analysis focused on conformance of new development with established City of San José design guidelines. Additionally, the visual analysis evaluated the increase in shade and shadows from proposed development that could affect public and private open spaces. It was concluded in the 2005 NSJ FEIR that future development's conformance with the City's Industrial and Residential Design Guidelines would avoid significant visual and aesthetic impacts, including: 1) increased shade and shadow on public and private open space areas, 2) impacts to scenic vistas, 3) visual effects of light and glare. The proposed project would not result in any new or more significant impacts to visual character than those described in the Certified EIR and no mitigation measures are required.

The proposed project would be required to conform to the design criteria set forth in the NSJADP. Maximum building height of site development, per the Rincon South Specific Plan, is 120 feet. The proposed project includes a five-story building with a maximum height of 65 feet.

The proposed project would have a less-than-significant impact, the *same impact as the approved project*.

D. Light or Glare

The proposed project would include security, parking lot, drive aisle and site branding-related lighting. These sources would be primarily outdoors, associated with internal site circulation and commercial signage. These existing building does not include elements such as outdoor patios and front entryway, and as such the lighting plan of the proposed project would result in an increase over lighting from the existing site development. However it would not significantly increase ambient light levels in the area, which are already dominated by existing nighttime lighting. The lighting would be consistent with multiple airport hotels in the surrounding area.

As discussed in the certified 2005 NSJ FEIR, light in the project area would generally increase due to the increased development allowed under the policy program. It was concluded in the 2005 NSJ FEIR that significant light and glare impacts, including light spillover onto adjacent properties, would be reduced or avoided by compliance with the City's Outdoor Lighting Policy (4-3). The proposed project would be required to comply with that Policy, which includes the use of low-pressure sodium outdoor security lighting on-site, along walkways, entrance areas, common outdoor use areas, and parking areas.

As such, the proposed project would have the *same impact as the approved project*.

4.2 AIR QUALITY

This subchapter describes the current air quality conditions of the site and surroundings, and evaluates the impacts to air quality of the proposed project as compared to the approved project. A full discussion of the current regulations and authorities governing air quality can be found in Section 3.4.1.6 of the General Plan FEIR. The ambient and regulatory requirements regarding air quality have remained relatively unchanged since the approval of the General Plan FEIR.

4.2.1 SETTING

4.2.1.1 REGULATORY FRAMEWORK

Federal, state, and local air districts have passed laws and regulations intended to control and enhance air quality. Land use in the City is subject to the rules and regulations imposed by The Bay Area Air Quality Management District (BAAQMD), the California Air Resources Board (CARB), and the U.S. Environmental Protection Agency (EPA). The regulatory framework that is potentially applicable to the proposed project is also summarized below.

The project site is within the San Francisco Bay Area Air Basin. The BAAQMD is the regional government agency that monitors and regulates air pollution within the air basin.

A. United States Environmental Protection Agency and National Ambient Air Quality Standards

The EPA and CARB have established ambient air quality standards for common pollutants. These ambient air quality standards are concentrations of contaminants below which adverse health effects associated with each pollutant are avoided. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. The major criteria pollutants are reactive organic gases (ROGs) which lead to ground-level ozone (O₃), carbon monoxide, nitrogen oxides (NO_x), and particulate matter.

Three pollutants are known at times to exceed the State and Federal standards in the project area: ozone, coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). These are all considered regional pollutants because the concentrations are not determined by proximity to individual sources, rather, they show a relative uniformity throughout a region.

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor exhaust. Cars and trucks release at least 40 different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde. Extensive construction, and the equipment associated with it, can also be a substantial source of TAC emissions.

AIR QUALITY

B. Envision San José 2040 General Plan

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts resulting from planned development within the City. Future development on the project site would be subject to applicable General Plan policies, including those in Table 4.2-1, below.

TABLE 4.2-1 ENVISION SAN JOSÉ 2040 RELEVANT AIR QUALITY POLICIES

Policies	Description
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emissions reduction standards.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region’s Clean Air Plan and State law.
MS-11.1	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.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.3	Require subdivision designs and site planning to minimize grading and use landform grading in hillside areas.

4.2.1.2 SENSITIVE RECEPTORS

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located, including residences.

The project site is within a larger area of primarily light industrial and office land uses. However, there are two residential developments immediately surrounding the site that qualify as sensitive to air quality impacts. These include:

- Atrium Gardens Studio Apartments, 1536 Kerley Drive
- Two apartment complexes along Kerley Drive, immediately west of the project site

4.2.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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"
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X	
e) Create objectionable odors affecting a substantial number of people?				X	

DISCUSSION

A. Air Quality Plans

A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the clean air plan. It fulfills the California Environmental Quality Act (CEQA) goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals in the Bay Area.

Regional growth projections are used by BAAQMD to forecast future emission levels in the Air Basin. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city and county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The proposed project would facilitate future potential development that would not be considered a regionally significant project per Section 15206 of the CEQA Guidelines. Thus, the proposed project would not affect regional VMT and warrant intergovernmental review by ABAG and MTC. Additionally, as discussed in Subchapter 4.11, Population and Housing, implementation of the proposed project would not have the potential to substantially affect population projections within the region, which is the basis of the 2017 Bay Area Clean Air Plan projections.

Furthermore, the construction of a new hotel would fall below BAAQMD's operational emissions thresholds, as shown in section b) below. These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project

AIR QUALITY

would not exceed these thresholds, the project would not be considered by BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan. The proposed project would not generate a significant impact, and would have the *same impact than the approved project*.

B. Air Quality Standards

Construction Emissions

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the project site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM₁₀ and PM_{2.5}) from soil-disturbing activities such as grading and excavation. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change. Construction activities associated with the proposed project would result in emissions of reactive organic gases (ROG), oxides of nitrogen (NO_x), CO, PM₁₀, and PM_{2.5}.

Criteria Air Pollutants

General Plan Policy MS-10.1 requires the assessment of projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and State and federal standards. BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM₁₀, and PM_{2.5}. Developments below the significant thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The proposed project includes the demolition of an existing office building, and the construction of a 150-room hotel, resulting in construction and operational emissions in the Air Basin.

The project size does not exceed BAAQMD's screening threshold of 554 hotel rooms for construction period criteria air pollutant emissions and, therefore, does not require modeling of project construction emissions. The proposed project would, therefore, have a less than significant construction criteria air pollutant emissions impact. This is the *same impact as the approved project*.

Fugitive Dust

Ground disturbing activities during future construction would generate fugitive dust. Fugitive dust emissions (PM₁₀ and PM_{2.5}) are considered to be significant unless the proposed project implements the BAAQMD's Best Management Practices (BMPs) for fugitive dust control during construction. PM₁₀ is typically the most significant source of air pollution from the dust generated from construction. The amount of dust generated during construction would be highly variable and is dependent on the amount of material being disturbed, the type of material, moisture content, and meteorological conditions. If uncontrolled, PM₁₀ and PM_{2.5} levels downwind of actively disturbed areas could possibly exceed State standards. Consequently, impacts related to fugitive dust would be less than significant with the incorporation of BMPs as mitigation measures. As noted above, as series of multi-family residential developments are located within 500 feet of the project site.

Standard Permit Condition AIR-1

The development of the proposed project would contribute to the significant construction-related, short-term air quality impacts identified in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project, however, would not result in any new or more significant construction-related air quality impacts than were described in the NSJ FEIR and General Plan FEIR and SEIR. The following measures are identified as part of the Certified 2005 NSJ FEIR. Future individual projects developed on the project site would incorporate the following standard BAAQMD dust control measures as Standard Permit Conditions during all phases of construction on the project site to reduce dust fall emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With adherence to these Standard Permit Conditions, fugitive dust impacts would be less than significant, which is the *same impact as the approved project*.

C. Increase in Pollutants

The Certified 2005 approved NSJ FEIR found that project emissions of ozone precursors and PM₁₀ would exceed the BAAQMD threshold of significance of 80 pounds per day for regional pollutants. Even with mitigation, this regional impact was determined to be significant and unavoidable.

AIR QUALITY

The SFBAAB is currently designated as a nonattainment area for California and National AAQS for O₃ and for PM_{2.5}, and a nonattainment area under the California AAQS for PM₁₀. Any project that does not exceed or can be mitigated to less than the BAAQMD significance levels, used as the threshold for determining major projects, does not add significantly to a cumulative impact. Future development on the project site would be subject to CEQA review and would determine whether emissions would be in excess of State or federal AAQS. Additionally, any new development would be required to comply with BAAQMD regulations to mitigate or prevent the generation of criteria pollutant emissions. The proposed project would result in changes at the policy level and does not include a specific development proposal. Thus, the proposed project would not directly result in any criteria air pollutant emissions. Therefore, impacts to air quality from implementation of the proposed project would be less than significant and the proposed project's contribution to cumulative air quality impacts would be less than significant. The proposed project would have the *same impact as the approved project*.

D. Sensitive Receptors

Development of the proposed project could expose sensitive receptors to elevated pollutant concentrations. Localized concentrations refer to an amount of pollutant in a volume of air (ppm or µg/m³) and can be correlated to potential health effects.

Based on BAAQMD's construction health risk screening method, sensitive receptors within 550 feet of the project site, such as the residences identified in the Environmental Setting section above, could result in a significant impact to these receptors during construction. Per policies MS-11.1 and MS-11.2 of the Envision 2040 San José General Plan, modeling would be required to identify the severity of possible health risks. This modeling and risk assessment has been completed as part of this addendum (Appendix B).

Construction Off-Site Community Risk and Hazards

The construction of the proposed project would temporarily elevate concentrations TACs and diesel- PM_{2.5} in the vicinity of sensitive land uses during construction activities. The proposed project involves siting a hotel land uses proximate to existing residential units. The BAAQMD has developed Screening Tables for Air Toxics Evaluation During Construction that evaluate construction-related health risks associated with residential, commercial, and industrial projects. According to the screening tables, construction activities occurring within 328 feet (100 meters) of sensitive receptors would result in potential health risks and warrant a health risk analysis. The nearest off-site sensitive receptors to the project site are the multi-family residences to the southwest across Kerley Drive. These off-site sensitive receptors are approximately 80 feet away from construction activities. Consequently, a construction HRA of TACs and PM_{2.5} was prepared (see Appendix B).

Project construction emissions were estimated using CalEEMod. The United States Environmental Protection Agency (US EPA) AERMOD, Version 9.4, dispersion modeling program was used to estimate excess lifetime cancer risk, chronic non-cancer hazard index for non-carcinogenic risk, and the PM_{2.5} maximum annual concentrations at the nearest sensitive receptors. Results of the analysis are shown in Table 4.2-2.

TABLE 4.2-2 CONSTRUCTION RISK SUMMARY – UNMITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	PM_{2.5} (µg/m³)
Maximum Exposed Receptor – Residences	13.2	0.03	0.12
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	Yes	No	No

Note: Cancer risk calculated using 2015 OEHHA HRA guidance.
Source: Lakes AERMOD View, 9.4, 2017.

The results of the HRA are based on the maximum receptor concentration over a 13-month construction exposure duration for off-site receptors, assuming 24-hour outdoor exposure. Risk is based on the updated OEHHA Guidance:¹

- Cancer risk for the maximum exposed off-site resident to the east along Kerley Drive from project related construction emissions was calculated to be 13.2 in 1 million and would exceed the 10 in 1 million significance threshold. In accordance with the latest 2015 OEHHA guidance, the calculated total cancer risk conservatively assumes that the risk for the MER consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 11.5-month construction period; therefore, all calculated risk values were multiplied by a factor of ten. In addition, it was conservatively assumed that the residents were outdoors 24 hours a day, 249 construction days per year and exposed to all of the daily construction emissions.
- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for off-site sensitive receptors from the proposed project. Therefore, chronic non-carcinogenic hazards are within acceptable limits.
- The highest PM_{2.5} annual concentrations at the maximum exposed off-site sensitive resident is calculated at 0.12 µg/m³ and would be below the BAAQMD significance threshold of 0.3 µg/m³.

Mitigation Measure Air-1

Because cancer risk for the residential receptors would exceed BAAQMD’s significance thresholds due to construction activities associated with the proposed project, the following mitigation measure is proposed:

- During construction, the construction contractor(s) shall use construction equipment fitted with Level 2 Diesel Particulate Filters (DPF) or higher for all equipment over 50 horsepower. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of San José Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all non-essential idling of

¹ Office of Environmental Health Hazard Assessment (OEHHA), 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.

AIR QUALITY

construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the Planning, Building and Code Enforcement (PBCE) Supervising Environmental Planner clearly show the requirement for Level 2 DPF or higher emissions standards for construction equipment over 50 horsepower.

The above measure would reduce the project’s localized construction emissions, as shown in Table 4.2-3. The results indicate that, with mitigation, cancer risk would be less than the BAAQMD’s significance threshold for residential receptors. Therefore, the project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during construction.

TABLE 4.2-3 CONSTRUCTION RISK SUMMARY – MITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³)
Off-site Residences	8.1	0.02	0.07
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	No	No	No

Notes: Cancer risk calculated using 2015 OEHHA HRA guidance.

Risks incorporate Mitigation Measure AQ-2, which includes using construction equipment with Level 2 Diesel Particulate Filters for equipment over 50 horsepower.

Source: Lakes AERMOD View, 9.4 (2017).

In addition, as concluded in the 2011 General Plan FPEIR, the proposed project would adhere to all Envision San José 2040 General Plan policies and actions to reduce or avoid adverse impacts from toxic air contaminants for a *new less than significant impact with mitigation incorporated*.

Operational Phase CO Hotspot Analysis

The Certified 2005 FEIR concluded that local concentrations of CO would be below the maximum allowable concentrations in state and federal standards, and impacts related to localized CO levels would be less than significant.

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm. The project would not conflict with the Santa Clara Valley Transportation Authority (SCVTA) Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. SCVTA’s CMP must be consistent with MTC and ABAG’s Plan Bay Area. An overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated greenhouse gas (GHG) emissions reductions. Furthermore, future development of the proposed project could slightly increase visitor use, but would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (i.e., bridges and tunnels) (see Subchapter

4.13, Transportation and Traffic). The proposed project would not exceed the screening criteria of the BAAQMD. Therefore, impacts associated with CO hotspots for the proposed project would have the *same impact as the approved project*.

Operational Phase On-Site Community Risks and Hazards

The proposed project would not create new major sources of TACs or PM_{2.5}. The California Supreme Court in a December 2015 opinion (*California Building Industry Association v Bay Area Air Quality Management District*, 62 Cal. 4th 369, No. S213478 [2015]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Evaluation of impacts of the environment on the proposed project is not an environmental impact unless it would exacerbate an environmental hazard. Siting sensitive receptors proximate to existing sources of TACs and PM_{2.5} would not exacerbate the environmental hazard. However, the City of San José currently has policies that address existing sources of pollution. The City of San José General Plan Policy MS-11 mandates that the City minimize exposure of people to air pollution and TACs, and requires a health risk assessment in accordance with BAAQMD-recommended procedures for projects that emit toxic air contaminants.² When siting new sensitive receptors, the BAAQMD CEQA Guidelines recommend examining sources of TACs and PM_{2.5} emissions within 1,000 feet that would adversely affect individuals within the project. While the evaluation of impacts of the environment on the proposed project is not a CEQA issue, an assessment of the proposed project's compliance with relevant General Plan policies is provided in order for the City to consider potential health and welfare implications from siting new sensitive receptors.

BAAQMD has developed screening tools to identify stationary and mobile sources of TACs and PM_{2.5} in the vicinity of sensitive land uses, and developed screening thresholds for assessing potential health risks from these sources. According to BAAQMD's database of existing stationary and mobile sources, Highway 101, Highway 880, and two stationary sources were identified within 1,000 feet of the project site.^{3,4} The proposed project would construct an airport hotel, where guests would typically stay for two nights or fewer. This would limit duration of exposure to TACs and PM_{2.5} and would not expose sensitive receptors to dangerous levels of air pollutants. Consequently, the proposed project is in accordance with City of San José General Plan Policy MS-11 and would achieve the BAAQMD performance standards. No significant impacts were identified in the Certified 2005 approved project EIR for operational phase on-site community risks and hazards. Therefore, the proposed project would have the *same impact as the approved project*.

E. Objectionable Odors

The Certified NSJ FEIR did not find significant odor impacts associated with the approved project. Construction and operation of hotel developments would not generate substantial odors or be subject to odors that would affect a substantial number of people. The inclusion of an on-site emergency generator

² City of San José, 2007. Envision San José 2040 General Plan. <http://www.sanJoseca.gov/DocumentCenter/Home/View/474>.

³ Bay Area Air Quality Management District (BAAQMD), 2017. Stationary Source Screening Analysis Tool, Santa Clara 2012. <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

⁴ Bay Area Air Quality Management District (BAAQMD), 2017. Highway Screening Analysis Tool, Santa Clara 6ft. <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

AIR QUALITY

would not affect this conclusion. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Residential uses are not associated with foul odors that constitute a public nuisance. Therefore, an analysis of possible odor impacts and the provision of odor minimization and control measures is not necessary under General Plan Policy MS-12.2. During construction activities of future developments on the project site, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Consequently, the Proposed Project would not result in an increase in the severity of any previously identified significant impacts compared to those identified in the Certified NSJ FEIR. Therefore, the Proposed Project would not require major revisions to the NSJ FEIR and General Plan FEIR and SEIR and would have the *same impact as the approved project*.

4.3 BIOLOGICAL RESOURCES

This subchapter describes current biological resources on and near of the site, and evaluates the impacts to biological resources of the proposed project as compared to the approved project.

4.3.1 SETTING

The project site is fully developed with office development and associated surface parking, with minimal landscaping along perimeter areas. The site has been disturbed and developed for over 50 years, and surrounding areas are dominated by industrial and commercial development and transportation infrastructure. Minimal landscaped areas do not contain native plant species that might support special-status wildlife. The potential presence of sensitive or special-status species and habitat is low because of the ongoing disturbance of the site and surroundings. For the same reason, no wildlife migratory corridors are likely to occur in the vicinity.

There are no wetlands or riparian areas within or proximate to the project site.

4.3.1.1 REGULATORY FRAMEWORK

A. Santa Clara Valley Habitat Conservation Plan

The Santa Clara Valley Habitat Conservation Plan (HCP) is a regional conservation policy document that was fully adopted following certification of the NSJ FEIR and General Plan FEIR and SEIR. The 2012 HCP “provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities.” The proposed project site is located within the northern, developed portion of the HCP permit area (see Appendix F). As such, the project would need to comply with any applicable requirements and policies of the HCP. This includes submission of a Habitat Plan Coverage Screening Form to the Planning Department for determination of applicable fee rates and conditions, submission of the Habitat Plan Application Package with grading and/or building permit application, and payment of fees/agreement to conditions of approval.

The highly-developed, infill character of the project site is indicated by the manner in which it is classified by the HCP. Per the HCP, the project site is located in *Private Development Area 4* of the HCP, considered *Urban Development Equal to or Greater than 2 Acres Covered*. It is in the *Urban-Suburban* land cover area, and is outside all HCP fee zone areas, species/habitat survey zone areas, and special setback areas.¹

B. City of San José Tree Ordinance

The City of San José promotes the health, safety, and welfare of the City by controlling the removal of ordinance trees. Ordinance-size trees are defined as trees over 56 inches in circumference or 18 inches in diameter measured at a height of 24 inches above natural grade. If the sum of the trunks for multi-stem trees totals 56 inches in circumference they shall also be considered ordinance-sized trees. Per the

¹ Santa Clara Valley Habitat Agency Geobrowser. <http://www.hcpmaps.com/habitat/>, accessed August 3, 2017.

BIOLOGICAL RESOURCES

ordinance, the removal of mature trees detracts from the scenic beauty of the City; causes erosion of topsoil; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area. The project proposes the removal of 7 ordinance-sized and 16 non-ordinance-size trees on the site.

Heritage Trees

Under the City of San José Municipal Code, Section 13.28.330 and Section 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated “Heritage Trees.” There are no heritage trees on the project site.

C. Envision San José 2040 General Plan

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts resulting from planned development within the City. Future development on the project site would be subject to applicable General Plan policies, including those in Table 4.3-1, below.

TABLE 4.3-1 ENVISION SAN JOSÉ 2040 BIOLOGICAL RESOURCES POLICIES

Policies	Description
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.18	Implement the Heritage Tree Ordinance to maintain and protect San José’s heritage trees
ER-4.1	Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

4.3.1.2 SPECIAL STATUS SPECIES

Special-status plant and animal species are those listed under state and federal Endangered Species Acts (including candidate species), animals designated as Species of Special Concern by the California

BIOLOGICAL RESOURCES

Department of Fish and Game, and plants listed in the California Native Plant Society’s Inventory of Rare and Endangered Vascular Plants of California.

As noted above, the project site is outside any special habitat coverage, survey or permit areas established by the Santa Clara Valley HCP. These policies target the protection of special status species such as the burrowing owl, special status snakes, California Clapper Rail, Valley Oaks and Blue Oaks. Special-status plants and animals that have been reported in the general project area and HCP area are primarily associated with marsh, wooded and riparian habitats. As evidenced by the project site location in the HCP *covered urban-suburban* private development area, such habitats are not present on the project site and, therefore, associated species are not expected to occur on the project site.

4.3.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

	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”
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	

BIOLOGICAL RESOURCES

Would the Proposed Project?	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”
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	

DISCUSSION

A. Special Status Species

As explained above, suitable habitats for special-status species known or suspected to occur in the vicinity of the North San José area are absent from the project site as a result of past development activities and ongoing site disturbance. No impacts are anticipated for most special-status species.

There is a remote possibility that mature trees and areas of dense landscaping could be used for nesting by raptors and more common bird species. These nests would be protected under the federal Migratory Bird Treaty Act and California Fish and Game Code when in active use. The Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the USFWS; this prohibition includes whole birds, parts of birds, and bird nests and eggs. Tree and vegetation removal, building demolition, and other construction activities during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment if any active nests are present.

Standard Permit Condition BIO-1

The proposed project will adhere to the following Envision San José General Plan 2040 policies related to protected birds:

- ER-5.1: Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Mitigation Measure BIO-1a

The project applicant shall avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code. This shall be accomplished via the following mitigation measure: Construction shall be scheduled between September 1 and January 31 (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February 1 and April 30 (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the

BIOLOGICAL RESOURCES

initiation of construction activities or tree relocation or removal. Between May 1 and August 31 (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests. If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season, tree and vegetation removal and building construction may proceed.

Mitigation Measure BIO-1b

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

Mitigation Measure BIO-1c

The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of Planning, Building and Code Enforcement prior to the issuance of any grading and building permits.

Given the developed nature of the project site and the standard and mitigation measures described above, the proposed project would have the *same impact as the approved project*.

B. Riparian Habitat

There are no riparian habitats on or near the project site. The proposed project would not result in any new or more significant impacts to biological resources than those addressed in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project would have the *same impact as the approved project*.

C. Protected Wetlands

There are no protected wetlands on or near the project site. All drainage from the site would discharge into existing stormwater facilities with appropriate Best Management Practices (BMPs) to address indirect effects on sedimentation and erosion, and would not adversely affect any surrounding wetlands or waters. The proposed project would have the *same impact as the approved project*.

D. Migratory Species

The project site is located in an urbanized area, bordered by existing roadways and other urban uses that preclude the presence of any important wildlife movement corridors across the project site. The project site is developed with parking lots, structures and limited ornamental landscaping. Wildlife habitat values are limited based on the urban and suburban conditions of the project site and vicinity, and important wildlife movement corridors are absent. The project site contains no creeks or aquatic habitat that would support fish and proposed development 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 nurseries. Because the proposed project is an infill

BIOLOGICAL RESOURCES

development, it would not expand the built environment into the natural landscape or beyond the urban-natural interface. The project would not increase the potential of the site to act as a migratory corridor. As concluded in the NSJ FEIR, development in the project area will have an insignificant impact on movements of animals due to the present level of commercial, residential, and roadway/freeway development throughout the project area. . As such, the proposed project would have the *same impact as the approved project*.

E. Local Policies

Goals and policies specified in the Envision 2040 San José General Plan address the protection of sensitive biological and wetland resources. There are no sensitive resources in the vicinity of the site and no conflicts with the City’s General Plan are anticipated as a result of implementation of the proposed project.

The NSJ FEIR and General Plan FEIR and SEIR include mitigation and avoidance measures related to tree preservation during construction, which would be included in the project as conditions of approval. Accordingly, the proposed project would not result in any new or more significant impacts related to the conformance with the City’s Tree Ordinance than those described in the NSJ FEIR and General Plan FEIR and SEIR with implementation of permit conditions below.

Standard Permit Condition BIO-2

As a condition of approval, tree removal and replacement associated with the proposed project shall adhere to the City Tree Ordinance ratios presented in Table 4.3-2, below.

TABLE 4.3-2 TREE REPLACEMENT RATIOS

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:2	4:1	3:1	24-inch box
38-56 inches	3:1	2:1	None	24-inch box
Less than 38 inches	1:1	1:1	None	15-gal container

Note: x:x = tree replacement to tree loss ratio

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City’s Environmental Supervising Planner, prior to ground disturbance:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact the Department of

BIOLOGICAL RESOURCES

Parks, Recreation & Neighborhood Services (PRNS) Landscape Maintenance Manager for specific park locations in need of trees.

- Donate \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the City's Environmental Supervising Planner prior to ground disturbance.
- Implement the following tree protection measures for those trees to be retained on the site.
 - Damage to any tree during construction shall be reported to the City's Environmental Supervising Planner, and the contractor or owner shall treat the tree for damage in the manner specified by the Environmental Supervising Planner.
 - No construction equipment, vehicles, or materials shall be stored, parked, or standing within the tree dripline.
 - Drains shall be installed according to City specifications so as to avoid harm to trees due to excess watering.
 - Wires, signs, and other similar items shall not be attached to trees.
 - Cutting and filling around the base of trees shall be done only after consultation with the City arborist and then only to the extent authorized by the City arborist.
 - No paint thinner, paint, plaster, or other liquid or solid excess or waste construction materials or wastewater shall be dumped at any time.
 - Barricades shall be constructed around the trunks of trees as specified by a qualified arborist so as to prevent injury to trees making them susceptible to disease causing organisms.
 - Whenever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

The project is proposing the removal of 22 trees from the site and planting 80 trees on-site to comply with this permit condition.

With conformance to these policies and permit conditions, the proposed project would not result in any new impacts than those described in the approved in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project would have the *same impact as the approved project*.

BIOLOGICAL RESOURCES

F. Conservation Plan Conflict

As noted above, the project site is located within the Santa Clara Valley HCP. The project site is designated as Urban-Suburban land cover and although it is within the HCP permit area, falls outside any special permit or survey areas established by the HCP. Accordingly, the proposed project would not result in any new or more significant impacts that conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan than those described in the NSJ FEIR and General Plan FEIR and SEIR.

Although the HCP was not finalized at the time of the General Plan FEIR, the General Plan FEIR established that conformance to the HCP was required. As such, the proposed project must comply with key HCP requirements to avoid Plan conflict. Foremost, the project applicant must comply with any HCP fees and conditions of approval as outlined in Regulatory Framework, above. The proposed project is also considered a Nitrogen Deposition-Only Project, or one that will not impact natural land cover but will result in new vehicle trips. These projects must pay a nitrogen deposition fee accounting for indirect impacts from vehicle emissions on sensitive habitats within the HCP Permit Area. The fee is based on the number of new daily vehicle trips generated by the project.

Standard Permit Condition BIO-3

The project applicant shall comply with all Santa Clara Valley HCP fees including Nitrogen Deposition fees, as applicable.

With adherence to the above Standard Permit Condition the proposed project would have the *same impact as the approved project*.

BIOLOGICAL RESOURCES

CULTURAL AND TRIBAL RESOURCES

4.4 CULTURAL AND TRIBAL RESOURCES

This subchapter describes current cultural and tribal resources on and near the site, and evaluates potential impacts of the proposed project to those resources, as compared to the approved project. The following discussion is based upon an Historic Resource Evaluation completed by Tom Origer Associates in 2017 (Appendix C), a Cultural Resources Review prepared by Basin Research Associates in September 2004 for the North San José Area Development Policies (NSJADP) Update and the subsequent analysis contained in the 2005 NSJADP FPEIR.

4.4.1 SETTING

The project site is currently fully developed with a two-story office building and associated asphalt parking lot constructed in 1971. Immediately below site pavement, there is a layer of man-made fill comprised of sandy silt at a thickness of approximately 1 to 3.5 feet.¹ The site is underlain by Holocene-age young alluvial valley deposits (Qya), consisting of alluvial fine-grained sand, silt, and clay.² The project site does not contain any known cultural resources.

All surrounding properties are also developed with structures of varying construction style, age, and use, as well as associated parking lots.

As stated in the Certified 2005 approved project FEIR, none of the potential historical sites that appear in the NSJADP study area had, at the time of certification, been evaluated for placement on the National Register, California Register or local heritage inventories. As such, additional study would be required at the time specific project review. Consistent with City of San José policies, any future development proposal for a property that contains structures more than 45 years old at the time would be required to prepare an evaluation of the historic and/or architectural significance of the structures. According to the historic resource evaluation prepared for the 46-year old existing building to be demolished as part of the proposed project (Appendix C), the building does not constitute an historic resource.

4.4.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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"
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	

¹ ENGEO Incorporated, 2017. Proposed Hilton Garden Inn Geotechnical Exploration, page 4.

² ENGEO Incorporated, 2017. Proposed Hilton Garden Inn Geotechnical Exploration, page 2.

CULTURAL AND TRIBAL RESOURCES

Would the Proposed Project?	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"
d) Disturb any human remains, including those interred outside of formal cemeteries?				X	
e) 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: <ul style="list-style-type: none"> ▪ Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ▪ 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. 			X		

DISCUSSION

A. Historical Resources

As explained above, the project site does not contain any historical resources as defined in California Environmental Quality Act (CEQA) Guidelines Section 15064.5. As such the proposed project would not cause a substantial adverse change to such resources, and the proposed project would have the *same impact as the approved project*.

B. Archaeological Resources

The project site is fully developed and has been heavily disturbed in the past. Regardless, archaeological resources may be encountered during construction, excavation and trenching activities associated with the proposed project.

CULTURAL AND TRIBAL RESOURCES

Standard Permit Condition CULT-1

The NSJ FEIR called for the City of San José to include the following conditions of approval that address the unexpected discovery of cultural resources:

- In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find would be halted, the Director of Planning, Building, and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.
- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify “most likely” descendants of the deceased.
- If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.
- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City’s Environmental Principal Planner.
- As required by County ordinance, this project will incorporate the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

The project proposes minimal grading to install utilities and provide level building pads with positive drainage. No below grade parking is proposed by the project. The project does not propose any development with the potential to impact culture resources beyond that was previously evaluated in the NSJ FEIR and General Plan FEIR and SEIR.

With adherence to the above conditions of approval and permitting, the proposed project would have the *same impact as the approved project*.

CULTURAL AND TRIBAL RESOURCES

C. Paleontological Resources

The project site has been disturbed and developed in the past. While there are no known paleontological resources on the project site, such resources may be encountered during project development. With adherence to the conditions of approval and permitting outlined under Section B, Archaeological Resources, the proposed project would have the *same impact as the approved project*.

D. Human Remains

The project site has been disturbed and developed in the past. While there are no known human remains on the project site, such remains may be encountered during project development. With adherence to the conditions of approval and permitting outlined under Section B, Archaeological Resources, the proposed project would have the *same impact as the approved project*.

E. Tribal Resources

Assembly Bill 52 (AB 52), adopted in 2015, adds tribal cultural resources (TCR) to the specific cultural resources protected under CEQA. Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

As discussed under Sections B and D above, impacts from development of the proposed project could impact unknown archaeological resources including TCRs. Adherence to the standard conditions outlined in those sections, as well as the tribal consultation requirements established in AB 52, would result in a new *less-than-significant* impact.

4.5 GEOLOGY AND SOILS

This subchapter describes current geological and soil conditions on and near the site, and evaluates potential impacts of the proposed project related to those resources as compared to the approved project.

4.5.1 ENVIRONMENTAL SETTING

This information is based on the April 19, 2017 *Geotechnical Exploration* completed by ENGEO Incorporated as part of the proposed project. This report is included as Appendix E of this Addendum.

4.5.1.1 SOILS AND SEISMICITY

The project site the site lies within the broad, north-south trending, alluvial-filled Santa Clara Valley, a relatively flat macro-landscape. Three borings and four Cone Penetration Test (CPT) soundings at various locations on the site revealed that the site lies immediately atop a 1 to 3.5-foot layer of man-made fill comprised of sandy silt. However, the site is generally characterized as being underlain by Holocene-age alluvial valley deposits consisting of alluvial fine-grained sand, silt and clay. These stiff to very stiff, fat clays extend to depths of approximately 37 to 40 feet below existing ground surface. The site is relatively flat, with topography that generally ranges from an elevation of 49 feet (NAVD88) on the southern end of the site to approximately 52 feet on the northern portion of the site.

Although located within the seismically active Bay Area, the site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone and no known surface expression of active faults is believed to exist within the site. Nearby faults include the Hayward-Rodgers Creek fault 7 miles to the northeast, Calaveras fault 7.8 miles to the northeast, Monte Vista-Shannon fault 8.5 miles to the southwest, and North San Andreas Fault 12.6 miles to the southwest.

4.5.1.2 SITE STABILITY

A. Liquefaction

Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands below the groundwater table. According to the State of California Seismic Hazard Zones Map for the San José West Quadrangle (2002), the site is located within an area mapped as being potentially susceptible to liquefaction.

B. Lateral Spreading

Lateral spreading is a failure within a nearly horizontal soil zone that causes the overlying soil mass to move toward a free face or down a gentle slope. Generally, effects of lateral spreading are most significant at the free face or the crest of a slope and diminish with distance from the slope. Due to the lack of steep slopes or open channels near the site, the potential for lateral spreading is low.

GEOLOGY AND SOILS

C. Soil Settlement

Soils are subject to settlement when a new loading scenario is introduced by structures or fill. Site borings and CPTs revealed a soft to medium stiff layer of fat clay approximately 2.5 feet thick beneath the site. These deposits are susceptible to load-induced settlement, estimated 0.5-inch to 1-inch of settlement, based on foundation type.

D. Soil Expansion

Expansive soils can undergo significant volume change with changes in moisture content. These changes can cause heaving and cracking of slabs-on-grade, pavements and structures. Borings at the project site revealed samples of soft to medium stiff, fat clay approximately 2.5 feet thick, and plasticity tests of these samples show a high expansion potential for near-surface soils.

As concluded by the Geotechnical Exploration, the main geology/soil related conditions of the project site that demand consideration are:

- The presence of sandy, near-surface undocumented fill deposits and near surface clay susceptible to excessive settlement;
- The presence of expansive, near surface clays susceptible to shrinking, swelling and expansion with variations in moisture content.

4.5.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

As amended by the California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478)], the following potential geology and soil-related effects of the proposed project are analyzed for potential significant impacts.

Would the Proposed Project?	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"
a) Result in substantial soil erosion or the loss of topsoil?				X	
b) 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?				X	
c) Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?				X	

GEOLOGY AND SOILS

Would the Proposed Project?	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”
d) 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?				X	

DISCUSSION

A. Soil Erosion

Development of the project will require demolition, pavement removal, and minor grading that could result in a temporary increase in erosion. This increase in erosion is expected to be relatively minor due to the small size and flatness of the site. The proposed project is not expected to be exposed to slope instability, erosion, or landslide-related hazards, due to the flat topography of the project site. As summarized in the 2005 FEIR and 2011 Envision San José 2040 General Plan FEIR, the entire North San José Area Development Policies (NSJADP) and Rincon areas are relatively flat and little or no erosion occurs. As such, proposed project would have the *same impact as the approved project*.

B. Geologic Instability

As described above, the project would be located above sandy, near-surface undocumented fill deposits and near surface clay susceptible to excessive settlement, which could damage the proposed structure and hardscape. This risk was established as a Significant Impact to all development allowed under the North San José Area Policy Program in the NSJ FEIR.

Standard Permit Conditions GEO-1

The proposed project would adhere to established standard permit conditions to reduce this impact to less-than-significant:

- A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A). All engineering and construction techniques recommended in the Geotechnical Exploration shall be implemented.
- The proposed project shall comply with all policies and actions in support of Goal EC-4 – Geologic and Soil hazards in the Envision San José 2040 General Plan. The proposed project will also comply with all other General Plan policy adopted for the purpose of avoiding or mitigating geology- related hazards associated with physical development within the City.
- The proposed project shall implement standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.

Implementation of the above mitigation measure would reduce the impact to less than significant, and the propose project would have the *same impact as the approved project*.

GEOLOGY AND SOILS

C. Expansive Soils

As described above, the project would be located on an area of potentially expansive near-surface clay, which could damage proposed structure and hardscape. This risk was established as a Significant Impact to all development allowed under the North San José Area Policy Program in the NSJ FEIR. The proposed project would adhere to the established standard conditions identified above.

Implementation of the above permit conditions would reduce the impact to less than significant, and the propose project would have the *same impact as the approved project*.

D. Septic Tanks

The project does not include any septic systems. The project would tie into the City's existing sanitary sewer system. This would be the *same impact as the approved project*

4.6 GREENHOUSE GAS EMISSIONS

The following discussion evaluates greenhouse gas (GHG) emissions resulting from implementation of the Envision San José 2040 General Plan, which accounts for emissions generated by the proposed project on the subject site. The information is based on technical information contained in Appendix A.

4.6.1 ENVIRONMENTAL SETTING

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as GHGs, into the atmosphere. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space. The primary source of these GHG emissions is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO₂), methane (CH₄), and O₃—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydro fluorocarbons, perfluorocarbons, and chlorofluorocarbons.^{1,2} Black carbon emissions are not included in the GHG analysis because CARB does not include this pollutant in the State’s AB 32 inventory and treats this short-lived climate pollutant separately.^{3,4}

The major implications of global warming are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health.

4.6.2 REGULATORY SETTING

The regulatory settings for the proposed project have changed since the adoption of the NSJ FEIR. However, the General Plan FEIR and SEIR, certified in 2015, includes a full analysis of GHG emissions. The following discussion is provided to update conditions relative to development of the proposed project. The following is a summary of the relevant federal, State, and local regulations pertaining to GHG emissions.

¹ Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

² Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities. However, State and national GHG inventories do not yet include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

³ Particulate matter emissions, which include black carbon, are analyzed in Section 4.2, Air Quality. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State’s existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years.

⁴ California Air Resources Board (CARB), 2016. Proposed Short-Lived Climate Pollutant Reduction Strategy. <https://www.arb.ca.gov/cc/shortlived/meetings/04112016/proposedstrategy.pdf>, accessed November 11, 2016.

GREENHOUSE GAS EMISSIONS

4.6.2.1 FEDERAL

The United States Environmental Protection Agency (USEPA) announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The USEPA's final findings respond to the 2007 United States Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements, but allow the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation.⁵ The USEPA's endangerment finding covers emissions of six key GHGs—CO₂, CH₄, N₂O, hydrofluorocarbons, perfluorocarbons, and SF₆—that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world. The first three are applicable to future development facilitated by the proposed project because they constitute the majority of GHG emissions from the on-site land uses, and per BAAQMD guidance are the GHG emissions that should be evaluated as part of a GHG emissions inventory.

4.6.2.2 STATE

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in Executive Order S-03-05, Executive Order B-30-15, Assembly Bill 32 (AB 32), Senate Bill (SB) 32, and SB 375.

Assembly Bill 32 and Executive Order S-03-05

Executive Order S-03-05, signed June 1, 2005, set the following GHG reduction targets for the State: 2000 levels by 2010, 1990 levels by 2020, 80 percent below 1990 levels by 2050. AB 32, also known as the Global Warming Solutions Act, was passed in 2006 and follows the 2020 tier of emissions reduction targets established in Executive Order S-03-05 (i.e. 1990 levels by 2020). CARB is the state agency in charge of quantifying GHG reduction goals for the state and coordinating the GHG emissions reduction effort. The 2008 Scoping Plan was adopted by CARB on December 11, 2008.

Senate Bill 32 and Executive Order B-03-05

Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the State to 40 percent of 1990 levels by year 2030. In September 2016, Governor Brown signed SB 32, making the Executive Order goal for year 2030 into a statewide mandated legislative target. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On January 20, 2017, CARB released the *2017 Climate Change Scoping Plan Update*, which establishes a new emissions limit of 260 MMTCO₂e for the year 2030, which corresponds to a 40 percent decrease from 1990 levels by 2030. The *2017 Climate Change Scoping Plan Update* includes the potential regulations and programs to achieve the 2030 target.

⁵ United States Environmental Protection Agency (EPA), 2009. EPA: Greenhouse Gases Threaten Public Health and the Environment, Science Overwhelmingly Shows GHG Concentrations at Unprecedented Levels Due to Human Activity, December. <http://yosemite.epa.gov/opa/admpress.nsf/0/08D11A451131BCA585257685005BF252>.

GREENHOUSE GAS EMISSIONS

Senate Bill 375

SB 375, the Sustainable Communities and Climate Protection Act, was adopted in 2005 to connect the Scoping Plan's GHG emissions reductions targets for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce VMT and vehicle trips. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 18 regions in California managed by a metropolitan planning organization (MPO). The MTC is the MPO for the nine-county San Francisco Bay Area region. MTC's targets are a 7 percent per capita reduction in GHG emissions from 2005 by 2020, and 15 percent per capita reduction from 2005 levels by 2035.

Plan Bay Area: Strategy for a Sustainable Region

Plan Bay Area is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). The Plan Bay Area was adopted jointly by ABAG and MTC July 18, 2013.⁶ The SCS lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. To achieve MTC/ABAG's sustainable vision for the Bay Area, Plan Bay Area concentrates the majority of new population and employment growth in the region in transit-oriented, infill development PDAs within existing communities. The project site is within North San José PDA.⁷ Plan Bay Area lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. According to MTC/ABAG, *Plan Bay Area* meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

Plan Bay Area 2040

The Final Plan Bay Area 2040 was adopted on July 26, 2017. It serves as a limited and focused update to Plan Bay Area 2013, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years. Per the Final Plan Bay Area 2040, while the projected number of new housing units and new jobs within PDAs would increase to 629,000 units and 707,000 jobs compared to the adopted Plan Bay Area 2013, its overall share would be reduced to 77 percent and 55 percent.⁸ However, the Final Plan Bay Area 2040 plan would remain on track in meeting the 16 percent per capita reduction of GHG emissions by 2035.

California Green Building Code

New buildings associated with future developments on the project site are required to comply with the current Building Energy Efficiency Standards (Title 24, Part 6) and California Green Building Standards

⁶ It should be noted that the Bay Area Citizens filed a lawsuit on MTC's and ABAG's adoption of Plan Bay Area.

⁷ Association of Bay Area Governments (ABAG), 2013. Priority Development Showcase. <http://gis.abag.ca.gov/website/PDAShowcase/>, accessed August 2017.

⁸ Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2017. Plan Bay Area 2040 Draft Plan, March.

GREENHOUSE GAS EMISSIONS

Code (CALGreen; Title 24, Part 11), at minimum, which include performance standards for energy efficiency and require installation of electric vehicle charging stations and secured bicycle parking. These standards are updated triennially, with the goal of requiring zero-net-energy residential buildings by 2020 and zero-net-energy non-residential buildings by 2030.⁹

4.6.2.3 LOCAL

Greenhouse Gas Reduction Strategy

The City adopted its Greenhouse Gas Reduction Strategy (GHGRS) in June 2011. The GHGRS was updated in December 2015, and was prepared in conjunction with the preparation of the Envision San José 2040 General Plan to ensure that the implementation of the General Plan Update aligned with the implementation requirements of AB 32. The GHGRS is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG emission reduction implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates as outlined in the California Environmental Quality Act (CEQA) Guidelines and the recent standards for “qualified plans” as set forth by BAAQMD.

The GHGRS identifies a target for the City to meet the plan efficiency threshold of 6.6 metric tons of CO₂ equivalent (MT CO₂e) per service population (SP) per year (MT CO₂e/SP/year) for the year 2020. To achieve the City’s GHG reduction target, the GHGRS outlines energy, transportation, land use, water, solid waste, and off-road equipment GHG reduction measures that would be implemented in the city. San José’s GHGRS also quantifies GHG reduction measures to achieve the City’s 2020 GHG reduction targets. Additionally, the City tracks the progress in achieving the targets and implementing the GHGRS through its annual report of the Green Vision and update of its General Plan.

While the City is forecasted to meet its 2020 target, based on its year 2035 forecast, the City would yield a carbon efficiency per service population of 6.7 MTCO₂e/SP, which would not meet the calculated year 2035 target of 3.04 MTCO₂e/SP. The year 2035 calculated target is used as a measure to gauge the City’s trajectory towards meeting the state’s 2050 GHG reduction goal of 80 percent below 1990 levels.

4.6.2.4 EXISTING CONDITIONS

The project site is developed with a shopping center, and currently generates GHG emissions from mobile, area, and energy sources.

⁹ Multi-family structures that are four stories or higher are regulated under the California Energy Commission’s non-residential building standards.

4.6.3 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

4.6.3.1 METHODOLOGY

BAAQMD has a tiered approach for assessing GHG emissions impacts of a project. If a project is within the jurisdiction of an agency that has a “qualified” GHGRS, the project can assess consistency of its GHG emissions impacts with the GHGRS.

BAAQMD has adopted screening criteria and significance criteria for development projects that would be applicable for the proposed project. If a project exceeds the Guidelines’ GHG screening-level sizes, the project would be required to conduct a full GHG analysis using the following BAAQMD significance criteria:

- 1,100 MT of CO₂e per year; or
- 4.6 MT of CO₂e per service population (SP) for year 2020

AB 32 requires the statewide GHG emission be reduced to 1990 levels by 2020. On a per-capita basis, that means reducing the annual emissions of 14 tons of carbon dioxide for every man, woman, and child in California down to about 10 tons per person by 2020. Hence, BAAQMD’s per capita significance threshold is calculated based on the State’s land use sector emissions inventory prepared by CARB and the demographic forecasts for the 2008 Scoping Plan. The land use sector GHG emissions for 1990 were estimated by BAAQMD, as identified in Appendix D of the BAAQMD CEQA Guidelines, to be 295.53 MMTCO₂e and the 2020 California service population (SP) to be 64.3 million. Therefore, the significance threshold that would ensure consistency with the GHG reduction goals of AB 32 is estimated at 4.6 MTCO₂e/SP for year 2020. Land use development projects include residential, commercial, industrial, and public land use facilities. Direct sources of emissions may include on-site combustion of energy, such as natural gas used for heating and cooking, emissions from industrial processes (not applicable for most land use development projects), and fuel combustion from mobile sources. Indirect emissions are emissions produced off-site from energy production, water conveyance due to a project’s energy use and water consumption, and non-biogenic emissions from waste disposal. Biogenic CO₂ emissions are not included in the quantification of a project’s GHG emissions, because biogenic CO₂ is derived from living biomass (e.g. organic matter present in wood, paper, vegetable oils, animal fat, food, animal, and yard waste) as opposed to fossil fuels. Although GHG emissions from waste generation are included in the GHG inventory for the proposed project, the efficiency threshold of 4.6 MTCO₂e per service population for 2020 identified above does not include the waste sector, and it is therefore not considered in the evaluation.

BAAQMD does not have thresholds of significance for construction-related GHG emissions, but requires quantification and disclosure of construction-related GHG emissions.

The analysis in this section is based on buildout of the proposed Southeast Greenway Area as modeled using CalEEMod, Version 2016.3.1.

GREENHOUSE GAS EMISSIONS

Would the Proposed Project?	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”
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

DISCUSSION

A. GHG Emissions

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this section measures the project’s contribution to the cumulative environmental impact. The proposed project includes demolition of an existing office building and construction of a 150-room hotel. Development of the proposed project would result in an increase in vehicle trips, energy use, water use, and wastewater generation, and solid waste disposal onsite. In addition, construction activities would generate a short-term increase in GHG emissions.

Construction Phase

The construction-related GHG emissions associated with the proposed project are shown in Table 4.6-1. The BAAQMD does not have thresholds of significance for construction-related GHG emissions. The BAAQMD advises that lead agencies quantify and disclose GHG emissions that would occur during construction and make a determination on the significance of these construction-generated GHG emissions in relation to meeting AB 32 GHG emissions reduction goals. GHG emissions from construction activities are one-time, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed project. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.¹⁰ The net increase in emissions generated by the project was evaluated using the California Emissions Estimator Model (CalEEMod), Version 2016.3.1. As shown in Table 4.6-1, when amortized over a 30-year project lifetime, average annual construction emissions from the proposed project would represent a nominal source of GHG emissions. Construction emissions would result in the *same impact as the approved project*. The proposed project

TABLE 4.6-1 PROJECT GHG EMISSIONS – CONSTRUCTION PHASE

Category	GHG Emissions (MTCO ₂ e/Year)
2018	409
30-Year Amortized Construction	14

Note: Emissions may not total to 100 percent due to rounding.
Source: CalEEMod 2016.3.1.

¹⁰ International Energy Agency, 2008. Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings, March.

GREENHOUSE GAS EMISSIONS

would not result in any new impacts not previously disclosed in the NSJ FEIR and General Plan FEIR and SEIR.

Operational Phase

The total and net increases in GHG emissions associated with the proposed project are shown in Table 4.6-2. As shown in the table, development of the proposed project would result in a net increase of GHG emissions of 915 million metric tons of carbon dioxide equivalent (MTCO₂e) per year compared to the existing retail center. The increase in GHG emissions would not exceed BAAQMD's bright-line screening threshold of 1,100 MTCO₂e. Additionally, the proposed project would construct 150 of the 560 hotel rooms remaining in the NSJADP hotel capacity and would be within the development forecast within the NSJ FEIR. Therefore, project-related GHG emissions during the operational phase of the proposed project would result in the *same impact as the approved project* and no mitigation measures are required. The proposed project would not result in any new impacts not previously disclosed in the NSJ FEIR and General Plan FEIR and SEIR.

B. Regulatory Conflict

Applicable state and regional plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, the Metropolitan Transportation Commission (MTC)/Association of Bay Area Government's (ABAG) Plan Bay Area, and the City of San José GHGRS. A consistency analysis with these state and regional plans is presented below.

CARB's Scoping Plan

In accordance with AB 32, CARB developed the 2008 Scoping Plan to outline the State's strategy to achieve 1990 level emissions by year 2020. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts. On January 20, 2017, CARB released the Draft 2017 Climate Change Scoping Plan to address the new interim GHG emissions target under SB 32, which requires the state to reduce its greenhouse gas emissions 40 percent below 1990 levels by 2030. The 2017 Climate Change Scoping Plan provides the strategies for the state to meet the 2030 GHG reduction target as established under SB 32.

Statewide strategies to reduce GHG emissions in the 2017 Climate Change Scoping Plan include implementing SB 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementation of the Sustainable Freight Action Plan; implementation of the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; continuing to implement SB 375; creation of a post-2020 Cap-and-Trade Program; establishing a new regulation to reduce GHG emissions from the refinery sector by 20 percent; and development of an Integrated Natural

GREENHOUSE GAS EMISSIONS

TABLE 4.6-2 PROJECT GHG EMISSIONS – OPERATIONAL PHASE

	GHG Emissions (MTCO ₂ e/Year)	
	Buildout Year 2020 MT/year	Percentage
2017 Existing Use Emissions		
Area	<1	<1%
Energy ^a	129	39%
On-Road Mobile Sources	177	54%
Waste	16	5%
Water/Wastewater	6	2%
Total	329	100%
2019 Proposed Project Emissions		
Area	<1	0%
Energy ^a	427	34%
On-Road Mobile Sources	767	62%
Waste	41	3%
Water/Wastewater	7	1%
Total	1,244	100%
Net Emissions (Proposed Minus Existing)		
Area	<1	<1%
Energy ^a	298	33%
On-Road Mobile Sources	591	65%
Waste	25	3%
Water/Wastewater	1	0%
Total	915	100%
BAAQMD Bright-Line Threshold	1,100 MTCO ₂ e/Year	
Exceeds Efficiency Threshold?	No	

Note: Emissions may not total to 100 percent due to rounding. New buildings would be constructed to the 2016 Building Energy Efficiency Standards (effective January 1, 2017) at minimum.

a. New buildings are assumed to achieve the 2016 Building Energy Efficiency Standards which are 5 percent more energy efficient for nonresidential structures compared to the 2013 Building Energy Efficiency Standards.

Source: CalEEMod 2016.3.1.

GREENHOUSE GAS EMISSIONS

and Working Lands Action Plan to secure California's land base as a net carbon sink.¹¹ Statewide GHG emissions reduction measures that are being implemented as a result of the Scoping Plan would reduce the proposed project's GHG emissions.

New buildings associated with future developments on the project site are required to comply with the current Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen), at minimum, which include performance standards for energy efficiency and require installation of electric vehicle charging stations and secured bicycle parking. These standards are updated triennially, with the goal of requiring zero-net-energy (ZNE) residential buildings by 2020 and ZNE non-residential buildings by 2030. The proposed project would be constructed to achieve the standards in effect at the time of development. The proposed project would not conflict with statewide programs adopted for the purpose of reducing GHG emissions and impacts would result in a *new less-than-significant* impact. The proposed project would not result in any new impacts not previously disclosed in the NSJADP 2005 FEIR.

MTC/ABAG's Plan Bay Area 2040

Plan Bay Area 2040 is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS).¹² To achieve MTC/ABAG's sustainable vision for the Bay Area, the Plan Bay Area land use concept plan for the region concentrates the majority of new population and employment growth in the region in Priority Development Areas (PDAs). PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, an overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated GHG emissions reductions. The proposed project is within the North San José priority development area.¹³ The vision for North San José includes new residential units, retail development, and the creation of new jobs with leading technology industries.¹⁴ The proposed project is consistent with the SCS vision for this PDA. The goal of the proposed project is to create an airport hotel that would serve business travelers in San José technology industries, as well as other travelers. Thus, the proposed project would be consistent with the overall goals of Plan Bay Area and impacts would result in a *new less-than-significant* impact. The proposed project would not result in any new impacts not previously disclosed in the NSJ FEIR and General Plan FEIR and SEIR.

City of San José GHG Reduction Strategy

The GHGRS identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. When the GHGRS was in effect,

¹¹ California Air Resources Board (CARB), 2017. The 2017 Climate Change Scoping Plan Update: The Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target, January 20. https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf.

¹² Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC), 2017. Plan Bay Area 2040, July. <http://2040.planbayarea.org/>.

¹³ Association of Bay Area Governments (ABAG), 2013. Priority Development Showcase. <http://gis.abag.ca.gov/website/PDAShowcase/>, accessed February 2017.

¹⁴ Association of Bay Area Governments (ABAG)/ Metropolitan Transportation Commission (MTC), 2012. Visions for Priority Development Areas, Jobs-Housing Connection Strategy, May. http://www.planbayarea.org/sites/default/files/pdf/JHCS/PDA_Narratives.pdf.

GREENHOUSE GAS EMISSIONS

some measures were considered mandatory for all proposed development projects, while others were considered voluntary. Voluntary measures were incorporated as mitigation measures for proposed projects at the discretion of the City. The proposed project would be required to comply with all applicable mandatory criteria outlined below.

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP- 1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
 - Solar Site Orientation
 - Site Design
 - Architectural Design
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with the 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 operation 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.

Therefore, consistency with these City programs adopted for the purpose of reducing GHG emissions would ensure impacts would result in a *new less-than-significant* impact. The proposed project would not result in any new impacts not previously disclosed in the NSJ FEIR and General Plan FEIR and SEIR.

HAZARDS AND HAZARDOUS MATERIALS

4.7 HAZARDS AND HAZARDOUS MATERIALS

This subchapter describes the current hazardous conditions and hazardous materials on the site and surroundings, and evaluates the potential impacts of the proposed project related to those conditions as compared to the approved project.

The following discussion is based on an April 3, 2017 Phase I Environmental Site Assessment Report prepared by ENGEO Incorporated. The Phase I Report is provided in Appendix D.

4.7.1 ENVIRONMENTAL SETTING

4.7.1.1 SITE HISTORY

Like most properties in the North San José Area Development Policies Update (NSJADP) area, the site remained undeveloped until the early 20th century when agriculture, mostly in the form orchards was introduced. By the 1960's urban development was underway around the site, including the construction of Gish Road and highways to the south of the property. Commercial development spread around all side of the property through the 1960's, and the existing commercial building at 111 East Gish Road was constructed in 1971. Based on historic City directories, tenants of the building have included government offices, various professional services, and private education concerns. None of the building tenants are considered to have had a high potential for release of hazardous materials onto or below the site.

4.7.1.2 EXISTING ON-SITE HAZARDS

Multiple regulatory and municipal agencies were contacted for information regarding on-site hazards and/or permitting on the project site as part of the Phase I report. No agencies contained any records of hazards or hazardous materials-related files associated with the property. The Santa Clara Valley Water District confirmed that no active or inactive wells exist on the project site.

Given that the project site once supported orchards it is conceivable that residual concentrations of pesticides and related metals may remain in site soils. As such, it may be prudent to perform an agrichemical screening to evaluate potential off-haul disposal and reuse options. Similarly, given its age and construction type, the existing building to be demolished may contain asbestos containing materials (ACM) and/or lead-based paints. Finally, an elevator in the existing building is believed to use a hydraulic system. If so, the hydraulic fluid reservoir would need to be properly abandoned in accordance with local and state regulations.

GeoTracker, a hazardous material site database maintained by the State of California, Water Resources Control Board, and EnviroStor, a hazardous material site database maintained by the State of California, Department of Toxic Substances Control, were searched for information regarding hazardous sites on the project site. The property is not listed on either website. Three properties in the vicinity of the site are listed in these databases. All are Leaking Underground Storage Tank (LUST) cleanup sites officially labeled "closed" cases. None are considered of environmental concern to the project site.

The site reconnaissance and records review performed for the Phase I Environmental Site Assessment did not find documentation or physical evidence of soil or groundwater impairments associated with the use

HAZARDS AND HAZARDOUS MATERIALS

or past use of the property. A review of regulatory databases maintained by county, state, tribal, and federal agencies found no documentation of hazardous materials violations or discharge on the property and did not identify contaminated facilities. No Recognized Environmental Conditions (RECs), no historical RECs, and no controlled RECs were identified for the Property.

No further environmental studies were recommended by the authors of the Phase I Environmental Site Assessment Report.

4.7.1.3 SCHOOLS

There are four schools within the vicinity of the project site. These are listed in Table 4.7-1. As shown, the school nearest the project site is Walter L. Bachrodt Elementary School and the associated Pasitos Spanish Immersion School, located at 102 Sonora Avenue.

TABLE 4.7-1 SCHOOLS IN VICINITY OF PROJECT SITE

School Name	Address	Distance from Site (Miles)
Walter L. Bachrodt Elementary/Pasitos Spanish Immersion	102 Sonora Avenue	0.20
Challenger School-Berryessa	711 East Gish Road	0.82
Burnett Middle School	850 North 2 nd Street	0.79
Cooperative Extension, University of California	1553 Berger Drive	0.87

Source: Google Earth, 2017.

4.7.1.4 AIRPORTS

As noted in Chapter 3, Project Description, the proposed hotel would be considered airport-serving due to its location approximately 0.5 miles east of Norman Y. Mineta San José International Airport. There are no private airstrips in the vicinity of the project site.

4.7.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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"
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	

HAZARDS AND HAZARDOUS MATERIALS

Would the Proposed Project?	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"
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X		
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	

DISCUSSION

A. Use of Hazardous Materials

The proposed project would not involve the routine transport, use, or disposal of hazardous materials. During the operational phase of the project, common cleaning substances, building maintenance products, paints and solvents, and similar items would be stored, and used on-site. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment.

In addition to the required completion of a Phase I Environmental Site Assessment and the review of regulatory agency records completed as part of that assessment, other required mitigation and standards established in the NSJ FEIR will be implemented. These include:

- Adherence to all recommendations established in the Phase I Environmental Site Assessment.

HAZARDS AND HAZARDOUS MATERIALS

- Compliance with all policies and actions in support of Goal EC-6 –Hazardous Materials in the Envision San José 2040 General Plan, as well as all other General Plan policy adopted for the purpose of safe handling and disposal of hazardous materials.
- Compliance with all standards and mitigation measures established in B. Accidental Release, below.

With adherence to the above standards the proposed project would have the *same impact as the approved project*.

B. Accidental Release

As stated under Environmental Setting above, historic agricultural may have resulted in elevated levels of pesticides and/or related chemicals in soils beneath the project site. Although completed development of the proposed hotel would reduce future risk to human health from these hazards, the health of construction workers may be impacted. These individuals may be exposed to pesticides and/or related chemicals during project construction. In addition, as concluded in the Phase I Environmental Assessment, construction of the existing building in 1971 increases the potential for ACMs and lead-based paint, and the release of those materials during the project demolition phase. Again, the construction team may be exposed to ACMs and lead-based paint during project demolition. The following permit conditions and mitigation measure would reduce the likelihood of that exposure.

Standard Permit Condition HAZ-1

In addition to completion of the Phase I Environmental Site Assessment and associated review of regulatory agency records established as required mitigation in the NSJ FEIR, compliance with the following standard established in the NSJ FEIR will be implemented as permit conditions of the proposed project:

- Per National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey will be conducted for buildings to be demolished and all potentially friable asbestos-containing materials will be removed prior to building demolition.
- A lead survey of painted surfaces and soil around buildings built prior to 1978 will be performed prior to demolition. Requirements in the California Code of Regulation will be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- If mercury-containing fluorescent light tubes are present, tubes shall be removed from the fixtures without breakage and packaged for mercury reclamation as a universal waste through an appropriate vendor prior to demolition of the structures.
- The proposed project shall comply with all policies and actions in support of Goal EC-6 –Hazardous Materials in the Envision San José 2040 General Plan. The proposed project will also comply with all other General Plan policy adopted for the purpose of avoiding and mitigating hazardous materials.
- If encountered, handle and dispose of all hydraulic fluids in accordance with local and state regulations.

HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure HAZ-1a

Prior to issuance of any grading permits, the project applicant shall retain a qualified hazardous materials contractor to perform a soil investigation to resample the soil vapor monitoring wells prior to project construction to determine the presence of soil vapor contaminants from previous uses on the project site. If the residual contaminants are not detected and/or are found to be below the environmental screening levels (ESLs) for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.

Mitigation Measure HAZ-1b

If residual contaminants are found and are above regulatory ESLs for public health and the environment, the project applicant shall implement appropriate management procedures, such as soil vapor remediation (e.g., vapor extraction or barrier systems) and implementation of a Site Management Plan (SMP) under regulatory oversight from the SCCDEH or the DTSC. Copies of the environmental investigations shall be submitted to PBCE Supervising Environmental Planner.

Mitigation Measure HAZ-1c

The SMP shall be prepared by a qualified hazardous materials consultant. The SMP shall include, but not limited to:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SMP shall be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

Mitigation Measure HAZ-1d

A copy of the approved SMP and any associated environmental investigations shall be provided to the PBCE Supervising Environmental Planner prior to issuance of any grading permits.

Implementation of the above standards and mitigations would reduce impacts to less than significant. As such, the proposed project would have the *same impact as the approved project*.

HAZARDS AND HAZARDOUS MATERIALS

C. School Proximity

As noted under Environmental Setting, above, the project site is about 0.20 miles from an existing elementary school, placing it within the 0.25-mile radius established in the CEQA threshold. However, as noted under the discussion of hazardous materials in Subsection A, above, material used by the proposed project would be limited to the type and quantity such that they do not pose a significant hazard to public health and safety or the environment. The measures and standards established above would mitigate any impacts associated with the accidental release of potentially hazardous materials during construction and operation. As such, the proposed project would have the *same impact as the approved project*.

D. Hazardous Materials Site

As noted under Environmental Setting, above, there project site is not included on any lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As impacts related to hazardous materials sites were not directly assessed in the NSJ FEIR, this would be the *same impact as the approved project*.

E. Public Airports

The proposed project site is about 0.5 miles east of San José International Airport. The site is outside the Airport Influence Area (AIA) established in the airport's Comprehensive Land Use Plan (CLUP).¹ In addition, Federal regulations require the proposed project to be submitted to the FAA for airspace safety review. FAA issuance of a Determination of No Hazard and incorporation of any conditions of the FAA determinations into city project approval will result in a less-than-significant impact to airspace safety, the *same impact as the approved project*.

F. Private Airport

There are no private airstrips in the vicinity of the project site. The proposed project would have a *new less-than-significant impact*.

G. Emergency Plan

The site is not on a City designated evacuation route. The proposed project would have the *same impact as the approved project*.

H. Wildfire

The site is located within a developed area of San José and thus is not located within an area subject to wildfires, as identified in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project would have the *same impact as the approved project*.

¹ Santa Clara County Airport Land Use Commission, Norman Y. Mineta San José International Airport Comprehensive Land Use Plan. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf, accessed August 8, 2017.

HAZARDS AND HAZARDOUS MATERIALS

4.8 HYDROLOGY AND WATER QUALITY

This subchapter describes the current hydrology and water quality of the site and surroundings, and evaluates the related impacts of the proposed project as compared to the approved project.

4.8.1 ENVIRONMENTAL SETTING

Drainage and regulatory requirements regarding hydrology and water quality are generally unchanged since certification of the 2005 North San José Area Development Plan (NSJADP) FPEIR. The primary changes are the update of the North San José Floodplain Management Study reflecting completion of flood control projects for Coyote Creek and Lower Guadalupe River, the City's update of its Post-Construction Urban Runoff Management (Policy 6-29), and the City's adoption of the Post-Construction Hydromodification Management (Policy 8-14).

4.8.1.1 GROUNDWATER

The 2002 Seismic Hazard Zone Report for the San José West Quadrangle shows that historical groundwater in the site vicinity is roughly 10 feet below existing grade. Borings completed as part of the subsurface geotechnical exploration performed for the proposed project reinforced this shallow groundwater table, with observations of groundwater at depths of 7 to 9.5 feet below ground surface.

The Phase I Environmental Site Assessment performed for the project verified that no active or inactive wells exist on the project site. Six wells of various levels of activity and of both public and private ownership are located within 1 mile of the site.

4.8.1.2 FLOODING

According to the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), the entire project site is located within flood Zone X, which refers to an area between the limits of the 100-year flood event (base flood) and the 500-year flood event. These are considered areas with a 0.2 percent annual chance flood zone. This is a classification of low flood risk area and was reinforced in the site-specific Geotechnical Exploration performed for the project, which concluded that flooding is not expected at the subject site due to the site elevation and distance from water sources.

As noted above, the North San José Floodplain Management Study was updated following certification of the 2005 FEIR to reflect completion of flood control projects for Coyote Creek and Lower Guadalupe River. The Study identifies building criteria to protect against flooding and increased flooding potential, based on location in areas subject to flooding and the effective flood elevations. In key flooding areas this criterion includes maximum blockage criteria, minimum finished floor elevations and development controls to limit building footprints and allow flows through a given site.

The project site is outside the North San José Floodplain Management Study area.¹

¹ Schaaf & Wheeler Consulting Civil Engineers, 2016. Memorandum: North San José Floodplain Management Policy Criteria for Orchard Parkway Development, page 4, January 25.

HYDROLOGY AND WATER QUALITY

Finally, the project site contains no streams, rivers, creeks or other natural watercourses. It is approximately 0.5 miles east of the Guadalupe River.

4.8.1.3 DRAINAGE

North San José is served by eight main drainage systems which discharge to both Coyote Creek and Guadalupe River. Four of the systems include City pump stations to pump the storm drain flows into the stream channel. The nearest pump station to the project site is a private pump station on Rosemary Street, one block south of the site. The City’s Skyport Pumpstation, at the intersection of Skyport Drive and the Guadalupe River, is the nearest public pump station to the project site.

The project site is currently developed with a two-story commercial building and associated surface parking. It is nearly entirely covered with impervious surface, with the exception of limited space dedicated to ornamental landscaping. The site lies within the Guadalupe River watershed. The site has access to a 66-inch storm drain in East Gish Road, along the southeast border of the site. This drain connects to an 18-inch storm drain in Kerley Drive, which then feeds into a 66-inch storm drain along Sonora Avenue. The latter storm drain discharges to the Guadalupe River, which ultimately feeds into the San Francisco Bay. Numerous catch basins exist along the storm drainage lines located on the site frontages.

The topography of the project site generally ranges from an elevation of 49 feet (NAVD88) on the southern end of the site to approximately 52 feet in the northern portion of the site.

4.8.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

As amended by the California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478)], the following potential hydrology-related effects of the proposed project are analyzed for potential significant impacts.

Would the Proposed Project?	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”
a) Violate any water quality standards or waste discharge requirements?				X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)??				X	

HYDROLOGY AND WATER QUALITY

Would the Proposed Project?	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"
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?				X	
f) Otherwise substantially degrade water quality?				X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?					X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?					X

DISCUSSION

A. Violate Standards

As noted throughout this Addendum, the project site is currently developed. The Certified 2005 FEIR highlighted significant impacts to water quality from construction and operation of all types of development allowed under the approved project. The proposed project would need to implement mitigation measures established in the 2005 FEIR in order to achieve the same impact of less than significant with mitigation.

Construction Impacts

Construction impacts associated with the demolition of the existing building and construction of proposed project features could result in impacts to water quality and waste discharge. Resulting runoff can carry a variety of pollutants, such as oil and grease, metals, sediment and pesticide residues from roadways, parking lots, rooftops, landscaped areas and deposit them into adjacent waterways via the storm drain system. These significant impacts were identified and mitigated in the NSJ FEIR, and the proposed project will adhere to the following identified standard permit condition in order to achieve the same impact.

HYDROLOGY AND WATER QUALITY

Standard Permit Condition HYDRO-1

The proposed project involves a land disturbance of more than an acre, and thus must comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board (RWQCB). The applicant shall submit a Notice of Intent (NOI) to the RWQCB to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents shall be submitted to the City Project Engineer prior to issuance of a grading permit. The SWPPP shall include, at a minimum:

- Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post construction periods.
- Strategies for storing/covering/maintaining soil, equipment, and supplies that could contribute to polluted runoff in the event of rainfall.
- Plan for monitoring discharges and runoff events to the stormwater system

Operational Impacts

As detailed in Table 4.8-1, below, the proposed project would decrease the amount of impervious surface at the site by approximately 15 percent. It is thus unlikely to result in changes to stormwater flows that violate water or water discharge standards, or that introduce an increased quantity of pollutants to receiving waters.

TABLE 4.8-1 PERVIOUS AND IMPERVIOUS SURFACES COMPARISON

Site Feature	Existing Conditions (SF)	Percent Site Area	Proposed Project (SF)	Percent Site Area	Difference (SF)	Percent
Building Footprint	28,498	30%	21,679	23%	-6,819	-7%
Parking	61,418	64%	51,472	54%	-9,946	-10%
Sidewalks, Patios, Paths	2,027	2%	4,259	4%	+2,232	+2%
Landscaping & Pervious Paving	3,882	4%	18,415	19%	+14,533	+15%
<i>Total Impervious</i>	<i>91,943</i>	<i>96%</i>	<i>77,410</i>	<i>81%</i>	<i>-14,533</i>	<i>-15%</i>
<i>Total Pervious</i>	<i>3,882</i>	<i>4%</i>	<i>18,415</i>	<i>19%</i>	<i>+14,533</i>	<i>+15%</i>
Total	95,825	100%	95,825	100%		

Note: SF = square feet
Source: BKF Engineers, 2017.

As show in Table 4.8-1, the project would reduce the overall impervious surface area of the site by 14,533 square feet. However, the project would increase traffic and human activity on and around the project site, generating pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. The NSJ FEIR identifies these impacts as less than significant with mitigation. Therefore, with adherence to the following standard permit condition, the impact to hydrology and water quality would be the same impact as the approved project.

HYDROLOGY AND WATER QUALITY

Standard Permit Condition HYDRO-2

The proposed project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29). This policy requires implementation of site design measures, source controls, and measurable Low Impact Development (LID) stormwater treatment strategies to minimize stormwater pollutant discharges. LID treatment measures include rainwater harvesting, infiltration, and bio-treatment. The project shall include a Stormwater Control Plan with post-construction stormwater treatment control measures, all of which shall meet the numeric sizing design criteria specified in City Policy.

The project proposes five strategic Drainage Management Areas (DMA) that would control ground-level and rooftop runoff. Proposed bioretention areas along the Kerley Drive and East Gish Road perimeters of the site would reduce site runoff in low flow situations and delay runoff in large storm events, and would increase the quality of runoff. Bioretention treatment areas are also proposed and would conform to the C.3 Stormwater Technical Guidelines of the Santa Clara County Clean Water Program.

Final inspection and maintenance information on the post construction treatment control measures shall be submitted prior to issuance of a Public Works Clearance.

Finally, the project is located in a non-Hydromodification Management area and would not increase the total impervious area of the site. Therefore it is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

With implementation of the above standard conditions and project features, impacts related to water quality violations would be less than significant, the *same as the approved project*.

HYDROLOGY AND WATER QUALITY

HYDROLOGY AND WATER QUALITY

B. Deplete Groundwater

As noted under Environmental Setting, above, there are no active or inactive wells on the project site. The proposed project would not include installation of new groundwater wells, nor would it use groundwater supplies at greater rates than anticipated in the NSJ FEIR or that could lead to draw-down of the groundwater aquifer. This less-than-significant impact would be the *same impact as the approved project*.

C. Increase Erosion

As explained previously in this chapter, the proposed project would increase natural filtration and decrease runoff of the site due to a 15 percent increase in pervious surfaces. Compliance with the standard conditions established in the NSJ FEIR and reiterated under Section A. Violate Standards, above, would further reduce the possibility that changes to site drainage patterns would adversely affect erosion and siltation. Finally, as explained in the discussion of potential erosion impacts in Chapter 4.5 Geology and Soils, any increase in erosion is expected to be relatively minor due to the small size and flatness of the project site. As summarized in the NSJ FEIR, the entire NSJPD and Rincon areas are relatively flat and subject to little or no erosion. As such, the proposed project would have the *same impact as the approved project*.

D. Increase Flooding

As noted under Environmental Setting, above, the project site contains no natural waterways and is 0.5 miles from the Guadalupe River. It is outside the FEMA 100-year flood zone and the maximum blockage requirements of the North San José Floodplain Management Study. Development of the proposed project is not likely to increase flood potential, as it would increase natural filtration and decrease runoff of the site due to a 15 percent increase in pervious surfaces. In addition, compliance with the standard conditions established in the NSJ FEIR and reiterated under Section A. Violate Standards, above, would further reduce the possibility that changes to site drainage patterns would result in increased flood potential. As such, the proposed project would have the *same impact as the approved project*.

E. Reduce System Capacity

As explained under Environmental Setting, above, the project site is immediately served by a 66-inch storm drain pipe beneath East Gish Road and 66-inch diameter storm drain pipe in nearby Sonora Avenue, as well as two nearby pump stations. Due to the size of the available existing mains it is anticipated that capacity will be available for operation of the proposed project. In addition, as detailed in previous discussions, the project would comply with the City's Post-Construction Urban Runoff Management Policy which requires that new projects replacing or adding 10,000 square feet or more of impervious surfaces to a site not increase the total amount of runoff entering the storm drainage system.

To comply with the City's requirement and standard conditions established in the NSJ FEIR, the proposed project has been designed to demonstrate compliance with the requirements for the Municipal Regional Stormwater NPDES Permit (MRP) issued by the California Regional Water Quality Control Board, commonly referred to as Provision C.3 and governed in San José by City Policies 6-29 and 8-14. The

HYDROLOGY AND WATER QUALITY

proposed project, therefore, would have a less-than-significant impact on system capacity, the *same impact as the approved project*.

F. Degrade Water Quality

As has been stressed, both construction and operation of the propose project could result in runoff to the water system that contains increased levels of pollutants. The standards assessed in the discussion under Section A. Violate Standards, above, exist to ensure that water quality is not adversely impacted by physical development. Project components highlighted in that discussion, including a 15 percent increase in pervious landscaping, decrease the potential for significant impacts to water quality. Adherence to existing Regional and City standards established in the NSJ FEIR, also outlined in Section A., and would require construction best practices and low-impact project design features that further reduce the possibility that the proposed project would degrade water quality. As such, the proposed project would have the *same impact as the approved project*.

G. Housing in Flood Area

The proposed project contains no housing or residential elements. As such, it would have *less impact than approved project*.

H. Impede Flood Flow

As noted under Environmental Setting, above, the project site is located in FEMA Flood Zone X, outside the limits of the 100-year flood event and within the limits of the 500-year flood event. It is also outside the area subject to North San José Floodplain Management Study requirements. As such, the proposed project would have *less impact than the approved project*.

LAND USE AND PLANNING

4.9 LAND USE AND PLANNING

This subchapter describes the current land use and planning conditions of the proposed project site and evaluates the associated land use impacts of the proposed project as compared to the approved project.

4.9.1 ENVIRONMENTAL SETTING

The 2.2-acre project site is located at 111 East Gish Road in San José, California. It is bordered by commercial uses to the north, East Gish Road to the south, Kerley Drive to the west and North 4th Street to the east. The site is approximately 0.3 miles west of the Interstate 880/US Route 101 interchange and 0.5 miles east of San José International Airport. The site contains a commercial building built in 1971 and that is currently about 50 percent vacant.

The project site consists of a single parcel. The site is primarily designated Urban Village (UV) by the Envision 2040 General plan, a flexible designation that “supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form... as well as those uses supported by the Neighborhood/Community Commercial designation.” A small strip through the northern portion of the site is designated Open Space, Parklands and Habitat (OSPH). OSPH land “can be publicly- or privately-owned areas that are intended for low intensity uses. Appropriate uses for privately-owned lands in this category include cemeteries, salt ponds, and private buffer lands such as riparian setbacks.”

The site is zoned Commercial General (CG), which is “intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market.” Hotels, motels and “Drinking Establishments interior to a full-service hotel/motel that includes 75 or more guest rooms” are specifically identified as permitted in the CG district.

The project site is within a larger block of general commercial zoning that includes a hotel immediately to the north and small restaurant immediately to the east, and associated parking areas. Beyond that block, the site is primarily surrounded by one and two-story light industrial uses, as well as small, neighborhood oriented office uses.

4.9.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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”
a) Physically divide an established community?				X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	

LAND USE AND PLANNING

Would the Proposed Project?	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”
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	

DISCUSSION

A. Community Division

The project is proposed on an infill site in an urban area that is currently occupied by a commercial structure and associated parking. Surrounding uses include industrial and office development. The project would include no physically divisive components such as roadways or tunnels. It would be limited to the existing site. The proposed project will not divide an established community. It would have the *same impact as the approved project*.

B. Policy Conflict

San José Envision 2040 General Plan

The project site is consistent with the Urban Village land use designation, in that it is within the flexible definition “of commercial, residential, institutional or other land uses” and, by replacing an aging commercial structure with a new hotel with increased landscaping and design elements, has an “emphasis on establishing an attractive urban form.”

As noted, the site contains an area designated Open Space, Parklands and Habitat, which is a small portion of a larger OSPH area. The OSPH designation is intended for low intensity uses such as parks, recreation areas, trails habitat buffers and nature preserves. The OSPH land within the project site is a small area of fully developed commercial property that is surrounded by existing commercial and light industrial uses. It has minimal potential to support the low-intensity, typically larger open space uses intended for OSPH areas. The location of this land use designation is related to the vision of the 1998 Rincon South Specific Plan (see below), which sought to add new parklands in connection to the Guadalupe River area. The Specific Plan acknowledges that “proposed locations and configurations of parklands may very based on: the ability of the city to fund parkland acquisitions; the timing, location, and density of new residential development leading to the acquisition of parkland; and the opportunities that might arise for acquisition of individual properties on the open market.”¹

City staff has verified that it intends to initiate General Plan Land Use/Transportation Diagram amendments to update the land use planning framework in the area, including the subject site, for consistency. The work is anticipated to be completed by the fall 2017. In the event that these amendments are not completed, the proposed project will require a General Plan land use amendment to Urban Village across the entire property. Given the conditions of the area, the flexibility documented in

¹ City of San José, 1998. Rincon South Specific Plan, page 30, November.

LAND USE AND PLANNING

the Rincon South Specific Plan, and the intention of City staff, this would not represent a significant conflict with existing land use policy.

North San José Area Development Policy

The project site is located in the North San José Area Development Policy Area (NSJADP) which plays a vital role in San José's economic goals. The NSJADP establishes a policy framework to guide the ongoing development of the North San José, an important employment center for the City. The Policy also identifies necessary transportation improvements to support new development and establishes an equitable funding mechanism for new development to share the cost of those improvements.

Although not the subject of specific policy statements in the Policy Area, hotels and hotel rooms are explicitly identified as important to the economic vitality of the area. As described in the NSJADP document, the development framework provides for the construction of 1,000 hotel rooms in the policy area.²

The NSJADP also highlights the important support role that regional hotels such as the proposed project play in the ongoing land use and transportation performance of the NSJADP Area. "Allowing for regional retail and hotel land uses within the North San José area will provide for the interaction between retail and hotel land uses with planned residential and industrial land uses and internalize trips within the North San José boundaries."³

Finally, the NSJADP establishes the importance of current and future land use policy and development that is consistent with the City's General Plan. The NSJADP stresses that "The construction of new hotels or expansion of existing hotels will need to conform to the General Plan."⁴ As explained in the above discussion of the San José Envision 2040 General Plan and the following discussion of the Rincon South Specific Plan, the proposed project is consistent with the land use diagram and development objectives of the City's General Plan.

Rincon South Specific Plan

As noted above, there is a small area of the project site designated OSPH which originally supported the parkland vision of the 1998 Rincon South Specific Plan. The Rincon South Land Use Plan has been replaced by the Envision San José 2040 General Plan Land Use Diagram and the original Specific Plan clarified that "lands shown as Public Park/Open Space have alternative land use designations and may vary in their location, size, and configuration." However, the objectives and guidelines of the Specific Plan have been upheld, as they support the existing land use foundation of an Urban Village Plan.

Table 4.9-1 presents the major goals and opportunities of the Specific Plan and potential conflicts of the project with those objectives. As stated in the Specific Plan, "Hotel use is considered an important activity within Rincon South...and the establishment of new hotels is encouraged within the limits of the City Council's adopted Hotel Policy and Implementation Standards."⁵

² City of San José, 2015. North San José Area Development Policy, page 18, December.

³ City of San José, 2015. North San José Area Development Policy, page 17-18, December.

⁴ City of San José, 2015. North San José Area Development Policy, page 18, December.

⁵ City of San José, 1998. Rincon South Specific Plan, page 28, November.

LAND USE AND PLANNING

TABLE 4.9-1 RINCON SOUTH SPECIFIC PLAN GOALS AND OPPORTUNITIES

Rincon South SP Goals	Project Consistency
Support Transit Use and Create Pedestrian Friendly Environment	Consistent. Project would reduce number of total existing parking spaces and improve street frontage.
Improve Visual Character of the Area, Including Streetscapes	Consistent. Project would replace aging building with newly-designed structure and create 15% more landscaping
Promote New and Protect Existing Residential Development	Consistent. Existing site is underutilized commercial/office
Add New Parklands	Consistent. No additional parklands, but no existing parklands impacted
Promote Retail Development	Consistent. No retail impacted; 150 room hotel would bring visitors to Rincon South Area
Promote and Maintain Existing Light Industrial Development	Consistent. No existing Light Industrial land use impacted.
Promote Economic Development	Consistent. 150-room hotel would create temporary/ongoing employment; bring visitors to Rincon South area
Minimize Traffic and Encourage Transit Use	Consistent. Total site parking reduced

Given the above consistency between the proposed project and Specific Plan goals, the flexibility in land use policy built into the Specific Plan and the existing site conditions, the proposed project would not conflict with the Rincon South Specific Plan.

The proposed project's conformity to the relevant policy documents discussed above would result in a less-than-significant impact, or the *same impact as the approved project*.

C. Conservation Plan Conflict

As detailed in Chapter 4.3, Biological Resources, the proposed project site is located within the recently adopted Santa Clara Valley Habitat Conservation Plan (HCP). However, the land cover of the site is designated *Urban-Suburban* by the HCP and it is located outside any special habitat permit or fee areas, or special-species survey areas established by the HCP. Accordingly, although the project site is within the HCP area, it is recognized by the HCP as a fully developed infill site with minimal potential to support natural habitat. The proposed project would not expand the footprint of the existing development into any HCP special permit areas. As such, it would not significantly conflict with the HCP and the impact would be less than significant, the *same impact as the approved project*.

4.10 NOISE

This subchapter evaluates noise and groundborne vibration related impacts of the proposed project, as compared to those identified as resulting from the approved project.

The following discussion is based upon a noise assessment study completed for the 2011 Envision San José 2040 General Plan FPEIR by Illingworth & Rodkin.

4.10.1 ENVIRONMENTAL SETTING

The ambient noise conditions and regulatory requirements regarding noise have not significantly changed since the certification of the 2011 Envision San José 2040 General Plan FPEIR.

As shown in in Figure 2-1, the project site is located at the southeast corner of Kerley Drive and East Gish Road. It is currently developed with a two-story office building and associated surface parking. The sources of noise affecting the project site are primarily nearby surface streets such as East Gish Road. The Interstate 880 /Highway 101 interchange is approximately 0.3 miles east of the project site; vehicles on both of those corridors is the main source of ambient noise at the project site.

While aircraft noise is an intermittent noise source at the project site, the project site is outside all 2022 aircraft noise contours of the San José International Airport, as established by the Santa Clara County Airport Land Use Commission,¹ as well as all 2027 aircraft noise contours as established by the City of San José.²

Intermittent vibration may result from VTA light rail trains on the running on the North 1st Street tracks, which are 0.12 miles, or just over 500 feet, west of the project site.

4.10.2 REGULATORY SETTING

4.10.2.1 CITY NOISE STANDARDS

The Envision San José 2040 General Plan establishes noise levels considered appropriate for various land uses. As shown in Table 4.10-1 (Envision San José 2040 General Plan Table EC-1), exterior DNL³ of 60 to 75 decibels for hotels is considered conditionally acceptable, assuming noise analyses and resulting noise mitigation is integrated into the project design. The noise compatibility guidelines require that for hotels, interior noise mitigation strategies reduce interior noise levels to at least 45 decibels, pursuant to Policy EC-1.1 (see below).

¹ Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport*, page 3-8, May 25.

² City of San José, 2011. *Envision San José 2040 General Plan Draft Program EIR*, page 343, June.

³ Day/Night Average Sound Level (DNL) is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 p.m. and 7:00 a.m.

NOISE

TABLE 4.10-1 ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE COMPATIBILITY GUIDELINES

Column Heading	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ^a						
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						
	Normally Acceptable: Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.					
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.					

a. Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Policies in the City’s General Plan have also been adopted for the purpose of avoiding or mitigating the noise and vibration impacts of planned development within the City. The proposed project would be subject to the noise-related policies in Table 4.10-2, in the discussion below.

4.10.3 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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”
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	

NOISE

Would the Proposed Project?	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"
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	

DISCUSSION

A. Excess Noise Levels

Construction

Construction noise impacts primarily occur when construction activities take place during noise-sensitive hours (early morning, evening, or nighttime hours), at locations proximate to noise sensitive land uses, or when construction occurs over extended periods of time. Significant noise impacts do not normally occur when standard construction noise control measures are enforced and when the duration of the noise generating construction activities at or adjacent a particular sensitive receptor are limited to one construction season (typically one year) or less. Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction materials, would reduce construction-related noise impacts.

The project site is within a larger area of primarily light industrial and office land uses. However, there are several noise sensitive developments immediately surrounding the site. These include:

- San José Airport Hotel, 1471 North 4th Street
- Atrium Gardens Studio Apartments, 1536 Kerley Drive
- Silicon Valley Hotel San José Airport, 1355 North 4th Street
- Apartment complexes along Kerley Drive, immediately west of the project site
- Holiday Inn San José-Airport, 1350 North 4th Street

Construction activity for the proposed project would occur in the following general phases:

- Demolition: 4 to 6 weeks
- Grading: 2 to 3 weeks
- Construction: 14 months

Table 4.10-2 presents General Plan noise policies relevant to the proposed project. As shown in Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential 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. Since construction activities would take longer than 12 months within proximity of noise sensitive uses, the proposed project would be required to implement a noise logistics plan, per General Plan Policy EC-1.7 and as described in detail below, prior to project approval.

TABLE 4.10-2 RELEVANT ENVISION SAN JOSÉ 2040 GENERAL PLAN NOISE POLICIES

Policy Number	Policy Text
EC-1.1	<p>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:</p> <p><u>Interior Noise Levels</u></p> <p>The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</p>
EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:</p> <ul style="list-style-type: none"> • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level
EC-1.3	<p>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.</p>
EC-1.7	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p>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.</p>
EC-2.3	<p>Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.</p>

The NSJ FEIR assumed noise-generating activities at construction sites would be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays, with no construction activities occurring Sundays or holidays.

NOISE

The proposed project would not result in any new or more significant construction-related noise impacts than were described in the NSJ FEIR and General Plan FEIR and SEIR which assumed construction would be occurring on multiple properties throughout North San José for decades through 2035. The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities, which could, if unregulated, adversely affect a noise-sensitive use.

Standard Project Conditions are identified as part of the NSJ FEIR and General Plan FEIR and SEIR, and will be implemented as part of the project.

Standard Permit Condition NOI-1

The project applicant shall comply with General Plan Policy EC-1.7, which requires implementation of a noise logistics plan that includes, but is limited to, the following standard 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.
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced.
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- If impact pile driving is proposed, foundation pile holes shall be predrilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing.
- Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case 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. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

With implementation of the standard noise conditions identified in the General Plan FEIR and SEIR, and compliance with noise policies presented in Table 4.10-2, construction noise impacts to nearby noise sensitive uses would be reduced to acceptable levels.

The result would be a mitigated less-than-significant noise impact, which is the *same impact as the approved project*.

Operation

Traffic Generated Noise Impacts

The General Plan FEIR concluded that future development in North San José would generate an increase in traffic along the local roadway network and that noise levels from highways and expressways would increase incrementally.

In the vicinity of the project in North San José, the General Plan FEIR determined that noise levels would increase between 2008 and 2035 with build-out of the General Plan. However, none of the North San José roadway segments identified in the General Plan EIR as expected to undergo a substantial increase in relative noise level are located near the project site.⁴

As highlighted above, although the proposed project is located in an industrial/office area, it is within 500 feet of noise sensitive land uses. As a result, traffic generated by the proposed project could have a significant impact to nearby hotels and residences. The Envision San José 2040 General Plan requires the use of noise attenuation techniques in the design of streets projected to adversely impact sensitive uses. Since the noise impacts of industrial development in this area have already been evaluated and the necessary mitigation measures adopted, this project will not have a new impact.

Development in the North San José area, including the proposed project, would attempt to reduce traffic-related noise by implementation of TDMs described in Section 4.15, Transportation. Even with these measures, it was concluded in the NSJ FEIR that noise impacts at some locations would remain significant and unavoidable and the City Council adopted a statement of overriding consideration for the impact. The project would contribute to this noise impact.

Impact NOI-1 Traffic from the proposed project would contribute to noise increases on roadways in the North San José area, which would result in significant and unavoidable impacts at some noise-sensitive receptors. This impact was identified in the certified 2011 Envision San José 2040 General Plan FPEIR and the City Council adopted a statement of overriding consideration for the impact.

This significant and unavoidable impact would be the *same impact as the approved project*.

⁴ City of San José, 2011. Envision San José 2040 General Plan Draft Program EIR, pages 336-339, June.

NOISE

B. Groundborne Vibration

Construction

Construction activities would generate groundborne vibration. Construction of the project would include the demolition of the existing building, grading and foundation work, and construction of the hotel and associated features. As noted above, construction is expected to last approximately 18 months.

As concluded in the General Plan FEIR and SEIR, implementation of Policy EC-2.3 (see Table 4.10-2) and standard permit construction NOI-1, above, would reduce potential groundborne vibration impacts associated with demolition and construction. The result would be a less-than-significant project impact, the *same impact as the approved project*.

Operation

As highlighted under Environmental Setting, above, the project site is about 500 feet from the VTA light rail line that runs along North 1st Street. However, light rail systems produce minimal groundborne vibration that is noticeable only from extremely close distances. As explained in the 2011 FPEIR, vibration levels generated by light rail trains are “barely perceptible just outside the light-rail/roadway right-of-way.”⁵

In sum, vibration impact associated with the proposed project would be less than significant; the *same impact as the approved project*.

C. Permanent Ambient Noise Increase

The proposed project would replace a 55,441-square-foot office building with a recent vacancy rate of 47 percent with a 150-room hotel totaling 91,460 square feet. As noted in the Project Description, the proposed hotel would also include a 6.7 liter, 130 kW emergency diesel generator. However the project is consistent with the land use and development policies approved following certification of NSJ FEIR and General Plan FEIR and SEIR. The project site is also surrounded by a series of hotels of similar size and room numbers, producing similar noise conditions. Finally, the proposed emergency generator, in addition to being included for use only in specific situations, would be encased in a steel enclosure specifically designed for acoustic attenuation. These conditions, combined with adherence to City General Plan policies EC-1.2 and EC-1.3 outlined in Table 4.10-2, above, would ensure that the impact of the proposed project on ambient noise level would be less than significant. This is the *same impact as the approved project*.

D. Temporary Ambient Noise Increase

Compliance with noise policies outlined in Table 4.10-2 and implementation of the construction standard conditions stated in the discussion of excess noise levels, above, would ensure that the proposed project

⁵ City of San José, 2011. Envision San José 2040 General Plan Draft Program EIR, page 310, June.

E. Public Airstrip

As explained in the Environmental Setting section above, the project site is outside all 2022 aircraft noise contours of the San José International Airport, as established by both the Santa Clara County Airport Land Use Commission, as well as all 2027 aircraft noise contours as established by the City of San José. The proposed project would not expose people residing or working in the project area to excessive aircraft noise levels. This would be the *same impact as the approved project*.

F. Private Airstrip

There are no private airstrips within the vicinity of the project site; therefore, noise impacts associated with private airstrips would be less than significant, or the *same impact as the approved project*.

NOISE

POPULATION AND HOUSING

4.11 POPULATION AND HOUSING

This subchapter evaluates the potential impacts of the proposed project on population and housing, as compared to the approved project.

4.11.1 ENVIRONMENTAL SETTING

The proposed airport hotel will not affect ongoing population and housing. Currently, there are no residential uses on-site, and none are proposed.

4.11.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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”
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	

DISCUSSION

A. Population Growth

The proposed project is restricted to a hotel uses on the site. Occupants of the hotel would be transient and would not result in any new or more significant population growth and/or housing impacts than were described in the certified 2005 North San José Area Development Plan (NSJADP) FPEIR or Envision San José 2040 General Plan FPEIR. The proposed project would not result in any new or more significant population growth or housing impacts than those addressed in the certified 2005 NSJADP FPEIR or Envision San José 2040 General Plan FPEIR. The proposed project would have the *same impact as the approved project*.

B. Housing Displacement

The proposed project would replace an existing office building with a hotel. There are no residences on the project site, and as such no housing would be displaced. The resulting less-than-significant impact would be the *same impact as the approved project*.

POPULATION AND HOUSING

C. Population Displacement

Development of the proposed project would result in the demolition of an office building center and construction of an airport hotel. The office building has had a recent vacancy rate of 47 percent.¹ As a result, a small group of small businesses would be displaced. However this does not represent a direct displacement of population, nor or substantial quantity of displacement. The impact related to displacement of people would be less than significant, which is the *same impact as the approved project*.

¹ Westlake Urban, Inc. Personal communication with Greg Goodfellow, PlaceWorks, August 3, 2017.

PUBLIC SERVICES AND RECREATION

4.12 PUBLIC SERVICES AND RECREATION

This subchapter describes current public services and recreational facilities relevant to the site, and evaluates how the proposed project would impact those facilities, as compared to the approved project.

4.12.1 ENVIRONMENTAL SETTING

All public services provided in San José are discussed in detail in the NSJ FEIR and General Plan FEIR and SEIR. There has been no change in the availability of services.

The nearest San José Fire Department station is Station 5, located approximately 0.51 miles east of the project site at 1380 N. 10th Street.

4.12.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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”
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 including, <ul style="list-style-type: none"> Fire Protection Police Protection Schools Parks Libraries 				X	

A. Fire Protection

Construction of the proposed project would result in more intense use of the site, from an office building with a high vacancy rate to a 150-room regional hotel. More intense uses may result in increased potential for fire and emergency incidents. However, the proposed project would replace an aging structure with a contemporary facility with updated alarm and fire suppression features. The proposed project would be constructed to current building codes, including integration of features to reduce the potential for fire hazards. The project design would also be reviewed by the SJFD to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the NSJ FEIR and General Plan FEIR and SEIR, build-out of the proposed development programs would incrementally increase the need for fire protection services, which may create the need for additional staffing or resources, or a new fire station in the greater project area. The increase in

PUBLIC SERVICES AND RECREATION

demand for fire services is not necessarily an environmental impact. Per California Environmental Quality Act (CEQA) Appendix G, an environmental impact would result from adverse effects on the physical environment resulting from the development of facilities to meet new demand. Future development of new fire facilities in the project area would require supplemental environmental review per CEQA guidelines, which could consist of an Addendum or Supplemental EIR to the NSJ FEIR or General Plan FEIR. It was concluded in the certified NSJ FEIR that the construction of a new fire station in North San José would not have significant adverse environmental impacts.

Given the infill location of the project site and the fact that the site is already served by the SJFD, it is not anticipated the development of the proposed project would result in significant impacts fire services; nor would this project alone require the construction of additional fire facilities. Furthermore, the proposed project would not result in any new or more significant impacts to fire service than were described in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project would have the *same impact as the approved project*.

B. Police Protection

As noted above, construction of the proposed project would result in more intense use of the site, which may result in increased potential for criminal activity. However, the proposed project would include updated alarm and safety features, and would result in 24-hour hotel staffing. The project design would also be reviewed by the SJFD to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the NSJ FEIR and General Plan FEIR and SEIR, build-out of the proposed development programs would incrementally increase the need for police protection services, which may create the need for additional staffing or resources, or ultimately a new police station in the greater project area. The increase in demand for police services is not necessarily an environmental impact. Per CEQA Appendix G, an environmental impact would result from adverse effects on the physical environment resulting from the development of facilities to meet new demand. Future development of new police facilities in the project area would require supplemental environmental review per CEQA guidelines, which could consist of an Addendum or Supplemental EIR to the NSJ FEIR or General Plan FEIR. It was concluded in the NSJ FEIR that the construction of a new fire station in North San José would not have significant adverse environmental impacts.

Given the infill location of the project site and the fact that the site is already served by the SJPD, it is not anticipated the development of the proposed project would result in significant impacts to police services; nor would this project alone require the construction of additional police facilities. Furthermore, the proposed project would not result in any new or more significant impacts to police service than were described in the NSJ FEIR and General Plan FEIR and SEIR. The proposed project would have the *same impact as the approved project*.

C. Schools

The proposed project is limited to an airport-oriented hotel. It would therefore not increase the number of new students in the project area, and as such would not increase the need for new school facilities, the

PUBLIC SERVICES AND RECREATION

development of which could impact the physical environment. The impact would be less than significant, which is the *same as the approved project*.

D. Parks

The proposed project is limited to an airport-oriented hotel. As has been noted in this document, it would attract travelers on relatively short trips, and would therefore not significantly increase park use in the project area. It would not increase the need for new park facilities, the development of which could impact the physical environment. The impact would be less than significant, which is the *same as the approved project*.

E. Libraries

The proposed project is limited to an airport-oriented hotel. As has been noted in this document, it would attract travelers on relatively short trips, and would therefore not significantly increase the number of potential library users in the project area. It would not increase the need for new library facilities, the development of which could impact the physical environment. The impact would be less than significant, which is the *same as the approved project*.

PUBLIC SERVICES AND RECREATION

4.13 TRANSPORTATION AND TRAFFIC

This subchapter describes the current traffic and transportation conditions on and near the site, and evaluates associated impacts of the proposed project as compared to the approved project.

4.13.1 ENVIRONMENTAL SETTING

An area wide traffic impact analysis was prepared as part of the NSJ FEIR. A focus of the NSJADP is to maximize use of land in North San José by encouraging intense development and facilitating increased transit use. Traffic impacts were identified and resulted in North San José Area-wide traffic impact fees to be levied on projects that are within the NSJADP.

A revised Deficiency Plan for North San José was also approved as part of the approved NSJADP. The Deficiency Plan reflects the City's approved intensification of development in North San José and the actions proposed to encourage and facilitate transit use in the area.

Per City direction, no Traffic impact Assessment (TIA) or Traffic Operational Analysis (TOA) was required for this California Environmental Quality Act (CEQA) review.

4.13.1.1 MAJOR ROADWAYS

The project site is located just west of the intersection of US Highway 101 and Interstate 880. Highway 87, which forms the eastern boundary of Norman Y. Mineta San Jose International Airport, is approximately 0.5 miles to the west. The site is between, and accessible by, North 1st and North 4th Streets, both of which are major, north-south running local roadways. East Hedding Street is just less than one mile to the south.

4.13.1.2 REGIONAL TRANSIT ROUTES

The Santa Clara Valley Transportation Authority (VTA) Light Rail System, which provides service to the Caltrain, ACE and Capital Corridor regional transit systems, is accessible from the project site. The following two stations are within walking distance of the site:

- Metro/Airport Station. 1st Street and Metro Drive
- Gish Station, 1ST Street & Gish Road

4.13.1.3 LOCAL TRANSIT ROUTES

The following local and community VTA bus routes serve the neighborhood surrounding the project site:

- 181 Express: Fremont BART Station to San Jose Diridon Transit Center
- 66 Local: Kaiser San Jose to Milpitas/Dixon Road via Downtown San Jose

TRANSPORTATION AND TRAFFIC

4.13.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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"
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
e) Result in inadequate emergency access?				X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X	

DISCUSSION

A. Plan Conflict

As noted above, the traffic impacts from the proposed commercial/hotel development have already been analyzed and accounted for in the certified NSJ FEIR. Implementation of the proposed project will contribute to the overall level of service (LOS) impact on local intersections and freeway segments in the North San José area. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the NSJ FEIR transportation impacts in accordance with CEQA Guidelines Section 15093. This project will not result in any new or more significant impacts to the LOS of any local intersection or freeway segment than were previously identified in the NSJ FEIR in that the project will receive allocation from the 'pool' of development created by the NSJADP.

TRANSPORTATION AND TRAFFIC

The approximately 36,019 square feet of net new usable development proposed (less existing building square feet) on the site falls under the provisions of the North San José Area Development Policy and is subject to the Deficiency Fee per the policy. These fees will be used to fund construction of a series of transportation improvements identified concurrent with Phase 1 in the NSJ FEIR.

Even with these prescribed improvements for the North San José Area, traffic impacts at some locations would remain significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact.

The proposed project would include Transportation Demand Management (TDM) measures as required in the NSJ FEIR to reduce air pollution emissions. Relevant TDM measures include:

- The provision of 16 short- and long-term bicycle spaces in accordance with SJMC Table 20-90.

In addition to the above TDM measures, the proposed project would comply with the following fee-related permit condition to ensure lack of conflict with existing transportation plans and policies:

Standard Permit Condition TRANS-1

The proposed project would implement following:

- The proposed project shall comply with the City's North San José Area Development Policy and Deficiency Plan Fee.

With implementation of the above condition, the impact of the proposed project in regards to transportation plan conflicts would be the *same as the approved project*.

B. CMP Conflict

The City of San José adopted a revised Deficiency Plan for North San José in conformance with the Santa Clara County Congestion Management Plan (CMP) and California Government Code Section 65089.3. The County CMP requires that a city must adopt a deficiency plan if a CMP facility will fall below the LOS standard identified in the CMP. Because the proposed project is consistent with the NJSADP and would comply with the revised Deficiency Plan, the proposed project would not conflict with the Santa Clara County CMP. It would have the *same impact as the approved project*.

C. Air Traffic Safety

The proposed project will not result in any changes to air traffic patterns. It would have the *same impact as the approved project*.

D. Hazardous Design

The proposed project is not proposing any changes to current street design or streetscape features (e.g., sharp curves or dangerous intersections) or incompatible uses. No roadway improvements are proposed under the project. The majority of proposed project improvements would be limited to the existing footprint of the site. No design elements are expected to result in or substantially increase hazards. Associated impacts would be less than significant, the *same as the approved project*.

TRANSPORTATION AND TRAFFIC

E. Emergency Access

As is required of all City of San José major development proposals, all standards relating to fire safety and emergency access, including compliance with the 2016 California Building Code and California Fire Code, must be verified by the San José Fire Department. This includes the width, length, and grade of all fire apparatus access roads. With compliance with these standards, the proposed project would have a less than significant impact, or the *same impact as the approved project*.

F. Transit, Bicycle, Pedestrian Conflict

The proposed project would be an airport-oriented hotel that would not significantly affect the bicycle, pedestrian or transit landscape, as most visitors would be regional travelers on short stays. Regardless, the project site is designated Urban Village per the Envision San José 2040 General Plan, a land use designed to provide a vibrant mixed-use setting to attract pedestrians, bicyclists, and transit users. The proposed project includes a series of features highlighted in the General Plan to develop this environment, such as visually appealing, pedestrian-scaled landscaping along East Gish Road; new trees along East Gish Road and Kerley Drive; a dedicated pedestrian entryway; bicycle locks and bicycle racks; and pedestrian pavers and paving treatments. Given the nature of the proposed development and the inclusion of these Urban Village features, the proposed project would have a less than significant Impact on bicycle, pedestrian or transit facilities or plans. This would be the *same impact as the approved project*.

UTILITIES AND SERVICE SYSTEMS

4.14 UTILITIES AND SERVICE SYSTEMS

This subchapter describes the current utilities serving the site and surroundings, and evaluates the impacts of the proposed project on those utilities, as compared to the approved project.

4.14.1 ENVIRONMENTAL SETTING

The water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services and facilities serving the project area have not changed significantly since the certification of the 2005 North San José Area Development Policies (NSJADP) FPEIR or the 2011 Envision San José 2040 General Plan FPEIR.

4.14.1.1 WATER SERVICE

The proposed project site is located within the jurisdiction of the San José Water Company, an investor-owned water system that provides water service to a large portion of the City. According to the Company's 2010 Urban Water Management Plan, the Company will be able to meet the needs of the service area through at least 2035 for normal and single dry years.¹

The City of San José administers the South Bay Water Recycling (SBWR) system. The system currently has over 130 miles of pipeline, five pump stations, and over 625 customers. The City promotes the use of recycled water in order to reduce dependency on imported fresh drinking water and to preserve the existing fresh water supply. Recycled water is delivered to customers via 'purple pipe,' and can be used for landscape irrigation, cooling buildings, and industrial processes. According to the SBWR Recycled Water Pipeline System map, purple pipes run west of the project site beneath Airport Boulevard; south of the site beneath East Hedding Street and east of the site beneath Oakland Road.²

4.14.1.2 SANITARY SEWER/WASTEWATER TREATMENT

Wastewater from the City of San José is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), located near Alviso. The RWF provides primary, secondary and tertiary treatment of wastewater and treats an average of 110 million gallons per day (mgd) of wastewater. It has the capacity to treat 167 mgd.³

There is currently a 15-inch sanitary sewer line located in East Gish Road that ultimately connects to a 48-inch line beneath North 4th Street. An 8-inch sewer line beneath Kerley Drive connects to the line beneath East Gish Road.

¹ San Jose Water Company, 2011. *2010 Urban Water Management Plan*, page 2, April.

² South Bay Water Recycling, 2011. Recycled Water Pipeline System. <https://www.sanjoseca.gov/DocumentCenter/View/4692>, accessed August 12, 2017.

³ City of San Jose, San José-Santa Clara Regional Wastewater Facility. <https://www.sanjoseca.gov/Index.aspx?NID=1663>, accessed July 23, 2017.

UTILITIES AND SERVICE SYSTEMS

4.14.1.3 STORM DRAINAGE SYSTEM

Storm drainage lines in the area around the site are owned and maintained by the City of San José. As explained in Chapter 4.8, Hydrology and Water Quality, the site has access to a 66-inch storm drain in East Gish Road, along the southern border of the site. This drain connects to an 18-inch storm drain in Kerley Drive, which then feeds into a 66-inch storm drain along Sonora Avenue. The latter storm drain discharges to the Guadalupe River, which ultimately feeds into the San Francisco Bay. Numerous catch basins exist along the storm drainage lines located on the site frontages.

4.14.1.4 SOLID WASTE

As of 2012, all businesses in San José have been served by Republic Services, and nonresidential waste may be disposed of at any of four privately owned landfills in San José. According to the California Department of Resources Recycling and Recovery (CalRecycle), there is sufficient capacity between the landfills serving Santa Clara County to meet the County’s needs for at least 24 more years. The details of each of these facilities are shown in Table 4.14-1, below.

Recycling services are available to most businesses.

TABLE 4.14-1 SOLID WASTE DISPOSAL

Disposal Site	Maximum Permitted Capacity (Cubic Yards)	Remaining Capacity (Cubic Yards)	Cease Operation Date
Guadalupe Sanitary Landfill	28,600,000	11,055,000	01/01/2048
Zanker Material Processing Facility	640,000	640,000	11/01/2025
Newby Island Sanitary Landfill	57,000,000	21,200,000	01/01/2041
Kirby Canyon Recycling and Disposal Facility	36,400,000	16,191,600	12/31/2022

Source: California Department of Resources Recycling and Recovery, SWIS Facility/Site Search webpage, <http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>, accessed August 12, 2017.

4.14.2 IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT

Would the Proposed Project?	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”
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?				X	
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	

UTILITIES AND SERVICE SYSTEMS

Would the Proposed Project?	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"
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				X	
e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	

DISCUSSION

A. Exceed Waste Water Treatment Requirements

The 2005 NSJADP FPEIR evaluated the increased wastewater flows resulting from the North San José Development Policies Update. At full buildout, the combined development of Phases 1-4 would generate approximately 5,214,750 gallons per day (gpd). These increased flows would not cause the RWF to exceed its capacity or discharge limit, and would be within San José's treatment allocation. As noted above, the RWF currently treats an average of 110 mgd and has the capacity to treat 167 mgd.

The proposed replacement of a two-story, 55,441-square-foot office building with a 91,460-square-foot airport hotel with 150 rooms would generate increased wastewater and resulting treatment demand. However, the proposed project, including size, use and number of hotel rooms, is within the development program capacities established by the Certified NSJADP and General Plan FEIRs. Thus the additional wastewater generated by the project has been accounted for in the overall North San José Development Policies Update's 5,214,750 gpd, which would not cause the WPCP to exceed its capacity or discharge limit, and would be within San José's treatment allocation.

The sewer mains serving the project site are located beneath East Gish Road and Kerley Drive (see Figure 3-5). The project will not reuse and thus stress existing laterals, but create a new 8-inch lateral to East Gish Road. Given new infrastructure associated with the proposed project and the fact that it is consistent with the NSJADP and General Plan development programs, it would not exceed wastewater treatment requirements. It would have the *same impact as the approved project*.

UTILITIES AND SERVICE SYSTEMS

B. Require New Treatment Facilities

As noted above, the RWF has the capacity to treat 167 mgd of wastewater. It currently treats an average of 110 mgd. The plant has an average of 57 mgd of unused, permitted capacity. Also shown above, the proposed project is within the development program capacities established by the Certified NSJADP and General Plan FEIRs. It is consistent with land use and growth assumptions of those programs. Thus, the proposed project would have a less-than-significant impact, the *same impact as the approved project*.

C. Require Drainage Facilities

As explained in Chapter 4.8, Hydrology and Water Quality, implementation of the proposed project will result in a decrease in impervious surfaces on the project site, which will result in a net decrease in stormwater runoff entering the storm drain system. Also explained in Chapter 4.8, the project design includes a Stormwater Control Plan that illustrates a series of treatment control and source control measures to further reduce the peak flows running off of the site and remove contaminants that could impair water quality. As the proposed project reduces impervious surfaces areas and includes design measures to control the volume of storm runoff and protect water quality, the impact on the drainage system would be less than significant. This is the *same impact as the approved project*.

D. Sufficient Water Supply

The proposed replacement of a two-story, 55,441-square-foot office building with a 91,460-square-foot airport hotel with 150 rooms will generate increased water demand. The proposed project would include a new 6-inch drinking water line and meter that connect to the existing main in Kerley Drive, as well as a new 6-inch fire water line. As noted above, the nearest 'purple pipe' connection is located on North First Street, in between Tasman Drive and Montague Expressway, approximately 0.25 miles from the site. The project will provide an irrigation system ready to connect to a future recycled water connection, should the recycled water system ever become available to the site. The design and construction of the irrigation system would conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR.

The NSJADP FPEIR concluded that both San José Water Company and the San José Municipal Water System (SJMWS) would be able to provide water service to all future development allowed under the North San José Development Policies Update, which includes the proposed project. The proposed project will not result in any new or more significant impacts to the water supply than were previously identified in the NSJADP FPEIR.

E. Adequate Provider Capacity

The RWF has the capacity to treat 167 mgd of wastewater. It currently treats an average of 110 mgd. The plant has an average of 57 mgd of unused, permitted capacity. As has been stressed, the proposed project is within the development program capacities approved by the NSJ FEIR and General Plan FEIR. It is consistent with land use and growth assumptions of those programs. The proposed project would result in a determination by the San José/Santa Clara Water Pollution Control Plant that it has adequate capacity to serve the project's projected demand. The proposed project would have a less-than-significant impact, the *same impact as the approved project*.

UTILITIES AND SERVICE SYSTEMS

F. Landfill Capacity

The replacement of a 55,441-square-foot office building with a 91,460-square-foot, 150-room hotel will generate increased solid waste. The NSJ FEIR and General Plan FEIR and SEIR concluded that landfills serving San José had adequate capacity to serve the development programs of those comprehensive policy documents. As outlined in the Environmental Setting section, above, the capacities and operational timelines of landfills serving the program areas remain adequate. Given that the proposed project is consistent with the approved development programs, it would be served by landfills with sufficient permitted capacity to accommodate solid waste disposal needs. The impact would be the *same as the approved project*.

G. Solid Waste Regulations

The proposed project would implement a series of construction and operations-based standard conditions and best practices for compliance with existing regulation. These include:

- Ensure that solid waste storage area is large enough to accommodate both garbage and recycling containers. The minimum enclosure size to accommodate two three cubic yard bins is 11.5 feet by 8 feet with an additional 8 feet in front for the concrete service pad.
- Ensure that solid waste enclosure has adequate capacity, or frequency of collection for garbage and recycling, to accommodate site operations.
- Ensure proper hauler access to solid waste containers. Validate width of driveway and vehicle turning radius. Enclosure areas must be accessible by garbage/recycling trucks by providing minimum 22-foot-wide driveways and a 50-foot turning radius for collection vehicles unless other waste management practices will be implemented.
- Ensure that project demolition debris is properly recycled or disposed. Projects must comply with the City's Construction & Demolition Diversion (CDD) program. Details on recycling construction waste and requirements of the CDD are available at: <http://sanJoseca.gov/index.aspx?nid=1532>.
- The proposed commercial development must follow the requirements for recycling container space.⁴ When 30 percent or more of the original floor space is added to an existing building, provision must be made for the storage and collection of recyclables. Project plans must show the placement of recycling containers, for example, within the details of the solid waste enclosures.
- It is required that scrap construction and demolition debris be recycled instead of disposing of it in a landfill.⁵ An infrastructure exists within San José to accommodate such recycling efforts.

With implementation of the above standards, and given that the proposed project is consistent with development programs of the NSJ FEIR and General Plan FEIR and SEIR, the proposed project would comply with existing regulations related to solid waste and recycling. The impact would be the *same as the approved project*.

⁴ In accordance with the California Public Resource Code, Chapter 18, Articles 1 and 2.

⁵ In accordance with the San Jose Municipal Code, Chapter 9.10, Solid Waste Management.

UTILITIES AND SERVICE SYSTEMS

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