

California Environmental Quality Act
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

San Carlos Hyatt Hotel Project

Lead Agency:



Prepared by:



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- Appendix A Air Quality/Greenhouse Gas Emissions Technical Memorandum
- Appendix B Health Risk Assessment
- Appendix C Cultural Resources Identification Memorandum
- Appendix D Geotechnical Investigation
- Appendix E Phase I Environmental Site Assessment
- Appendix F Noise Technical Memorandum
- Appendix G Local Transportation Analysis

SECTION A. ENVIRONMENTAL CHECKLIST FORM

1. Project Title: San Carlos Hyatt Hotel Project (File No. SP18-012)
2. Lead Agency Name and Address: City of San José
200 E. Santa Clara St.
San José, CA 95113
3. Contact Person and Phone Number: Bethelhem Telahun, Planner
(408) 535-5624
4. Project Location: 1470 W. San Carlos St., San José, CA 95126 (APN: 27720035)
5. Project Sponsor's Name and Address: Dylan Nguyen
Bay Living Investments LLC
4848 San Felipe Road, Ste 150-609
San José, CA 95135
6. General Plan Designation: Urban Village (UV)
7. Zoning: Commercial Neighborhood (CN)
8. Description of Project:

The San Carlos Hyatt Hotel Project (proposed project) includes construction of a six-story, 73.5-foot-high, 105-room, 60,830-square-foot (sf) hotel on a 0.39-acre site, with an 11,844-square-foot basement. The project site is located at the southwest corner of West San Carlos Street and Willard Avenue at 1470 W. San Carlos Street in San José (refer to Figures 1 and 2). The project site is designated as Urban Village (UV) and is zoned as Commercial Neighborhood (CN) and would be rezoned to Commercial Pedestrian (CP).

The hotel would include 105 rooms, two guest lounges, a guest kitchen, bar/café, gym, office, staff room, ancillary storage, and housekeeping facilities. The basement would house garage utilities, housekeeping, and maintenance areas. The Site Plan is included as Figure 3.

The proposed project would include one Americans with Disabilities Act (ADA) compliant parking space on the ground level, accessible via the proposed driveway on Willard Avenue; two valet-assisted ADA spaces in the basement level; and 58 standard parking spaces in the basement level of the hotel, accessible via the proposed driveway on Willard Avenue. The standard parking spaces would be created using 25 vehicle lifts that are able to store two vehicles each and eight valet-parked tandem spaces. Primary pedestrian access would be via West San Carlos Street.

The project site contains an existing 530-sf sales office and a 2,061-sf mechanic shop used for vehicle wholesale and auto detail businesses as well as temporary storage structures. The existing buildings would be demolished as part of the proposed project. There are no trees on the project site; however, there are 16 trees located along the property line south of the project site that may be impacted by construction.

The project would construct a new 20-foot sidewalk with new curb and gutter on the north side of the project site (West San Carlos Street) and a 12-foot sidewalk with new curb, gutter, and approach on the west side of the project site (Willard Avenue). The West San Carlos Street sidewalk would include the planting of seven decorative trees and the replacement of a bus stop with shelter. All street frontage improvements would be installed and maintained per the approved West San Carlos Urban Village Plan.

Earthwork would include fill of 10 cubic yards (cy) and, due to the inclusion of a basement, the cut of 5,200 cy. Total net export of materials would be 5,188 cy. The project applicant will incorporate the following measures on all grading and building plans and specifications subject to approval of the San José Building Division prior to issuance of a demolition or grading permit (whichever occurs first):

- The applicant will ensure construction equipment will not approach the construction buffer zone adjacent to the residential structures adjoining the project site to the east and south. The buffer zone shall be tiered based on distances established in the table below.

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Eastern and Southern Residential Structures (Feet)	Peak Particle Velocity (in/sec) 1
Vibratory roller	27	0.187
Large bulldozer	15	0.191
Caisson drilling	15	0.191
Loaded trucks	14	0.181

As shown in the table above, vibratory rollers shall not operate within 27 feet, large bulldozers and caisson drilling shall not operate within 15 feet, and loaded trucks shall not operate within 14 feet of the adjoining residential structures. The buffer zone shall be enforced between the hours of 7:00 a.m. and 7:00 p.m. pursuant to San José Municipal Code Section 20.100.450, Hours of Construction Within 500 Feet of a Residential Unit.

- The applicant will utilize a construction vibration monitoring system with the potential to measure low levels of vibration to ensure that vibration levels do not exceed the City’s 0.2 inch-per-second peak particle velocity (PPV) threshold.
- The applicant will conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.

Alternatively, if the above measures are deemed not to be feasible by the Building Division, the applicant will require by contract specifications that a certified structural engineer and/or geologist be retained to submit evidence that the operation of vibration-generating equipment associated with the project would not result vibration levels exceeding the City’s 0.2 inch-per-second PPV threshold. Contract specifications shall be included in the project construction documents, which shall be reviewed by the City prior to issuance of a demolition or grading permit (whichever occurs first). The documents will include provisions for vibration

monitoring during the operation of heavy-duty construction equipment, as well as include provisions to ensure vibration levels do not exceed 0.2 inch-per-second PPV at the residences adjoining the project site to the east and south.

The proposed project would reduce impervious surface area and increase pervious area by 2,342 sf. Stormwater would drain from the roof and ground level to a media filter in the basement level, which would then be pumped via a sump pump to a proposed storm drain junction box on West San Carlos Street.

Pacific Gas and Electric would provide electricity and gas and install necessary gas meters and gas lines. Water would be provided by San José Water Company.

9. Surrounding Land Uses and Setting:

The project site is surrounded by residential uses to the north and south and commercial uses to the west, east, northwest, and northeast. Land use designations surrounding the project site include Urban Village, Mixed-Use Commercial, Residential Neighborhood, and Mixed-Use Neighborhood.

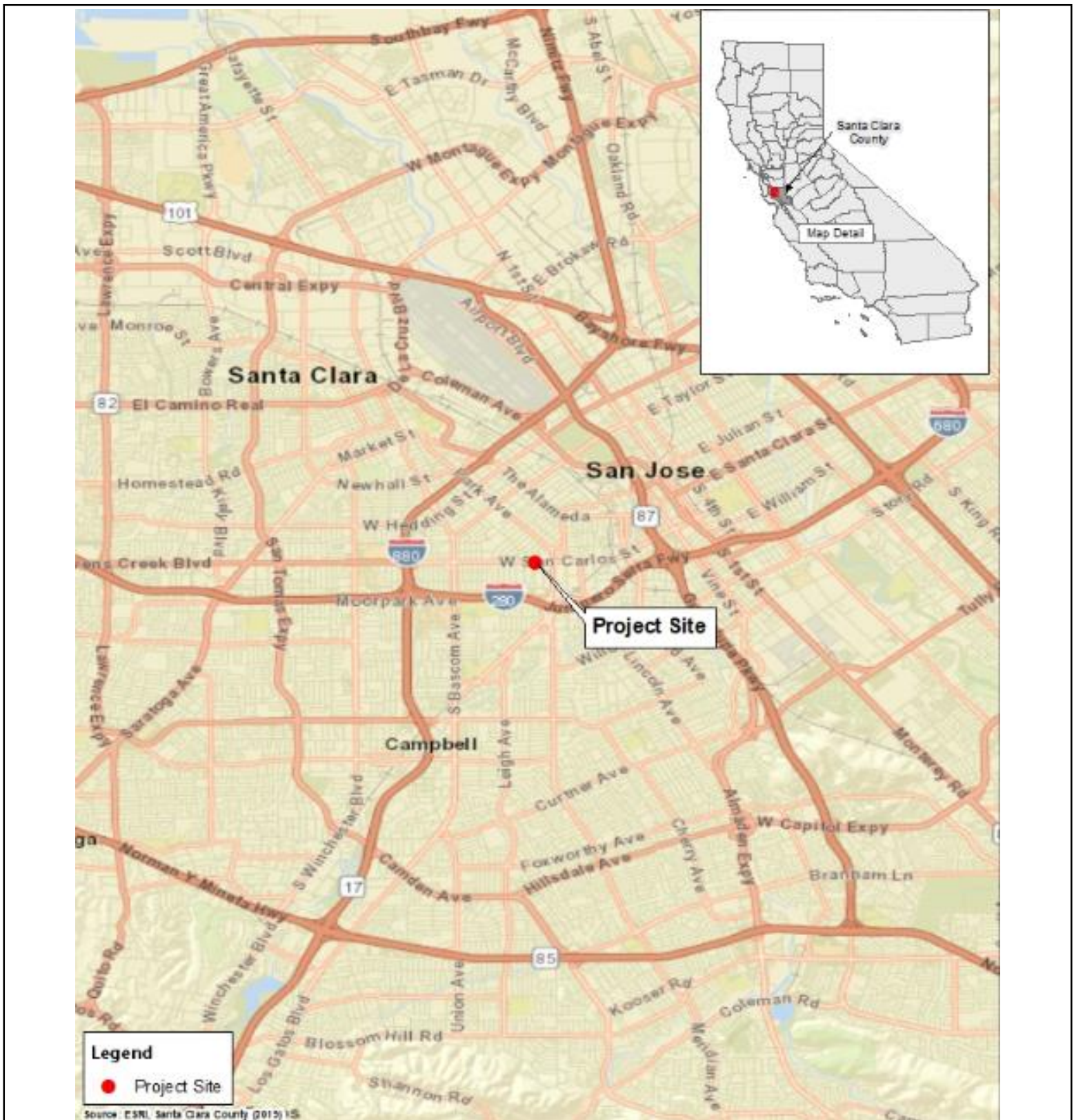
10. Other Public Agencies Whose Approval is Required:

N/A

11. Have California Native American tribes traditionally and culturally affiliated with the project requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?¹

No. In 2017, the City sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The agreement with local tribes requires us to contact them regarding any project within the Downtown area only. We did not reach out for this project as it is outside the Downtown

¹ NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code Section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.



Not to Scale

Figure 1
Regional Location

Michael Baker
INTERNATIONAL

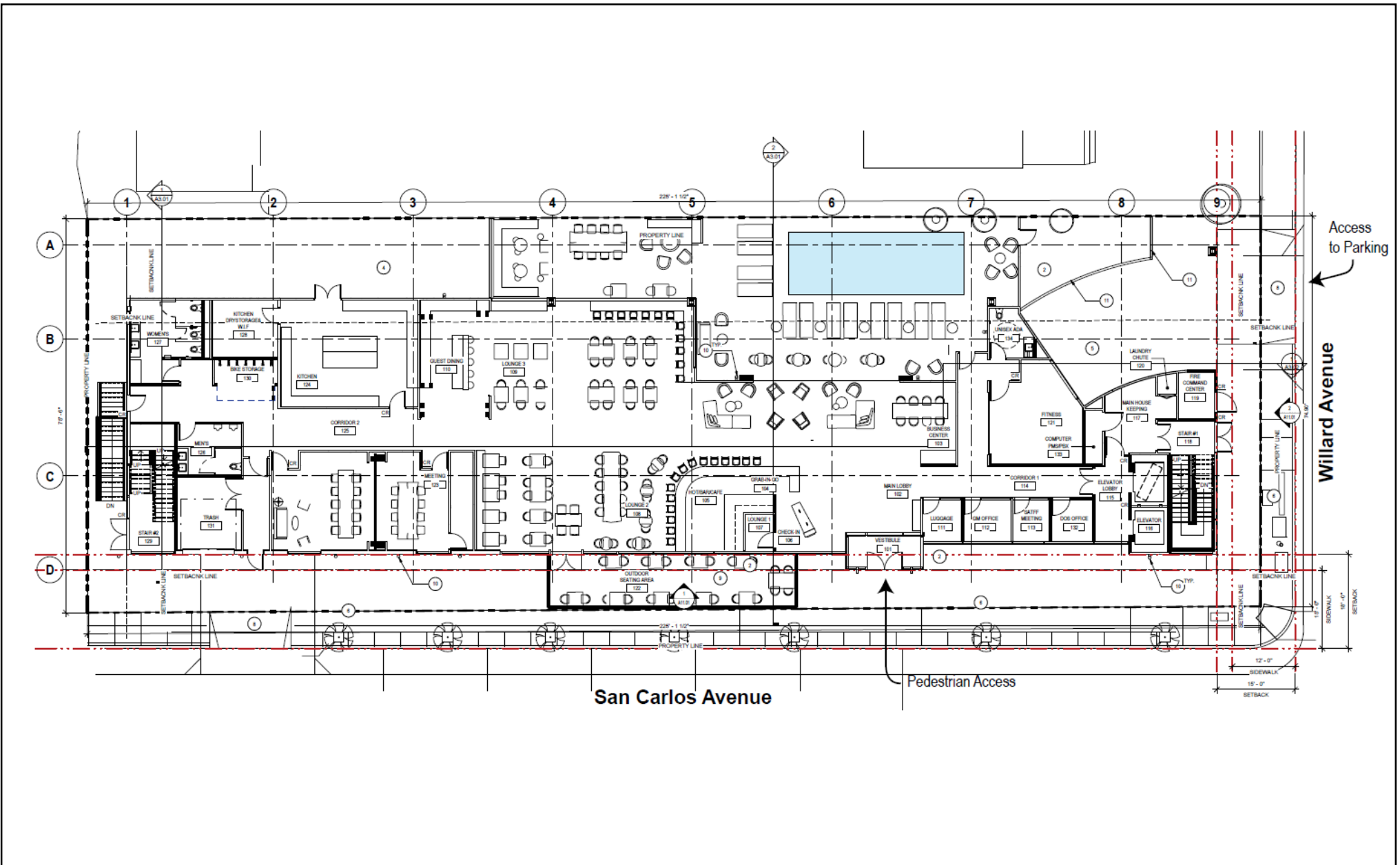


Figure 2
Project Location

Michael Baker
INTERNATIONAL



Not to Scale



Not to Scale

Figure 3
Site Plan

SECTION B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the project. To each question, there are four possible responses:

- **No Impact.** The project would not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The project would have the potential for impacting the environment, although this impact would be below established thresholds that are considered to be significant.
- **Less Than Significant Impact With Measures Incorporated.** The project would have the potential to generate impacts which may be considered a significant effect on the environment, although measures or changes to the development’s physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The project would have impacts which are considered significant, and additional analysis is required to identify measures that could reduce these impacts to less than significant levels.

I. Note to Reader

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

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information

to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

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

SECTION C. DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
 - I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
 - I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
 - I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
 - I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
-

SECTION D. EVALUATION OF ENVIRONMENTAL IMPACTS

I. Aesthetics

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS:				
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Regulatory Setting

Envision San José 2040

The Envision San José 2040 General Plan includes the following aesthetic policies applicable to the proposed project:

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

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

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

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

Policy CD-1.18: Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.

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

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

Outdoor Lighting Policy

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

State Scenic Highway Program

Many state highways are located in areas of outstanding natural beauty. California's Scenic Highway Program was created by the legislature in 1963. The purpose of the program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. Highway 9, from the Santa Cruz County line to the Los Gatos city limits, is the only officially designated state scenic highway in Santa Clara County. Starting at Skyline Boulevard, this two-lane roadway winds downward from the summit at Saratoga Gap. Highway 280 from the Santa Clara County line to the San Bruno County line is the nearest eligible state scenic highway near the project site.

a) *Except as provided in Public Resources Code Section 21099, would the project have a substantial adverse effect on a scenic vista?*

The City's General Plan Quality of Life Element identified the City's scenic resources as the broad sweep of the Santa Clara Valley, the hills and mountains which frame the valley floor, the baylands, and the urban skyline, including high-rise development. The proposed project is for the construction of a six-story hotel in a neighborhood primarily composed of one- to three-story buildings. The project may block distant views of the Santa Cruz Mountains from areas adjacent to the site; however, the number of views potentially blocked would not be substantial. Therefore, impacts on scenic vistas would be less than significant.

b) Except as provided in Public Resources Code Section 21099, would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The City has identified scenic corridors and gateways that provide aesthetic views and provide city/neighborhood identity (San José 2018). The proposed project is not within a scenic corridor or gateway and would, therefore, not damage scenic resources. Additionally, the project site is not in the vicinity of an eligible or officially designated scenic highway as established by the California Department of Transportation (Caltrans 2011). No impact on scenic routes within a state or locally designated scenic highway would occur.

c) Except as provided in Public Resources Code Section 21099, would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The proposed project is in an urbanized area of San José. The City has adopted Commercial Design Guidelines for hotels and motels and the project is within the West San Carlos Urban Village area and would be required to comply with elements of the plan, including building height and height transitions, setbacks, and urban streetscape improvements. The project would follow all applicable design guidelines and all other City regulations governing scenic quality. This would be a less than significant impact.

d) Except as provided in Public Resources Code Section 21099, would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project site is adjacent to residential uses and the proposed project would introduce new sources of light that may affect adjacent residential uses. However, Section 20.75.360 of the City of San José Municipal Code requires commercial projects adjacent to residential properties to shield all light away from residential uses so that there would be no glare that could cause unreasonable annoyance. The proposed project would follow all applicable City light regulations; therefore, impacts regarding light and glare would be less than significant.

II. Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURE AND FORESTRY RESOURCES:				
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Regulatory Setting

Williamson Act

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

Farmland Mapping and Monitoring Program

The California Resources Agency’s Farmland Mapping and Monitoring Program provides maps and data to decisions makers to assist them in making informed decisions regarding the planning of the present and future use of California’s agricultural land resources.

Forestland and Timberland

Public Resources Code Section 12220(g) identifies forestland as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefit.

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forestland, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

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

There are no agricultural uses on or in the vicinity of the project site. The project site is located on land classified as “Urban and Built-Up Land” by the Santa Clara County Farmland Mapping and Monitoring Program map (CDC 2016a). The project site is not near Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, there would be no impact on farmland.

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

The project site is not enrolled in a Williamson Act contract and is classified as “Urban and Built-Up land” by the 2016 Santa Clara County Williamson Act Map (CDC 2016b). Furthermore, the project site is zoned Commercial Neighborhood, which does not include agricultural uses. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and there would be no impact.

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

The project site is zoned Commercial Neighborhood, which does not allow for timberland or forest uses. Therefore, the proposed project would not conflict with existing zoning for forestland or timberland, and there would be no impact.

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

There are no forestry uses on or in the vicinity of the project site. Therefore, the proposed project would not result in the loss or conversion of forestland, and there would be no impact.

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

The proposed project would include the construction and operation of a 105-room hotel on a currently developed 0.39-acre lot. No part of the project would result in conversion of farmland to non-agricultural use or conversion of forestland to non-forest land use. There would be no impact.

III. Air Quality

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY:				
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The analysis below is based on an Air Quality/Greenhouse Gas Emissions Technical Memorandum and Health Risk Assessment written by Michael Baker in July 2020 (**Appendices A and B**).

Existing Setting

Local Ambient Air Quality

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at over 30 monitoring stations distributed throughout the San Francisco Bay Area Air Basin (Basin). The closest monitoring station to the project site is the San José-Jackson Street Monitoring Station, which is approximately 2 miles northeast of the site. The air pollutants measured at the San José-Jackson Street Monitoring Station include ozone, particulate matter 10 microns in diameter or less (PM₁₀), particulate matter 2.5 microns in diameter or less (PM_{2.5}), carbon monoxide (CO), and nitrogen dioxide (NO₂). The air quality data monitored at the San José-Jackson Street Monitoring Station from 2016 to 2018 are presented in **Table 1**, which lists the monitored maximum concentrations and number of exceedances of state/federal air quality standards for each year.

Table 1
Measured Air Quality Levels

Pollutant	Primary Standard		Year	Maximum Concentration ¹	Number of Days State/Federal Std. Exceeded
	California	Federal			
Carbon Monoxide (CO) ² (1-Hour)	20 ppm for 1 hour	35 ppm for 1 hour	2016	1.953 ppm	0/0
			2017	2.145	0/0
			2018	2.513	0/0
Ozone (O ₃) ² (1-Hour)	0.09 ppm for 1 hour	N/A	2016	0.087 ppm	0/0
			2017	0.121	3/0
			2018	0.078	0/0
Ozone (O ₃) ² (8-Hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2016	0.067 ppm	0/0
			2017	0.099	4/4
			2018	0.061	0/0
Nitrogen Dioxide (NO _x) ²	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2016	0.051 ppm	0/0
			2017	0.068	0/0
			2018	0.086	0/0
Particulate Matter (PM ₁₀) ^{2,3,4}	50 µg/m ³ for 24 hours	150 µg/m ³ for 24 hours	2016	41.0 µg/m ³	0/0
			2017	69.8	6/0
			2018	155.8	4/1
Fine Particulate Matter (PM _{2.5}) ^{2,3,4}	No Separate State Standard	35 µg/m ³ for 24 hours	2016	22.7 µg/m ³	*/0
			2017	49.7	*/6
			2018	133.9	*/15

Notes:
 ppm = parts per million
 µg/m³ = micrograms per cubic meter
 * = insufficient data available to determine the value
 1. Maximum concentration is measured over the same period as the California Standard.
 2. Measurements taken at the San José-Jackson Street Monitoring Station located at 158 E. Jackson St., San José, CA 95112.
 3. PM₁₀ exceedances are based on state thresholds established prior to amendments adopted on June 20, 2002.
 4. PM₁₀ and PM_{2.5} exceedances are derived from the number of samples exceeded, not days.

Sources: California Air Resources Board, *ADAM Air Quality Data Statistics*, <http://www.arb.ca.gov/adam/>, accessed on October 1, 2019;
 California Air Resources Board, *AQMIS2: Air Quality Data*, <https://www.arb.ca.gov/aqmis2/aqdselect.php>, accessed on October 1, 2019.

Regulatory Setting

Clean Air Act

The federal Clean Air Act requires the Environmental Protection Agency (EPA) to set national ambient air quality standards for six common air pollutants (referred to as “criteria pollutants”): particulate matter (PM), ground-level ozone, CO, sulfur oxides, nitrogen oxides, and lead. The EPA and the California Air Resources Board (CARB) have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. “Attainment” status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground-level ozone and fine particulate matter (PM_{2.5}), nor does it meet state standards for respirable particulate matter (PM₁₀). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the federal Hazardous Air Pollutants programs.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel-fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The BAAQMD is the regional agency tasked with managing air quality in the region. At the state level, CARB (a part of the California EPA) oversees regional air district activities and regulates air quality at the state level. The BAAQMD has published CEQA Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, adults over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

Bay Area Air Quality Management District

The BAAQMD is the regional agency with jurisdiction over the nine-county Basin. The BAAQMD is responsible for attaining and maintaining air quality in the Basin with respect to federal and state air quality standards, as established by the federal Clean Air Act and the California Clean Air Act, respectively. Specifically, the BAAQMD has responsibility for monitoring ambient air pollutant levels

throughout the Basin and developing and implementing strategies to attain the applicable federal and state standards. The BAAQMD is also responsible for establishing and enforcing local air quality rules and regulations to address the requirements of federal and state air quality laws and ensuring that the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are met. A list of applicable BAAQMD rules is provided below.

- Regulation 6, Rule 1 (Particulate Matter): This regulation limits the quantity of particulate matter in the atmosphere through the establishment of limitations on emission rates, emission concentrations, visible emissions, and opacity.
- Regulation 6, Rule 3 (Wood-Burning Devices): This regulation prohibits installation of woodburning devices in new building construction.
- Regulation 9, Rule 8 (Stationary Internal-Combustion Engines): This regulation limits emissions of NOX and CO from stationary internal-combustion engines of more than 50 horsepower.

The most recent air quality plan, the 2017 Clean Air Plan, was adopted by the BAAQMD on April 19, 2017. The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in accordance with the requirements of the state Clean Air Act to implement all feasible measures to reduce ozone; provide a control strategy to reduce particulate matter, air toxics, and greenhouse gas (GHG) emissions in a single, integrated plan; and establish emission control measures to be adopted or implemented. The 2017 Clean Air Plan contains the following primary goals:

- Protect Air Quality and Health at the Regional and Local Scale: Attain all State and national air quality standards, and eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Protect the Climate: Reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The 2017 Clean Air Plan is the most current applicable air quality for the Basin. Consistency with the 2017 Clean Air Plan is the basis for determining whether the proposed project would conflict with or obstruct implementation of an air quality plan.

Envision San José 2040

The General Plan includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution and toxic air contaminants (TACs). The following goals, policies, and actions are applicable to the proposed project:

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

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

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

Goal MS-11. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

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

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

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

Policy MS-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.

Significance Thresholds

Under CEQA, the BAAQMD is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. Under the federal Clean Air Act, the BAAQMD has adopted federal attainment plans for ozone and PM_{2.5}. The BAAQMD reviews projects to ensure that they would not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any federal attainment plan.

The BAAQMD CEQA Air Quality Guidelines (Guidelines) provide significance thresholds for both construction and operation of projects within the BAAQMD jurisdictional boundaries. The thresholds have been developed by the BAAQMD in order to attain the CAAQS and NAAQS. Therefore, projects below these thresholds would not violate an air quality standard and would not contribute substantially to an existing or projected air quality violation. These recommendations, which are listed as follows, represent the best available science on the subject of what constitute significant air quality effects in the Basin:

- NOX and ROG: 54 pounds/day
- PM₁₀: 82 pounds/day
- PM_{2.5}: 54 pounds/day
- CO: A quantitative CO impact analysis is not required (comparing project emissions to the CAAQS), if the following criteria are met:
 - Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
 - The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
 - The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Additionally, the BAAQMD, with guidance from the California EPA and the California Office of Health Hazard Assessment, has established that the following air pollution thresholds be used by lead agencies in determining a project’s health risks. If the lead agency finds that a proposed project has the potential to exceed the air pollution thresholds, the project should be considered significant. The thresholds for air toxic emissions are outlined in **Table 2** below.

Table 2
Health Risk Thresholds

Pollutant	Operational-Related Threshold
Risk and Hazards for New Sources and Receptors (Individual Project)	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of > 10.0 in 1 million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient PM _{2.5} increase > 0.3 µg/m ³ annual average <u>Zone of Influence: 1,000-foot radius from fence line of source or receptor</u>
Notes: PM _{2.5} = particulate matter less than 2.5 microns; µg/m ³ = micrograms per cubic meter	
Source: Bay Area Air Quality Management District, <i>Proposed Thresholds of Significance</i> , December 2009; Bay Area Air Quality Management District, <i>CEQA Air Quality Guidelines</i> , May 2017.	

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

The most recently adopted air quality plan in the Basin is the Clean Air Plan. The Clean Air Plan outlines how the San Francisco Bay Area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions.

The Clean Air Plan’s assumptions for projected air emissions and pollutants in San José are based on the City’s General Plan Land Use/Transportation Diagram Map, which designates the project site as “Urban Village.” Because the project is consistent with this designation, the project would not exceed

the projections used by the BAAQMD to develop the Clean Air Plan. As such, the proposed project would not significantly affect regional vehicle miles traveled pursuant to the CEQA Guidelines (Section 15206) because of its consistency with adopted land use plans in the City of San José. In addition, the proposed project would not have the potential to exceed the level of population or housing foreseen in regional planning efforts.

As described below in Questions B and C, construction and operational air quality emissions generated by the proposed project would not exceed the BAAQMD’s emissions thresholds. These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants and would not contribute to any non-attainment areas in the Basin. Therefore, the project would be in compliance with the Clean Air Plan and impacts would be less than significant in this regard.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Short-Term Construction

Short-term air quality impacts are predicted to occur during grading and construction activities associated with implementation of the proposed project. Temporary air emissions would result from the following activities:

- Particulate (fugitive dust) emissions from grading activities; and
- Exhaust emissions from the construction equipment and the motor vehicles of the construction crew.

Construction activities would include demolition, grading, building construction, paving, and application of architectural coatings. Site grading would require approximately 6,994 cy of soil export. Emissions for each construction phase have been quantified based upon the phase durations and equipment types. The analysis of daily construction emissions has been prepared utilizing the California Emissions Estimator Model version 2016.3.2 (CalEEMod); refer to **Appendix A. Table 3** presents the anticipated daily short-term construction emissions.

**Table 3
Short-Term Construction Emissions**

Emissions Source	Pollutant (pounds/day) ^{1,2}			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Year 1				
Emissions	3.37	33.39	4.10	2.54
<i>BAAQMD Thresholds</i>	54	54	82	54
<i>Is Threshold Exceeded?</i>	No	No	No	No
Year 2				
Emissions	2.03	18.52	1.19	0.97
<i>BAAQMD Thresholds</i>	54	54	82	54
<i>Is Threshold Exceeded?</i>	No	No	No	No

Year 3				
Emissions	31.70	18.06	1.15	0.92
<i>BAAQMD Thresholds</i>	54	54	82	54
<i>Is Threshold Exceeded?</i>	No	No	No	No
ROG = reactive organic gases; NO _x = nitrogen oxides; PM ₁₀ = particulate matter 10 microns in diameter or less; PM _{2.5} = particulate matter 2.5 microns in diameter or less				
Notes: 1. Emissions were calculated using CalEEMod version 2016.3.2 and EMFAC 2017, as recommended by the BAAQMD and CARB. 2. The emissions presented include reductions associated with the City of San José Standard Permit Conditions (i.e., replace ground cover on disturbed areas quickly, water exposed surfaces twice daily, and proper loading/unloading of mobile and other construction equipment).				
Refer to Appendix A, Air Quality/Greenhouse Gas Emissions Data , for assumptions used in this analysis.				

Fugitive Dust Emissions

Construction activities are a source of fugitive dust (also known as PM₁₀ and PM_{2.5}) emissions that may have a substantial, temporary impact on local air quality. Fugitive dust is often a nuisance to those living and working within the vicinity of the project site. Fugitive dust emissions are associated with demolition, land clearing, ground excavation, cut and fill operations, and truck travel on unpaved roadways. Fugitive dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions.

PM₁₀ and PM_{2.5} are both emitted during construction activities and as a result of wind erosion over exposed soil surfaces. Clearing and grading activities comprise the major sources of construction dust emissions, but traffic and general disturbance of the soil also generate significant dust emissions. PM₁₀ and PM_{2.5} emissions can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors making quantification difficult. The highest potential for construction dust impacts would occur during the dry late spring, summer, and early fall months when soils are dry. Despite this variability in emissions, experience has shown that a number of feasible control measures can be reasonably implemented to significantly reduce PM₁₀ and PM_{2.5} emissions from construction activities; refer to the City's Standard Permit Conditions, below.

Construction Equipment and Worker Vehicle Exhaust

Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site.

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_x, PM₁₀, and PM_{2.5}. As seen in **Table 3**, BAAQMD thresholds would not be exceeded during construction activities associated with the proposed project and impacts would be less than significant.

ROG Emissions

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are ozone precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. Architectural coatings were also quantified with CalEEMod based upon the size of the building. As indicated in **Table 3**, the project would result in a maximum of 31.70 pounds per day of ROG emissions during construction activities. As such, construction ROG emissions would not exceed the BAAQMD threshold of 54 pounds per day. Therefore, a less than significant impact would occur with regard to ROG emissions.

Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by state, federal, and international agencies and was identified as a TAC by CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Potentially harmful asbestos may be released to the atmosphere due to activities such as vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. Natural weathering and erosion processes can act on asbestos-bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed. According to the California Department of Conservation, serpentinite and ultramafic rocks are not known to occur within the project area (CDC 2000). Thus, there would be no impact in this regard.

Total Daily Construction Emissions

In accordance with the BAAQMD Guidelines, CalEEMod was used to model construction emissions for ROG, NO_x, PM₁₀, and PM_{2.5}. Construction would occur over an approximate 29-month period, with the greatest amount of fugitive dust emissions being generated during the grading stage of construction. Additionally, the greatest amount of ROG emissions would typically occur during the final stages of development due to the application of architectural coatings.

As indicated in **Table 3**, the proposed project would not result in an exceedance of any BAAQMD thresholds for ROG, NO_x, PM₁₀, and PM_{2.5}. Notwithstanding, the project would be required to comply with the City's Standard Permit Conditions which would further reduce emissions, as detailed below. Therefore, a less than significant impact would occur.

City of San José Standard Permit Conditions

The project applicant will ensure the contractor implements the following measures:

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

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

Long-Term (Operational) Emissions

Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NOX, SOX, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NOX and ROG react with sunlight to form ozone [photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}); however, CO tends to be a localized pollutant, dispersing rapidly at the source.

Based on the Hyatt Place Hotel Local Transportation Analysis (Transportation Analysis), prepared by Michael Baker International and dated September 24, 2020 (**Appendix G**), the proposed project would generate approximately 764 net new daily vehicle trips. **Table 4** presents the anticipated mobile source emissions. As shown, emissions generated by vehicle traffic associated with the project would not exceed established BAAQMD thresholds. Impacts from mobile source air emissions would be less than significant.

**Table 4
Long-Term Operational Air Emissions**

Emissions Source	Pollutant (pounds/day) ^{1,2}			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Long-Term Emissions				
Mobile Emissions	1.24	0.00	0.00	0.00
Area Source Emissions	0.05	0.44	0.03	0.03
Energy Emissions	1.71	2.44	3.09	0.84
<i>Total Project Emissions</i> ³	3.00	2.88	3.13	0.87
<i>BAAQMD Threshold</i>	54	54	82	54
<i>Is Threshold Exceeded? (Significant Impact?)</i>	No	No	No	No
Notes:				
1. Emissions were calculated using CalEEMod version 2016.3.2 and EMFAC 2017, as recommended by the BAAQMD and CARB.				
2. Based on CalEEMod modeling results, worst-case seasonal emissions for area, energy, and mobile emissions have been modeled.				
3. Total project emissions include use of natural gas hearths only per BAAQMD Regulation 6, Rule 3 (Wood-Burning Devices).				
Refer to <u>Appendix A, Air Quality/Greenhouse Gas Emissions Data</u> , for assumptions used in this analysis.				

Area Source Emissions

Area source emissions would be generated due to an increased demand for natural gas associated with the development of the proposed project. The primary use of natural gas-producing area source emissions by the project would be for consumer products, architectural coating, and landscaping. As shown in **Table 4**, area source emissions from the proposed project would not exceed BAAQMD thresholds for ROG, NO_x, PM₁₀, or PM_{2.5}.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity usage associated with the proposed project. The primary use of electricity by the project would be for ventilation, lighting, appliances, and electronics. As shown in **Table 4**, energy source emissions from the proposed project would not exceed BAAQMD thresholds for ROG, NO_x, PM₁₀, or PM_{2.5}.

Total Daily Operational Emissions

As indicated in **Table 4**, operational emissions from the proposed project would not exceed BAAQMD thresholds. Thus, operational air quality impacts would be less than significant.

Air Quality Health Impacts

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individual [e.g., age, gender]). In particular, ozone precursors, volatile organic compounds (VOC), and NO_x affect air quality on a regional scale. Health effects related to ozone are therefore the product of small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of nonattainment would produce meaningless results. In other words, the project's

less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.

As noted in the Brief of Amicus Curiae by the SCAQMD (April 6, 2015) for the Sierra Club vs. County of Fresno, the SCAQMD acknowledged it would be extremely difficult, if not impossible, to quantify health impacts of criteria pollutants for various reasons, including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD) (April 13, 2015) for the Sierra Club vs. County of Fresno, the SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example, is correlated with the increases in ambient level of ozone in the air (concentration) that an individual person breathes.

The SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The SCAQMD states that based on its own modeling in the SCAQMD's 2012 Air Quality Management Plan, a reduction of 432 tons (864,000 pounds) per day of NO_x and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at the highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Thus, as the project is an individual development project and would not exceed BAAQMD thresholds for construction and operational air emissions, the project would have a less than significant impact for air quality health impacts.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The closest sensitive receptors are residential uses adjoining the project site to the east and south.

Localized Carbon Monoxide Hotspot

The Basin is designated as attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project is consistent with the applicable congestion management plan and would not increase traffic volumes at local intersections to more than 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Based on the scope of the proposed project (operation of a 105-room hotel), traffic would increase along surrounding roadways during long-term operational activities. However, according to

the Local Transportation Analysis for the proposed project, the project would generate approximately 764 net new daily vehicle trips. Therefore, the project would not generate a significant number of vehicle trips and effects related to CO concentrations would be less than significant.

Parking Structure Hotspots

CO concentrations are a function of vehicle idling time, meteorological conditions, and traffic flow. Therefore, parking structures (and particularly subterranean parking structures) tend to be of concern regarding CO hotspots, as they are enclosed spaces with frequent cars operating in cold start mode. Approximately 60 parking spaces would be constructed in the basement parking area. The proposed project would be required to comply with the ventilation requirements of the International Mechanical Code (Section 403.5 [Public Garages]), which requires that mechanical ventilation systems for public garages operate automatically upon detection of a concentration of CO of 25 ppm by approved detection devices. The 25 ppm trigger is the maximum allowable concentration for continuous exposure in any eight-hour period according to the American Conference of Governmental Industrial Hygienists. Impacts in regard to parking structure CO hotspots would be less than significant.

Health Risk Impact Assessment

Carcinogenic Hazard

Based on the AERMOD outputs, the highest expected hourly average diesel PM₁₀ emission concentrations at the project site resulting from diesel truck traffic along West San Carlos Street would be approximately 0.03381 µg/m³. The highest expected annual average diesel PM₁₀ emission concentrations at the project site would be approximately 0.00789 µg/m³. The calculations conservatively assume cleaner technology with lower emissions are not implemented in future years. Cancer risk calculations are based on 70-, 30-, 9- and 25-year worker exposure scenarios. As shown in **Table 5**, the highest calculated carcinogenic risk as a result of the project is 8.28 per million for 70-year exposure, 6.98 per million for 30-year exposure, 0.49 per million for 25-year worker exposure, and 4.85 per million for 9-year exposure. Under all worker exposure scenarios, health risk would not exceed the established significance threshold of 10 in 1 million.

Furthermore, the project would be required to comply with the 2019 Title 24 requirements, which requires installation of MERV 13 air filters or higher. MERV 13 air filters would reduce PM₁₀ concentrations by 95 percent, which would drastically lower the maximum cancer risk from DPM. It should be noted that as a hotel project, it is not anticipated that sensitive receptors would be present on-site for the 9-, 30-, and 70-year resident exposure, and 25-year worker exposure scenarios. As shown, impacts related to cancer risk and PM₁₀ concentrations from diesel truck traffic along West San Carlos Street would be less than significant at the project site.

Table 5
Health Risk at Project Site

Exposure Scenario	Maximum Cancer Risk (Risk per Million) ^{1,2}	Significance Threshold (Risk per Million)	Exceeds Significance Threshold?
70-Year Exposure	8.28	10	No
30-Year Exposure	6.98	10	No
9-Year Exposure	4.85	10	No
Worker Exposure (25-Year)	0.49	10	No
Notes:			
<ol style="list-style-type: none"> 1. Refer to Appendix A of Appendix B, Dispersion Modeling Data. 2. The maximum cancer risk would be experienced at UTM NAD83 Zone 10S coordinate location 595956.51, 4131292.54 (Latitude: 37.323336°, Longitude: -121.916967°) along the northeastern tip of the project site. 			

Non-Carcinogenic Hazard

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the Reference Exposure Level (REL) for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. The potential for acute non-cancer hazards is evaluated by comparing the maximum short-term exposure level to an acute REL. RELs are designed to protect sensitive individuals in the population. The calculation of acute non-cancer impacts is similar to the procedure for chronic non-cancer impacts.

An acute or chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the acute or chronic exposure by the REL. The highest maximum chronic and acute hazard index associated with emissions generated by project implementation would be 0.024 and 0.014, respectively; refer to **Appendix B**. Therefore, non-carcinogenic hazards are calculated to be within acceptable limits (less than 1.0) and a less than significant impact would occur.

d) Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project does not include any uses identified by the BAAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy-duty equipment exhaust. Construction-related odors would be short term in nature and cease upon project completion. Any odor impacts to existing adjacent land uses would be short term and not substantial. As such, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant in this regard.

IV. Biological Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES:				
<i>Would the project:</i>				
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Regulatory Setting

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act of 1918 (MBTA) is one of the nation's oldest environmental laws. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season that results in the

incidental loss of fertile eggs or nestlings, or otherwise leads to nest abandonment, would violate the MBTA.

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (SCVHP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), US Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

City of San José Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An “ordinance-sized tree” is defined as any native or non-native tree with a circumference of 56 inches or diameter of 18 inches at 24 inches above the natural grade of slope. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. In addition, any tree found by the City Council to have special significance based on factors including, but not limited to, its history, girth, height, species, or unique quality, can be designated as a heritage tree (San José Municipal Code Section 13.28.330 and 13.32.090). It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. There are no heritage trees on the project site.

Envision San José 2040

The Envision San José 2040 General Plan includes the following biological resource policies applicable to the proposed project:

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

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

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

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

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

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

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

a) Would the project 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 Game or U.S. Fish and Wildlife Service?

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

The project site is in an urban setting and is currently developed. Consequently, suitable habitat for special-status species does not exist on-site. Furthermore, no critical habitats are located on the project site (USFWS 2019). No special-status species, riparian habitat, or other sensitive natural communities would be affected by the proposed project. No impact would occur.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site has been previously graded and does not contain any wetlands or other waters of the United States or of the State. No protected wetlands would be affected by the proposed project. No impact would occur.

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

The project site is in an urban setting, isolated from larger areas of undeveloped land. Given the area's developed nature, the project site does not function as a movement corridor for local wildlife. There are no trees on the project site. There are 16 trees located along the property line south of the project site. These trees could provide nest sites for migratory birds that are protected under the MBTA, and construction activities on the project site could result in the abandonment of nests. Implementation of mitigation measure **BIO-1** would reduce impacts to less than significant. Mitigation measure

BIO-1 requires a preconstruction nesting bird survey if construction activities would occur during the nesting season.

Compliance with this measure would ensure the proposed project would have a less than significant impact related to migratory corridors, or the use of nursery sites.

Mitigation Measures:

MM BIO-1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever occurs first), the project applicant shall schedule construction between September 1 and January 31 (inclusive) to avoid the nesting season for raptors and other migratory birds. Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching. If construction activities cannot be scheduled to avoid the nesting season, preconstruction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1 and April 30 (inclusive) shall conduct preconstruction surveys for nesting birds within 14 days prior to the onset of construction. Between May 1 and August 31 (inclusive), preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities. Preconstruction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found within 250 feet of the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. Prior to any site disturbance, such as tree removal, or the issuance of any grading, building or demolition permits (whichever comes first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement, or the Director’s designee.

Timing/Implementation: Prior to issuance of any tree removal, grading, building, or demolition permits

Enforcement/Monitoring: City of San José

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

The City of San José Tree Ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An “ordinance-sized tree” is defined as any native or non-native tree with a circumference of 56 inches or diameter of 18 inches at 24 inches above the natural grade of slope. Heritage status trees are also protected. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. There are no trees on the project site. There are 16 trees located along the property line south of the project site: four large trees of heaven (*Ailanthus altissima*), three cherry trees (*Prunus sp.*), one pear tree (*Pyrus calleryana*), and eight acacia trees (*Acacia sp.*) All of these trees, with the exception of the small cherry trees, have become constrained by the lack of space and the four *Ailanthus* have encroached on the nearby buildings, making these limbs a potential safety hazard.

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

The City of San José is covered by the SCVHP. The proposed project is located in an area of the plan where it would be subject to plan conditions if development would be equal to or greater than 2 acres or if the proposed project affects sensitive habitat (SCVHA 2012). The project site is 0.39 acres and, as discussed above, would not affect sensitive habitat. The project would implement the following standard permit condition in accordance with the SCVHP. Therefore, the proposed project is not subject to the plan and no impact would occur.

Standard Permit Condition

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

V. Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES:				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Existing Setting

Michael Baker International staff completed a Northwest Information Center (NWIC) records search, historical map review, field survey, and California Register of Historical Resources (California Register) and City of San José Candidate City Landmark evaluations of the two buildings and sign located at 1470 and 1480 West San Carlos Street. These efforts were completed to determine whether the project could result in adverse impacts to cultural resources in accordance with CEQA. Methods, results, and recommendations are summarized below and in **Appendix C**.

Cultural Resources Identification Methods

The results of the NWIC records search, historical map search, pedestrian survey, and California Register and City Landmark evaluations are presented below.

Northwest Information Center

NWIC staff conducted a records search (File No. 18-2266) on June 11, 2019. The NWIC, as part of the California Historical Resources Information System, California State University, Sonoma, an affiliate of the California Office of Historic Preservation (OHP), is the official state repository of cultural resources records and reports for Santa Clara County. As part of the records search, the following federal and California inventories were reviewed:

- California Inventory of Historic Resources (OHP 1976).
- California Points of Historical Interest (OHP 1992 and updates).
- California Historical Landmarks (OHP 1996).
- Directory of Properties in the Historic Property Data File (OHP 2012). The directory includes the listings of the National Register of Historic Places (National Register), National Historic Landmarks, California Register, California Historical Landmarks, and California Points of Historical Interest.

No cultural resources were identified within the project area. One cultural resource, Fiesta Lanes (P-43-001446), a building, was located within the quarter-mile search radius, but was demolished circa 2013.

One cultural resources report was previously completed within the project area, and six within the quarter-mile search radius as identified below.

Author	Date	Title	Within project site?	Resources identified in project area?
Basin Research Associates	1990	Cultural Resources Assessment for the West San Carlos Redevelopment Project Area, City of San Jose, Santa Clara County, California	Yes	No
Basin Research Associates	1992	Cultural Resources Assessment for the Midtown District Specific Plan Project Area, City of San Jose, Santa Clara County, California	No	No
Peak and Associates	2000	Cultural Resources Overview for the AT&T San Jose Build, Cities of Redwood City and San Jose, San Mateo and Santa Clara Counties	No	No
Dill Design Group and Archives and Architecture	2002	Historical and Architectural Evaluation, Fiesta Lanes and Meineke Discount Mufflers, 1531 & 1533 West San Carlos Street, San Jose, Santa Clara County, California (APN 274-14-142 and 143)	No	No
Holman & Associates	2001	Cultural Resources Review for the Housing Opportunities Study Phase II, San Jose, Santa Clara County, California	No	No
Michael Brandman Associates	2010	Cultural Resources Records Search and Site Visit for T-Mobile West Corporation a Delaware Corporation Candidate SF24664-E (Pole Cap 259 Meridian), IFO 259 Meridian Avenue, San Jose, Santa Clara County, California	No	No
Basin Research Associates	2014	Archaeological Survey Report, Park Avenue Multimodal Improvements, Hedding Street to Montgomery Street, Santa Clara County, California	No	No

Literature and Historical Map Review

Michael Baker staff reviewed literature and historical maps for archaeological, ethnographic, historical, and environmental information about the project area and the vicinity. Below is a list of resources reviewed, followed by a narrative description of the results for the project area.

- Township 7S, Range 1W GLO Plat Map (BLM 1866)
- San Jose, Calif. 15-minute topographic quadrangle (USGS 1899)
- San Jose, Cal Vol 2 Sheet 196 (Sanborn Fire Insurance Company 1915)
- Single Frame Aerial Photo ID: 1HR0000010143 (USGS 1948)
- San Jose, Cal Vol 2 Sheet 196 (Sanborn Fire Insurance Company 1950)
- San Jose West, Calif. 1:24,000 scale topographic quadrangle (USGS 1953)

- San Jose West, Calif. 1:24,000 scale topographic quadrangle (USGS 1961)
- Single Frame Aerial Photo ID: 1VBZK00020011 (USGS 1968)
- San Jose City Directories (Ancestry.com 2020a, 2020b, 2020c, 2020d)
- “Historical Overview and Context for the City of San Jose (Archives and Architecture 1992)
- “San Jose Modernism Historic Context Statement” (PAST Consultants 2009)
- “West San Carlos Street Historic Context, City of San Jose, Santa Clara County” (Dobkin and Basin Research Associates 2011)
- “San Jose Historic Resources Inventory” (San Jose 2016)

The project area was once part of Rancho de los Coches. No features are depicted within the project area until 1948, two years after 1480 West San Carlos is known to have been constructed. By 1950, 1470 West San Carlos was identified as a used auto sales office and an additional two buildings (no longer extant) were identified as an auto repair shop and an autobody shop. By 1968, both 1470 and 1480 West San Carlos Street are depicted in the project area. The San José City Directories were used to identify previous businesses located at the project area, which are discussed in further detail in **Appendix C**. (BLM 1866; USGS 1899, 1948, 1968; Sanborn Fire Insurance Company 1915, 1950; Ancestry.com 2020a, 2020b, 2020c, 2020d)

Neither resource is identified in the San José Historic Resources Inventory or historic context statements completed for the City (Archives and Architecture 1992; PAST Consultants 2009; San José 2016).

Pedestrian Survey

Michael Baker cultural resources staff did not conduct an archaeological field survey because the area is fully paved. Three built environment resources, 1470 and 1480 West San Carlos Street and a street sign, are located in the project area. Photographs and resource characteristics were identified during a field survey on April 16, 2020. This information was used to complete the California Register and City Landmark evaluations required for the project.

California Register/Candidate City Landmark Evaluations

The buildings and street sign located at 1470 and 1480 West San Carlos Street were evaluated for inclusion in the California Register and for Candidate City Landmark status and recommended ineligible for listing in the California Register under Criteria 1, 2, 3, or 4 both individually or as contributors to a historic district due to a lack of association with a historic context. The resources also do not appear eligible as Candidate City Landmarks under any criterion of the City of San José Historic Preservation Ordinance and Municipal Code. Additionally, the resources were evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code, and they do not appear to be historical resources for the purposes of CEQA.

Refer to **Appendix C** for the full resource descriptions and evaluations with historic context.

Regulatory Setting

Assembly Bill 52

As of July 1, 2015, lead agencies are required to address a project's impacts on tribal cultural resources consistent with Assembly Bill (AB) 52. Public Resources Code Section 21074 defines tribal cultural resources as:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the CRHR.
 - Included in a local register of historical resources as defined in subdivision (k) of the Public Resources Code Division 5, Article 2, Section 5020.1.
- 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 Division 5, Article 2, Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

California Public Resources Code Sections 5097.9-5097.991

Archeological resources and human remains archeological sites are protected by numerous state policies and regulations under the California Public Resources Code, the California Code of Regulations (Title 14 Section 1427), and the California Health and Safety Code. California Public Resources Code Sections 5097.9–5097.991 require notification of discoveries of Native American remains and provide for the treatment of human remains and associated grave resources. Santa Clara County Code (Sections B6-19 and B6-20) and state law require the Santa Clara County coroner to be notified if human remains are found on a site. If the coroner determines the remains are of Native American descent, the Native American Heritage Commission and a “most likely descendant” must also be notified.

San José Historic Preservation Ordinance

The City of San José has adopted a historic preservation ordinance to protect the historical value of certain properties and neighborhoods in the city. The ordinance requires a permit to be obtained before any work is performed on a city landmark or in a city historic district.

Envision San José 2040

The Envision San José 2040 General Plan includes the following cultural resource policies applicable to the proposed project:

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

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

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

Policy LU-13.22: Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable

Policy LU-14.4: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

The NWIC records search, literature and historical map review, pedestrian survey, and California Register and Candidate City Landmark evaluations identified no historical resources as defined by CEQA Section 15064.5(a) within the project area. Therefore, there would be no impact to historical resources as a result of the project.

b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

The NWIC records search, literature and historical map review, pedestrian survey, and California Register and Candidate City Landmark evaluations identified no archaeological resources within the project area. During project-related construction, there is the potential to uncover previously undiscovered archaeological resources within the project area. However, the proposed project would be required to comply with standard permit conditions which would result in a less than significant impact on archaeological resources.

Standard Permit Conditions

The project is required to conform with the following standard permit conditions in the event of a discovery:

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any

significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

c) *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

The NWIC records search, literature and historical map review, pedestrian survey, and California Register and Candidate City Landmark evaluations identified no human remains within the project area. However, ground-disturbing activities as part of the project could uncover human remains. The proposed project would be required to comply with standard permit conditions, which would result in a less than significant impact.

Standard Permit Conditions

The project is required to conform with the following standard permit conditions in the event of a discovery:

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
 - The MLD identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

VI. Energy

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
ENERGY: <i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Regulatory Setting

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law to require that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities requires them to procure 50 percent of the state's electricity from renewable sources by 2030.

California Building Code

At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen), which establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the importance of scaling

of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a green building ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José; the Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11); requirements for transportation demand programs for employers with 100 or more employees (Chapter 11.105); and a Construction and Demolition Diversion Deposit Program to foster recycling of construction and demolition materials (Chapter 9.10).

San José Clean Energy

In February 2019, most residential uses and businesses in San José were enrolled in San José Clean Energy, a nonprofit, locally controlled electricity generation service provider for residents and commercial users. Residents and business owners can choose to opt out of San José Clean Energy and remain entirely with Pacific Gas and Electric Company (PG&E) service.

Envision San José 2040

The Envision San José 2040 General Plan includes the following energy policies applicable to the proposed project:

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

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

Existing Setting

The project would use electricity supplied by PG&E, which generates or purchases 39 percent of its power from renewable resources, 34 percent from nuclear generation, 15 percent from natural gases and other fossil fuels, and 13 percent from hydroelectric generation. PG&E is also San José's natural gas provider.

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

Construction Energy

During construction, the proposed project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site clearing, grading, and construction. Fuel energy consumed during construction would be temporary in nature and would not represent a significant demand on energy resources. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. Additionally, construction building materials could include recycled materials and products originating from nearby sources in order to reduce costs of transportation. Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials.

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest of minimizing the cost of doing business.

Operational Energy

Transportation Energy Demand

The project would not result in any unusual characteristics that would result in excessive operational fuel consumption. The project would also comply with the Energy Independence and Security Act of 2007, federal vehicle standards, and California's Low Carbon Fuel Standard, which regulate fuel efficiencies for vehicles, including trucks. Thus, consumption associated with vehicle trips generated by the proposed project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Building Energy Demand

The proposed project would consume energy for interior and exterior lighting, heating/ventilation and air conditioning (HVAC), refrigeration, electronics systems, appliances, and security systems,

among other things. The estimated energy usage of the project would be 396,575 kilowatt hours per year (**Appendix A**).

The project would be required to comply with the Building Energy Efficiency Standards (California Code of Regulations, Title 24, Parts 6 and 11), which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of these standards significantly reduces energy usage. In addition, the electricity provider in the City, San José Clean Energy, is subject to California's RPS. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 50 percent of total procurement by 2030. Renewable energy is generally defined as energy that comes from resources that are naturally replenished within a human timescale, such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance on such energy resources further ensures that projects would not result in the waste of the finite energy resources.

The proposed project would adhere to all federal, state, and local requirements for energy efficiency, including the Title 24 standards, as well as the project's design features. The proposed project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Additionally, the proposed project would not result in a substantial increase in demand or transmission service, resulting in the need for new or expanded sources of energy supply or new or expanded energy delivery systems or infrastructure.

For the reasons described above, the proposed project would not place a substantial demand on regional energy supply or require significant additional capacity; significantly increase peak and base period electricity demand; cause wasteful, inefficient, and unnecessary consumption of energy during project construction, operation, and/or maintenance; or preempt future energy development or future energy conservation. Impacts would be less than significant.

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

The project would comply with the most current version of Title 24's CALGreen standards (Title 24, Part 11), which would ensure the project incorporates energy-efficient windows, insulation, lighting, ventilation systems, and water-efficient fixtures, as well as green building standards. Adherence to the Title 24 energy/CALGreen requirements will ensure conformance with the state's goal of promoting energy, water, and lighting efficiency. Therefore, the proposed project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

VII. Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS:				
<i>Would the project:</i>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed into law following the destructive 1971 San Fernando earthquake. This act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990 to protect the public from the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. The SHMA established a statewide mapping program to identify areas subject to violent shaking and ground failure; the program is intended to assist cities and counties in protecting public health and safety. The California Geological Survey is mapping SHMA zones and has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, ground shaking, and landslides, which include the central San Francisco Bay Area and Los Angeles Basin.

California Building Code

The California Building Code prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground, and distance to seismic sources. The code is renewed on a triennial basis; the current version is the 2019 Building Standards Code.

Envision San José 2040

The Envision San José 2040 General Plan includes the following geology and soil policies applicable to the proposed project:

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

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act, and/or the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided and reviewed by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

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

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

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

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.

Action EC-4.10: Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.

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

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

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

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

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

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Building Code) and Chapter 17.10 (Geologic Hazards Regulations). Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 - Excavation and Grading). In

accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Existing Setting

Regional Geology

San José is located within the Santa Clara Valley, a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain from the adjacent mountains.

Topography and Soils

Soils on-site are composed of very stiff to hard sandy lean clay of low to moderate plasticity underlain by about 7–8.5 feet of medium dense to dense clayey sand. Beneath the sandy layer is stiff to very stiff sandy lean clay of low to high plasticity to the maximum depths explored of 45 feet (**Appendix D**).

Expansive near-surface soils are subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs, and below grade walls. The project site is underlain by soils that have a relatively low potential for expansion (**Appendix D**). The site has an elevation of approximately 110 feet above mean sea level and the topography of area is relatively flat.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. These types of soils were not encountered during the geotechnical investigation (**Appendix D**). According to the Santa Clara County Geologic Hazard Zones Map, the project site is not located in a potential liquefaction zone (Santa Clara County 2020).

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Based on a 2014 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044 (USGS 2014).

The site is not located within a designated Santa Clara County Fault Hazard Zone (Santa Clara County 2020). Nearby active faults include the Hayward, Calaveras, and San Andreas faults. No active faults have been mapped on the project site (**Appendix D**); therefore, the risk of fault rupture at the site is remote.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. The nearest waterway is Los Gatos Creek, located 4,000 feet east of the project site. Given the low potential for liquefaction and the distance from the nearest waterway, the potential for lateral spreading on-site is low.

Landslides

The site is not located within a Santa Clara County Landslide Hazard Zone (Santa Clara County 2020). The project area is relatively flat and, therefore, the probability of landslides occurring at the site during a seismic event is low.

a)j) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

According to Special Publication 42, the project site is not within an earthquake fault zone (CDC 1997). Furthermore, the project site is not located within a fault as delineated by the fault activity map of California (CDC 2010). Therefore, the proposed project would not cause substantial adverse effects involving the rupture of a known earthquake fault. No impact would occur.

a)ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

The project site is located in the seismically active San Francisco Bay Area and, as with any project within the area, would be susceptible to strong seismic shaking in the event of an earthquake. The City of San José's Geologic Hazard Regulations (San José Code of Ordinance Chapter 17.10) require that no permit may be issued for any construction or grading on any property in a geologic hazard zone except when in full compliance with the chapter. Pursuant to the standard permit condition, the building design and construction at the site would be completed in conformance with the recommendations of an approved geotechnical investigation that has been reviewed and approved by the City of San José Department of Public Works. Further, to avoid or minimize potential damage from seismic shaking and liquefaction, the project would be designed and constructed in accordance with the 2019 California Building Code, which would ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse. As discussed above, the proposed project is not within a geological hazard zone and so the regulations do not apply. Additionally, the proposed project would use modern construction methods and adhere to the California Building Code's seismic design standards. Therefore, the proposed project would result in a less than significant impact regarding strong seismic ground shaking.

Standard Permit Condition

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building

design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

a)iii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

According to the California Department of Conservation (CDC) Seismic Hazard Zones map, the project site is not located in an area prone to liquefaction (CDC 2016c). Therefore, no impact would occur.

a)iv) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site is relatively flat and is not in the vicinity of landforms that would be prone to landslides. Therefore, no impact would occur related to landslides.

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

The project site has a low potential for soil erosion because it is flat. Additionally, the project must be designed to lessen, to the maximum extent practicable, the introduction of pollutants that may result in significant impacts, generated from site runoff to the stormwater conveyance system as approved by the City. Also, as part of the Stormwater Pollution Prevention Plan, the project would adopt construction best management practices to avoid and minimize the transport of soil or contaminants off-site. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The project will comply with all applicable City regulatory programs pertaining to construction-related erosion, including the following measures identified in the General Plan EIR for avoiding and reducing construction-related erosion impacts:

Standard Permit Conditions

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

For these reasons, the project would have less than significant impacts on soil erosion or loss of topsoil.

c) *Would the project 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?*

Impacts related to liquefaction and landslides are discussed above. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The downslope movement is due to gravity and earthquake shaking combined. Lateral spreading of the ground surface during a seismic activity usually occurs along the weak shear zones within a liquefiable soil layer and has been observed to generally take place toward a free face (i.e., retaining wall, slope, or channel) and to a lesser extent on ground surfaces with a very gentle slope. As discussed above, the potential for liquefaction at the project site is low and therefore the potential for lateral spread occurring at the project site is also considered unlikely.

The project site is in an area that receives most of its water from groundwater sources (SJWC 2019). Subsidence can occur in areas where groundwater pumping occurs. However, the Santa Clara Valley Water District (SCVWD), which manages groundwater in Santa Clara Valley sub-basin, has determined that to avoid land subsidence, groundwater extraction must be below 200,000 acre-feet per year (AFY). Only approximately 100,000 AFY of groundwater is extracted from the sub-basin annually and total extraction would not exceed 200,000 AFY. Therefore, there is minimal potential for subsidence related to groundwater pumping.

The proposed project would be constructed in accordance with the California Building Code, which is designed to ensure safe construction and includes building foundation requirements appropriate to site conditions. For these reasons, potential impacts to people or structures due to landslide, lateral spreading, subsidence, liquefaction, or collapse would be less than significant.

d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Expansive soils shrink and swell with changes in soil moisture. Soil moisture may change from landscape irrigation, rainfall, and utility leakage. Expansive soils are commonly very fine-grained with high to very high percentages of clay. The geotechnical investigation prepared for the project (**Appendix D**) determined that the site is in an area underlain by older alluvial fan deposits generally consisting of gravelly sand and sandy/clayey gravel, grading upward to sandy and silty clay with a relatively low potential for expansion. In addition, the project would be required to comply with the applicable soil and foundation codes of the California Building Code that specify special foundation design for construction on soils that exceed certain expansion thresholds. With adherence to applicable building codes and implementation of design recommendations included in the geotechnical study, potential impacts would be less than significant.

e) Would the project 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?

The project site is in an area where public water and wastewater infrastructure is available. The project would be required to connect to public services as a condition of development. Septic or alternative waste disposal systems are not proposed for the project. No impact would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project site is within an urbanized area and has been previously disturbed by grading and development activities. There are no unique geological features on site. The proposed project includes excavation to accommodate the project. As a result, there is a possibility of encountering undisturbed unique paleontological features during project construction. However, compliance with General Plan Policies ER-10.1 and ER-10.3 would ensure that if paleontological resources are encountered during excavation, they would be protected. This would be a less than significant impact.

VIII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS:				
<i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The analysis below is based on an Air Quality/Greenhouse Gas Emissions Technical Memorandum written by Michael Baker in July 2020 (**Appendix A**).

Existing Setting

California is a substantial contributor of GHGs, emitting over 420 million metric tons of carbon dioxide equivalent (CO₂eq)² per year (California Energy Commission 2019). Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission. Every nation emits GHGs and as a result makes an incremental cumulative contribution to global climate change; therefore, global cooperation will be required to reduce the rate of GHG emissions enough to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO₂, methane, and nitrous oxide (N₂O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO₂ concentrations ranged from 180 to 300 ppm. For the period from approximately 1750 to the present, global CO₂ concentrations increased from a pre-industrialization period concentration of 280 to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range. As of May 2019, the highest monthly average concentration of CO₂ in the atmosphere was recorded at 414.7 ppm (National Oceanic and Atmosphere Administration 2019).

Regulatory Setting

The State of California has adopted various administrative initiatives and legislation relating to climate change, much of which set aggressive goals for GHG emissions reductions statewide. Although lead agencies must evaluate climate change and GHG emissions of projects subject to CEQA, the CEQA

² Carbon Dioxide Equivalent (CO₂eq) - A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

Guidelines do not require or suggest specific methodologies for performing an assessment or specific thresholds of significance and do not specify GHG reduction mitigation measures. Instead, the guidelines allow lead agencies to choose methodologies and make significance determinations based on substantial evidence, as discussed in further detail below. No state agency has promulgated binding regulations for analyzing GHG emissions, determining their significance, or mitigating significant effects in CEQA documents. Thus, lead agencies exercise their discretion in determining how to analyze GHGs.

California Global Warming Solutions Act (Assembly Bill 32)

The primary act that has driven GHG regulation and analysis in California include the California Global Warming Solutions Act of 2006 (AB 32), which instructs CARB to develop and enforce regulations for the reporting and verifying of statewide GHG emissions. The act directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner. The heart of the bill is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020.

CARB Scoping Plan

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce CO₂e emissions by 174 million metric tons (MT), or approximately 30 percent, from the state's projected 2020 emissions level of 596 million MTCO₂e under a business as usual (BAU) scenario.³ This is a reduction of 42 million MTCO₂e, or almost 10 percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal."

³ "Business as usual" refers to emissions that would be expected to occur in the absence of GHG reductions. See <http://www.arb.ca.gov/cc/inventory/data/bau.htm>. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the definition. It is broad enough to allow for design features to be counted as reductions.

The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

In December 2017, CARB approved the California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target (2017 Scoping Plan). This update focuses on implementation of a 40 percent reduction in GHGs by 2030 compared to 1990 levels. Achieving the 2030 target under the 2017 Scoping Plan will also spur the transformation of the California economy and fix its course securely on achieving an 80 percent reduction in GHG emissions by 2050, consistent with the global consensus of the scale of reductions needed to stabilize atmospheric GHG concentrations at 450 ppm carbon dioxide equivalent and reduce the likelihood of catastrophic climate change. Currently, global levels are at just above 400 ppm. **Table 6** provides a brief overview of other California legislation relating to climate change that may affect emissions associated with the proposed project.

Table 6
California State Climate Change Information

Legislation	Description
Assembly Bill 1493 and Advanced Clean Cars Program	Assembly Bill 1493 (“the Pavley Standard”) (Health and Safety Code Sections 42823 and 43018.5) aims to reduce GHG emissions from noncommercial passenger vehicles and light-duty trucks of model years 2009 to 2016. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO ₂ e emissions and 75 percent fewer smog-forming emissions.
Low Carbon Fuel Standard	Executive Order S-01-07 (2007) requires a 10 percent or greater reduction in the average fuel carbon intensity for transportation fuels in California. The regulation took effect in 2010 and is codified at Title 17, California Code of Regulations, Sections 95480–95490. The Low Carbon Fuel Standard will reduce GHG emissions by reducing the carbon intensity of transportation fuels used in California by at least 10 percent by 2020.
Renewables Portfolio Standard (Senate Bill X1-2, Senate Bill 350, and Senate Bill 100)	California’s Renewables Portfolio Standard (RPS) requires retail sellers of electric services to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020. The 33 percent standard is consistent with the RPS goal established in the Scoping Plan. The passage of Senate Bill (SB) 350 in 2015 updates the RPS to require the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources to be increased to 50 percent by December 31, 2030. The bill will make other revisions to the RPS program and to certain other requirements on public utilities and publicly owned electric utilities. SB 100, passed in 2018, further requires achieving 60 percent renewable energy resources target by 2030, and 100 percent renewable energy resources target by 2045.
Senate Bill 375*	SB 375 took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet the GHG reduction goals established in AB 32.
California Building Energy Efficiency Standards	California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, located at Title 24, Part 6 of the CCR and commonly referred to as “Title 24,” were established in 1978 in response to a legislative mandate to reduce California’s energy consumption. Title 24 requires the design of building shells and building components to conserve energy. Compliance with Title 24, Part 6 is enforced through the building permit process. The California Energy Commission adopted the 2019 Title 24 standards, which became effective on January 1, 2020. The 2019 standards continue to improve upon the 2016 Title 24 standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Under 2019 Title 24 standards, nonresidential buildings will use about 30 percent less energy, mainly due to lighting upgrades, when compared to 2016 Title 24 standards. Further, 2019 Title 24 standards require installation of solar photovoltaic panels within residential developments, which would reduce energy usage by 53 percent compared to the 2016 Title 24 standards. ^{1,2,3}
California Green Building Standards	The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics.

Legislation	Description
Senate Bill 32 (Amendments to California Global Warming Solutions Act of 2006: Emission Limit)	Signed into law in September 2016, SB 32 codifies the 2030 target in the recent Executive Order B-30-15. The bill authorizes the state board to adopt an interim GHG emissions level target to be achieved by 2030. SB 32 states that the intent is for the legislature and appropriate agencies to adopt complementary policies which ensure that the long-term emissions reductions advance specified criteria. In December 2017, CARB approved the <i>California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target</i> that provides guidance for compliance with SB 32.
<p>Notes:</p> <p>*Senate Bill 375 is codified at Government Code Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, 65588, 14522.1, 14522.2, and 65080.01, as well as at Public Resources Code Sections 21061.3 and 21159.28 and Chapter 4.2.</p> <p>1. California Energy Commission, <i>2016 Building Energy Efficiency Standards</i>, www.energy.ca.gov/title24/2016standards/, accessed October 1, 2019.</p> <p>2. California Energy Commission, <i>2019 Building Energy Efficiency Standards</i>, https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf, accessed October 1, 2019.</p> <p>3. California Energy Commission, <i>2019 Building Energy Efficiency Standards Fact Sheet</i>, March 2018.</p>	

County of Santa Clara Climate Action Plan for Operations and Facilities

The County of Santa Clara adopted the County of Santa Clara Climate Action Plan for Operations and Facilities (CAP) on September 8, 2009. The CAP focuses on County operations, facilities, and employee actions that will reduce not only GHG emissions but also energy and water consumption, solid waste and fuel consumption. These are areas of opportunity for the County to make a difference, set a good example, and in many cases, save money. The GHG emission reduction goals require a change from BAU to attain them. The goals were to stop increasing the amount of emissions by 2010, decrease emissions by 10 percent every five years from 2010 to 2050, and reach an 80 percent reduction by 2050. The CAP is being issued in the context of legislative and regulatory action at the federal and state level. California's climate change goals are set forth in AB 32, the Global Warming Solutions Act of 2006. This legislation requires a reduction of California GHG emissions to 1990 levels by 2020. Executive Order S-03-05 goes even further by requiring statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

Climate Smart San José

The City of San José adopted Climate Smart San José (Climate Smart Plan) on February 27, 2018. The goal of the Climate Smart Plan is to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws. The Climate Smart Plan also focuses on an aggressive set of short-, medium- and long-term goals to meet the Paris Agreement-aligned targets.⁴ Among the plan's most notable goals:

- By 2021, San José will make 100 percent emission-free electricity available to all San José Clean Energy users.
- By 2030, San José will reduce carbon emissions from vehicular trips by 1 million tons/year by facilitating the expansion of ridesharing, electric vehicles, and public transit in the city.

⁴ On December 12, 2015, parties to the United Nations Framework Convention on Climate Change reached a landmark agreement to combat climate change and to accelerate and intensify the actions and investments needed for a sustainable low carbon future. The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.

- By 2040, San José will become the first city in the world to produce 1 gigawatt of solar power (which is enough to power the equivalent of 250,000 homes).

Additionally, the Climate Smart Plan is a community-wide initiative to reduce air pollution, save water, and create a stronger and healthier community. The purpose of the Climate Smart Plan is to take San José into the next generation of urban sustainability by transforming buildings, mobility, and the workforce.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted a Greenhouse Gas Reduction Strategy on November 1, 2011, to be consistent with the implementation requirements of AB 32. AB 32 requires the State of California as a whole to reduce GHG emissions to 1990 levels by the year 2020. The Greenhouse Gas Reduction Strategy seeks to reduce GHG emissions within the City through a number of sustainable actions, including minimizing car travel, building site locations that optimize solar installation potential either for heating water or for electricity generation, planting trees to help mitigate heat island effects, and providing access to safe, pedestrian-friendly sidewalks, trails and bike paths, as well as mass transit.

The City of San José is currently updating the Greenhouse Gas Reduction Strategy in response to SB 32, which expands upon AB 32, requiring a reduction in GHG emissions of at least 40 percent below the 1990 levels by 2030. The Greenhouse Gas Reduction Strategy will build on the Climate Smart Plan which expands on the City's Green Vision to advance the City towards urban sustainability. The final Greenhouse Gas Reduction Strategy will serve as a Qualified Climate Action Plan for purposes of tiering under CEQA.

Envision San José 2040

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

Policy CD-2.5: Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

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

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing

safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

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

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

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

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

Action TR-2.18: Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.

Significance Thresholds

The BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which the BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by the BAAQMD are 1,100 MTCO_{2e} per year or 4.6 MTCO_{2e} per service population per year. The numeric thresholds set by the BAAQMD and included in the City's Greenhouse Gas Reduction Strategy were calculated to achieve the state's 2020 target for GHG emission levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). Because the project would begin operations in the post-2020 time frame, the project would not be covered under the City's Greenhouse Gas Reduction Strategy.

The BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. The City has developed updated GHG thresholds reflecting statewide goals beyond 2020. GHG emissions resulting from project operations have been compared to a significance threshold consistent with state goals detailed in SB 32, Executive Order B-30-15, and Executive Order S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Although the BAAQMD has not published a quantified threshold for 2030, this assessment uses a 660 MTCO_{2e} per year significance threshold, which is 40 percent below the 2020 threshold of 1,100 MTCO_{2e} per

year. The 660 MTCO₂e per year significance threshold was calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15.

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Project-Related Sources of Greenhouse Gases

Project-related GHG emissions would include emissions from direct and indirect sources. Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. CalEEMod and EMFAC 2017 were used to calculate the project’s construction and operational GHG emissions. CalEEMod relies upon trip data from the Local Transportation Analysis and project-specific land use data to calculate emissions. Further, as PG&E supplies electricity to the project site, PG&E’s CO₂ emission factor was adjusted in CalEEMod to reflect the most current PG&E RPS portfolio. **Table 7** presents the annual estimated MTCO₂e emissions of the proposed project compared to the existing use (i.e., sales office and mechanic shop), as well as the net change in GHG emissions. CalEEMod outputs are in **Appendix A**.

**Table 7
Estimated Greenhouse Gas Emissions**

Source	Existing Emissions (MTCO ₂ e) ^{1,2,3,4,5}	Project-Generated Emissions (MTCO ₂ e) ^{1,2,3,4,5}	Net Change (MTCO ₂ e) ^{1,2,3,4,5}
Amortized Construction	-	29.50	29.50
Area Source	0.00	0.00	0.00
Mobile Source	20.35	513.48	493.14
Energy ⁵	8.49	125.92	117.43
Solid Waste	2.10	16.46	14.36
Water Demand	0.75	5.26	4.51
Total Emissions	31.69	690.63	658.93
Significance Threshold			660
<i>Exceeds Threshold?</i>			<i>No</i>
Notes:			
1. Emissions were calculated using CalEEMod version 2016.3.2 and EMFAC2017, as recommended by the BAAQMD and CARB.			
2. Carbon dioxide equivalent values calculated using the U.S. EPA Website, <i>Greenhouse Gas Equivalencies Calculator</i> , https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator , accessed April 2020.			
3. Pacific Gas & Electric (PG&E) CO ₂ emission factor from The Climate Registry, https://www.theclimateregistry.org/our-members/cris-public-reports/ , accessed April 2020.			
4. Existing emissions represents operational emissions associated with the existing sales office and mechanic shop.			
5. Totals may be slightly off due to rounding.			
Refer to Appendix A, Air Quality/Greenhouse Gas Emissions Data , for detailed model input/output data.			

As previously discussed, the 660 MTCO₂e per year significance threshold was calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15. As shown in **Table 7**, the proposed project would result in a net change of approximately of 658.93 MTCO₂e per year, which is below the 660 MTCO₂e per year threshold. Therefore, impacts in this regard would be less than significant and no mitigation would be required.

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

Consistency with Applicable GHG Plans, Policies, or Regulations

County of Santa Clara Climate Action Plan for Operations and Facilities

The project site is located within the jurisdiction of the CAP. The CAP contains specific goals, actions, and implementation measures to administer the County's GHG reduction goals past 2015. The GHG goals in the CAP were to decrease emissions by 10 percent every five years from 2010–2050, and reach an 80 percent reduction by 2050. The CAP is being issued in the context of legislative and regulatory action at the federal and state level. California's climate change goals are set forth in AB 32, the Global Warming Solutions Act of 2006. This legislation requires a reduction of California GHG emissions to 1990 levels by 2020. Executive Order S-03-05 goes even further by requiring statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050. The 2017 Scoping Plan, which provides a roadmap for California to reduce its GHG emissions, recognizes the importance of development and implementation of climate action plans by California cities and counties. The CAP calls for sustainable actions to reduce GHGs including energy and water consumption, as well as solid waste and fuel consumption.

The proposed project would implement sustainable design features (i.e., energy-efficient lighting and water-efficient irrigation systems) in compliance with 2019 Title 24 energy efficiency standards. The project would also be required to comply with CALGreen, which would incorporate water-reducing features and fixtures into the proposed hotel building. Therefore, the proposed project would include sustainable features that would comply with the County's goals, policies, and actions in reducing GHG emissions. Further, the project is consistent with the City's designation for the site under the General Plan and would result in GHG emissions below the significance threshold; refer to **Table 7**. Thus, the projected GHG emissions in the CAP for the project site would not exceed expectations.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted a Greenhouse Gas Reduction Strategy on December 2015, to be consistent with the implementation requirements of AB 32. The Greenhouse Gas Reduction Strategy seeks to reduce GHG emissions within the City through a number of sustainable actions, including minimizing car travel, building site locations that optimize solar installation potential either for heating water or for electricity generation, planting trees to help mitigate heat island effects, and providing access to safe, pedestrian-friendly sidewalks, trails and bike paths, as well as mass transit. This GHG Reduction Strategy was prepared in accordance with the BAAQMD CEQA Guidelines, and in conformance with CEQA Guidelines Section 15183.5, which specifically addresses GHG Reduction Plans. As noted above, the project would not exceed the significance threshold for GHG emissions during construction or operation. In addition, the project would comply with 2019 Title 24 energy efficiency standards and CALGreen, and would not develop a land use not already anticipated for in the City's General Plan that would introduce new significant sources of GHG emissions. Therefore, the project would not conflict with the City's Greenhouse Gas Reduction Strategy.

Climate Smart San José

The goal of the Climate Smart Plan is to transform San José into a climate smart city that is substantially decarbonized and meets requirements of Californian climate change laws. The Climate Smart Plan also focuses on an aggressive set of short-, medium- and long-term goals to meet the Paris Agreement-aligned targets. Among the plan’s most notable goals:

- By 2021, San José will make 100 percent emission-free electricity available to all San José Clean Energy users.
- By 2030, San José will reduce carbon emissions from vehicular trips by 1 million tons/year by facilitating the expansion of ridesharing, electric vehicles, and public transit in the city.
- By 2040, San José will become the first city in the world to produce 1 gigawatt of solar power (which is enough to power the equivalent of 250,000 homes).

Table 8 provides an evaluation of the project’s consistency with applicable Climate Smart Plan strategies and demonstrates the project would be consistent with the applicable strategies of Climate Smart Plan.

**Table 8
California State Climate Change Legislation**

Strategies	Project Consistency Analysis
Pillar 1: A Sustainable & Climate Smart City	
1.1: Transitioning to a renewable energy future provides clean electricity that supplies the entire city.	No Conflict. The project would utilize energy from Pacific Gas & Electric (PG&E). PG&E would be required to meet the California RPS, SB 350, and SB 100. The RPS increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020. SB 350 requires 50 percent by 2030. SB 100 requires 44 percent by 2024, 52 percent by 2027, and 60 percent by 2030. As of 2019, over 85 percent of the electricity PG&E delivers is a combination of renewable and greenhouse gas-free resources. ¹
1.2: Embracing our Californian climate means creating an urban landscape, in our homes and public places, that is not just low water use, but attractive and enjoyable.	Consistent. The proposed project would comply with CALGreen and 2019 Title 24 energy efficiency standards, which include water-efficient irrigation systems and water-reducing features and plumbing fixtures.
Pillar 2: A Vibrant City of Connected & Focused Growth	
2.1: Densifying our city in focused growth areas increases walkability and cycling and also makes our neighborhoods more vibrant, distinctive, and enjoyable.	Consistent. One of the focal points of Strategy 2.1 is transit-oriented development. The project would support Strategy 2.1 by being located within walking distance (i.e., 0.25 miles) of multiple bus stops.
2.3: New technology can enable clean, electric, and personalized mobility choices that make it convenient to move between any two points in the city.	Consistent. The project would provide bicycle parking spaces and EV charging spaces in compliance with 2019 Title 24 energy efficiency standards and CALGreen.
2.4: Developing integrated, accessible public and active transport infrastructure reduces the dependency on the car to move within the city.	Consistent. Refer to Strategy 2.1 discussion above.
Pillar 3: An Economically Inclusive City of Opportunity	
3.1: Creating local jobs in our city makes it possible for our residents to work close to where they live, saving time, money, and gas spent commuting.	Consistent. The project would provide employment opportunities in close proximity to residential uses.

Strategies	Project Consistency Analysis
3.2: Making our commercial buildings high-performance and siting them close to transit lowers water and energy use.	Consistent. Refer to Strategy 2.1 and Strategy 1.2 discussions above.
Notes: 1. Pacific Gas & Electric, <i>Delivering Low-Emission Energy</i> , https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page , accessed November 7, 2019.	
Source: City of San José 2018.	

In summary, the plan consistency analysis above demonstrates that the project complies with the plans, policies, regulations, and GHG reduction actions/strategies outlined in the CAP, Greenhouse Gas Reduction Strategy, and Climate Smart Plan. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Project-specific impacts with regard to climate change would be less than significant.

IX. Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS:				
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The analysis below is based on a Phase I Environmental Site Assessment (ESA) completed by AEI Consultants in July 2018 (**Appendix E**).

Existing Setting

In 2015, a Phase I ESA was conducted by Odic Environmental that identified items of potential environmental concern, including a potential underground storage tank (UST). Subsequently, a Phase II ESA was conducted by Odic Environmental to investigate the potential of a UST and other in-ground features. As a result of a subsurface utility survey, an unknown subsurface anomaly was

identified north of the existing auto detail center and is suspected of being a UST, a hydraulic lift, and a clarifier feature. California Code of Regulation Title 40 Code of Federal Regulations, Part 280, California Health & Safety Code, Division 20, Chapter 6.7 & 6.75, California Code of Regulations, Title 23, Chapters 16 & 18 and Certified Unified Program Agency regulations (Santa Clara County Department of Environmental Health) require unused and inactive underground storage tanks to be properly closed either by abandonment-in-place or permanent removal.

Additionally, soil boring tests identified a detectable concentration of diesel-range hydrocarbons and oil-range hydrocarbons. However, all concentrations were below Tier 1 Environmental Screening Levels, for total petroleum hydrocarbons in soils and required no further investigation. Arsenic was also detected; however, its concentration did not indicate an environmental risk and is likely representative of background conditions.

The 2018 Phase I ESA did not identify any environmental conditions except for those previously identified in prior ESAs. However, because the site once was used for a solvent dip tank and spray painting, soil vapor sampling was recommended. Furthermore, based on the age of the existing buildings, asbestos-containing material (ACM) sampling and a lead-based paint risk assessment were recommended prior to demolition activities.

Regulatory Setting

The U.S. EPA is the federal administering agency for hazardous waste programs. State agencies include the California EPA, Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and CARB. Regional agencies include the San Francisco Bay Regional Water Quality Control Board, and the BAAQMD. Local agencies including the San José Fire Department and the Santa Clara County Department of Environmental Health have been granted the responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency program. The Santa Clara Valley Water District (SCVWD) monitors groundwater quality and supports groundwater cleanup efforts. Existing City regulations that reduce or avoid impacts with hazards and hazardous materials include:

- City of San José Hazardous Materials Release Response Plans and Inventory
- City of San José Hazardous Materials Storage Ordinance and Toxic Gas Ordinance
- City of San José Building and Fire Codes
- City of San José Municipal Code (Chapters 6.14, 17.12, 17.88, and 20.80)

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous wastes at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), initially authorized in 1976, gives the EPA the authority to control hazardous waste from “cradle to grave.” This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of nonhazardous solid wastes. The 1986 amendments to RCRA enabled the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Department of Toxic Substances Control and Regional Water Quality Control Board

DTSC regulates hazardous waste and remediation of existing contamination and evaluates procedures to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code. The San Francisco Bay Regional Water Quality Control Board also provides regulatory oversight for sites with contaminated groundwater or soils.

Envision San José 2040

The Envision San José 2040 General Plan includes the following hazards and hazardous materials related policies applicable to all development projects in San José.

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

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

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

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

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

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

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

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

The proposed project would include the construction and operation of a six-story hotel, which would involve storage and use of commercially available janitorial and landscaping supplies. These materials would be stored, handled, and disposed of in accordance with applicable regulations. The project would not involve the routine transport, use, or disposal of quantities of hazardous materials that may create a significant hazard to the public or environment. Therefore, the project would have a less than significant impact.

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

As identified in the Phase I ESA (**Appendix E**), construction of the proposed project would require removal of a UST and related underground features. Additionally, soil vapor sampling, ACM sampling, and lead-based paint risk assessment are required prior to construction activities to avoid the potential release of hazardous materials. **Mitigation measures HAZ-1 through HAZ-3** along with the Standard Permit Conditions would reduce potential impacts to a less than significant level. Mitigation measure HAZ-1 would require the removal of the UST and other underground facilities in accordance with applicable regulations. Mitigation measure HAZ-2 would require soil vapor sampling be performed to determine if potential contamination exists on-site and if regulatory oversight is needed. Mitigation measure HAZ-3 requires the development of a Site Management Plan to protect construction workers, the environment and future site users. The Standard Permit Conditions would ensure removal of any lead-based paint or asbestos contamination associated with the demolition of the building(s) on property be completed according to the appropriate federal, state, and local regulations. All documents related to MM HAZ-1, HAZ-2, and HAZ-3 will be provided to the City.

Mitigation Measures:

MM HAZ-1: Prior to any underground storage tank (UST) removal activities, including excavation, the project applicant shall contact the San José Fire Department and the Santa Clara County Department of Environmental Health (SCCDEH) and coordinate any necessary field inspections and required permits and paperwork from both agencies. The project applicant must coordinate pre- and post-removal sampling of the UST and ancillary equipment surrounding soil/and or groundwater. The project applicant must also complete and submit an Underground Storage Tank System Closure Permit Application with the

SCCDEH and an Underground Storage Tank System Closure Application (UN-003) with the City of San José Fire Department.

Timing/Implementation: Prior to the issuance of any demolition or grading permits

Enforcement/Monitoring: Santa Clara County Department of Environmental Health and the City of San José Fire Department

MM HAZ-2:

Prior to issuance of any demolition or grading permits, the project applicant shall hire a qualified environmental professional to complete soil vapor sampling on-site per the recommendation from the 2018 AEI Phase I Environmental Site Assessment. The results of the soil vapor sampling shall be provided to the City's Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement and the City of San José's Municipal Environmental Compliance Officer.

If the soil vapor report indicates soil gas contamination above, the appropriate regulatory environmental screening levels for the proposed project the project applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. Evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Timing/Implementation: Prior to the issuance of any demolition or grading permits

Enforcement/Monitoring: City of San José/Santa Clara County Department of Environmental Health

MM HAZ-3:

Prior to the issuance of any demolition or grading permits, a Site Management Plan (SMP) shall be prepared by a qualified environmental professional. At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of best management practices
- Mitigation of soil vapors (if required)
- Proper disposal procedures of contaminated materials (if required)
- Monitoring, reporting, and regulatory oversight notifications
- 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 and includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The plan should include any results from the soil vapor sampling completed on-site as described in MM HAZ-2. The HSP shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Timing/Implementation: Prior to the issuance of any demolition or site grading permits.

Enforcement/Monitoring: City of San José/Santa Clara County Department of Environmental Health

Standard Permit Conditions

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than 1 percent asbestos are subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
- Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.

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

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is a potential for release of hazardous emissions or handling of hazardous materials and substances during short-term construction activities. However, because substantial federal, state, and local regulations addressing the transport, use, storage, and disposal of hazardous materials are in place, the potential for substantial effects to schools would be less than significant. There are no schools within one-quarter mile of the project site. Therefore, no impact on schools would occur.

d) Would the project 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?

Pursuant to Government Code Section 65962.5, the DTSC maintains a list of hazardous substance sites. This list, referred to as the "Cortese List," includes:

- Hazardous waste and substances sites from the DTSC EnviroStor database.
- Leaking Underground Storage Tank (LUST) sites by county and fiscal year in the SWRCB's GeoTracker database.
- Solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside waste management units.
- SWRCB Cease and Desist Orders (CDOs) and Cleanup and Abatement Orders (CAOs).
- Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

The proposed project site is not listed on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.67-68. Therefore, no impact would occur.

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

The project site is approximately 1.9 miles south of the San José International Airport. The project site is not within an airport safety zone and is outside of the airport's 65 dB CNEL noise contour. However, at the project site's location, federal regulations require that any structure over approximately 35 feet above ground level be submitted to the Federal Aviation Administration (FAA) for Airspace Safety Review. The proposed hotel building would be 73 feet and 6 inches in height, which triggers FAA review.

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

The proposed project would be constructed on a currently developed site and no new roadways are proposed. As part of the project, construction work in the adjacent roadway would likely be necessary

to connect to utilities. The applicant would coordinate with the San José Public Works Department to ensure traffic operations are not adversely affected and that any emergency response or evacuation plan would not be impaired. For these reasons, the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

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

The California Department of Forestry and Fire Protection (Cal Fire) developed Fire Hazard Severity Zones for State Responsibility Areas and Local Responsibility Areas. The project site is located in an Local Responsibility Area with a non-fire hazard designation (Cal Fire 2008). The project would include required fire suppression design features identified in the latest edition of the California Building Code and the project site is located in a developed area that is presently afforded fire protection and emergency medical services. For these reasons, no significant risk of loss, injury or death involving wildland fires is anticipated. No impact would occur.

X. Hydrology and Water Quality

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

Discussion

Regulatory Setting

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays). These regulations are

implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board.

City of San José Grading Ordinance

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing best management practices that will prevent the discharge of stormwater pollutants.

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

The San Francisco Bay Regional Water Quality Control Board has issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number CAS612008]. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under the provisions of the MRP, redevelopment projects that create or replace 10,000 sf or more of impervious surfaces are required to design and install low-impact development controls to treat post-construction stormwater runoff from the site. Examples of low-impact development controls include rainwater harvesting/reuse, infiltration, and biotreatment. The MRP also requires that stormwater treatment measures be properly installed, operated and maintained.

City of San José Post-Construction Urban Runoff Management (Policy 6-29) and Hydromodification Management (Policy 8-14)

The MRP mandates the City of San José use its planning and development review authority to require that stormwater management measures such as site design, pollutant source control, and treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The City of San José's Post-Construction Urban Runoff Management Policy (Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy 6-29 requires all new development and redevelopment projects to implement post-construction best management practices and treatment control measures to the maximum extent practicable. This policy also established specific design standards for post-construction treatment control measures for projects that create, add, or replace 10,000 sf or more of impervious surfaces.

The City's Post-Construction Hydromodification Management Policy (Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a sub-watershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. The proposed project is not located in a hydromodification management area and is therefore not required to comply with the hydromodification requirements of Policy 8-14.

Envision San José 2040

The Envision San José 2040 General Plan includes the following water quality policies applicable to the proposed project:

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

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

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

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

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

a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The proposed project would not disturb more than 1 acre of soil. Therefore, the project is below the threshold which requires compliance with the NPDES General Permit for Construction Activities. However, San José Municipal Code Section 17.04.430 requires the use of erosion and sediment controls to protect water quality during construction. Compliance with the code will ensure that the proposed project does not result in impacts to water quality. Impacts would be less than significant.

b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project site is served by the San José Water Company (SJWC), which receives 30 percent of its water supply from the Santa Clara Valley sub-basin. The Santa Clara Valley sub-basin is managed by the SCVWD, which estimates that long-term groundwater yields are sustainable and that continued investment in water supply operations and reliance on the Water Shortage Contingency Plan in dry years would keep groundwater yield sustainable under projected demands through 2040 (SCVWD 2016). The proposed project would not substantially deplete groundwater supplies.

The project site is currently completely covered in impervious surface. The proposed project would remove all impervious surfaces and add new impervious surfaces, as well as landscaping and water quality features, which could potentially increase the amount of groundwater recharge potential compared to existing conditions. Therefore, the project would not substantially decrease groundwater supplies or interfere with groundwater recharge and would not impede sustainable groundwater management. Impacts would be less than significant.

- c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, impede or redirect flood flows?**

The proposed project, as discussed above, would decrease impervious surfaces on the project site. Thus, the proposed project would decrease stormwater runoff compared to existing conditions and, therefore, would not cause substantial erosion or siltation, increase surface runoff, or increase flooding on- or off-site. In addition, the project would be required to comply with standard permit conditions during construction, which would ensure that the project would not contribute to on- or off-site flooding, polluted runoff, redirect stormwater flows, or exceed the capacity of the storm drainage system. A less than significant impact would occur.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

- d) Would the project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

The project site is approximately 26 miles from the Pacific Ocean and approximately 8 miles from the San Francisco Bay. Therefore, the project site would not be susceptible to tsunamis. Additionally, because of the project site's flat topography and distance from any unstable hillside, it is not susceptible to landslides and/or mudflows.

According to the General Plan EIR, much of San José has the potential to be inundated if an upstream reservoir fails, and General Plan EIR Figure 3.7-5 shows the project site in the inundation area of Lexington Reservoir. Existing regulations and adopted plans and policies reduce the risks to people and property in San José from dam failure. The California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California. DSOD inspects each dam on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. In addition, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington Reservoir. With the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. Therefore, the proposed project would have a less than significant dam-induced flooding impact.

Therefore, the risk of release of pollutants due to project inundation would be less than significant.

e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

As discussed above, the project would comply with existing regulations, plans, and policies related to erosion and water quality protection; therefore, the project would not conflict with a water quality control plan.

As stated above, the project site is served by the SJWC, which receives 30 percent of its water supply from the Santa Clara Valley sub-basin. The Santa Clara Valley sub-basin is managed by the SCVWD, which estimates that long-term groundwater yields are sustainable and that continued investment in water supply operations and reliance on the Water Shortage Contingency Plan in dry years would keep groundwater yield sustainable under projected demands through 2040 (SCVWD 2016). There would be no impact regarding conflicts with a water quality control plan or sustainable groundwater management plan.

XI. Land Use and Planning

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE AND PLANNING:				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Regulatory Setting

Envision San José 2040

The Envision San José 2040 General Plan includes the following land use policies applicable to the proposed project:

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

Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

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

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

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

Santa Clara Valley Habitat Plan

The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, SCVWD, VTA, USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP was approved by the local partners, and has been effective since October 14, 2013.

a) *Would the project physically divide an established community?*

The project site is currently developed and in a developed portion of the City of San José. The project would maintain pedestrian access along West San Carlos Street and would not include improvements that would divide a neighborhood. Therefore, no impacts would result.

b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The project site is designated by the City of San José General Plan as Urban Village (UV) and zoned Commercial Neighborhood (CN). The proposed project would be rezoned to Commercial Pedestrian (CP) to allow development of the project; however, the project would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, there would be no impact.

XII. Mineral Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES:				
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a,b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to the City of San José 2040 General Plan, the only mineral resource area of state or local importance is the Communications Hill area of the City. The project site is approximately 3 miles northwest of this area. Therefore, the project would not result in the loss of availability of an important mineral resource and no impact would occur.

XIII. Noise

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE: <i>Would the project result in:</i>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The analysis below is based on a Noise Technical Memorandum written by Michael Baker in July 2020 (**Appendix F**).

Fundamentals of Sound and Environmental Noise

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is perceived to be twice as loud and 20 dBA higher is perceived to be four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Several metrics are used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (Leq), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period is often evaluated based on the day-night sound level (Ldn). This is a measure of 24-hour noise levels that incorporates a 10 dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical Ldn noise levels for light- and medium-density residential areas range from 55 dBA to 65 dBA.

Fundamentals of Environmental Groundborne Vibration

Sources of earth-borne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities (e.g., earth moving) that require the use of heavy-duty earth-moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second is used to evaluate construction-generated vibration for building damage and human complaints.

Existing Noise Setting

Existing Ambient Noise Levels

In order to quantify existing ambient noise levels in the project area, Michael Baker International conducted three noise measurements in the site vicinity on July 11, 2019. The noise measurement locations are representative of typical existing noise exposure at and immediately adjacent to the site. Ten-minute measurements were taken between 11:00 a.m. and 12:30 p.m. at each location during the day. Short-term (Leq) measurements are considered representative of the noise levels throughout the day. Noise measurements were taken during “off-peak” traffic noise hours (9:00 a.m. through 3:00 p.m.) as this provides a more conservative baseline. During rush hour traffic, vehicle speeds and heavy truck volumes are often low. Free-flowing traffic conditions just before or after rush hour often yield higher noise levels (California Department of Transportation 2013). The average noise levels and sources of noise measured at each location are identified in **Table 9**.

Meteorological conditions were clear skies, warm temperatures, with light wind speeds (seven miles per hour), and low humidity. Noise monitoring equipment used for the ambient noise survey consisted of a Larson Davis SoundExpert LxT Class 1 Sound Level Meter equipped with a Type 377B02 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute for Type I (precision) sound level meters. Measured noise levels during the daytime measurements ranged from 58.5 to 64.0 dBA Leq.

Table 9
Noise Measurements

Site No.	Location	L _{eq} (dBA)	L _{min} (dBA)	L _{max} (dBA)	Peak (dBA)	Time
1	San Carlos and Willard Avenue	58.5	44.4	69.5	89.6	11:14 a.m.
2	San Carlos Street and Muller Place	64.0	47.3	74.0	91.8	12:10 a.m.
3	San Carlos Street and Page Street	59.5	46.8	68.6	86.6	11:36 a.m.
Note: dBA = A-weighted decibels; L _{eq} = Equivalent Sound Level; L _{min} = Minimum Sound Level; L _{max} = Maximum Sound Level Refer to Exhibit 1 in Appendix F, Noise Measurement Locations for a map of the noise measurement locations.						
Source: Michael Baker International, July 11, 2019.						

Existing Stationary Noise Levels

The project area is highly urbanized, consisting of primarily commercial and residential uses. The primary sources of stationary noise in the project vicinity are urban-related activities (i.e., mechanical equipment, parking areas, and pedestrians). The noise associated with these sources may represent a single-event noise occurrence, short-term, or long-term/continuous noise.

Existing Mobile Noise Levels

Vehicle-related mobile noise is the most common source of noise in the site vicinity. The majority of the existing mobile noise in the project area is generated from vehicle sources along West San Carlos Street and Willard Avenue.

Regulatory Setting

State of California

Governor's Office of Planning and Research

The Governor's Office of Planning and Research's Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. **Table 10** presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 10
Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (L _{dn} or CNEL dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential - Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 - 75	75 - 85
Residential - Multiple Family	50 - 65	60 - 70	70 - 75	70 - 85
Transient Lodging - Motel, Hotels	50 - 65	60 - 70	70 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 - 70	NA	65 - 85
Sports Arenas, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 - 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 70	NA	70 - 80	80 - 85
Office Buildings, Business Commercial and Professional	50 - 70	67.5 - 77.5	75 - 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	75 - 85	NA

Notes: NA: Not Applicable; L_{dn}: average day/night sound level; CNEL: Community Noise Equivalent Level, dBA = A-weighted decibels
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 - New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable - New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable - New construction or development should generally not be undertaken.

Source: Governor's Office of Planning and Research 2017.

City of San José

Envision San José 2040 General Plan

The Noise Element of the Envision San José 2040 General Plan, adopted November 1, 2011, establishes noise standards for planning purposes need to examine outdoor and indoor noise levels acceptable for different uses. The standards relate to existing conditions in the City so that they are realistically enforceable and consistent with other General Plan policies. The Noise Element seeks to limit the impacts of noise on residents and employees in two ways. The Noise Element contains standards to determine the suitability of new land uses depending upon the extent of noise exposure in the area. The Noise Element's policies limit the extent of new noise sources that proposed development can add to existing noise levels in the surrounding area and through implementation of the City's Noise Ordinance, which limits what is commonly described as "nuisance noise." The following lists applicable noise goals and targets that apply to the proposed project obtained from the General Plan:

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

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

Interior Noise Levels

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

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:

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

For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Table 11 provides the range of acceptable noise levels for various land uses in the City, as established by the General Plan.

Table 11
Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior Noise Exposure (DNL in dBA)		
	Normally Acceptable	Conditionally Acceptable	Clearly Unacceptable
Residential, Hotels and Motels, Hospitals and Residential Care ¹	50 – 60	60 – 75	75 – 85
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	50 – 65	65 – 80	80 – 85
Schools, Libraries, Museums, Meeting Halls, Churches	50 – 60	60 – 75	75 – 85
Office Buildings, Business Commercial, and Professional Offices	50 – 70	70 – 80	80 – 85
Sports Arena, Outdoor Spectator Sports	50 – 70	70 – 80	80 – 85
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters	NA	50 – 70	70 – 85
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.			
NA: Not Applicable; Ldn/DNL: average day/night sound level.			
Notes:			
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 - Specific land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.			
Clearly Unacceptable – New construction or development should not be undertaken.			
Source: City of San José 2011.			

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

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

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

Policy EC-1.4: Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.

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

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

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

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

Policy EC-1.11: Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

Action EC-1.13: Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

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

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

Section 20.100.450, Hours of Construction Within 500 Feet of a Residential Unit, of the San José Municipal Code restricts construction hours within 500 feet of a residential unit to the hours of 7:00

a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.⁵

Section 20.40.600, *Performance Standards*, establishes noise levels not to be exceeded at any property line; refer to **Table 12**.

Table 12
Noise Standards

Land Use	Maximum Noise Level in Decibels at Property Line
Commercial or Public/Quasi-Public use adjacent to a property used or zoned for residential purposes	55
Commercial or Public/Quasi-Public use adjacent to a property used or zoned for commercial or other non-residential purposes	60
Source: City of San José Municipal Code, updated on July 8, 2020.	

Noise Sensitive Receptors

Noise-sensitive land uses are generally considered uses where noise exposure could result in health-related risks to individuals, as well as places where a quiet environment is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. The closest sensitive receptors are residential uses adjoining the project site to the east and south.

Significance Thresholds

The environmental analysis in this section is based on the CEQA Guidelines Appendix G Initial Study Checklist. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may have a significant adverse impact related to noise and vibration if it would do any of the following:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- Generation of excessive groundborne vibration or groundborne noise
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

⁵ The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the city.

Significance of Changes in Traffic Noise Levels

An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dBA are often identified as substantial, while changes less than 1 dBA will not be discernible to local residents. In the range of 1 to 3 dBA, residents who are very sensitive to noise may perceive a slight change. In laboratory testing situations, humans are able to detect noise level sound levels. Community noise exposures occur over a long period of time and changes in noise levels occur over years (rather than the immediate comparison made in a laboratory situation). Therefore, the level at which changes in community noise levels become discernible is likely to be some value greater than 1 dB, and 3 dB is the most commonly accepted discernable difference. A 5 dBA change is generally recognized as a clearly discernable difference.

As traffic noise levels at sensitive uses likely approach or exceed the applicable land use compatibility standard, a 3 dBA increase as a result of the project is used as the increase threshold for the project. Thus, a project would result in a significant noise impact when a permanent increase in ambient noise levels of 3 dBA occur upon project implementation and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

Construction Noise Impacts

Construction of the proposed project would occur over approximately 29 months and would include demolition, grading, paving, building construction, and architectural coating. Groundborne noise and other types of construction-related noise impacts would typically occur during excavation activities of the grading phase. This phase of construction has the potential to create the highest levels of noise. Typical noise levels generated by construction equipment are shown in **Table 13**. It should be noted that the noise levels identified in **Table 13** are maximum sound levels (L_{max}), which are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Pursuant to Municipal Code Section 20.100.450, construction activities may only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless permission is granted with a development permit or other planning approval. Construction activities are prohibited on the weekends at sites within 500 feet of a residence. These permitted hours of construction are included in the Municipal Code in recognition that construction activities undertaken during daytime hours are a typical part of living in an urban environment and do not cause a significant disruption. The potential for construction-related noise to affect nearby residential receptors would depend on the location and proximity of construction activities to these receptors. Construction would occur throughout the project site and would not be concentrated or confined in the area directly adjacent to sensitive receptors. Therefore, construction noise would be acoustically dispersed throughout the project site and not concentrated in one area near adjacent sensitive uses. It should be noted that the noise levels

depicted in **Table 13** are maximum noise levels, which would occur sporadically when construction equipment is operated in proximity to sensitive receptors. As construction is proposed up to the project property lines, the nearest sensitive receptors would be located approximately 5 feet east and south of the proposed construction area on the eastern portion of the project site.

Table 13
Maximum Noise Levels Generated by Construction Equipment

Type of Equipment	Acoustical Use Factor ¹	L _{max} at 5 Feet (dBA)	L _{max} at 50 Feet (dBA)
Concrete Saw	20	110	90
Crane	16	101	81
Concrete Mixer Truck	40	99	79
Backhoe	40	98	78
Dozer	40	102	82
Excavator	40	101	81
Forklift	40	98	78
Paver	50	97	77
Roller	20	100	80
Tractor	40	104	84
Water Truck	40	100	80
Grader	40	105	85
General Industrial Equipment	50	105	85

Note:
 1 – Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.
 Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006.

Given the sporadic and variable nature of project construction and the implementation of time limits specified in the Municipal Code, noise impacts would be reduced to a less than significant level. Additionally, the project would be required to comply with the City’s Standard Permit Conditions, which would further reduce the potential for noise impacts. The City’s Standard Permit Conditions would be implemented to incorporate best management practices during construction. Compliance with the City’s Standard Permit Conditions would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices. Thus, a less than significant noise impact would result from construction activities. Further, pursuant to General Plan Policy EC-1.7, a project which requires substantial noise-generating activities for more than 12 months, within 500 feet of residential uses, must prepare a construction noise logistics plan. As project construction would occur over approximately 29 months and adjacent to residential uses, the project applicant would be required to prepare a construction noise logistics plan in compliance with General Plan Policy EC-1.7.

Standard Permit Conditions

Construction-Related Noise. Noise minimization measures include, but are not limited to, the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval.

No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Long-Term Operational Noise Impacts

Mobile Noise

Future development generated by the proposed project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. According to the Highway Traffic Noise Analysis and Abatement Policy and Guidance, a doubling of traffic volumes would result in a 3 dB increase in traffic noise levels, which is barely detectable by the human ear (US Department of Transportation 2017). Based on the Hyatt Place Hotel Local Transportation Analysis prepared by Michael Baker International (dated September 24, 2020; see Appendix G), the proposed project is projected to generate a total of approximately 764 net new daily trips, which includes approximately 43 net new a.m. peak hour trips and approximately 55 net new

p.m. peak hour trips. **Table 14** depicts existing and project-generated peak hour traffic volumes in the project vicinity. As shown, the project’s peak hour traffic volumes would not double existing peak hour traffic volumes and an increase in traffic noise along local roadways would be imperceptible. Therefore, project-related traffic noise would be less than significant.

Table 14
Existing and Project Peak Hour Traffic Volumes

Segment	Existing	Project	Doubling of Traffic Volumes?
Peak Hour Traffic Volumes			
Buena Vista Avenue/West San Carlos Street	1,869 a.m.	31 a.m.	No
	1,810 p.m.	36 p.m.	No
Willard Avenue/West San Carlos Street	1,893 a.m.	66 a.m.	No
	1,567 p.m.	83 p.m.	No
Meridian Avenue/West San Carlos Street	2,782 a.m.	35 a.m.	No
	3,158 p.m.	47 p.m.	No
Race Street/West San Carlos Street	2,278 a.m.	17 a.m.	No
	2,708 p.m.	22 p.m.	No
Source: Michael Baker International, <i>Hyatt Place Hotel Local Transportation Analysis</i> , dated September 24, 2020.			

Stationary Noise

Stationary noise sources associated with the proposed project would include mechanical equipment, slow-moving trucks, parking activities, and outdoor gathering areas. These noise sources are typically intermittent and short in duration and would be comparable to existing sources of noise experienced in the site vicinity.

Mechanical Equipment Noise

Typically, mechanical equipment can result in noise levels of approximately 55 dBA at 50 feet from the source. Mechanical equipment (heating, ventilation, and air condition [HVAC], fire and water pump equipment, generator room, etc.) for the project would be located in fully enclosed spaces throughout the proposed hotel building. Therefore, the project would not place mechanical equipment near sensitive receptors (i.e., existing residential adjoining the project site to the east and south). As such, noise from mechanical equipment would not be perceptible at the closest sensitive receptors. Impacts from mechanical equipment would be less than significant.

Slow-Moving Trucks

The proposed project may involve occasional deliveries and trash/recycling pickups from slow-moving trucks. Typically, a medium 2-axle truck used to make deliveries can generate a maximum noise level of 75 dBA at a distance of 50 feet.⁶ These are levels generated by a truck that is operated by an experienced “reasonable” driver with typically applied accelerations. Noise associated with deliveries and trash/recycling pickups would be consistent with the existing noise environment, as these activities already occur at the commercial uses in the surrounding area. Additionally, slow-

⁶ Measurements taken by Michael Baker International, 2006.

moving truck noise would be intermittent, short in duration, and would not generate excessive noise levels over an extended period of time. Impacts resulting from truck delivery activities would be less than significant.

Parking Areas

Traffic associated with residential parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the day-night average sound level (DNL) (or Ldn) scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with some parking activities are presented in **Table 15**. The project proposes a basement parking area with approximately 60 parking spaces, as well as one ADA space on ground level. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech.

Table 15
Maximum Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA L_{eq}
Car starting	60 dBA L_{eq}
Car idling	53 dBA L_{eq}
Notes: dBA = A-weighted Decibels; L_{eq} = Equivalent Sound Level Source: Kariel, H. G., <i>Noise in Rural Recreational Environments</i> , Canadian Acoustics 19(5), 3-10, 1991.	

It should be noted that parking lot noises are instantaneous noise levels compared to noise standards in the DNL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower. Impacts associated with the basement parking area would be considered minimal since the parking area would be enclosed within a structure. Additionally, as parking lot noise is currently generated on the project site under existing conditions, the proposed first floor parking area would not introduce a new source of noise or increase parking lot noise levels in the project vicinity. Therefore, noise impacts from parking lots would be less than significant.

Operational Noise Levels

Pursuant to General Plan Policy EC-1.2, new developments must reduce noise impacts on sensitive land uses. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

As depicted in **Table 9**, ambient noise levels in the project vicinity range from 58.5 to 64.0 dBA. The City’s “Normally Acceptable” noise levels for residential land uses range from 50 to 60 dBA; refer to

Table 12. As previously discussed, the project would not generate perceptible noise levels above existing conditions for the following noise sources: mobile, mechanical equipment, slow-moving trucks, and parking areas. Thus, impacts would be less than significant in this regard.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment; for example, buildings that are constructed with typical timber frames and masonry show that a vibration level of up to 0.2 inch-per-second PPV is considered safe and would not result in any construction vibration damage (Federal Transit Administration 2018). The City of San José has a vibration limit of 0.2 inch-per-second PPV for buildings of normal conventional construction (General Plan Policy EC-2.3). Therefore, this evaluation uses the 0.2 inch-per-second PPV vibration limit as established by the City. Typical vibration produced by construction equipment is detailed in **Table 16**.

Groundborne vibration decreases rapidly with distance. As construction is proposed up to the project property lines, the nearest structures are located approximately 5 feet east and south of the proposed construction area on the eastern portion of the project site. As indicated in **Table 16**, vibration velocities from typical heavy construction equipment used during project construction would range from 0.850 to 2.348 inch-per-second PPV at 5 feet from the source of activity, which would exceed the City’s 0.2 inch-per-second PPV threshold. Project design features, noted below, would reduce vibration velocities below the City’s 0.2 inch-per-second PPV threshold. The project design features are directly related to vibration control, as it requires a qualified professional to prepare construction vibration control plans and to utilize pneumatic impact equipment. As shown in **Table 17**, heavy-duty construction equipment operating outside of the construction buffer zone would not exceed the City’s 0.2 inch-per-second PPV threshold. Impacts would be less than significant in this regard.

Table 16
Typical Vibration Levels for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second) ¹	Approximate peak particle velocity at 5 feet (inches/second) ¹
Vibratory roller	0.210	2.348
Large bulldozer	0.089	0.995
Caisson drilling	0.089	0.995
Loaded trucks	0.076	0.850
<p>Notes:</p> <p>1. Calculated using the following formula:</p> $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ <p>where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level in in/sec from Table 7-4 of the FTA <i>Transit Noise and Vibration Impact Assessment Manual</i> D = the distance from the equipment to the receiver</p>		

Source: Federal Transit Administration 2018.

Table 17
Construction Buffer Zone Vibration Levels

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Eastern and Southern Residential Structures (Feet)	Peak Particle Velocity (in/sec) ¹
Vibratory roller	27	0.187
Large bulldozer	15	0.191
Caisson Drilling	15	0.191
Loaded trucks	14	0.181
Notes: 1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in inch per second of the equipment adjusted for the distance PPV (ref) = the reference vibration level in inch per second from Table 12-2 of the FTA Transit Noise and Vibration Impact Assessment Guidelines D = the distance from the equipment to the receiver		

Project Design Features

As noted in the project description, the project applicant will incorporate the following measures on all grading and building plans and specifications subject to approval of the San José Building Division prior to issuance of a demolition or grading permit (whichever occurs first):

- The applicant will ensure construction equipment will not approach the construction buffer zone adjacent to the residential structures adjoining the project site to the east and south. The buffer zone shall be tiered based on distances established in the table below.

Equipment	Nearest Distance of Heavy-Duty Construction Equipment Activity to Eastern and Southern Residential Structures (Feet)	Peak Particle Velocity (in/sec) ¹
Vibratory roller	27	0.187
Large bulldozer	15	0.191
Caisson Drilling	15	0.191
Loaded trucks	14	0.181

As shown in the table above, vibratory rollers shall not operate within 27 feet, large bulldozers and caisson drilling shall not operation with 15 feet, and loaded trucks shall not operate within 14 feet of the residential structures adjoining the project site to the east and south. The buffer zone shall be in enforced between the hours of 7:00 a.m. and 7:00 p.m. pursuant to San José Municipal Code Section 20.100.450, Hours of Construction Within 500 Feet of a Residential Unit.

The applicant will utilize a construction vibration monitoring system with the potential to measure low levels of vibration to ensure vibration levels do not exceed the City's 0.2 inch-per-second PPV threshold.

- The applicant will conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.
- Alternatively, if the above measures are deemed not to be feasible by the Building Division, the applicant will require by contract specifications that a certified structural engineer and/or geologist be retained to submit evidence that the operation of vibration-generating equipment associated with the project would not result vibration levels exceeding the City's 0.2 inch-per-second PPV threshold. Contract specifications shall be included in the project construction documents, which shall be reviewed by the City prior to issuance of a demolition or grading permit (whichever occurs first). The documents will include provisions for vibration monitoring during the operation of heavy-duty construction equipment, as well as include provisions to ensure vibration levels do not exceed 0.2 inch-per-second PPV at the residences adjoining the project site to the east and south.

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

The closest airport is the Norman Y. Mineta San José International Airport, which is located approximately 2 miles north of the project site. The project site is not within the Norman Y. Mineta San José International Airport influence area where aircraft noise levels are a concern (City of San José 2011). Thus, the proposed project would not expose people residing or working in the area to excessive noise levels. No impacts would occur in this regard.

XIV. Population and Housing

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING:				
<i>Would the project:</i>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

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

The proposed project includes the construction of a hotel with 105 rooms. The hotel would not include any permanent residences. No new roads or infrastructure are proposed as part of the project. Additionally, it is anticipated that employment opportunities created by the hotel would be filled by residents of the region. Therefore, there would be no impact.

b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project site contains an existing sales office and mechanic shop that would be demolished as part of the proposed project. No residences exist on-site. Therefore, the project would not displace people or housing and no impact would occur.

XV. Public Services

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES:				
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Regulatory Setting

Envision San José 2040

The Envision San José 2040 General Plan includes the following public services policies applicable to the proposed Project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

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

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

Existing Setting

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department. The fire department responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is San José Fire Department Station Number 4 located at 710 Leigh Avenue, approximately 3,500 feet southwest of the project site.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department, which is headquartered at 201 West Mission Street, approximately 2 miles northeast of the project site.

Schools

The project site is located in the San José Unified School District area and is within the attendance boundaries of Trace Elementary School, located at 651 Dane Avenue, Hoover Middle School at 1635 Park Avenue, and Lincoln High at 555 Dana Avenue (San José Unified School District 2020).

Parks

The City of San José owns and maintains over 206 parks, 50 community centers, and approximately 61 miles of trails (San José 2020). The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest public park is O'Connor Park, located at the western terminus of Auzerais Avenue and approximately 1,200 feet southeast of the project site. The park is 1.7 acres and includes a playground and exercise court.

Libraries

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 24 branch libraries. The nearest public library is the Rose Garden Branch Library, approximately 1 mile northwest of the project

a)i) *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 fire protection?*

The San José Fire Department provides fire protection and emergency medical services to the project site. The nearest fire station to the project site is Station 4, approximately 3,500 feet southwest at 710 Leigh Avenue.

Development of the project is expected to result in an increased demand for fire protection. As required by the California Fire Code, the proposed project would be required to include site-specific design features such as ensuring appropriate emergency access, requiring structures to be built with

approved building materials, and installing fire sprinklers as applicable. Conformance with the Fire Code reduces the risks associated with fire hazards. Furthermore, in accordance with City requirements, the project applicant would be required to pay development construction taxes to fund City services, including fire protection. Therefore, physical environmental impacts related to fire protection services would be less than significant.

a)ii) 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 police protection?

Law enforcement services for the project site are provided by the San José Police Department. The police department is located at 201 West Mission Street, approximately 2 miles northeast of the project site.

Development of the project would result in an increased demand for police protection. Because the project site is in an area already served by police protection services and patrols, the police department would be able to serve the project without requiring additional facilities. As such, physical environmental impacts related to police protection services are considered less than significant.

a)iii) 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 schools?

Increases in school enrollment are typically caused by population growth. As discussed in Population and Housing, the proposed project would not cause significant population growth. Therefore, no impact to schools is expected.

a)iv) 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 parks?

Impacts to parks are typically caused by population growth. As discussed in Population and Housing, the proposed project would not cause significant population growth. Therefore, no impact to parks is expected.

a)v) 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 other public facilities?

Impacts to public facilities are typically caused by permanent population growth. As discussed in Population and Housing, the proposed project would not cause significant population growth. Therefore, no impact to public facilities is expected.

XVI. Recreation

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

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

The proposed project is for the construction and operation of a six-story hotel. Guests of the hotel may use neighborhood or regional parks, but use would be temporary and intermittent, and would not cause substantial increase in demand. Additionally, as discussed under Population and Housing, the proposed project would not cause significant population growth which may cause increases in demand for recreational facilities. Therefore, no impact is expected.

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

The proposed project includes gym facilities as part of the hotel. These facilities would be constructed on-site and would not cause an adverse physical effect on the environment. No impact is expected.

XVII. Transportation

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION:				
<i>Would the project:</i>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivisions (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The following discussion is based on a Local Transportation Analysis performed by Michael Baker International in September 24, 2020 (**Appendix G**).

Existing Setting

Roadway Network

According to the Envision San José 2040 General Plan, the City’s multimodal transportation network is organized into street “typologies.” These typologies expand on the roadway classification and considers the street context which prioritize certain travel modes. The typologies and characteristics of the roadway system in the vicinity of the project site are described below:

West San Carlos Street is oriented in the east-west direction and is classified as a four-lane Grand Boulevard per the Envision San José 2040 General Plan, Transportation Network Diagram with raised medians and intermittent left-turn lanes. From the west, Stevens Creek Boulevard transitions into West San Carlos Street, which extends to First Avenue and continues on as East San Carlos Street to San José State University. East of the University, East San Carlos terminates at 17th Street. Grand Boulevards serve as major transportation corridors that connect City neighborhoods and prioritize transit modes. The project site is within an Urban Village and is generally surrounded by commercial land uses along West San Carlos. Within the study area, the posted speed limit is 35 MPH. On-street parallel parking is allowed in both directions in the study area and sidewalks are located on both sides of the street.

Meridian Avenue is oriented in the north-south direction and is classified as a Grand Boulevard per the Envision San José 2040 General Plan, Transportation Network Diagram. North of West San Carlos, Meridian Avenue is a two-lane roadway with a two-way left-turn lane; south of West San Carlos, it is a four-lane divided roadway with two-way left-turn lanes and intermittent left-turn lanes. As it crosses

Interstate 280, it transitions to a divided roadway with raised medians from Parkmoor Avenue to Fruitdale Avenue. Meridian Avenue originates at Park Place and continues south as a City Connector (Blossom Hill to Coleman Road) and further on as a Local Connector (south of Blossom Hill). Within the study area, the posted speed limit is 35 MPH. On-street parallel parking is allowed in both directions in intermittent intervals in the study area and sidewalks are located on both sides of the street.

Race Street is oriented in the north-south direction and is classified as a Local Connector per the Envision San José 2040 General Plan, Transportation Network Diagram. Between Alameda and Auzerais Avenue, Race Street is a two-lane roadway with left-turn lanes, buffered bike lanes, and on-street parallel parking. Between Auzerais Avenue and Parkmoor Avenue, Race Street transitions to a four-lane roadway with buffered bike lanes. South of Parkmoor Avenue, Race Street is a two-lane roadway with two-way left-turn lanes and on-street parking. Sidewalks are provided on both sides of the street in the study area.

Willard Avenue is an unclassified local roadway oriented in the north-south direction. Willard Avenue connects West San Carlos Avenue to Scott Street to the south. On-street parallel parking allowed in both directions and sidewalks are located on both sides of the street. Project access will be provided exclusively via Willard Avenue.

Existing Traffic Volumes

To determine the existing operations of the study intersections, peak hour intersection movement counts were collected at all study locations. AM peak period counts were generally collected between 7:00 a.m. to 9:00 a.m., and PM peak period counts were generally collected from 4:00 p.m. to 6:00 p.m. Intersection counts were provided by the City of San José for the intersection of West San Carlos / Buena Vista Avenue, dated Tuesday, March 19, 2019, and used in this analysis. The remaining study locations were counted on Tuesday, September 10, 2019, while local schools were in session. The counts used in this analysis were taken from the highest hour within the peak periods counted for each intersection.

Table 18 summarizes the existing intersection conditions. The operating conditions of the roadway facility is described in terms of LOS, with a scale ranging from LOS A (free-flow conditions) to LOS F (severely congested conditions).

Table 18
Existing Intersection Level of Service

#	Intersection	Traffic Control	Peak Hour	Existing Conditions	
				Avg. Delay	LOS
1	West San Carlos St & Buena Vista Ave	Signal	AM	22.2	C
			PM	16.9	B
2	West San Carlos St & South Willard Ave	SSSC	AM	14.2	B
			PM	12.4	B
3	West San Carlos St & Race St	Signal	AM	39.6	D
			PM	47.8	D
4	West San Carlos St & Meridian Ave	Signal	AM	36.3	D
			PM	39.1	D

SSSC = Side Street Stop Control
Delay = Average seconds of delay per vehicle
LOS = Level of service

As shown in **Table 18**, all intersections are currently operating at an acceptable level of service (LOS D or better) for existing conditions.

Existing Pedestrian Facilities

Sidewalks are provided on both sides of West San Carlos Street (including the project frontage), Willard Avenue, Buena Vista Avenue, Meridian Avenue, and Race Street. Marked crosswalks and pedestrian-push-buttons (PPBs) are provided on three of the four legs at the signalized intersection of West San Carlos and Buena Vista Avenue. At the signalized intersection of West San Carlos and Meridian Avenue, marked crosswalks and PPBs are provided on all legs. At the signalized intersection of West San Carlos Street and Race Street, marked crosswalks and PPBs are provided on all legs; however, not all PPBs are ADA-compliant (push-buttons are less than 2 inches across). Ramps at Willard Avenue near the project site are not ADA-compliant.

Existing peak hour pedestrian activity was recorded on Tuesday, September 10, 2019, at the study intersections. At West San Carlos Street/Willard Avenue, 16 pedestrians during the AM peak period and 5 pedestrians during the PM peak period were recorded crossing West San Carlos Street. An 18-foot raised median currently exists along West San Carlos Street at Willard Avenue. However, there is currently no marked pedestrian crosswalk or traffic control for pedestrians at this location. Overall, the existing network of sidewalks and crosswalks offers good connectivity and provides pedestrians with direct routes to transit and other points of interest in the area.

Existing Bicycle Facilities

There are currently no on-street bicycle facilities provided along the project's frontage on West San Carlos Street. Per the San José Bike Plan 2020, there are three basic types of bikeways, known under state standards as Class I, II, and III bike facilities.

Trail or Path – Class I Bikeway is a facility totally separated from the roadway with dedicated space for bikes, where cars are prohibited. They are often multi-use facilities for bicyclists and pedestrians. There are Class I facilities in the study area.

Bike Lane – Class II Bikeway is an on-street facility with dedicated space for bicyclists, usually near the right side of the street. Bike lanes are designated by roadway striping and signage. For example, high-visibility Class II buffered bike lanes are currently provided on both sides of Race Street between West San Carlos Street and Parkmoor Avenue.

Bike Route – Class III Bikeway is an on-street facility that shares space with cars and may be designated with a sharrows bicycle marking. It's usually the right shoulder of the far-right travel lane, with occasional signs. There is a Class III bike route on Dana Avenue, one block west of the study area.

Existing peak hour bicycle activity was collected on Tuesday, September 10, 2019, at the study intersections. In the eastbound direction along West San Carlos Street adjacent to the project site, 10 bicyclists are recorded in the AM peak period and 9 bicyclists were recorded during the PM peak period. In the westbound direction along West San Carlos Street, 6 bicyclists in the AM and 14 in the

PM peak period are recorded. Based on site observations, many of the bicyclists on West San Carlos Street shared the roadway with vehicles and buses since there is currently no Class II bike lane provided.

Existing Bus Services

The Santa Clara VTA currently operates all transit facilities in the City of San José including bus, light rail, and paratransit services. In the project study area, there are a total of three transit stops within less than a ten-minute walk from the project site (approximately one-third mile). These various stops serve the following VTA bus routes:

- Route 23 (15-minute headways)
- Rapid Route 523 (15-minute headways)

The nearest eastbound bus stop, served by Route 23, is located on West San Carlos Street along the project frontage approximately 50 feet east of Willard Avenue. The nearest bus stop served by Rapid 523 is westbound on West San Carlos Street near the signalized intersection of West San Carlos Street and Meridian Street. Seating and shelter are provided at the Rapid 523 bus stop. Bus stops along Route 23 are marked by a sign with partial amenities (trash and seating, but no shelter).

Existing Light Rail Transit Services

The San José Diridon Station is approximately 1 mile from the project site and is the central passenger rail depot for the City. The station provides access to various transit services such as:

- Light Rail Transit (LRT)
 - Caltrain
 - Altamont Corridor Express (ACE)
 - VTA Light Rail
 - Amtrak
- Bus Services
 - California Shuttle Bus
 - Amtrak Thruway Bus
 - Monterey-Salinas Transit
 - Santa Cruz Metro (Highway 17 Express)
 - Local VTA

The Race Street LRT Station is located off Race Street just north of Parkmoor Avenue. The station consists of a single platform with a single trackway operated by VTA and served by the Mountain View-Winchester light rail line. The LRT at Race Street is served by Route 902, which includes 15-minute headways during the weekdays and 30-minute headways on Saturday and Sunday.

Observed Transportation Conditions

Traffic conditions were observed in the field by Michael Baker staff at each study intersection to identify existing operational deficiencies that may not be apparent in the level of service analysis. Field observations were conducted on Wednesday, September 11, 2019, during the PM peak hour since this is the critical peak hour. Observations at study intersections focused on turn movements where project traffic was being added.

West San Carlos Street/Buena Vista Avenue

For the westbound left-turn lane on West San Carlos Street, the vehicle queue was observed to clear in one signal cycle. Vehicles were not observed spilling out of the left-turn lane into the through lane blocking traffic. The existing left-turn pocket can accommodate approximately five to six vehicles and the maximum queue observed at this turn movement was five vehicles. In addition, there were no pedestrian-crossing issues observed or bicycles conflicting with vehicles observed at this intersection.

West San Carlos Street/Willard Avenue

On the northbound approach on Willard Avenue, the longest queue on the stop-controlled approach was one vehicle. No pedestrians were observed crossing on any of the legs at West San Carlos Street/Willard Avenue during the PM peak hour. One pedestrian was observed waiting at the bus stop around 5:30 pm.

West San Carlos Street/Meridian Avenue

On each approach, left-turn vehicle queues cleared in one signal cycle. There were no vehicles observed queuing back and spilling out of the turn lane blocking through traffic. Based on observations, there were no pedestrian-crossing issues or bicycles conflicting with vehicles at this location.

West San Carlos Street/Race Street

On the westbound approach along West San Carlos Street, traffic queues in the left-turn lane cleared the turn pocket in one signal cycle most of the time. While observing the PM peak hour, two of the vehicles in the westbound left-turn lane did not clear the pocket and needed to wait a second signal cycle on one occasion. However, when queues formed, they did not queue back and spill out of the westbound left-turn lane and did not block through traffic. During observation, a vehicle traveled within 2 feet of a bicyclist traveling southbound on Race Street near the free right-turn lane. There are no Class II bike lanes on Race Street north of West San Carlos Street, which can create conflicts between vehicles and bicyclists. Class II bike lanes are provided on Race Street south of West San Carlos Street on both sides of the road. No pedestrian crossing issues were observed.

Significance Thresholds

Vehicle Miles Traveled

City Council Policy 5-1 establishes the thresholds for transportation impact under CEQA and replaces level of service (LOS) with vehicle miles traveled (VMT). The standards and methodologies outlined in the City's Council Policy 5-1 are reflected in the City's Transportation Analysis Handbook, April 2018.

Per City Council Policy 5-1, a Transportation Analysis should identify:

1. Potential transportation impacts as defined in the VMT section of Council Policy 5-1 and adverse effects on nearby transportation facilities as identified by the Local Transportation Analysis section of Council Policy 5-1.

2. Mitigations for significant impacts found in the VMT analysis and improvements to address adverse effects identified in the Local Transportation Analysis. This may include impacts and adverse effects on any multimodal transportation facility (e.g. pedestrian facilities, transit stops, transit reliability, sidewalks, bicycle lanes, roadways, and roadway capacity, etc.).

If a project is determined to have a significant impact on VMT, it must reduce that impact by modifying the project VMT to an acceptable level—that is, below the established thresholds of significance applicable to the project and/or mitigating the impact through multimodal transportation network improvements, or transportation demand management program as measured by a Trip Cap. A Trip Cap is a maximum number of vehicle trips allowed during any given day associated with a project.

Adverse Intersection Operations Effects:

According to the City’s Transportation Analysis Handbook, an adverse effect on intersection operations occurs when the analysis demonstrates that a project would cause the operations standard at a study intersection to fall below D with the addition of project vehicle trips to baseline conditions. For intersections already operating at E or F under the baseline conditions, an adverse effect is defined as:

1. An increase in average critical delay by 4.0 seconds or more AND an increase in the critical V/C ratio of 0.01 or more; OR
2. A decrease in average critical delay AND an increase in critical V/C ratio of 0.01 or more.

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Pedestrian Facilities

The proposed project would widen the existing 8-foot sidewalk fronting the project site on West San Carlos Street by an additional 12 feet, to provide a 20-foot sidewalk. The project would also widen the existing 6-foot sidewalk on Willard Avenue fronting the project sites by 6 feet, to provide a 12-foot sidewalk. These pedestrian improvements are consistent with San José Envision 2040 CD-2.1, which encourage new development to provide wider sidewalks and improve access to transit stops.

The proposed project would also include pedestrian safety improvements identified in the West San Carlos Vision Zero Proposed Safety Improvement project. The proposed safety improvements at the intersection of West San Carlos Street and Willard Avenue near the project site include:

- Marked pedestrian crosswalks on Willard Avenue and West San Carlos Street
- Modification to the center raised median to provide a pedestrian refuge island
- New raised median at the left-turn lane
Rectangular Rapid Flashing Beacon to assist pedestrians cross West San Carlos Street
- Travel lane width modifications
- New ADA-compliant curb ramps at Willard Avenue

These improvements will improve visibility of and connectivity for pedestrians crossing West San Carlos Street at Willard Avenue. This new controlled pedestrian crossing will allow hotel patrons to access the West San Carlos Shopping Center approximately 750 feet west of Willard Avenue on the north side of West San Carlos Street and other nearby attractions.

Transit Improvements

The nearest eastbound bus stop to the project site is located on West San Carlos Street along the project frontage approximately 50 feet east of Willard Avenue. The nearest westbound bus stop is located on West San Carlos Street approximately 80 feet east of Buena Vista Avenue. These facilities are marked by a sign with partial amenities (trash and seating, but no shelter).

The proposed project would improve the amenities at the existing bus stop along the project frontage on West San Carlos Street by constructing a shelter and improving the bench and signage. The proposed improvements are consistent with the City’s goals and policies, specifically Envision San José 2040 Policies CD-2.3 and CD-2.4, which encourage a pedestrian-friendly environment by providing distinct signage, lighting, landscaping and well-designed bus shelters throughout the Urban Village. The project would coordinate with VTA to determine the exact location of the bus stop along the project’s frontage and appropriate amenities at the bus stop.

Adverse Intersection Operations

Project Trip Generation

Project trip generation was calculated using trip generation rates contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th edition). **Table 19** summarizes the ITE trip generation rates used.

Table 19
ITE Trip Generation Rates

Land Use	ITE Land Use Code ¹	Daily Trip Rate	AM Peak Hour			PM Peak Hour		
			Total	In (AM)	Out (AM)	Total	In (PM)	Out (PM)
Hotel	310	8.36/Room	0.47/Room	59%	41%	0.60/Room	51%	49%

¹ Source: ITE Trip Generation Manual, 10th edition. Rates shown are based on average rates.

Table 20 shows the project is expected to generate approximately 878 daily trips with 49 AM peak hour trips and 63 PM peak hour trips before any trip adjustments are applied to the baseline trips.

Table 20
Estimated Project Trips

Estimated Project Trips/Generation								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Hotel	105 Rooms	878	49	29	20	63	32	31
Location-Based Reduction ¹		-114	-6	-3	-3	-8	-4	-4
Net Project Trips (Baseline - Reductions)		764	43	26	17	55	28	27

¹ Location-Based Reduction is based on the percent vehicle mode share (87%) for an Urban Low-Transit Place Type per Table 6 in the San José *Transportation Analysis Handbook*, April 2018.

The project’s external vehicle trips were reduced by applying the location-based mode share adjustment, which is determined by the project’s location. Using the City’s VMT website, the project parcel is located within an Urban Low-Transit area. According to Table 6 in the City’s Transportation Analysis Handbook, an 87 percent vehicle mode share adjustment (or 13 percent trip reduction) is allowed and has been applied to the baseline vehicle trips. It should also be noted that an existing 2,061-square-foot mechanic shop and existing 530-square-foot sales office will be demolished and replaced with the proposed Hyatt Place hotel. However, no trip credits were taken for these current land uses to provide a conservative analysis. As shown in **Table 20**, the proposed project is expected to generate approximately 764 daily trips with 43 AM (26 inbound and 17 outbound) peak hour trips and 55 PM (28 inbound and 27 outbound) peak hour trips.

Project Trip Distribution and Assignment

The project trip distribution percentages were determined based on the locations of complementary land uses such as the Downtown Convention Center and other attractions in the downtown area, access to nearby freeways, airport location, and engineering judgement. Approximately 30 percent of nearby project traffic is assumed to travel to/from the west and 70 percent to/from the east of the project site. At the intersection of West San Carlos Street/Meridian Avenue, 5 percent of project traffic is assumed to travel north on Meridian Avenue, 40 percent east on West San Carlos Street, and 25 percent south on Meridian Avenue towards Interstate 280.

Background Without Project Conditions

Background Without Project peak hour traffic volumes were derived by adding traffic from approved but not yet constructed development projects to existing volumes. Traffic from approved but not yet constructed development projects were obtained from the City’s Approved Trips Inventory database. **Table 21** summarizes Background Without Project AM/PM peak hour level of service for all intersections.

Background Plus Project Conditions

Background Plus Project traffic volumes were derived by adding project-related traffic volumes to the Background Without Project traffic volumes (existing plus approved projects). **Table 21** summarizes Background Plus Project AM/PM peak hour level of service for all intersections.

**Table 21
Background & Background Plus Project Intersection LOS Summary**

#	Intersection	Traffic Control	Peak Hour	Background Without Project Conditions		Background Plus Project Conditions		Increase in Critical Delay	Increase in Critical V/C Ratio
				Avg. Delay	LOS	Avg. Delay	LOS		
1	West San Carlos St & Buena Vista Ave	Signal	AM	22.2	C	22.4	C	0.0	0.002
			PM	16.9	B	18.0	B	0.4	0.015
2	West San Carlos St & South Willard Ave	SSSC	AM	14.2	B	14.4	B	0.2	0.020
			PM	12.4	B	13.0	B	0.6	0.060
3	West San Carlos St & Race St	Signal	AM	41.2	D	41.4	D	-0.4	0.009
			PM	52.5	D	52.8	D	1.0	0.006
4	West San Carlos St & Meridian Ave	Signal	AM	35.9	D	35.7	D	0.0	0.008
			PM	39.2	D	39.2	D	0.7	0.003

SSSC = Side Street Stop Control
 Delay = Average seconds of delay per vehicle
 LOS = Level of service

The addition of project-related traffic does not cause any of the intersection operations to fall below LOS D. Therefore, an adverse effect on intersection operations does not occur in accordance with the City’s Transportation Analysis Handbook significance criteria. Hence, improvements to the study intersections to enhance the operations and capacity are not needed and impacts would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivisions (b)?

According to the City’s Transportation Analysis Handbook, a detailed CEQA transportation analysis is not required if a project meets the City’s screening criteria. If a project or a component of a mixed-use project meets the screening criteria, it is then presumed that the project or the component of the project would result in a less than significant VMT impact and a detailed CEQA transportation analysis (VMT analysis) is not required. The type of development project that may meet the screening criteria include:

1. Small infill projects
2. Local-serving retail
3. Local-serving public facilities
4. Project located in Planned Growth Areas with low VMT and High-Quality Transit
5. Affordable Housing in Planned Growth Areas with High-Quality Transit

In the Local Transportation Analysis dated September 24, 2020, the Hyatt Place project was compared to local-serving retail to determine if a VMT analysis is required. From a transportation perspective, the proposed Hyatt Place hotel is similar and comparable to local serving retail land uses in that:

1. Hotel trips typically redistribute or divert trips that already exist on the roadway system rather than creating new trips similar to local-serving retail trips; and
2. Hotels that are conveniently located near an airport and vacation destinations tend to shorten vehicle trips and reduce VMT similar to how local-serving retail trips function.

The City has defined retail projects of less than 100,000 sf as local-serving shopping centers and those greater than 100,000 sf as regional shopping centers. Therefore, it is assumed that retail projects with less than 100,000 sf will have a less than significant VMT impact and will not require a detailed CEQA transportation analysis. The 105-room proposed Hyatt Place Hotel is equivalent to 23,250 sf of local serving retail. Therefore, the project meets the applicable VMT screening criteria and is presumed to have a less than significant VMT impact. A detailed CEQA transportation analysis is not required.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Access to the project site would be provided via one full-access driveway on Willard Avenue. As identified in the Local Transportation Analysis (**Appendix G**), drivers would have adequate sight distance when exiting from the proposed driveway on Willard Avenue. Additionally, project-related traffic in the project site's neighborhood is expected to be minimal since West San Carlos Street provides a direct route to the downtown area, freeway access, shopping centers, restaurants and other attractions throughout the City. With regard to potential safety and conflict issues with the van ADA parking space adjacent to the parking garage ramp off Willard Avenue, valet staff employed by the hotel will be responsible for assisting motorists entering and exiting the van ADA parking space to avoid conflicts with vehicles exiting or entering the parking garage and traffic on Willard Avenue. Therefore, the project would not be expected to substantially increase hazards due to a design feature or incompatible use. Impacts would be less than significant.

d) *Result in inadequate emergency access?*

Vehicular access to the hotel would be provided via a proposed full-access driveway on Willard Avenue and would be 29 feet and 8 inches wide with a 16 percent slope downward into the garage.

Larger vehicles, such as delivery trucks, garbage trucks and emergency vehicles, will not have access to the parking garage. These vehicles would use a proposed trash area located on the east side of the project site on San Carlos Street. Trash trucks will temporarily park along the curb in the potential loading zone/limited-time parking to unload the trash dumpsters a few days throughout the week. Trash would not be staged along sidewalk, rather wheeled out by trash pickup services when they arrive. This activity will not block the sidewalk and would not be expected to adversely affect the overall pedestrian circulation in the area. Delivery trucks would also use+ this loading zone to offload products and/or FedEx and UPS packages to the hotel. Products would be wheeled into the hotel and would not be staged along the sidewalk blocking the pedestrian circulation. In an emergency situation, emergency vehicles would use the loading zone in response to an incident. For these reasons, the proposed project would not result in inadequate emergency access and impacts would be less than significant.

XVIII. Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS:				
<i>Would the project:</i>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Regulatory Setting

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The San José Water Company (SJWC) is the water provider to the site; the SJWC adopted its most recent UWMP in June 2016.

Assembly Bill 939

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (now the Department of Resources Recycling and Recovery, or CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 50 percent of the waste stream by the year 2000.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826 establishes a requirement for the recycling of commercial organic waste. This law expands on mandatory recycling established by AB 341 by requiring contracts or work agreements for the recycling of organic waste generated in excess of four cubic yards annually, or two cubic yards with specified determination. AB 1826 also requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by business and multi-family residential swellings that consist of five or more units.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

Envision San José 2040

The Envision San José 2040 General Plan includes the following utility and service system policies applicable to the proposed project:

Policy MS-1.4: Foster awareness in San José’s business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.

Policy MS 3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy MS-19.3: Expand the use of recycled water to benefit the community and the environment.

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

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES).

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

San José Zero Waste Strategic Plan/Green Vision

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

Existing Setting

The project site is currently developed with commercial uses that are served by existing utilities, including water, wastewater, storm drainage, and solid waste.

Electrical and Gas Service

Electrical and gas service is provided by PG&E.

Water Service

Water service is provided to the site by the San José Water Company (SJWC). The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water and local surface water. According to the SJWC's urban water management plan, total water demand within its service area is expected to increase to 47,144 million gallons in 2020 and 49,561 million gallons in 2025. Forecasted increases in water demand are based on the Association of Bay Area Governments (ABAG) population projections for the City of San José.

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José.

Wastewater from the project area is treated at the San José-Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. Freshwater flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

Storm Drainage

The project site is located in a developed area served by storm drainage systems. The entire site is paved. There are existing City of San José storm drain lines in West San Carlos Street.

Solid Waste

Solid waste services are provided by Republic Services. Landfills serving the City include Guadalupe, Kirby Canyon, and Newby Island landfills.

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The project site is currently served by PG&E for natural gas and electricity. These providers would be able to serve the proposed project and would not require relocation or construction of new or expanded facilities.

As discussed under Questions B and C, water and wastewater providers would have the capacity to serve the proposed project without relocation or construction of new or expanded facilities. Additionally, the proposed project would not require new or expanded storm drainage facilities as it would reduce impervious surface area from existing conditions. The proposed project would also not require relocation or construction of telecommunications facilities. Impacts would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The project site is served by the San José Water Company (SJWC). Under buildout conditions of the Envision San José 2040 General Plan, it is expected that the SJWC would be able to meet demand during normal years with increased groundwater pumping, increased treated water delivery, increased recycled water use, and conservation (San José 2011). During single-dry and multiple-dry years, the SJWC would have a shortage of approximately 24,000 AFY. During these times, the City of San José would implement a Water Shortage Contingency Plan which calls for the mandatory decrease of water demand. These measures include the prohibition of watering landscaping, cleaning exterior surfaces, and refilling swimming pools. With these measures, the SJWC would be able to serve the proposed project during normal, dry, and multiple-dry years and impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Wastewater in San José is treated by the RWF, which has a treatment capacity of 167 million gallons per day (mgd). The facility currently treats an average of 110 mgd (San José 2016). **Table 22** displays how much wastewater the proposed project would generate per day. The project would generate 7,500 mgd of wastewater, which would be less than 0.1 percent of the wastewater facility's remaining average daily capacity.

Table 22
Projected Wastewater by Land Use

Type of Land Use	Generation Factor ¹ (Gallons per day)	Quantity	Wastewater Generation (gallons per day)
Proposed Project			
Hotel	60/bed	125 beds	7,500
Total Wastewater Generation			7,500
¹ Wastewater generation rates from Appendix H of the 2016 California Plumbing Code			

For the reasons above, the City's wastewater provider has adequate capacity to serve the proposed project. No impact would occur.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste from the proposed project would be hauled by Republic Services. Landfills serving the City include Guadalupe, Kirby Canyon, and Newby Island landfills. **Table 23** shows the estimated remaining capacity and closure dates for these landfills.

Table 23
Estimated Landfill Capacity and Closure Dates

Landfill Facility	Permitted Capacity (Cubic Yards)	Remaining Capacity (Cubic Yards)	Anticipated Closure Date
Guadalupe	28,600,000	11,055,000 ¹	2048
Kirby Canyon	36,400,000	16,191,600 ²	2022

Landfill Facility	Permitted Capacity (Cubic Yards)	Remaining Capacity (Cubic Yards)	Anticipated Closure Date
Newby Island	57,500,000	21,200,000 ³	2041
¹ Cal Recycle, 2011, https://www2.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0015/Detail ² CalRecycle, 2015, https://www2.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0008/Detail ³ CalRecycle, 2014, https://www2.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail			

Using CalRecycle hotel and motel water generation rates, the project would generate 1.31 tons of waste per room per year (Cal Recycle 2015). With 105 guest rooms, the proposed project would generate 138 tons of waste per year. The landfills’ remaining capacities would be able to accommodate the increase in waste. Impacts would be less than significant.

e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The State of California has mandated a 75 percent diversion rate by 2020 (CalRecycle 2018). The City of San José has one of the highest recycling rates in the country at over 70 percent (San José 2019). Because the proposed project would be required to follow all applicable City policies to reduce solid waste generation and the City of San José is working toward California’s diversion target, the proposed project would comply with all statutes and regulations related to solid waste. No impact would occur.

XIX. Wildfire

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
WILDFIRE:				
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a-d) *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project site is not located in a state responsibility area or an area designated as a very high fire hazard severity zone (Cal Fire 2008). Additionally, the project site is located in a highly urbanized area. Therefore, no impact relates to wildfire hazards would occur.

XX. Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

This Initial Study identified potential impacts to nesting birds and raptors caused by disturbance to trees. However, **mitigation measure BIO-1** would require a preconstruction nesting bird survey and measures for avoidance, which would reduce potential impacts to less than significant.

The Initial Study did not identify any other impacts that would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Factors that contribute to a determination of consistency with the General Plan include the project's density, design and conformance to the goals and policies set forth in the General Plan. If a project is determined to be consistent with the General Plan, the project will be considered part of the cumulative solution to meet the General Plan's long-range goals and will result in a less than significant cumulative impact. However, if a project is determined to be inconsistent with the General Plan, a cumulative impact analysis will be required to determine the project's cumulative effect on the regional air quality and GHG emissions targets.

The Hyatt Place project is located within the West San Carlos Urban Village Plan. On May 8, 2018, the City of San José adopted the West San Carlos Urban Village Plan. The West San Carlos Urban Village Plan provides a vision for the transformation of West San Carlos Street into a more urban and walkable corridor focusing on walking, bicycling, and public transit. Land use goals, policies and action items are outlined in the West San Carlos Urban Village Plan to achieve the long-term vision and purpose of this plan. The project is consistent with the Envision San José 2040 General Plan and West San Carlos Urban Village Plan goals and policies for the following reasons:

- The proposed hotel land use for the project site is consistent with the Urban Village designation.
- The proposed project includes six stories which is consistent with the Mixed-Use Residential Character Area in the West San Carlos Urban Village Plan, which allows between three to seven stories of development.
- The project frontage along West San Carlos Avenue will be designed to accommodate the West San Carlos Vision Zero Proposed Safety Improvements.
- The proposed project is adjacent to a bus stop along West San Carlos Avenue.
- The proposed project is implementing automated stacked parking to optimize building space.
- The proposed project is reducing its off-street parking by 50 percent, which encourages a pedestrian-friendly urban environment.

Based on the City's review of the proposed Hyatt Place project, the project has been determined to be consistent with the Envision San José 2040 General Plan. Therefore, the project would be considered part of the cumulative solution to meet the General Plan's long-range goals and would result in a less than significant cumulative impact.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No impacts identified in this Initial Study would cause substantial adverse effects on human beings. Impacts would be less than significant.

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