

Initial Study
Marriott Townplace Suites
C19-051 & H19-053



March 2021

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study (IS) to focus a Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulation and policies of the City of San José.

1.1.1 Downtown Strategy 2040

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

The project site is currently developed, and is located within the boundaries of the Diridon Station Area Plan (DSAP). The Downtown Strategy 2040 project area includes a large portion of the DSAP, which was adopted in 2014. The Downtown Strategy 2040 Plan includes and integrates the following detailed plans and programs, including, but not limited to: the Downtown Strategy 2000 FEIR, the 2040 General Plan FEIR (2040 General Plan FEIR), and the DSAP FEIR to the extent possible

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

1.2 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Marriott Townplace Suites Project

2.2 LEAD AGENCY CONTACT

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San José, CA 95113
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2.3 PROJECT APPLICANT

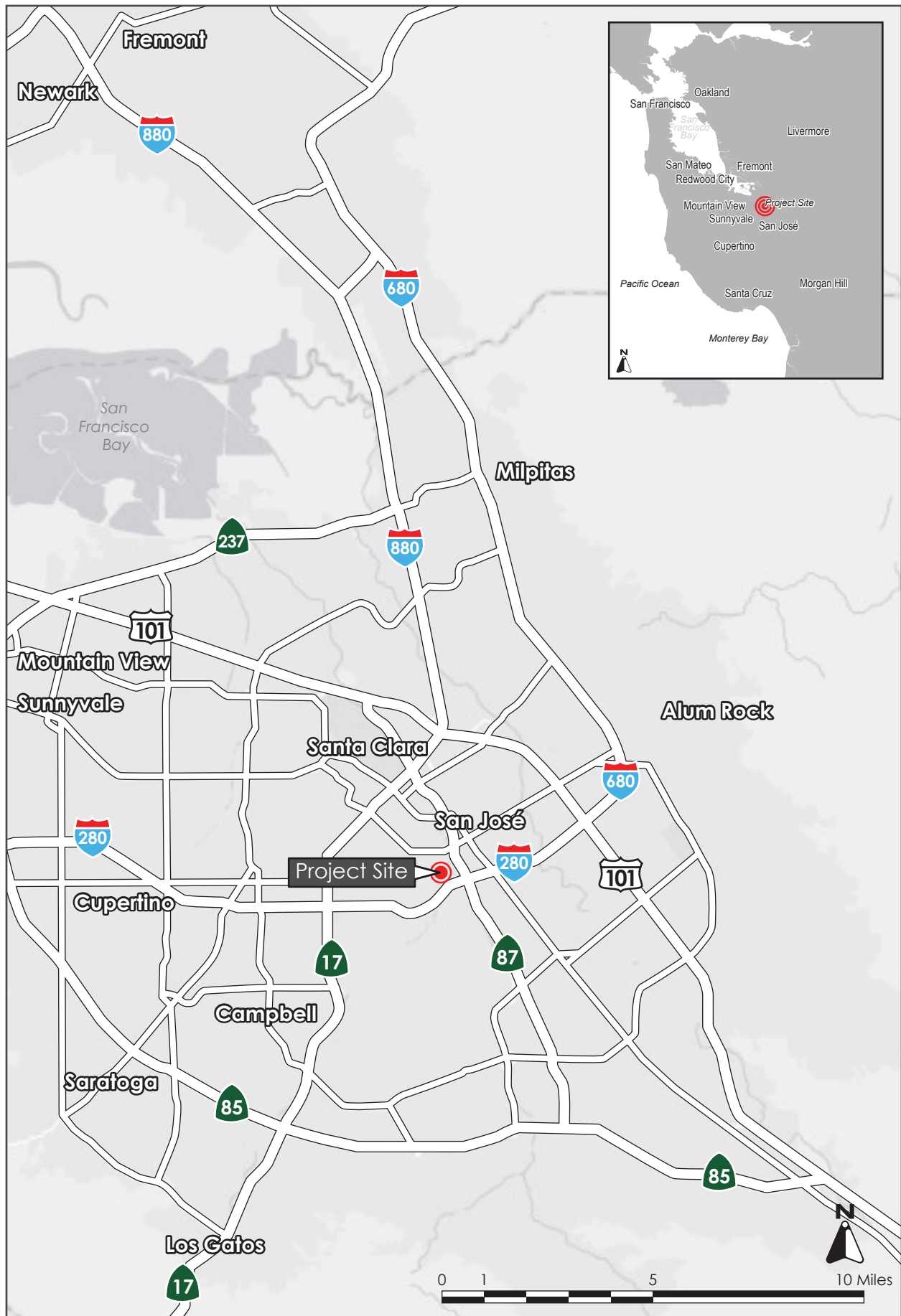
Paul Ring, Urban Catalyst
99 S. Almaden Boulevard Suite 500
San José, CA 95113
(650) 888-5885
Pring@urbancatalyst.com

2.4 PROJECT LOCATION

The approximately 0.6-acre project site is located at 491, 495, and 499 West San Carlos Street and 280 Josefa Street on the northeast corner of West San Carlos Street and Josefa Street in the City of San José. Regional and vicinity maps of the project site are shown in Figures 2.4-1 and 2.4-2. An aerial photograph showing surrounding land uses is shown on Figure 2.4-3.

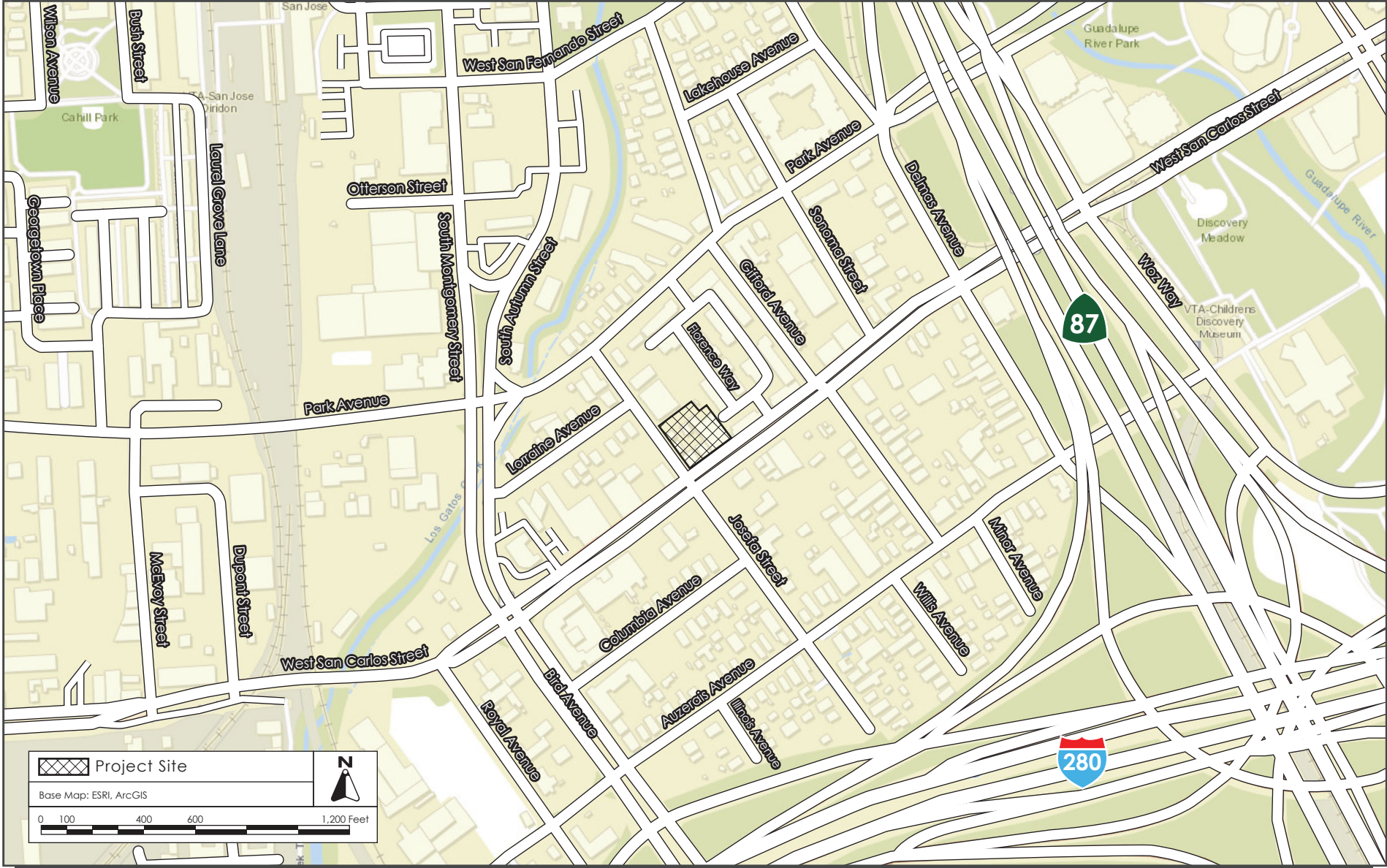
2.5 ASSESSOR'S PARCEL NUMBERS

259-47-013, 259-47-014, 259-47-015, and 259-47-016



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation: *Downtown* (Site is located in the Southern Zone of the Diridon Station Area Plan)

Zoning: *LI – Light Industrial*

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: *Urban – Suburban*

Development Zone: *Area 4 – Urban Development equal to or greater than two acres covered*

Fee Zone: *Urban Areas*

Owl Conservation Zone: *N/A*

2.8 PROJECT APPROVALS

- Confirming Rezoning
- General Plan Amendment for height
- Vesting Tentative Map
- Site Development Permit
- Public Works Permits (e.g., grading, encroachment)

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The 0.6-acre project site is located at 491, 493, 495, 497, and 499 West San Carlos Street and 270 and 280 Josefa Street (APN 259-47-013, -014, -015, and -016) on the northeast corner of West San Carlos Street and Josefa Street in the City of San José. The project site is currently developed, and is located within the boundaries of the DSAP and the Downtown Strategy 2040 Plan area. The site is designated *Downtown* under the City's General Plan and zoned *LI – Light Industrial*. The site is located within the southern zone of the DSAP in the Park/San Carlos subarea. The proposed hotel is an allowed use under DSAP and the General Plan designation. The project proposes a confirming rezoning from the *LI Light Industrial* to the *DC Downtown Commercial Zoning District* that would conform to the Downtown Primary Commercial zoning standards. The *Downtown* General Plan designation allows for buildings up to 65 feet height. The project proposes General Plan Amendment to allow for increased height to accommodate the 95 feet proposed hotel building to be consistent with the proposed DSAP Amendment and the Downtown Strategy 2040.

The site is developed with two commercial buildings, a tank house, a mixed-use building, a duplex, and a single-family residence, totaling approximately 26,233 square feet. The northernmost lot on Josefa Street (APN 259-47-016) is an asphalt-paved parking lot with no built structures. The project proposes to demolish the existing buildings and redevelop the site with an eight-story hotel consisting of up to 175 rooms. Parking would be provided on three above-grade podium levels with driveway access on Josefa Street.

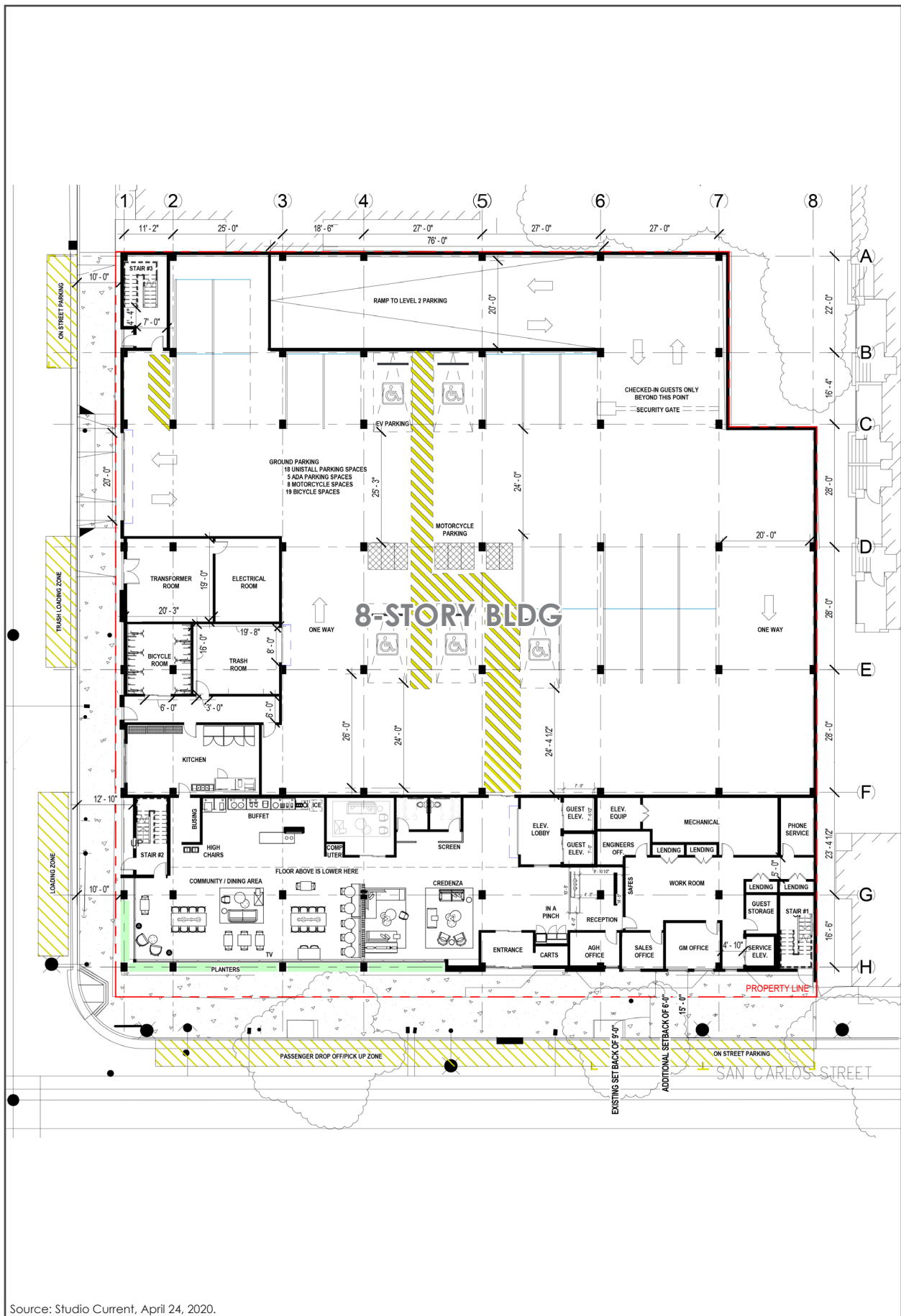
The project site is in the Delmas neighborhood to the west of downtown San José. The project site is bounded by San Carlos Street to the south, Josefa Street to the west, and residences to the north and east. The surrounding area consists of a mix of residential and light industrial buildings, and surface parking.

3.2 PROPOSED DEVELOPMENT

3.2.1 Hotel Building

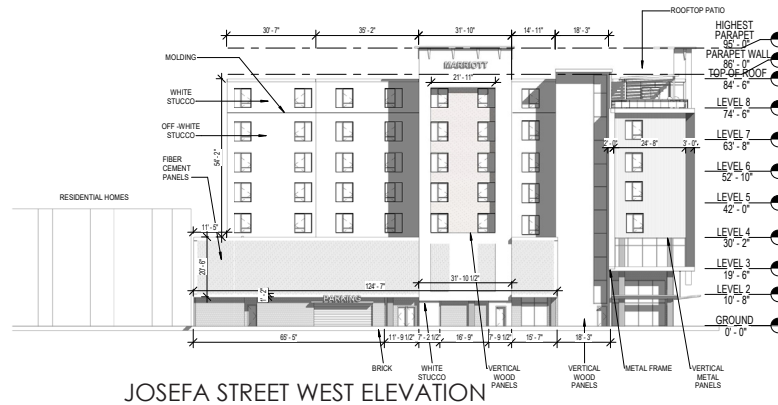
The project proposes to redevelop the site with an eight-story Marriott hotel building with up to 175 rooms (see Figure 3.2-1). Some or all of the rooms could be extended stay, meaning the rooms would be equipped with kitchens and the guests could remain on-site for up to 30 days. The maximum height of the building would be approximately 84.5 feet to the rooftop and 95 feet to top of the parapet. Conceptual building elevations of the proposed project are shown in Figure 3.2-2. The first through third floors would consist of parking for hotel guests. The fourth through eighth floor of the building would have the hotel rooms. The building would be set back approximately six feet from the property lines along the street frontages to allow for a 15-foot wide public sidewalk on San Carlos Street and a 10-foot wide sidewalk on Josefa Street.

The proposed hotel would cover approximately 95 percent of the total 26,233 square feet lot area. It would have a total building area of approximately 114,577 square feet (excluding the interior courtyard and parking garage). The project would have a floor area ratio (FAR) of 4.55. The total building area including three levels of parking garage and courtyard space would be 177,084 square feet.



CONCEPTUAL SITE PLAN

FIGURE 3.2-1



Source: Studio Current, April 24, 2020.

CONCEPTUAL ELEVATION DIAGRAM

FIGURE 3.2-2

3.2.2 Common Areas and Landscaping

The ground, third and eighth floors would consist of hotel amenities and common areas including workout facilities, breakfast area, lobby, lounge, and meeting rooms. In addition, the building would include a large, open air, landscaped courtyard on the fourth floor and an active roof terrace on the southwest corner of the eighth floor (see Figure 3.2-3).

3.2.3 Site Access and Parking

The project proposes a total of 117 parking spaces within an on-site parking garage with one ground-floor level and two above-ground levels (second and third floors). Site access to the parking garage is proposed via a full-access driveway located along Josefa Street (see Figure 3.2-1). Street parking is currently allowed on both West San Carlos and Josefa Streets along the project frontages and would remain with the project. A passenger loading zone would be located along the San Carlos Street frontage. The project proposes to provide a total of six electric vehicle (EV) parking spaces located within the ground-floor level. The project would also provide 19 bicycle parking spaces.

3.2.4 Public Right-Of-Way and Utility Improvements

Stormwater runoff from this project site would be collected and routed for treatment by either biotreatment through the Biotreatment Flow-Through Planters positioned on the central and northern podium deck or through a Media Filter Treatment vault positioned in the garage. All storm water outflow from these devices would flow into the public stormwater collection system located on Josefa Street. Wastewater from the project site would be directed to sanitary sewer lines in Josefa Street. The project proposes to underground existing overhead communication lines.

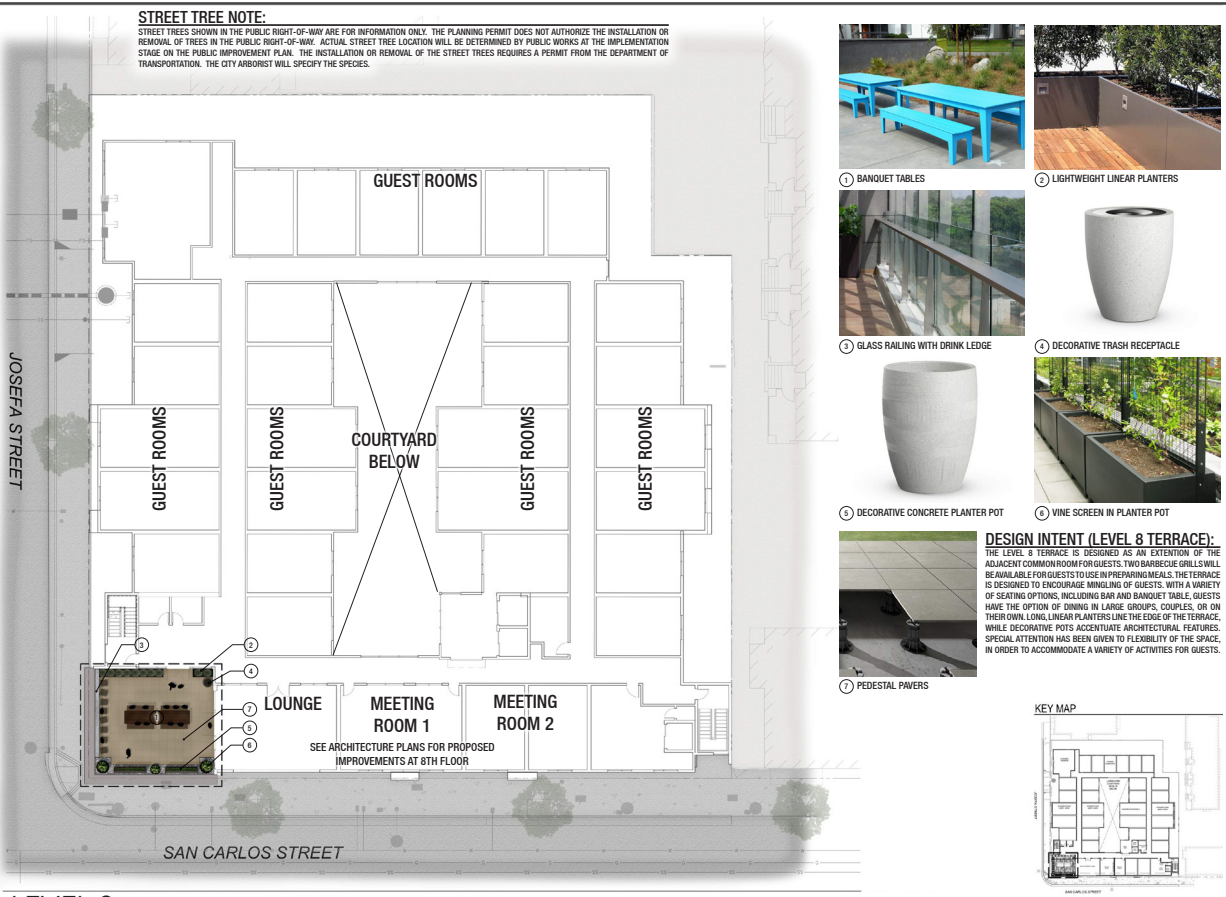
3.2.5 Green Building Measures

Consistent with the City's Private Sector Green Building Policy, the proposed project would be designed to achieve, at a minimum, CAL Green Code requirements. This would be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections. The project is required to comply with City of SJ "REACH" code and would also be implementing sustainability measures equivalent to Leadership in Energy and Environmental Design (LEED) Silver.

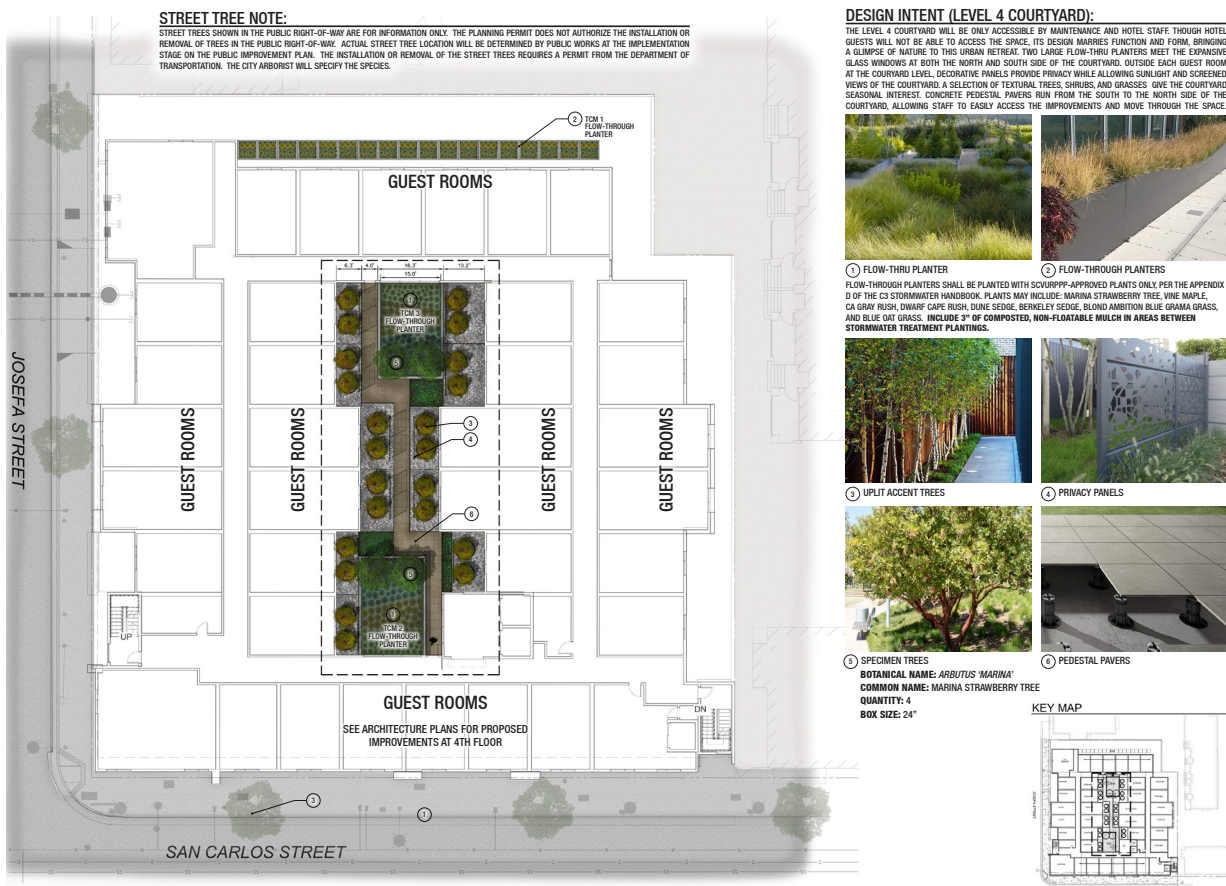
3.2.6 Construction

Construction of the proposed project is estimated to start in Winter 2021 and would take approximately two years to complete. Construction would take place seven days a week within standard construction hours (7:00 am to 7:00 pm). Excavation would extend to approximately three feet across the entire site and would require approximately 500 cubic yards of soil export and 500 cubic yards of soil import.

Construction activities associated with the proposed project include utility connections, building construction, frontage improvements (e.g., new street trees, new curb, gutter, sidewalk and driveway construction and placing existing overhead utility lines underground), and landscaping on the site.



LEVEL 8



LEVEL 4



GROUND LEVEL

Source: Studio Current, April 24, 2020.

LANDSCAPE PLAN FOR GROUND FLOOR, FOURTH FLOOR AND EIGHTH FLOOR

FIGURE 3.2-3

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

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

Impact Discussion – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 AESTHETICS

NOP scoping comments included discussing the project's design and landscaping in relation to the surrounding community.

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

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

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.¹

The exemption for aesthetic impacts, however, does not include impacts to historic or cultural resources. Local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. State Route 9 is a state-designated scenic highway located in Santa Clara County. Interstate 280 from the San Mateo County line to State Route 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.²

¹ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed October 28, 2020.
<http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html>.

² California Department of Transportation. "Scenic Highways". Accessed September 22, 2020.
<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

Local

Municipal Code

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

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

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

City Design Guidelines and Design Review Process

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

City Council Policy 4-2: Lighting

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

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

Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow. The Downtown area is exempt from this policy.

Envision San José 2040 General Plan

The 2040 General Plan identifies "gateways," freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made environment are crucial. The segments of Bird Avenue over I-280 and South First Street in the Downtown area is designated as gateways for scenic purposes.

None of the City's designated gateways, rural scenic corridors, or views from urban corridors as described in the City's General Plan are in the vicinity of the project site.

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics, as listed below.

General Plan Policies - Aesthetics	
Attractive City	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.2	Install and maintain attractive, durable, and fiscally- and environmentally-sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian-oriented areas such as Downtown, Villages, Corridors, or along Main Streets, commercial and mixed-use building frontages should be placed at or near the street-facing property line with entrances directly to the public sidewalk. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street façade and pedestrian access to buildings.
Policy CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Downtown Urban Design	

General Plan Policies - Aesthetics	
Policy CD-6.2	Design new development with a scale, quality, and character to strengthen Downtown's status as a major urban center.
Policy CD-6.8	Recognize Downtown as the hub of the County's transportation system and design buildings and public spaces to connect and maximize use of all types of transit. Design Downtown pedestrian and transit facilities to the highest quality standards to enhance the aesthetic environment and to promote walking, bicycling, and transit use. Design buildings to enhance the pedestrian environment by creating visual interest and by fostering active uses and avoiding prominence of vehicular parking at the street level.
Policy CD-6.9	Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.
Policy CD-6.10	Maintain Downtown design guidelines and policies adopted by the City to guide development and ensure a high standard of architectural and site design in its center.
Attractive Gateways	
Policy CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.
Community Empowerment	
Policy VN-2.3	Ensure that community members have the opportunity to provide input on the design of public and private development within their community.

4.1.1.2 *Existing Conditions*

Project Site

The 0.6-acre project site is located at 491-499 West San Carlos Street and 270-280 Josefa Street in downtown San José. The site is flat and developed with six structures: two single-story commercial buildings, one single-family residence, one duplex, a corner mixed-use building, and a tankhouse.

The two commercial buildings and the mixed-use building are located along the West San Carlos Street frontage. The mixed-use building is an attached store and residence (see Photo 1). All three storefronts have large display windows and recessed entrances. The rooflines vary in style but are generally the same height. All three buildings have similar setbacks from the street, though the front façade of the residence is recessed from the storefront. The mixed-use building is clad in wood siding, whereas the two commercial buildings are stucco and concrete block (see Photos 2 and 3). Two street trees are located along the West San Carlos Street frontage. To the rear of the commercial structures is a one-story residential dwelling in the craftsman style. Because of its location, views of the house are limited from the roadways (see Photo 4).



Photo 1: The front (south) and west façade of 497-499 W. San Carlos Street.



Photo 2: The front (south) façade of 491 W. San Carlos Street.

PHOTOS 1 & 2



Photo 3: View of the front (south) façade of 493-495 W. San Carlos Street from W. San Carlos Street.



Photo 4: View of the front and west façade of 495 ½ W. San Carlos Street.

PHOTOS 3 & 4

The tankhouse and duplex are located along the Josefa Street frontage. The tankhouse, comprised of natural wood siding, has an asphalt shingle-clad gable roof over the garage and a flat roof over the tankhouse. The building is in a deteriorated condition (see Photos 5 and 6). The duplex is a plain stucco structure with a low gable roof (see Photo 7). The tankhouse, the duplex, and mixed-use building have no setback from the sidewalk and, as a result landscaping is sparse and there are no street trees. A surface parking lot is located at the rear of the site. A chain link fence with a gate runs along Josefa Street leading to the parking lot (see Photo 8).

Surrounding Area

The project site is located in an area developed with a mix of older commercial and light industrial buildings, and a mix of older single-family residences and newer multi-family residential buildings. The site is bounded by W. San Carlos Street to the south, Josefa Street to the west, Park Avenue to the north, and Gifford Avenue to the east. West San Carlos is an east-west four-lane street with a raised median and is predominantly occupied by auto-related services and light industrial uses. The older commercial buildings along West San Carlos are similarly sized and styled to the older commercial buildings on-site and generally have comparable setbacks with limited to no landscaping or street trees. A few businesses are setback from the street by small surface parking lots. The newer commercial buildings have a more modern aesthetic with fewer architectural details but are still predominately one-story. The newer multi-family buildings also have a modern aesthetic with limited architectural features and range from two to four stories. The newer developments in the project area have street trees, but otherwise limited landscaping along the roadway frontages. Views of the site are limited to immediate surrounding parcels and roadways (see Photos 9 through 12).

Scenic Views and Resources

The City has many scenic resources including the hills and mountains that frame the valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is flat and located in Downtown San José, surrounded by urban development. Prominent views of the mountains are limited since buildings, trees, and infrastructure (e.g., utility lines) obscure viewpoints. The project area is developed and no natural scenic resources such as rock outcroppings are present on the site or in the project area. Existing downtown landmarks (which are a part of the downtown skyline) such as the historic Bank of America building, De Anza Hotel, Fairmont Hotel, San José City Hall and San José State University Campus, are not visible from the project site or its vicinity, due to their distance from the site.

Scenic Corridors

The project site is not located along a State-designated scenic highway. The nearest state-designated highway is SR 9, approximately eight miles southwest of the site (at the SR 17 interchange). The segment of Bird Avenue over I-280 in the downtown area is located roughly 0.25 miles southwest of the project site.

Light and Glare

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



Photo 5: The front façade of the tankhouse and the attached garage.



Photo 6: The north façade of the tankhouse and the attached garage.

PHOTOS 5 & 6



Photo 7: The front (west) façade of 280-282 Josefa Street.



Photo 8: View of the parking lot from Josefa Street.

PHOTOS 7 & 8



Photo 9: View of San Jose Learning Center across W. San Carlos Street.



Photo 10: Looking southwest from the project site.

PHOTOS 9 & 10



Photo 11: View of the Museum Park Apartment complex, facing Josefa Street (north of the project site).



Photo 12: View of 503 W. San Carlos Street located west of the project site across Josefa Street.

PHOTOS 11 & 12

4.1.2

Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ³ 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

The City's General Plan defines scenic vistas or resources in the City as broad views of Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project site is flat and prominent views, other than immediately surrounding buildings, are limited. Existing buildings in the project area have building heights ranging from one- to three-stories. The proposed project would allow for the construction of an eight-story hotel building. The eight-story hotel project, which would be seen by drivers on the elevated segment of SR 87, would not obstruct larger views of the Santa Cruz Mountains (to the southwest) that are in view of drivers on this freeway segment. Since key Downtown landmarks are to the east of the SR 87 Urban Throughway and the proposed development is west of SR 87, the proposed project would not block views of the Downtown skyline (i.e., Downtown landmarks). Due to the distance, surrounding landscaping, and

³ Public views are those that are experienced from publicly accessible vantage points.

urban development, views from other City-designated Urban Throughways or Gateways would be limited. For these reasons, the proposed project would not substantially block scenic views. While the proposed change in building height on the parcels may block views from existing adjacent residences and businesses, private views are not protected scenic resources under CEQA. Based on the above, the project would not result in a substantial impact on any scenic vistas or resources. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As discussed above in *Section 4.1.1.2*, the project site is not located along a State scenic highway or designated scenic corridor. Redevelopment of this site, therefore, would not have a significant adverse effect on any scenic resources, such as trees, rock outcroppings, and historic buildings within a State scenic highway. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is currently developed with six buildings or structures. The project proposes a Planned Development rezoning that would conform to the Downtown Commercial zoning standards. Construction of the proposed eight-story hotel would result in a visual change; however, the proposed project is consistent with the scale and type of development that has occurred within the area surrounding Diridon Station and envisioned in the Downtown Strategy 2040 Plan.

The proposed project is consistent with most of the Downtown Strategy policies (e.g., amenities such as lighting, plantings, and paving for pedestrian ways; definition of streets and sidewalks by their placement along the lower floors of buildings against the street edge; appropriate size and scale of open spaces). The proposed project would comply with Title 20 of the City's Municipal Code and would be subject to a design review process to ensure that the conforms with all adopted design guidelines and other relevant policies and ordinances. Additionally, the project would comply with City Council Policy 4-2 which regulates lighting to control the amount of glare and light that can affect nighttime views and surrounding residential development. The proposed project, overall, would not conflict with applicable zoning and other regulations governing scenic quality. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The ambient lighting that would be created by the project would not differ substantially from the existing levels of light generated by the existing residential and commercial buildings. The design of the proposed project would be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's Design Guidelines. For these reasons, the proposed project would not create substantial light and/or glare which could adversely affect day or nighttime views in the area. The project would be required to comply with adopted plans, policies (including City Council Policy 4-2, 4-3), and

regulations to avoid substantial light and glare impacts. Although nighttime light and glare would increase compared to the existing conditions, the increase in light and glare would not be unexpected or unusual in the downtown area.

The design of the proposed project would also be subject to the City's design review process and as part of that process, would be required to use exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's Design Guidelines. Based on the above, the project would not adversely affect day or nighttime views in the area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Setting*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

The project site is located in a developed, urban area of San José. The Santa Clara County Important Farmlands 2016 Map designates the project site as "Urban and Built-Up Land." Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports,

⁴ California Department of Conservation. "Farmland Mapping and Monitoring Program".

<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. "Williamson Act". <http://www.conservation.ca.gov/dlrp/lca>.

⁶ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

⁷ California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed September 9, 2020. <http://frap.fire.ca.gov/>.

and other utility uses. There are no forest lands on or adjacent to the project site. The site is not subject to a Williamson Act contract.⁸

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
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"/>	<input 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"/>	<input 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"/>	<input type="checkbox"/>
d) Result in a 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"/>	<input 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"/>	<input type="checkbox"/>

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

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

As discussed in *Section 4.2.1.2* above, the project site is designated as “Urban and Built-Up Land” and not as farmland or used for agricultural purposes. The project would construct a hotel on a currently developed site and, therefore, would not convert *Prime Farmland, Unique Farmland, or*

⁸ County of Santa Clara Department of Planning and Development. “Williamson Act and Open Space Easement.” Accessed September 9, 2020. <https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx>.

Farmland of Statewide Importance to non-agricultural uses (as shown on the Santa Clara County Important Farmland 2016 Map). **[Same Impact as Approved Project (No Impact)]**

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

As stated in *Section 4.2.1.2* above, the project site is not designated as farmland or used for agricultural purposes and is not under a Williamson Act contract. **[Same Impact as Approved Project (No Impact)]**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production

As discussed in *Section 4.2.1.2* above, the project site is in a developed, urban area and is not zoned forest land or timberland. **[Same Impact as Approved Project (No Impact)]**

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

As stated in checklist item c) above, the project is not zoned as forest land. The project site is located within an urbanized area and would not result in a loss of forest land or convert forest land to non-forest use. **[Same Impact as Approved Project (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?

As stated in checklist items a) through d) above, the project site is not designated as farmland or used for agricultural or forestry purposes. **[Same Impact as Approved Project (No Impact)]**

4.3 AIR QUALITY

4.3.1 Environmental Setting

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin.

4.3.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Implementation of the proposed project would result in significant impacts to air quality from construction. The project's impact on air quality is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The project would demolish six buildings/structures on the approximately 0.6-acre site and would construct an eight-story hotel building with three levels of ground floor parking.

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input 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, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
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 checked="" type="checkbox"/>	<input type="checkbox"/>

Implementation of the proposed project could result in a significant impact to biological resources. The project's impact on biological resources is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.6 CULTURAL RESOURCES

4.6.1 Environmental Setting

The project site includes six structures and an asphalt-paved parking lot. None of the structures on-site are listed on the NRHP or CRHR. According to the City of San José Historic Resources Inventory, no properties have been previously identified as historic resources within 200 feet of the subject parcels⁹

4.6.2 Impact Discussion

	New Significant Unavoidable Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As proposed, the project would demolish the existing buildings and construct an eight-story hotel building with a three level above ground parking garage. Based on the potential to impact historic structures and subsurface resources, the proposed project could result in a significant impact to cultural resources. The analysis of cultural resources impacts is presented in the SEIR. No further analysis will be provided in this Initial Study.

⁹ City of San José. “Historic Resources Inventory.” Accessed September 22, 2020.
<https://www.sanjoseca.gov/home/showdocument?id=24021>.

4.7 ENERGY

The following discussion is based, in part, on an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in June 2020 and updated in October 2020. A copy of this assessment is attached as Appendix B to the SEIR.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 to Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.¹⁰ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.¹¹

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.¹²

Local

Climate Smart San José

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

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

¹⁰ California Building Standards Commission. “California Building Standards Code.” Accessed September 14, 2020. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

¹¹ California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed September 14, 2020. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

¹² California Air Resources Board. “The Advanced Clean Cars Program.” Accessed August 31, 2020. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

Sustainable City Strategy

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

Municipal Code

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

Envision San José 2040 General Plan

The 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

General Plan Policies - Energy	
Green Building Policy Leadership	
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Energy Conservation and Renewable Energy Use	
Policy MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Water Conservation and Quality	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Waste Diversion	
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.

General Plan Policies - Energy	
Waste Reduction	
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Reduce Consumption and Increase Efficiency	
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
Responsible Management of Water Supply	
MS-17.2	Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system to areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other 2040 General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.
Water Recycling	
Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Solid Waste Materials Recovery/Landfill	
Policy IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

General Plan Policies - Energy	
Vibrant, Attractive, and Complete Neighborhoods	
Policy VN-1.1	Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.
Transportation	
Policy TR-1.4 ¹³	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

4.7.1.2 Existing Conditions

Total energy usage in California was approximately 7,867 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data is available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,439 trillion Btu) for residential uses, 19 percent (1,509 trillion Btu) for commercial uses, 23 percent (1,848 trillion Btu) for industrial uses, and 40 percent (3,170 trillion Btu) for transportation.¹⁴ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector at 23 percent. In 2018, a total of approximately 16,700 Gigawatt hours (GWh) of electricity was consumed in Santa Clara County.¹⁵

San José Clean Energy (SJCE) is the electricity generation service provider for residents and businesses in the City of San José. Beginning in February 2019, SJCE has provided over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower. SJCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-

¹³ Policy TR-1.4, as shown, is modified in this list to reflect only those items relevant to the discussion of energy.

¹⁴ United States Energy Information Administration. *State Profile and Energy Estimates, 2018*. Accessed September 14, 2020. <https://www.eia.gov/state/?sid=CA#tabs-2>.

¹⁵ CEC. Energy Consumption Data Management System. “Electricity Consumption by County”. Accessed September 14, 2020. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.¹⁶ In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.¹⁷

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.¹⁸ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.¹⁹ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{20,21}

4.7.1.3 *Energy Use of Existing Development*

The 0.6-acre project site is currently occupied by two mostly vacant single-story retail, three residences and a tankhouse. Under current conditions, there is limited energy usage on-site. Therefore, this analysis assumes no energy usage for the current land uses.

¹⁶ California Gas and Electric Utilities. 2019 California Gas Report. Accessed September 14, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf

¹⁷ California Energy Commission. "Natural Gas Consumption by County." Accessed August 31, 2020. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

¹⁸ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 11, 2020. <https://www.cdfta.ca.gov/dataportal/dataset.htm?url=FuelGasJetStats>

¹⁹ United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

²⁰ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed August 31, 2020. <http://www.afdc.energy.gov/laws/eisa>.

²¹ Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed August 31, 2020. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

4.7.2

Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

-
- 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

The proposed hotel project is consistent with the conclusions of the Downtown Strategy 2040 Plan policies that would require new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques (Policy MS-2.3).

Energy will also be used to demolish, excavate, transport, and dispose of demolition materials and soils. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) detailed in *Section 3.1 Air Quality* of the SEIR would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. Implementation of Downtown Strategy 2040 policies and existing regulations and programs would reduce energy loss resulting from the disposal of construction and demolition materials through diversion and recycling. The project would also recycle or salvage approximately 75 percent of construction waste as part of its LEED Silver equivalent measures and compliance with the City's Construction and Demolition Diversion Program (see also *Section 4.8 Greenhouse Gas Emissions*). Therefore, construction of the proposed project, in conformance with the Downtown Strategy 2040, would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Operation

The project proposes to construct 175 hotel rooms. Parking would be provided in a three-level podium parking garage. Operation of the proposed building would consume energy (in the form of

electricity and natural gas) primarily for building heating and cooling, lighting, cooking, and water heating. Table 4.7-1 summarizes the estimated energy use of the proposed project.

Table 4.7-1: Projected Annual Energy Use of Proposed Project		
Development	Electricity Use (kWh/yr)	Natural Gas Use (kBtu/yr)
Hotel – 175 rooms	873,077	5,076,910
Enclosed Parking with Elevator	367,363	0
Total	1,240,440	5,076,910
Source: Illingworth & Rodkin, Inc. <i>Marriott TownePlace Suites Project Air Quality and GHG Assessment</i> . June 25, 2020.		

The proposed project would use approximately 1,240,440 kWh of electricity and 5,076,910 kBtu of natural gas. The energy use is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. The proposed project would be required to be constructed in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. In addition, Policy MS-2.3 (from the General Plan) requires development to incorporate green building practices through construction, architectural design, and site design techniques. Though the proposed project does not include on-site renewable energy resources, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City’s Green Building Ordinance.

The project site is located approximately 0.45 miles from the San José Diridon Station. The nearest bus stops are located along the northwest and southeast corners of the Josefa Street/San Carlos Street intersection, less than 100 feet from the project site. The site’s proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Additionally, the proposed project would include 19 bicycle parking spaces consistent with the City’s bicycle parking requirement. The proposed project would also comply with the San José ‘Reach’ Code and existing State energy standards and would be designed to achieve LEED Silver equivalent measures. Based on the above, the project would not result in a significant environmental impact due to inefficient consumption of energy during project operation.

The proposed project would conform to the Downtown Strategy 2040 and would not result in wasteful, inefficient, or unnecessary use of energy during construction. Additionally, the proposed project would comply with Policy 6-32, the Green Building Ordinance, the San José Reach Code and State energy standards to achieve LEED Silver equivalent measures, which would result in efficient use of energy during operations. Therefore, the proposed project would result in a less than significant impact for energy consumption during construction and operations. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

Consistent with the City’s Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve sustainability measures equivalent to LEED Silver. In addition, the proposed project would be required to comply with various local policies and regulations adopted to improve energy efficiency in new developments and increase utilization of

renewable energy sources, including the City's Green Building Program, Greenhouse Gas Reduction Strategy, and General Plan energy policies. Implementation of local policies and regulations would ensure the project is compliant with regional and statewide energy efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code). By adhering to adopted policies and regulations the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.8 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Engineering Study prepared by *Earth Systems Pacific* in August 2020. A copy of the report is attached in Appendix E of the SEIR. Public comments received during the NOP scoping process pertained to the discussion of potential hazard of liquefaction with respect to the project.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Paleontological Resources Regulations

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

Local

City of San José Policies

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 Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to geologic and seismic hazards, as listed in the following table.

General Plan Policies - Geology, Soils, and Seismic Hazards	
Emergency Management	
Policy ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.
Seismic Hazards	
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 by 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 as reviewed and approved 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.
Geologic and Soil Hazards	
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended

General Plan Policies - Geology, Soils, and Seismic Hazards	
Emergency Management	
	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 soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

4.8.1.2 *Existing Conditions*

Geology and Soils

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

The project site is relatively flat and is underlain by the Urbanland-Campbell complex of zero to two percent slopes. Soils on-site contain silt loam, silty clay loam, and silty clay layers. Soils on-site have moderate to very high expansion potential. There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

Groundwater

Groundwater at the project site has been encountered at a depth of approximately 15 to 25 feet bgs.

Seismicity and Seismic Hazards

The site is located within the San Francisco Bay Area, the most seismically active region in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 4.8-1 below.

Table 4.8-1: Active Faults Near the Project Site	
Fault	Distance from Site
Hayward	12.3 miles north
Monte Vista-Shannon	8.0 miles west
Calaveras	9.0 miles west
San Andreas	12.0 miles east

Although the project site is located within a seismically active region, it is not located within a Santa Clara County Fault Hazard Zone.²² No active faults have been mapped on-site; therefore, the risk of fault rupture at the site is low.

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. Based on the Santa Clara County Geologic Hazard Zones Map, the project area is located within a liquefaction zone.²³

Landslides

The project site is not located within a potential landslide zone.²⁴ The project area is relatively flat, therefore, the probability of landslides occurring on-site during a seismic event is low.

Paleontological Resources

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

Based on the underlying geologic formation of the project site, the Downtown Strategy 2040 FEIR found the area to have a higher potential for encountering paleontological resources.

²² County of Santa Clara. "Santa Clara County Geologic Hazard Zones." Map 20. Accessed September 16, 2020. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

²³ Ibid.

²⁴ Ibid.

4.8.2

Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<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 will 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

a) 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 6.7 in magnitude. Although the project is not located in a defined Alquist-Priolo Earthquake Fault Zone, the project site is located in a seismically active region and would experience strong shaking in the event of a seismic activity. The project site and surrounding areas are, however, relatively flat and the probability of landslides and lateral spreading occurring on-site during a seismic event is low. In addition, the site is located within an area with moderate to very high soil expansion potential. Consistent with the Downtown Strategy 2040 FEIR, the project proposes to implement the following Standard Permit Condition to reduce significant seismic and seismic-related impacts.

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.

The proposed project, with the implementation of the standard permit condition listed above, would not result in any new or greater seismic hazard impacts than were previously identified in the Downtown Strategy FEIR or exacerbate hazards on adjacent properties. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Construction activities on-site would include demolition of the existing buildings/structures, grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is completed. 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 Downtown Strategy 2040 FEIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City will require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions:

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

The proposed project, with the implementation of the standard permit conditions listed above, would not result in any new or greater soil erosion impacts than were previously identified in the Downtown Strategy 2040 FEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

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?

As mentioned above in a), the project site is relatively flat and the potential for landslides and lateral spreading is low. Based on the Santa Clara County Geologic Hazard Zones Map, the site is located within a liquefaction zone as discussed above in *Section 4.8.1.2*. Since the soils on-site have moderate to very high expansion potential, the proposed project would be required to use standard engineering and seismic safety design techniques during project construction. Additionally, the project would be constructed in conformance with a site-specific geotechnical investigation (refer to Standard Permit Condition above in Checklist item a). **[Same Impact as Approved Project (Less than Significant Impact)]**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

As mentioned above in *Section 4.7.1.2*, the site is located within an area with moderate to very high soil expansion potential. The Downtown Strategy 2040 FEIR concluded that new development and redevelopment allowed under the Downtown Strategy 2040 Plan area could occur in areas with identified soil hazards, including expansive soils and artificial fill. In conformance with the Downtown Strategy 2040 FEIR and current practices in the City of San José, the project shall implement the following Standard Permit Condition to reduce and/or avoid impacts related to expansive soils.

Standard Permit Condition:

- 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.

With implementation of the Standard Permit Condition listed above, the project would not create substantial direct or indirect risks to life or property. **[Same Impact as Approved Project (Less than Significant Impact)]**

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 wastewater?

The proposed development would connect to the existing utilities (e.g., sewer system) in the adjacent streets and would not require septic tanks or alternative wastewater disposal systems. **[Same Impact as Approved Project (Less than Significant Impact)]**

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project would not result in substantial excavation and would have low potential for encountering paleontological resources during construction. Nevertheless, the City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Condition for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Condition:

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement or the Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

With implementation of the above Standard Permit Condition, the proposed project would not result in a significant impact to paleontological resources. **[Same as Approved Project (Less than Significant Impact)]**

4.8.3 Non-CEQA Effects

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

General Plan Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity

of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires 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.

As mentioned previously, the project site contains soil with moderate to very high expansion potential. The proposed project would be required to be built and maintained in accordance with a design-specific geotechnical report and applicable regulations including the most recent California Building Code requirements (consistent with General Plan Policy EC-3.1). The Downtown Strategy 2040 concluded that adherence to the California Building Code and applicable General Plan policies would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on-site. Because the proposed project would comply with the design-specific geotechnical report, most recent California Building Code requirements, and regulations identified in the Downtown Strategy 2040 FEIR that ensure geologic hazards are adequately addressed, the project would be consistent with General Plan Policies EC-3.1, EC-4.2, and EC-4.4.

4.9 GREENHOUSE GAS EMISSIONS

4.9.1 Environmental Setting

The existing land uses on the project site include two mostly vacant single-story retail uses, three residences (including one single-family home, a duplex and mixed-use building) and a tankhouse. These uses produce low operational and traffic emissions.

4.9.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Implementation of the proposed project could result in a significant greenhouse gas (GHG) operational impact. The project’s impact on GHG emissions is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.10 HAZARDS AND HAZARDOUS MATERIALS

4.10.1 Environmental Setting

The project would demolish six buildings/structures on the approximately 0.6-acre site and would construct an eight-story hotel building with three levels of ground floor parking.

4.10.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 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"/>	<input 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 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"/>	<input type="checkbox"/>

Implementation of the proposed project could result in a significant impact to hazards and hazardous materials. The project's impact on hazardous materials is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.11 HYDROLOGY AND WATER QUALITY

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Water Quality Overview

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

Federal and State

National Flood Insurance Program

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

Statewide Construction General Permit

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

Regional

San Francisco Bay Basin Plan

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

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

Municipal Regional Stormwater NPDES Permit/Provision C.3

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit²⁵ (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

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

Santa Clara Valley Water District

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

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.²⁶

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a

²⁵ MRP Number CAS612008

²⁶ California Department of Water Resources, Division of Safety of Dams. [https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20\(DSOD\).](https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD).) Accessed June 9, 2020.

response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Local

Post-Construction Urban Runoff Management Policy 6-29

The City of San José's Post-Construction Urban Runoff Management Policy 6-29 was adopted to establish an implementation framework, consistent with Provision C.3 of the MRP. This policy requires all new and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management Policy 8-14

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area, and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

Floodplain Ordinance – Municipal Code 17.08

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality, as listed below.

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

General Plan Policies - Hydrology and Water Quality	
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Stormwater	
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-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Water	
Policy ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
Water Conservation and Quality	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
Policy MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
General Provision of Infrastructure	
Policy IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
Policy IN-1.2	Consistent with fiscal sustainability goals, provide and maintain adequate water, wastewater, and stormwater services to areas in the city that do not currently receive these City services upon funding and construction of the infrastructure necessary to provide them.
Water Supply, Sanitary Sewer and Storm Drainage	
Policy IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

4.11.1.2 Existing Conditions

Storm Drainage

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-

point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes.

The project site is flat and the nearest waterway to the site is the Los Gatos Creek, approximately 0.1 miles west of the project site. The storm water from the site flows to the City of San José stormwater collection system which ultimately drains to Guadalupe River.

Flooding

The project site is not located within a 100-year floodplain.²⁷ According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map, the project site is located within Zone D, which is defined as areas in which flood hazards are undetermined, but possible.

Dam Failure

The Association of Bay Area Governments compiled the dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The project site is located within the Anderson and Lenihan (Lexington) dam failure inundation zones.²⁸

Seiches, Tsunamis, and Mudflows

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche.

A tsunami or tidal wave is a series of water waves caused by displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. There are no large bodies of water near the project site. The site does not lie within a tsunami inundation hazard area.²⁹

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site and surrounding area are relatively flat. The project site is not susceptible to mudflows.

²⁷ FEMA. "Flood Insurance Rate Map Number 06085C0234H." Accessed January 21, 2020. <http://msc.fema.gov/portal>.

²⁸ Valley Water. "Local Dams and Reservoirs." Accessed September 16, 2020. <https://www.valleywater.org/your-water/local-dams-and-reservoirs>.

²⁹ California Department of Conservation. "Santa Clara County Tsunami Inundation Quads". Accessed September 16, 2020. <https://www.conservation.ca.gov/cgs/Pages/Tsunami/Maps/SantaClara.aspx>

4.11.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
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 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 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<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 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"/>	<input type="checkbox"/>

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

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

Construction-Related Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The project site is approximately 0.60 acres and, therefore, does not require coverage under the NPDES General Permit for Construction Activities, which only applies to sites that are larger than one acre.

All development projects in San José shall comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the BMPs that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the NPDES General Construction Permit and City requirements, the following Standard Permit Conditions have been included in the project to reduce potential construction-related water quality impacts.

Standard Permit Conditions:

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

Implementation of the above Standard Permit Conditions and compliance with required Downtown Strategy 2040 FEIR measures would result in a less than significant impact from construction on water quality.

Post-Construction Impacts

Under existing conditions, the project parcel is approximately 90 percent impervious (23,613 square feet). Upon completion of the proposed project, impervious surfaces on-site would be increased by approximately three percent from 23,613 square feet to 24,884 square feet. The project would therefore, replace more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP. Under the MRP, all post-construction stormwater runoff is to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The proposed project meets the criteria to qualify as a Special Project (Category B – High Density Projects) and currently proposes biotreatment flow-through planters or mechanical treatment devices to collect and treat stormwater runoff from the project site. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation.

The Downtown Strategy 2040 FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact.

The proposed project would implement Standard Permit Conditions and comply with the Downtown Strategy 2040 FEIR measures and would not impact water quality during construction. Additionally, the proposed project would implement a Stormwater Control Plan and comply with the City's regulatory policies for stormwater runoff during operations. Therefore, the proposed project would result in a less than significant impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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?

Groundwater beneath the site is present at depths between approximately 15 and 25 feet below ground surface and is not used for drinking water. The project site, which is relatively small (i.e., less than one acre), is not located within a designated groundwater recharge zone.³⁰ For this reason, although the proposed project would reduce the area of pervious surfaces on the site, the project would not substantially affect groundwater recharge. Excavation during construction of the proposed project would require relatively shallow cuts (i.e., less than 10 feet) and, therefore, would not come in contact with groundwater. Based on the above, implementation of the proposed project would not result in new or more significant impacts to groundwater than identified in the Downtown Strategy 2040 FEIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

³⁰ Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

-
- 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; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?**
-

The existing stormwater system collects untreated stormwater from the site and surrounding area and discharges it directly into Guadalupe River through an existing outfall. Development of the proposed project would not substantially alter the existing drainage pattern of the site. The proposed project would increase impervious surfaces on the project site by approximately 1,271 square feet or three percent. The drainage pattern under the proposed project would be similar to existing conditions, except the runoff generated by the project site would be treated by stormwater treatment control measures, prior to entering the stormwater drainage system and discharging to the Guadalupe River. The proposed stormwater treatment would reduce the rate of stormwater runoff while also removing pollutants. While there would be an incremental increase in the volume of stormwater generated from the site due to an increase in impervious surfaces, the project would not change drainage patterns or exceed the capacity of existing stormwater drainage facilities in the project area. Compliance with the MRP and associated General Plan policies would ensure the volume and rate of runoff would be minimized. For these reasons, implementation of the proposed project would not result in new or more significant impacts to drainage patterns on or off the site than identified in the Downtown Strategy 2040 FEIR.

Flooding

The project site is located within Zone D, which is defined as areas that have an undetermined risk of flooding due to lack of flood analyses, but flooding is possible. The proposed project is not located within a 100-year floodplain and would therefore not impede or redirect flood flows.

The proposed project would not create an impact on stormwater drainage rates or volume and is not located within a 100-year floodplain. Therefore, the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The project site is not located within a Special Flood Hazard Area as delineated by FEMA. The project site is located in Flood Zone D which indicates an undetermined flood risk. Additionally, there are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. As a result, development of the proposed project would not release any pollutants due to flood hazards, tsunamis, or seiches that would impact adjacent properties.

As previously mentioned in *Section 4.11.1.2*, the project site is located in the Anderson dam and Lexington dam failure inundation zone. The California Division of Safety of Dams (DSOD) inspects

dam on an annual basis and Valley Water routinely monitors the 10 dams, including the Anderson and Lexington dams. Therefore, the likelihood of flooding from dam failure is low and the project would not release pollutants due to dam inundation. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

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

4.12 LAND USE AND PLANNING

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The 2040 General Plan includes numerous policies and actions aimed at avoiding or mitigating an environmental effect, as listed in the applicable sections of this EIR. Relevant policies adopted for the purpose of avoiding or mitigating land use impacts are summarized in the following table.

General Plan Policies - Land Use	
Attractive City	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout 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 blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

General Plan Policies - Land Use	
Function	
Policy CD-2.3	<p>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.</p> <ol style="list-style-type: none"> 1. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. 2. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies. 4. Locate retail and other active uses at the street level. 5. Create easily identifiable and accessible building entrances located on street frontages or paseos. 6. Accommodate the physical needs of elderly populations and persons with disabilities. 7. Integrate existing or proposed transit stops into project designs.
Policy CD-2.11	<p>Within the Downtown and Urban Village Area Boundaries, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.</p>
Compatibility	
Policy CD-4.9	<p>For development subject to design review, the design of new or remodeled structures will be 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).</p>
Community Health, Safety, and Wellness	
Policy CD-5.8	<p>Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.</p>
Downtown	
Policy CD-6.3	<p>New development within the Downtown Growth Area that is adjacent to existing neighborhoods that are planned for lower intensity development should provide transitions in height, bulk and scale to ensure that the development is compatible with and respects the character of these neighborhoods, as they are designated in the General Plan.</p>
Policy LU-3.5	<p>Balance the need for parking to support a thriving Downtown with the need to minimize 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.</p>
Safe Airport	
Policy TR-14.2	<p>Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.</p>

General Plan Policies - Land Use	
Policy TR-14.4	Require aviation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
Land Use / Transportation Diagram	
Policy IP-1.6	Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram and advance 2040 General Plan Vision, goals and policies and benefit community welfare.
Policy IP-1.7	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics which require special consideration due to those constraints.
Policy IP-1.8	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.

San José Zoning Ordinance

The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards. The Zoning Ordinance divides the City of San José into zoning districts to guide future land uses.

4.12.1.2 Existing Conditions

Existing Land Uses

The approximately 0.60-acre project site is comprised of four parcels (APNs 259-47-013, -014, -015, and -016) located in the northeast corner of the intersection of West San Carlos Street and Josefa Street in downtown San José. The project site is currently developed with two single-story commercial buildings, a tankhouse, a duplex, a mixed-use building and one single-family residence.

The site is designated *Downtown* under the City’s General Plan and zoned *LI – Light Industrial*. The site is located within the southern zone of the DSAP in the Park/San Carlos subarea. The *Downtown* General Plan designation includes office, retail, service, residential, and entertainment uses in the Downtown area. All developments within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership. Under this designation, residential projects can have a maximum FAR of 15.0 and up to 350 dwelling units per acre. The *Light Industrial* zoning district is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Examples of typical uses include warehousing, wholesaling, and light manufacturing. Sites designated light industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. Figure 2.4-3 shows an aerial of the project site and surrounding land uses.

Surrounding Land Uses

The project site is located in an area developed with a mix of older commercial, light industrial buildings, and single and multi-family residences. To the southeast, the project site is bounded by

San Carlos Street followed by single-story commercial uses, single-family residences, and some light industrial buildings. To the southwest, the project site is bounded by Josefa Street followed by predominantly light industrial uses, and a few single-family residences. To the northeast, the project site is adjacent to the Museum Park apartment complex and some light industrial uses across Gifford Avenue. The property located to the northwest is comprised of single and multi-family residences.

4.12.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
c) Result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

a) Would the project physically divide an established community? [Same Impact as Approved Project]

Impacts to an established community can occur if the project physically divides the community. The project site is located in downtown San José in an area developed with commercial, residential, and light industrial uses. The project is bounded by Josefa Street to the west and W. San Carlos Street to the south.

The project proposes an eight-story, 175-room hotel on existing lots. A 15-foot wide sidewalk is proposed along the project frontage on San Carlos Street which would provide pedestrian access to the proposed hotel. A driveway onto Josefa Street would provide access to the parking garage. The layout and design of the proposed project does not include any features that would physically divide the surrounding community. **[Same Impact as Approved Project (Less than Significant Impact)]**

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 currently developed, and is located within the boundaries of the DSAP and the Downtown Strategy 2040 Plan area. The site is designated *Downtown* under the City's General Plan and zoned *LI – Light Industrial*. The site is located within the southern zone of the DSAP in the Park/San Carlos subarea. The proposed hotel is an allowed use under DSAP and the General Plan designation. The project proposes a confirming rezoning from the *LI Light Industrial* to the *DC Downtown Commercial Zoning District* that would conform to the Downtown Primary Commercial zoning standards. The *Downtown* General Plan designation allows for buildings up to 65 feet height. The project proposes General Plan Amendment to allow for increased height to accommodate the 95 feet proposed hotel building. The project proposes to extend the 110-foot Building Heights area (currently bounded by Park Avenue to the north; Josefa Street to the East; West San Carlos Street and Columbia Avenue to the south and South Montgomery Street to the west) contained within the Southern Zone – Diridon Neighborhoods area map (Figure 3.2-2) to include the 0.6-acre project site located at 491- 499 W. San Carlos Street and 280 Josefa Street (APN 259-47-013, -014, -015, and -016), which is currently located within the 65-foot Building Heights area. Extension of the 110-foot building area to include this site is intended to support the Envision San José 2040 General Plan *Downtown* designation which allows residential densities up to 350 units to the acre and Floor Area Ratios (FAR's) up to 15.0.

As described within the individual sections of this document, with incorporation of the City's Standard Permit Conditions, mitigation measures, and regulatory requirements, the project would not cause a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Additionally, the project would be reviewed for compliance with applicable land use plans and policies. As a result, the impact is less than significant. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area (St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park)?

According to the Downtown Strategy 2040 FEIR, the City of San José identifies significant shade and shadow impacts as occurring when a building or other structure located in the downtown area substantially reduces natural sunlight on public open spaces, measured on winter solstice when the sun is lowest in the sky (December 21st); the spring equinox, when day and night are approximately equal in length (March 21st); and the summer solstice when the sun is at its highest point in the sky (June 21st). There are six major open space areas in downtown San José that are particularly sensitive to shade and shadow impacts: St. James Park, Plaza of Palms, Plaza de César Chávez, Paseo de San Antonio, Guadalupe River Park and McEnery Park. The proposed project is not located in the vicinity of these open space areas and, therefore, would not have a significant shade and shadow impact on public open spaces. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.13 MINERAL RESOURCES

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.13.1.2 *Existing Conditions*

The City of San José contains mineral resources including construction aggregate deposits such as sand, gravel, and crushed stone. Communications Hill, in central San José, is the only area that is designated as containing mineral deposits of regional significance by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975. Other than the Communications Hills area, which is not in proximity to the project site, San José does not have mineral deposits subject to SMARA.

4.13.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
b) 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"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project has no impact on mineral resources, as described in a) and b) below.

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

The project site is not located in an area containing known mineral resources and, therefore, project implementation would not result in the loss of locally important mineral resources. **[Same Impact as Approved Project (No Impact)]**

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

As discussed above, the project site is not located in an area containing known mineral resources. **[Same Impact as Approved Project (No Impact)]**

4.14 NOISE

4.14.1 Environmental Setting

The project would demolish six buildings/structures on the approximately 0.6-acre site and would construct a 175-room, eight-story hotel building with three levels of ground floor parking.

4.14.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project result in:					
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 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 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"/>	<input type="checkbox"/>

As proposed, the project would demolish the existing buildings and construct an eight-story hotel building. Implementation of the proposed project could result in significant noise and vibration impacts. The projects impact to noise and vibration is evaluated in the SEIR. No further analysis is provided in this Initial Study.

4.15 POPULATION AND HOUSING

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Housing-Element Law

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.³¹ The City of San José Housing Element and related land use policies were last updated in April 2015.

Regional

Plan Bay Area 2040

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

4.15.1.2 *Existing Conditions*

The City of San José population was estimated to be approximately 1,049,187 with an average of 3.20 persons per household as of January 1, 2020.³² The City had approximately 336,507 housing units as of January 1, 2020. The Association of Bay Area Governments (ABAG) estimates that there will be an approximate City population of 1,377,145 and 448,310 households by the year 2040.³³

³¹ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed September 16, 2020. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

³² California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Benchmark*. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed September 16, 2020.

³³ Association of Bay Area Governments. *Projections 2040*. November 2018.

The jobs/housing balance is the relationship between the number of dwelling units required as a result of local jobs and the number of dwelling units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs.

San José currently has a higher number of employed residents than jobs but this trend is projected to reverse with full build out under the current General Plan.

4.15.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
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"/>	<input 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"/>	<input type="checkbox"/>

Similar to the capacity build out evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant populating and housing impacts, as described below. The Downtown Strategy 2040 FEIR did, however, identify significant unavoidable cumulative impacts related to the City’s jobs/housing imbalance. The proposed project, by itself, would add jobs to help alleviate the imbalance and result in a less than significant population and housing impact, as described below.

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)?

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

The project proposes to construct a 175-room hotel within the DSAP planning area consistent with the planned growth in the Downtown Strategy 2040. The project does not include residential uses. The proposed project would result in an increase in jobs citywide (up to six employees per one shift). The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City but would not reduce population growth beyond what is assumed in the General Plan. The project

does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would result in a less than significant population and housing impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed project site currently includes two mostly vacant single-story retail uses, three residences and a tankhouse. There are currently a total of six residential tenants on leases at the property. Because this is a very small number of residential tenants, replacement housing is available in the surrounding area. The project would not displace a substantial amount of housing or people from the project site that would necessitate the construction of housing elsewhere. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 PUBLIC SERVICES

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act-California Code Sections 66477

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Local

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

General Plan Policies - Public Facilities and Services	
Law Enforcement and Fire Protection	
Policy ES-3.1	<p>Provide rapid and timely Level of Service response time to all emergencies:</p> <ol style="list-style-type: none">1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

General Plan Policies - Public Facilities and Services	
Policy ES-3.4	Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

4.16.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in the project area are provided by the City of San José Fire Department (SJFD). The SJFD consists of 33 fire stations, 32 engine companies, nine truck companies, three squad units, and numerous specialty teams and vehicles. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2018-2019, the SJFD responded to Priority 1 incidents within the set time standard 74 percent of the time.³⁴ The fire station closest to the project site is SJFD Station 30 at 454 Auzerai Avenue, approximately 1000 feet southeast of the project site.

Police Protection Services

Police protection services in the project area are provided by the City of San José Police Department (SJPD). The SJPD employs approximately 900 sworn police officers. Patrolling officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 1.7 miles north of the project site. The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2018-2019, the citywide average response time for Priority 1 calls was 7.1 minutes, and the average response time for Priority 2 calls was 19.9 minutes.³⁵

Schools

The project site is located in the San José Unified School District (SJUSD). SJUSD includes 41 schools (25 elementary, two K-8 schools, six middle, six high schools and two alternative education programs) serving over 30,000 students in the pre-Kindergarten through 12th grades. The project site is within the Gardner Elementary School, Herbert Hoover Middle School, and Abraham Lincoln High School attendance boundaries assigned by the SJUSD. Gardner Elementary is located at 502

³⁴ City of San José. "City of San José Annual Report on City Services 2018-19." Accessed September 23, 2020. <https://www.sanjoseca.gov/home/showdocument?id=49208>.

³⁵ Ibid.

Illinois Avenue, Herbert Hoover is located at 1635 Park Avenue, and Abraham Lincoln is located at 555 Dana Avenue.

Libraries

The San José Public Library System consists of one main library, Dr. Martin Luther King Jr. Library that is jointly operated with San José State University and 24 branch libraries. The nearest library to the project site is the Dr. Martin Luther King Jr. Library located approximately 1.2 miles northeast.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks.³⁶ The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 197 neighborhood parks, 51 community centers, nine regional parks, and over 61 miles of urban trails. The nearest park, Monopoly in the Park and Discovery Meadow, is located approximately 0.26 miles east of the project site. Additionally, the project site is located approximately 0.1 miles east of Los Gatos Creek Trail and approximately 0.33 miles west of Guadalupe River Park and Trail. The nearest community center to the site is the Gardner Community Center which is approximately 0.5 miles south of the site.

4.16.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant public services impacts, as described below.

³⁶ City of San José. *Fast Facts*. September 8, 2020.

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 fire protection services?

The Downtown Strategy 2040 FEIRs found that future development under the Downtown Strategy 2040 would increase demand for fire protection services; however, this increased demand would not require the construction of new fire stations, other than those already planned. Planned growth within the Downtown Strategy 2040 area was found not to result in a significant impact related to fire protection.

The project proposes to construct an eight-story, 175-room hotel on the project site. Implementation of the proposed project would intensify the use of the site which would incrementally increase the demand for fire service compared to existing conditions. The project site, however, is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the Downtown Strategy FEIR. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, no new fire facilities would be required, and implementation of the project would not result in a physical impact on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

b) 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 services?

The Downtown Strategy 2040 FEIR found that there would be an increase in demand for police protection services in the Plan area, which would result in the need for additional staff and equipment. The project proposes to construct an eight-story, 175-room hotel on the project site. Implementation of the proposed project would intensify the use of the site which would incrementally increase the demand for police services compared to existing conditions. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the Downtown Strategy 2040 FEIR. The project, by itself, would not preclude the SJPD from meeting its service goals and would not require the construction of new or expanded police facilities.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, no new police stations would be required, and implementation of the project would not result in a physical impact on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- c) 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?**
-

Development of the proposed hotel would not increase the number of students in the project area because no new residences would be built on-site. Therefore, the proposed project would not result in an adverse physical impact to new or physically altered governmental facilities or result in the need for new or physically altered governmental facilities or require new or expanded school facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- d) 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?**
-

The project proposes to construct a hotel on-site. Guests and visitors to the proposed hotel may use nearby park facilities which could incrementally increase the use of nearby neighborhood parks. This increased use, however, would not substantially deteriorate or result in significant adverse impacts to existing park facilities. In addition, the building would include a large, open air, landscaped courtyard on the fourth floor and an active roof terrace on the southwest corner of the eighth floor, which would offset some of the demand on existing park and recreational facilities resulting from the proposed project. The first floor of the hotel would also include a landscaped area available for guests. Therefore, the proposed project would not result in an adverse physical impact to new or physically altered governmental facilities or result in the need for new or physically altered governmental facilities or require new or expanded parks. **[Same Impact as Approved Project (Less than Significant Impact)]**

-
- e) 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?**
-

The proposed project, as a hotel development, would not substantially increase the demand for other public facilities, such as libraries and community centers. No new residences would be added to the area as a component of the project; therefore, the project would not increase the local population. For these reasons, no new other public facilities would be required, and implementation of the project would not result in a physical impact on the environment. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.17 RECREATION

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Local

Greenprint 2009 Update

In December 2009, the City Council adopted the *City of San José Greenprint 2009 Update*, which is the City's 20-year strategic plan for parks, recreational facilities, and programs. As part of the Greenprint and Green Vision, the City has identified two goals related to the trail network: 1) complete 100 miles of interconnected trails by 2022, and 2) complete 130 miles of the network by 2035.

The Greenprint identifies the Central/Downtown Planning Area as having the greatest parkland deficit, with a projected need for roughly 300 additional acres of neighborhood/community-serving parkland to meet the City's service objective by 2020.³⁷ Given its population density, the most practical strategy for increasing recreation amenities will be the development of privately owned pocket parks, plazas, and other small scale recreation facilities; however, completion of planned park facilities such as Del Monte Park and build-out of the Guadalupe River Park Master Plan will help offset the acreage needed.³⁸

According to the Greenprint, there are no areas in the Central/Downtown Planning area that are underserved by community centers, based on a three-mile radius from residential uses. The City is working on a major update of its existing Greenprint, called Activate San José.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land

³⁷ Given that the 2040 General Plan allows for additional growth in Downtown compared to the 2020 General Plan, the current need exceeds the previous estimates for parkland acreage identified in the Greenprint.

³⁸ City of San José. *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. 2009.

for a new public park site or accept a fee in-lieu of land dedication. Deed restricted affordable housing that meets the City's affordability criteria, are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

General Plan Policies - Recreation	
Parks, Trails, Open Space, and Recreation	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.
Policy PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

4.17.1.2 Existing Conditions

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks. The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 197 neighborhood parks, 51 community centers, nine regional parks, and over 61 miles of urban trails.³⁹ The nearest park, Monopoly in the Park and Discovery Meadow, is located approximately 0.26 mile east of the project site. Additionally, the project site is located approximately 0.1 mile east of Los Gatos Creek Trail and approximately 0.33 mile west of Guadalupe River Park and Trail. The nearest community center to the site is the Gardner Community Center which is approximately 0.5 mile south of the site.

³⁹ City of San José. 2019-2020. Parks, Recreation & Neighborhood Services – Fast Facts.

4.17.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
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 will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant recreation impacts, as described below.

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?

Hotel guests may use City park and recreational facilities during their visit to San José. Impacts to local parks and recreational facilities resulting from increased use due to the project would be limited as not every guest would utilize local recreational facilities and would not be the primary purpose of the patrons of the hotel. The proposed project also includes a large, open air, landscaped courtyard on the fourth floor and an active roof terrace on the southwest corner of the eighth floor, for future patrons to use for recreational purposes. In addition, the ground, third and eighth floors would consist of hotel amenities and common areas including workout facilities, breakfast area, lobby, lounge, and meeting rooms. The use of these recreational areas by hotel guests would reduce the project's demand on parkland and recreational facilities. For these reasons, the proposed development (which was accounted for in the Downtown Strategy 2040), would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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?

As discussed in a) above, the increased use in City park and recreational facilities by hotel guests would not result in substantial physical deterioration of these facilities. The project would therefore, not require construction or expansion of recreational facilities not previously identified in the Downtown Strategy 2040 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18 TRANSPORTATION

This section is based on a Local Transportation Analysis that was completed for the proposed project by *Hexagon Transportation Consultants, Inc.* in November 2020. A copy of this report is attached as Appendix H of the SEIR. NOP scoping comments included discussing cumulative condition analysis as part of the Downtown Specific Area Plan, discussing transit delay analysis, and listing drop-off/pickup areas for rideshare and taxi services.

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee or existing average citywide VMT per capita respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel.

If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City’s Protected Intersection policy as defined in Policy 5-3.

San José Better Bike Plan 2025

The San José Better Bike Plan 2025, approved in October 2020, defines the City’s vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Better Bike Plan 2025 would allow for 253 miles of existing bike lanes to become protected bike lanes and would create 104 miles of new protected lanes. An additional 102 miles would become bike boulevards.

Envision San José 2040 General Plan

Various policies in the City’s 2040 General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation, as listed in the following table.

General Plan Policies - Transportation	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

General Plan Policies - Transportation			
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.		
Policy TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:		
	Commute Mode Split Targets for 2040		
	Mode	Commute Trips to and From San José	
		2008	2040 Goal
	Drive alone	77.8%	No more than 40%
	Carpool	9.2%	At least 10%
	Transit	4.1%	At least 20%
	Bicycle	1.2%	At least 15%
	Walk	1.8%	At least 15%
	Other means (including work at home)	5.8%	See Note 1
Source: 2008 data from American Community Survey (2008). Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.			
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.		
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.		
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.		
Policy TR-5.3	Development projects’ effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. <ul style="list-style-type: none">Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.		

General Plan Policies - Transportation	
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

4.18.1.2 *Existing Conditions*

The transportation system includes the roadway network, pedestrian and bicycle facilities, and public transit. These components of the transportation system, as they relate to the project site, are discussed in further detail below.

Roadway Network

Regional access to the project site is provided by SR 87 and the Interstate 280/680 (I-280/680) freeway. Local site access is provided by Bird Avenue, Montgomery Street, San Carlos Street, Park Avenue, and Josefa Street. The freeways and local roadways are described below.

State Route 87 is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with Highway 101 (US 101). Access to the project site to and from SR 87 is provided via partial interchanges at Park Avenue (ramps to and from north), Auzerais Avenue (ramps to south only), and Woz Way (ramp from south only).

Interstate 280 connects from US 101 in San José to I-80 in San Francisco. It is generally an eight-lane freeway (six mixed-flow lanes and two high-occupancy-vehicle [HOV] lanes) in the vicinity of downtown San José. It also has auxiliary lanes between some interchanges. Connections from I-280 to the project site are provided via its full interchange at Bird Avenue.

Bird Avenue is a four-lane north-south roadway, designated as a Connector Street in the General Plan, that provides access to I-280 via a full interchange. Bird Avenue runs from the Willow Glen Area of San José to San Carlos Street, where it transitions to Montgomery Street. Bike lanes are provided along both sides of Bird Avenue, south of Virginia Street, while the segment between Virginia Street and San Carlos Street is a designated bike route. Bird Avenue has a posted speed limit of 35 miles per hour (mph) and would provide access to the project site via its intersections with San Carlos Street and Park Avenue.

Montgomery Street is a north-south roadway that extends between San Carlos Street and Santa Clara Street. Between Santa Clara Street and Park Avenue, Montgomery Street is a two-lane, one-way (southbound), General Plan-designated Grand Boulevard. Between Park Avenue and San Carlos Street, it is a two-way Connector Street with three southbound travel lanes, two northbound travel lanes, and bike lanes along both sides of the street. Montgomery Street has a posted speed limit of 35 mph. Access to the project site from Montgomery Street would be provided via its intersection with San Carlos Street.

San Carlos Street is a four-lane east-west roadway, designated as a Grand Boulevard in the General Plan, that runs from 4th Street westward to Bascom Avenue, just east of I-880, at which point it transitions into Stevens Creek Boulevard. Parking is provided on both sides of the street in most

areas. Within the study area, San Carlos Street has a posted speed limit of 35 mph, includes sidewalks along both sides of the street, and has a median island with left-turn pockets. San Carlos Street runs along the southern project site frontage and provides access to the project site via its intersection with Josefa Street.

Park Avenue is an east-west roadway that extends from Market Street in downtown San José to Meridian Avenue. West of Meridian Avenue, Park Avenue proceeds in a northwest direction into Santa Clara, where it terminates at its intersection with Bellomy Street/The Alameda. Park Avenue is designated as a Bicycle Priority Street in the General Plan, currently providing bike lanes on both sides of the street throughout its entire extent. It is generally four lanes in the downtown area, however, the segment located in the vicinity of the project site consists of two lanes with a posted speed limit of 30 mph. Park Avenue features parking along both sides of the street in most areas. Park Avenue provides access to the project site via its intersection with Josefa Street.

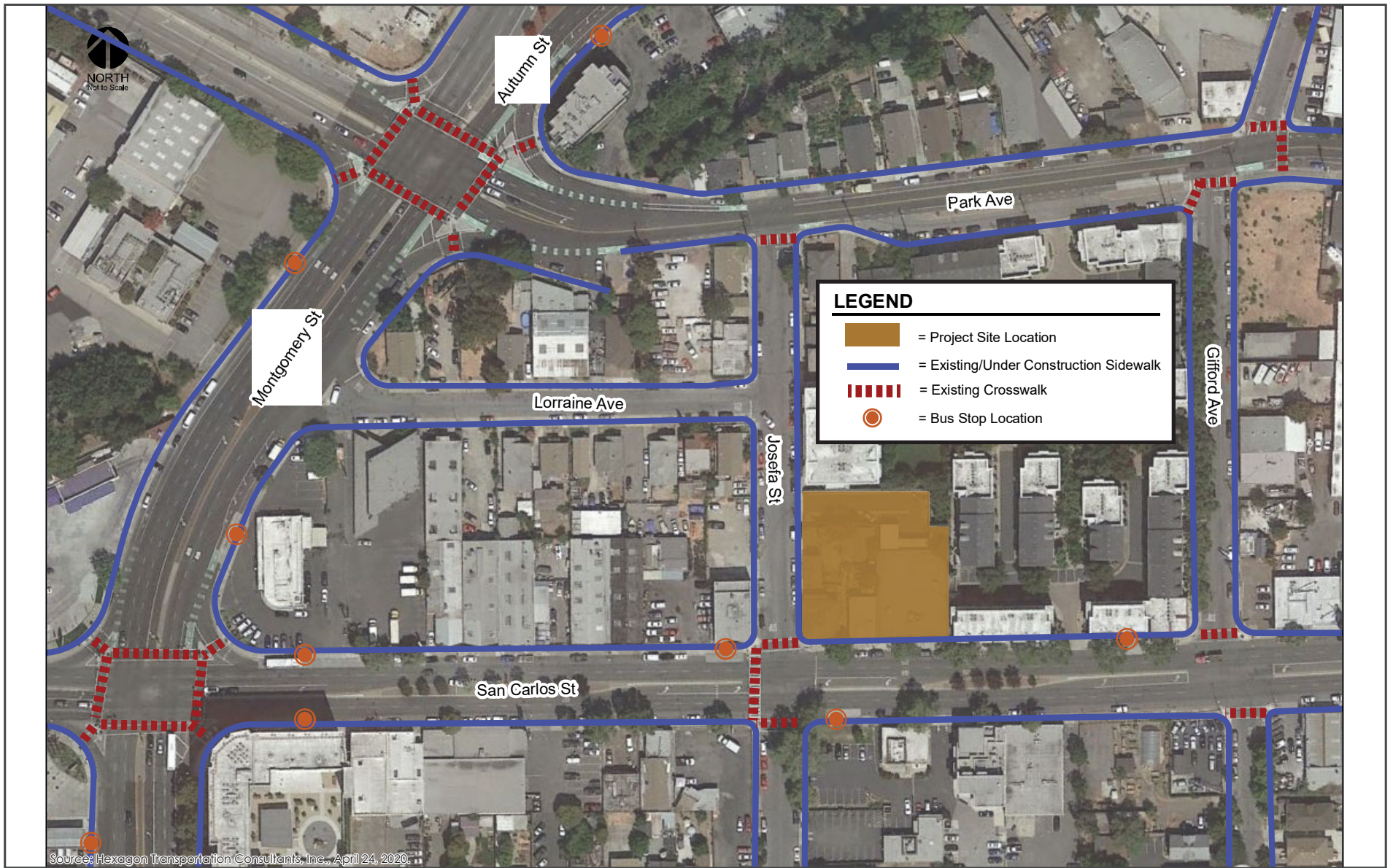
Josefa Street is a north-south roadway that extends from Park Avenue south to Auzerai Avenue. It consists of one lane in each direction with a posted speed limit of 25 mph in the vicinity of the project. Josefa features parking along both sides of the street in most areas and without on-street bicycle facilities. Josefa Street would provide direct access to the project parking garage via one full-access driveway.

Pedestrian Facilities

Pedestrian facilities in the vicinity of the project site consist of sidewalks along all the surrounding streets, including all project frontages. Crosswalks and pedestrian signal heads are located at all signalized intersections within the project area and consist of high visibility crosswalks and countdown signal heads that enhance pedestrian visibility and safety while crossing the intersections. A portion of sidewalk along the south side of Park Avenue is missing between Montgomery Street and Josefa Street. ADA compliant ramps are located at most crosswalks in the vicinity of the project site. ADA compliant ramps are, however, missing at the following locations in the project vicinity:

- Josefa Street and San Carlos Street – northeast (along the project frontage) and southeast corners
- Josefa Street and Park Avenue – southwest and southeast corners

Overall, the existing sidewalks have good connectivity and provide pedestrians with safe routes to the surrounding pedestrian destinations in the downtown area. Existing pedestrian facilities are shown on Figure 4.18-1 below.



EXISTING PEDESTRIAN FACILITIES

FIGURE 4.18-1

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III).

The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River trail is an 11-mile continuous Class I bikeway from Curtner Avenue in the south to Alviso in the north. This trail system can be accessed via a trailhead along San Carlos Street, located approximately 0.35-mile east of the project site.

The Los Gatos Creek Trail begins at Vasona Lake County Park in the south and continues to West San Carlos Street in the north, all alongside Los Gatos Creek. The nearest access point to the Los Gatos Creek Trail is provided via a trailhead at the south end of Dupont Street, south of San Carlos Street, approximately 0.3 mile west of the project site.

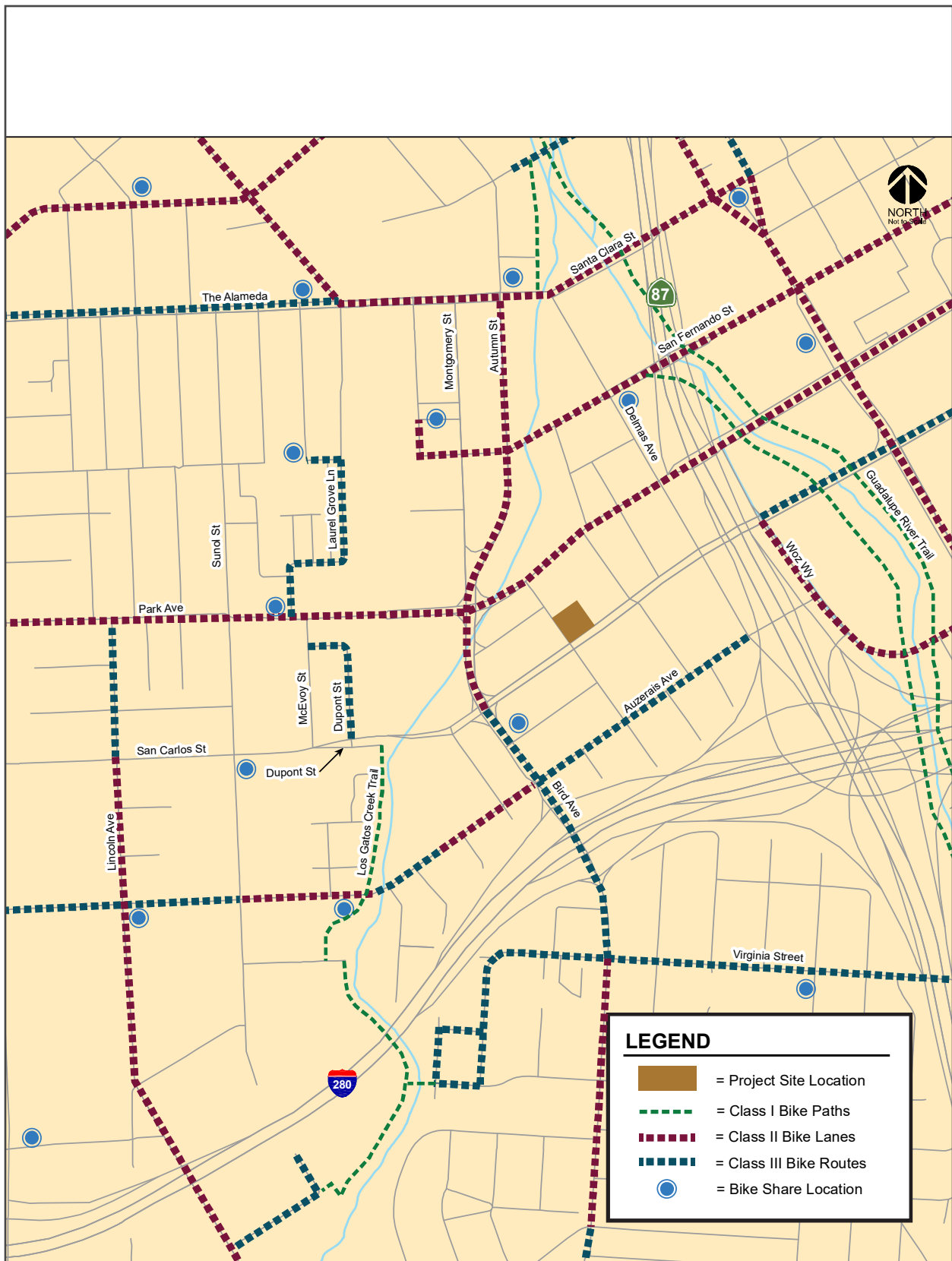
In the vicinity of the project site, Class II bike lanes are found along the following roadways:

- Park Avenue,
- Auzerais Avenue, between Sunol Street and the Los Gatos Creek Trail; between the Union Pacific Railroad tracks and Bird Avenue
- Montgomery Street, between San Carlos Street and Park Avenue
- Autumn Street, between Park Avenue and Santa Clara Street
- Bird Avenue, between Virginia Street and Coe Avenue
- San Fernando Street, between the Diridon Transit Center and Eleventh Street
- The Alameda/Santa Clara Street, between Stockton Avenue and Almaden Boulevard

In the vicinity of the project site, Class III bike routes are found along the following roadways:

- Bird Avenue, between San Carlos Street and Virginia Street
- Auzerais Avenue, all segments east of Race Street without striped bike lanes
- Dupont Street, north of San Carlos Street
- Laurel Grove Lane, between Park Avenue and Cahill Park
- Virginia Street, between Drake Street and 3rd Street
- The Alameda, west of Stockton Avenue

In addition, the City of San José participates in the Bay Wheels bike share program, which allows users to rent and return bicycles at various popular locations around the downtown area. The nearest bike share station is located less than 1,000 feet from the project site at the intersection of Bird Avenue and Columbia Avenue. In addition, dock-less bike and scooter rentals managed by other micro-mobility services are available throughout the downtown area. These services provide electric bicycles and scooters with Global Positioning System (GPS) self-locking systems that allow for rental and drop-off anywhere. Figure 4.18-2 shows the existing bicycle facilities.



Source: Hexagon Transportation Consultants, Inc., April 24, 2020.

EXISTING BICYCLE FACILITIES

FIGURE 4.18-2

Transit Facilities

Existing transit services in the vicinity of the project site include the Santa Clara Valley Transportation Authority (VTA), Caltrain, Altamont Commuter Express (ACE), and Amtrak. The project site is located approximately 0.45 mile from the Diridon Transit Center located on Cahill Street. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center. Figure 4.18-3 shows the existing transit facilities.

Bus Service

The VTA operates local bus routes within the project vicinity. The nearest bus stops are located along the northwest and southeast corners of the Josefa Street/San Carlos Street intersection, less than 100 feet from the project site, which are served by Frequent Bus Route 23. Access to the Rapid Route 523 service is provided at bus stops located at the Bird Avenue/San Carlos Street intersection, less than 600 feet walking distance from the project site.

The VTA bus routes with their route descriptions and commute hour headways are described in Table 4.18-1 below.

VTA Light Rail Transit (LRT) Services

The VTA also operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24 hours a day with 15-minute headways during much of the day. The San José Diridon station is located along the Green LRT line (Winchester-Old Ironsides) and serves as a transfer point to Caltrain, ACE, and Amtrak services.

Caltrain Service

Caltrain is a regional, intercity commuter rail service between San Francisco and Gilroy. Caltrain provides service with approximately 20- to 30- minute headways during the weekday AM and PM commute hours. Trains stop frequently at the Diridon Station between 4:28 AM and 10:30 PM in the northbound direction and between 6:31 AM and 1:38 AM in the southbound direction.

Altamont Commuter Express (ACE) Service

ACE provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during weekday commute hours. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon/evening with headways averaging 60 minutes. ACE trains stop at the Diridon Station between 6:32 AM and 9:17 AM in the westbound direction, and between 3:35 PM and 6:38 PM in the eastbound direction.

Amtrak Service

Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area. The Capitol Corridor trains stop at the Diridon Station eight times each weekday between approximately 7:38 AM and 11:55 PM in the westbound direction. In the eastbound direction, Amtrak stops at the Diridon Station seven times during each weekday between 6:40 AM and 7:15 PM.

Table 4.18-1: Existing Bus Service

Bus Route	Route Description	Weekday Hours of Operation¹	Headway¹
Local Route 22	Palo Alto Transit Center to Eastridge Transit Center via El Camino	3:20 AM- 2:09 AM	15 minutes
Local Route 23	DeAnza College to Alum Rock Transit Center via Stevens Creek	5:05 AM – 8:50 AM	12 – 15 minutes
Local Route 64A	McKee & White to Ohlone-Chynoweth Station	5:14 AM – 12:28 AM	30 minutes ²
Local Route 64B	McKee & White to Almaden Expressway & Camden	6:05 AM – 8:39 PM	30 minutes ²
Local Route 68	Gilroy Transit Center to San José Diridon Transit Center	3:57 AM – 11:34 PM	15 – 20 minutes
Express Route 168	Gilroy/ Morgan Hill Transit Center to San José Diridon Transit Center	5:31 AM – 8:55 AM 3:40 PM – 7:10 PM	15 – 40 minutes
Express Route 181	Fremont BART Station to San José Diridon Transit Center	5:19 AM – 11:43 PM 6:05 AM – 12:30 AM	15 - 20 minutes
Rapid Route 522	Palo Alto Transit Center to Eastridge Transit Center	4:58 AM – 11:40 PM	10 – 15 minutes
Rapid Route 523	Berryessa BART to Lockheed Martin via De Anza College	5:11 AM – 11:30 PM	15 – 20 minutes
Hwy 17 Express (Regional Service 970)	Downtown Santa Cruz/Scotts Valley to Downtown San José	4:40 AM – 11:40 PM	20 – 35 minutes
¹ Approximate weekday operation hours and headways during peak commute periods.			
² Local Routes 64A and 64B provide frequent service between San José Diridon Station and McKee/White, with approximately 15-minute headways during peak commute periods.			



Source: Hexagon Transportation Consultants, Inc., April 24, 2020.

EXISTING TRANSIT FACILITIES

FIGURE 4.18-3

4.18.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<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 land uses (e.g., farm equipment)?	<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant transportation impacts, as described below.

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

Pedestrian Circulation

As discussed in *Section 4.18.1.2*, crosswalks and pedestrian signal heads are located at all signalized intersections within the project area. The project proposes to maintain an existing nine-foot wide sidewalk along San Carlos Street and provide an additional six-foot wide setback between the sidewalk and the south project frontage to create an effective sidewalk width of 15 feet. An existing 10-foot wide sidewalk along Josefa Street also would be maintained.

Although there is no crosswalk across the east leg of the Josefa Street/San Carlos Street intersection, the existing pedestrian facilities provide good pedestrian connectivity and safe routes to transit and other services in the area. The project would be required construct a ramp at the northeast corner of Josefa Street and San Carlos Street to be ADA compliant. In addition, the project would be required to provide a fair-share contribution towards area-wide multi-modal improvements addressing pedestrian connectivity across San Carlos Street. Therefore, implementation of the proposed project would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of these facilities.

Bicycle Circulation

There are no bicycle facilities along the project frontages, however there are Class II bicycle lanes located along Park Avenue and Autumn Street in the vicinity of the project. Additionally, most

residential streets surrounding the project have low traffic volumes and are conducive to bicycle usage, even if they are not designated as bike routes.

The project does not propose changes to the bicycle circulation facilities in the vicinity of the project site. However, the project includes total of 19 bicycle parking spaces, in a bicycle storage room, to meet the standards for the City's Bicycle Parking requirements of one parking space for every ten rooms. At least eighty percent of the spaces must be short-term spaces and at most twenty percent of the spaces must be long-term spaces. The bicycle parking provided by the project meets the City's bicycle parking requirements and would encourage the use of non-vehicular transit to access areas near the project site.

Alternative micromobility rentals, such as the Bay Wheels bike share program and scooter rentals, are located near the project site. The nearest permanent docked bike station is approximately 1,000 feet from the project site at the intersection of Bird Avenue and Columbia Avenue. The proposed project would facilitate the use of these services for local transportation.

Transit

There are major transit services in the project area that will provide the opportunity for multi-modal travel to and from the project site. Connections between local and regional bus routes, light rail lines, and commuter rail lines are provided within the Diridon Transit Center, located approximately 0.45 miles from the project site. Transit services in the project site area are provided by the VTA, Caltrain, ACE, and Amtrak. The pedestrian and bicycle facilities located along streets adjacent to the project site provide access to major transit stations and provide for a balanced transportation system as outlined in the Downtown Strategy 2040. The project would not result in a reduction of service provided by transit facilities surrounding the project site and delays would not be created as a result of traffic created by the project. Therefore, there would be a less than significant impact created by the project on transit services.

The proposed project would not conflict with policies or plans regarding pedestrian facilities, would facilitate bicycle uses, and would support a balanced transportation system as outlined in the Downtown Strategy 2040 including transit facilities. Therefore, the proposed project does not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and would have a less than significant impact.

[Same Impact as Approved Project (Less Than Significant Impact)]

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

The proposed project is located within the downtown area which does not exceed commercial VMT per job (refer to Figures 3.15-6 of the Downtown Strategy 2040 FEIR). The Downtown Strategy 2040 FEIR concluded that full build out of the Downtown Strategy 2040 Plan would result in low VMT and would have the lowest VMT of any plan area in the City. The proposed project is located within the downtown area covered by the Downtown Strategy 2040 FEIR and therefore is expected to have a less than significant VMT impact. The project site is approximately 0.45 miles from San José Diridon Transit Center on Cahill Street. Implementing the land use density and diversity as envisioned by Downtown Strategy 2040 would facilitate VMT reduction as well. Based on the above, the project would not result in a significant VMT impact and would not conflict or be

inconsistent with CEQA Guidelines Section 15064.3 subdivision (b). **[Same Impact as Approved Project (Less than Significant Impact)]**

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

Site access to the parking garage is proposed via a full-access driveway located along Josefa Street. The driveway serving the project is required to be free and clear of obstructions, thereby ensuring that all exiting vehicles can see pedestrians on the sidewalk and vehicles travelling on Josefa Street. Adequate sight distance would also be required at the driveway in accordance with Caltrans standards. Josefa Street, which has a speed limit of 25 mph, has a Caltrans stopping sight distance of 155 feet. Thus, a driver must be able to see 155 feet to the north and south on Josefa Street when turning out of the project driveway to avoid a collision. Based on the proposed driveway location on Josefa Street, vehicles exiting the driveway would be able to see approaching vehicles traveling southbound from the north for at least 200 feet. Although the driveway would be located less than 155 feet from San Carlos Street, drivers would have a full view of vehicles turning onto northbound Josefa Street from San Carlos Street. Additionally, vehicles traveling northbound along Josefa Street would not be traveling at the maximum 25 mph as they make a turn from San Carlos Street or proceed north from Josefa Street, south of San Carlos Street. Therefore, the project driveway would provide sufficient sight distance for vehicles leaving the project site and would not result in any hazards based on design. **[Same Impact as Approved Project (Less Than Significant Impact)]**

d) Would the project result in inadequate emergency access?

The City requires consistency with applicable fire department standards before building permits are approved. Therefore, the proposed project would have a less than significant emergency vehicle access impact. **[Same Impact as Approved Project (Less Than Significant Impact)]. [Same Impact as Approved Project (Less than Significant Impact)]**

4.18.2.2 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is focused on vehicle miles traveled (VMT), in accordance with the City of San José Transportation Policy (Council Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1 requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations.

Trip Generation Estimates

Project trips were estimated using vehicle-trip rates for “Business Hotel Land Use” (Land Use Code 312) published from the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 10th Edition (2017).

The proposed project would qualify for a location-based adjustment. Based on the City’s *VMT Evaluation Tool*, the project site is located within an urban high-transit area.⁴⁰ Therefore, the

⁴⁰ Urban high-transit areas have high density, good accessibility, high public transit access, low number of single-family residences, and middle-aged and older housing stock.

baseline project trips were adjusted to reflect an urban high-transit mode share. Developments within urban high-transit areas have a vehicle mode share of 83 percent. Thus, a 17 percent reduction was applied to the baseline trips estimated to be generated by the proposed project.

Table 4.18-2 below provides a summary of the trip generation rates and reductions.

Table 4.18-2: Project Trip Generation Estimates							
Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Business Hotel	889	52	46	98	43	36	79
Location Based Reduction	<151>	<9>	<8>	<17>	<7>	<6>	<13>
Total Project Trips	738	43	38	81	36	30	66

As shown above, the project would generate 738 daily trips, with 81 trips occurring during the AM peak hour and 66 trips occurring during the PM peak hour.

4.19 TRIBAL CULTURAL RESOURCES

Public comments received during the NOP scoping process pertained to the consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project and compliance with AB 52 and other applicable laws.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources⁴¹
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

⁴¹ See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

4.19.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant tribal cultural resources impact, as described below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The project site is located approximately 0.1 miles east of Los Gatos Creek and 0.33 miles west of Guadalupe River, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, no prehistoric surface features or landscapes have been modified due to development of the project site and area.

Assembly Bill 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be significantly impacted by a project. Where a project may have a significant impact on a tribal cultural

resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in the consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City as part of the Downtown Strategy 2040 FEIR. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José. The City of San José sent notification of the project on October 7, 2020 and has yet to receive any request for consultation for this project from the Ohlone Tribe or any other tribal representative. Any subsurface artifacts found on-site would be addressed consistent with the standard measures identified in the Downtown Strategy 2040 FEIR. Therefore, the proposed project would have a less than significant impact on tribal cultural resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

See response to checklist question a) above. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.20 UTILITIES AND SERVICE SYSTEMS

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State and Regional

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

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

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

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

In January 2010, the State of California adopted the California Green Building Standards Code (“CALGreen”), 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 resources efficiency, and indoor environmental quality.

These standards include the following mandatory set of 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 65 percent of nonhazardous construction and demolition (“C&D”) debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The 2040 General Plan includes the following policies for the purpose of reducing or avoiding impacts associated with utilities and service systems.

General Plan Policies - Utilities & Service Systems	
Water Conservation and Quality Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
Water Supply, Sanitary Sewer, and Storm Drainage Policies	
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Responsible Management of Water Supply Policies	
Policy MS-17.1	Manage the limited water supply in an environmentally, fiscally, and economically sustainable manner, by working with local, regional and statewide agencies to establish policies that promote water use efficiency programs, including recycled

General Plan Policies - Utilities & Service Systems	
	water programs to support the expanded use of recycled water within San José and neighboring jurisdictions.
Water Recycling Policies	
Policy MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
Policy MS-19.3	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.
Water Resources	
Policy ER-9.3	Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
Policy ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
General Provision of Infrastructure Policies	
Policy IN-1.5	Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.
Policy IN-1.6	Ensure that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs to avoid the need for future upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future. Infrastructure and facility planning should discourage over-sizing of infrastructure which could contribute to growth beyond what was anticipated in the 2040 General Plan.
Solid Waste – Materials Recovery/Landfill Policies	
Policy IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that qualify under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is \$2000 for an alteration-renovation residential project and \$5000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

4.20.1.2 *Existing Conditions*

Water Service and Supply

Water service to the project site is provided 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. Approximately 55 percent of SJWC's water supply is purchased from the SCVWD, 37 percent is pumped from local groundwater aquifers, and eight percent comes from local surface water sources. According to the SJWC's UWMP, 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.

The project site is currently developed, and the existing commercial and residential properties connect to these water lines on both Josefa Street and San Carlos Street. Since the existing land uses on the project site include two mostly vacant single-story retail uses, one single-family residence, a duplex, a mixed-use building, and a tankhouse; these uses currently have negligible water demand.

Wastewater/Sanitary Sewer System

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso.⁴² The Facility is the largest tertiary treatment plant in the western United States with a capacity to treat 167 million gallons per day (mgd) of sewage during dry weather flow. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents. The resulting fresh water is discharged from the Facility into the San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 mgd of dry weather sewage flow. The City's share of the Facility treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.⁴³

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. There are existing eight-inch and 12-inch sanitary sewer mains in Josefa Street and San Carlos Street, respectively, that currently serve the project site. Since the existing land uses on the project site include two mostly vacant single-story retail uses, three residences and a tankhouse; these uses currently generate a negligible volume of wastewater.

Storm Drainage

The 0.60-acre project site is developed and consists of six structures, and a paved parking lot. Runoff from the site flows through the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. There is an existing 15-inch storm drain main on the Josefa Street project frontage that currently serves the project site.

⁴²San José-Santa Clara Regional Wastewater Facility, 2017. <http://www.sanjoseca.gov/index.aspx?NID=1663>. Accessed August 5, 2020.

⁴³City of San José. *Envision San José 2040 General Plan Integrated Final Program EIR*. November 2011. Page 648.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.⁴⁴ Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004, 2007, and 2011. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁴⁵ Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

The City of San José has an existing contract with Newby Island Sanitary Landfill (NISL). The NISL has a planned closure of 2039. The City has an annual disposal allocation for 395,000 tons per year. As of May 2018, NISL had approximately 16.9 million cubic yards of capacity remaining.⁴⁶ Since the existing land uses on the project site include two mostly vacant single-story retail uses, three residences and a tankhouse; these uses would generate negligible solid waste.

4.20.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have insufficient 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 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 does not have 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"/>	<input type="checkbox"/>

⁴⁴ City of San José. *2040 General Plan FEIR*. September 2011.

⁴⁵ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. November 2019.

⁴⁶ Kelapanda, Achaya. Environmental Manager, Newby Island Sanitary Landfill. Personal communications. May 17, 2018.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
Would the project:					
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be noncompliant 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"/>	<input type="checkbox"/>

Similar to the development evaluated in the Downtown Strategy 2040 FEIR, the proposed project would result in less than significant utilities and service systems impacts, as described below.

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

Water Facilities

The potable and irrigation water demands of the project would be met by existing service providers (SJWC), as is discussed under checklist question b), below. Existing water lines in the adjacent streets would serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The project would comply with all applicable Public Works requirements to ensure water mains would have the capacity for water and fire flows required by the proposed project. Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities.

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City’s existing sanitary sewer system and sanitary sewer lines in adjacent streets would be used to serve the project. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sanitary sewer service and wastewater as required by the proposed project. The 2040 General Plan FEIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project. No relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. The proposed project does not include the construction of any additional sewer mains or sewer lines,

aside from lateral connections to existing mains. Installation of sanitary sewer laterals for the new buildings would occur during grading of the site and would result in minimal impacts.

Storm Drainage

Future redevelopment of the site would comply with the MRP which requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and storm water treatment features, known as BMPs as discussed earlier in *Section 4.10 Hydrology and Water Quality*. Further, compliance with the City of San José Policy Post-Construction Urban Runoff Management [6-29], would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. Development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. Installation of storm sewer laterals for the site areas would occur during grading of the site and would result in minimal impacts. For these reasons, no new storm water treatment or disposal facilities would need to be constructed to accommodate the proposed project.

Electric Power, Natural Gas, and Telecommunications

The project would utilize existing connections for electrical, natural gas, and telecommunication systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new electrical, natural gas, or telecommunication facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities.

The proposed project would comply with all applicable Public Works requirements and would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services. Therefore, the proposed project would result in a less than significant impact on these facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

San José Water Company provides water to the project area. Their most recent UWMP (adopted in July 2016 by City Council) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.⁴⁷

The project proposes a 175 rooms hotel building on an approximately 0.6 acre site. Using the CalEEMod water use rates for a "Hotel" land use, the proposed project would have a gross water demand of approximately 13,513 gallons per day (gpd). New water lines from the site would connect to a six-inch water line on Josefa Street.

⁴⁷ City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.

The proposed project's water demand is consistent with the assumptions for the project area in the DSAP EIR and Downtown Strategy 2040, which approximated cumulative water demand in the Plan area to increase to 3.2 million gpd, based on the long range water supply planning completed as part of the 2040 Envision San José 2040 General Plan. The Downtown Strategy 2040 concluded that implementation of water conservation/efficiency measures and use of recycled water would minimize long-term potable water demand generated by future users. The project shall comply with CalGreen and the City's Private Sector Green Building Policy. Per the City's Private Sector Green Building Policy, the proposed project is required to achieve LEED Silver equivalent measures by incorporating a variety of design features including water conservation measures such as planting drought tolerant landscaping.

Implementation of water conservation/efficiency measures and use of recycled water would minimize the long-term potable water demand generated by development under Downtown Strategy 2040, as well as reduce the vulnerability of development in the case of future water shortages due to global climate change. The Downtown Strategy 2040 FEIR determined that new or expanded entitlements for water supplies would not be required to serve planned development, of which the project is a part, in the downtown area. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Assuming the proposed project generates wastewater equivalent to approximately 90 percent of the total water demand, the total wastewater generated would be 12,162 gpd. The proposed project would connect to existing eight-inch sanitary sewer lines in Josefa Street. The General Plan FEIR concluded that with the implementation of existing regulations and General Plan policies, existing wastewater treatment facilities would have capacity to meet future wastewater treatment demands. The City currently has approximately 38.8 million gallons per day (mgd) of excess wastewater treatment capacity. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. The proposed project is consistent with the development assumptions in the General Plan and Downtown Strategy 2040. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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?

The project proposes a 175 rooms hotel building on an approximately 0.6-acre site. Using the CalEEMod solid waste disposal rates for a "Hotel" land use, the proposed project would generate approximately 527 pounds of solid waste per day. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁴⁸ The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste

⁴⁸ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. November 2019

Strategic Plan and General Plan Policies IN-1.5, IN-5.3, and IP-3.8. The proposed project would be required to meet the City's diversion goals of 75 percent waste reduction post-2013 and zero waste by 2022. It is estimated that the City of San José currently achieves a solid waste diversion rate of 64 percent⁴⁹. The proposed project would increase the solid waste generated at the site when compared to existing conditions; however, this increase would not exceed the capacity of existing landfills or solid waste disposal infrastructure, nor would it impair the attainment of solid waste reduction goals. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The proposed project would generate approximately 527 pounds of solid waste per day. The project would comply with the City's commercial recycling program to divert waste from landfills in accordance with state law. In accordance with the current CALGreen Code, development under the Downtown Strategy 2040 FEIR are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 65 percent of nonhazardous construction/ demolition debris (by weight), and implement other waste reduction measures. The City of San José has a more stringent requirement of 75 percent that must be met by the project. The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁴⁹ Ibid.

4.21 WILDFIRE

4.21.1 Environmental Setting

State

Fire Hazard Severity Zones

The California Department of Forestry and Fire Protection (Cal Fire) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZ are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRA), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRA). Homeowners living in a SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRA.

California Fire Code, Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings constructed in these areas to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Code of Regulations, Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as "SRA Fire Safe Regulations", which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRA are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

Cal Fire has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. Cal Fire has developed a strategic fire management plan for the Santa Clara Unit, which covers the project area, addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities, and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

4.21.1.1 *Existing Conditions*

The proposed project is located in an area of San José which has not been designated as a very high fire hazard severity zone on CalFire maps.⁵⁰

⁵⁰ CalFire. "California Fire Hazard Severity Zone Map Update Project". Accessed September 23, 2020. <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>.

4.21.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
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"/>	<input 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"/>	<input 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"/>	<input 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"/>	<input type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project, therefore, would not result in any impact related to emergency response or evacuation, exposure of project occupants to pollutant concentrations from or uncontrolled spread of wildfire, the installation of infrastructure to combat wildfire, or exposure of people or structures to risks of flooding or landslides resulting from post-fire runoff, slope instability, or drainage changes. **[Same Impact as Approved Project (No Impact)]**

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”
a) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Implementation of the proposed project would result in a significant impact to air quality, biological resources, cultural resources, hazards and hazardous materials, land use and planning, and noise. The project’s impact on the identified resource sections are evaluated in detail in the SEIR. Responses to

the impact statements above and cumulative impacts are discussed in *Section 3.1 Air Quality*, *Section 3.2 Biological Resources*, *Section 3.3 Cultural Resources*, *Section 3.4 Greenhouse Gas Emissions*, *Section 3.5 Hazards and Hazardous Materials*, *Section 3.6 Noise*, and *Section 5.0 Significant and Irreversible Environmental Changes*, in the SEIR.

SECTION 5.0 REFERENCES

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José

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6.2 CONSULTANTS

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

μm	Micrometer(s)
2017 CAP	Bay Area 2017 Clean Air Plan
AASHTO	American Association of State Highway Transportation Officials
AB	Assembly Bill
AB 939	Assembly Bill 939
ABAG	Association of Bay Area Governments
ACE	Altamont Commuter Express
ACM	Asbestos Containing Material
ADT	Average Daily Trips
AFY	acre-feet per year
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
AP	Alquist-Priolo Earthquake Fault Zoning Act
AST	aboveground storage tank
ATCM	Air Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
bgs	below ground surface
BMP	Best Management Practices
Cal/OSHA	California Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
Cal Fire	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFCs	chlorofluorocarbons

CGS	California Geological Survey
CH ₄	methane
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CO	carbon monoxide
CO ₂ e	CO ₂ equivalents
CO ₂ e/SP	carbon dioxide equivalent per service population
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CT-EMFAC2017	California Department of Transportation EMFAC2017 model
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DPM	diesel particulate matter
DSOD	Division of Safety of Dams
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	floor area ratio
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
GHG	greenhouse gas emissions
GHGRS	Greenhouse Gas Reduction Strategy
gpd	gallon(s) per day
GSF	Gross Square Feet
GWP	Global Warming Potential
HABS	Historic American Building Survey
HFCs	hydrofluorocarbons

HI	Hazard Index
HMP	Hydromodification Management Plan
HOV	High-Occupancy Vehicle
HVAC	Heating, Ventilation, and Air-Conditioning
I-280	Interstate 280
I-80	Interstate 80
in/sec	Inch(es)/second
ITE	Institute of Transportation Engineers'
IWMP	Integrated Waste Management Plan
LBP	lead-based paint
LID	Low Impact Development
LOS	level of service
LRT	Light Rail Train
MBTA	Migratory Bird Treaty Act
mgd	million gallon(s) per day
MCL	Maximum Contaminant Level
MEI	Maximum Exposed Individual
MLD	Most Likely Descendants
mm/sec	millimeter(s) per second
MMTCO _{2e}	million metric ton(s) of CO _{2e}
MND	Mitigated Negative Declaration
mpg	mile(s) per gallon
mph	mile(s) per hour
MRP	Municipal Regional Stormwater NPDES Permit ^{46F}
MT	metric ton(s)
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NFIP	National Flood Insurance Program
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NISL	Newby Island Sanitary Landfill
N ₂ O	nitrous oxide
NO ₂	nitrogen dioxide

NO _x	nitrogen oxides
NOD	Notice of Determination
NOI	Notice of Intent
NOP	Notice of Preparation
NOT	Notice of Termination
NPDES	National Pollution Discharge Elimination System
NWIC	Northwest Information Center
NRHP	National Register of Historic Places
O ₃	ground-level ozone
OITC	Outdoor-Indoor Transmission Class
OPR	Office of Planning and Research
PCE	tetrachloroethene
PDA	Priority Development Areas
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM _{2.5}	fine particulate matter
PPV	peak particle velocity
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCP	Site Cleanup Program
SCS	Sustainable Communities Strategy
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SEIR	Supplemental Environmental Impact Report
SF ₆	sulfur hexafluoride
SFHA	Special Flood Hazard Areas
SHMA	Seismic Hazards Mapping Act
SJCE	San José Clean Energy
SJFD	San José Fire Department

SJPD	San José Police Department
SJUSD	San José Unified School District
SMARA	Surface Mining and Reclamation Act
SMP	Site Management Plan
SR	State Route
STC	Sound Transmission Class
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
TCMs	Treatment Control Measures
TDM	Transportation Demand Management
TCRs	Tribal Cultural Resources
SCVHP	Santa Clara Valley Habitat Plan
SWPPP	Storm Water Pollution Prevention Plan
ULSD	Ultra-low Sulfur Diesel
U.S. 101	Highway 101
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tanks
UWMP	Urban Water Management Plan
Valley Water	Santa Clara Valley Water District
VMT	Vehicle Miles Traveled
VTa	Valley Transportation Authority
Williamson Act	California Land Conservation Act