INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
for

FAIRFIELD INN & SUITES
1669 MONTEREY ROAD

File Nos. PDC22-005 and PD22-010

CITY OF SAN JOSE
CALIFORNIA

March 2023

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Chapter 1. Background Information

INTRODUCTION

This Initial Study has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers considering the project.

The City of San José is the lead agency under CEQA for the proposed project. The City has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the construction of this project, as described below.

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, State, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

City of San José Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
Tower, Third Floor
San José, California 95113
Attn: Bethelhem Telahun
Bethelhem.Telahun@sanjoseca.gov

This Initial Study and all documents referenced in it are available for public review at the Department of Planning, Building and Code Enforcement at the above address.

Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled public hearing. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

If the project is approved, the City of San José 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)).

PROJECT DATA

1. **Project Title**: Fairfield Inn and Suites – 1669 Monterey Road

2. **Lead Agency Contact:** City of San José Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José, CA 95113
   Environmental Planner: Bethelhem Telahun

3. **Project Owner and Applicant:** Casa Linda Motel, LLC, 1669 Monterey Road, San José, CA 95112

4. **Applicant's Representative:** The Schoennauer Company, LLC, 90 Hawthorne Way, San José, CA 95110. Attn: Erik Schoennauer

5. **Project Location:** The project is located on an approximately 1.5-acre site consisting of two parcels located at 1669 Monterey Road in San José.

   Assessor's Parcel Numbers (APNs): 456-02-019 & 456-02-020. **City Council District:** 7

6. **Project Description Summary:** The project is an application for a proposed rezoning to Heavy Industrial (HI) PD-Planned Development. The project includes a development proposal that would result in the demolition of the existing motel on the site and the construction of a new five-story 120-guestroom hotel, with associated parking lot and amenities.

7. **Envision 2040 San José General Plan Designation**: *Heavy Industrial* and *Combined Industrial/Commercial*

8. **Zoning Designations**: Heavy Industrial (HI)

9. **Habitat Conservation Plan Designations**:
   Area 4: Urban Development Equal to or Greater than 2 Acres Covered
   Land Cover: Urban-Suburban
   Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

10. **Surrounding Land Uses**:
    - North: Commercial, San Jose Avenue, Industrial
    - South: Industrial
    - East: Monterey Road, Commercial
    - West: Residential, Commercial

Chapter 2. Project Description

PROJECT LOCATION

The project is located on an approximately 1.5-acre site consisting of two parcels located at 1669 Monterey Road in San José, east of Highway 87 and south of Interstate 280 (refer to Figure 1). The project site consists of two parcels with Assessor's Parcel Numbers 456-02-019 and 456-02-020 (see Figure 2). An aerial photograph of the project site and surrounding area is presented in Figure 3. Photos of the site are presented in Figure 4.

PROJECT DESCRIPTION

The project is a proposed demolition of an existing motel, construction of a new five-story, 120 guestroom hotel, and a Planned Development (PD) rezoning from the Heavy Industrial (HI) Zoning District to the Heavy Industrial (HI) PD – Planned Development Zoning District.

The project site is located in a predominantly industrial and commercial area with limited residential land uses present in the vicinity. Table 1 identifies the General Plan designation, Zoning District, and existing uses of surrounding properties.

Table 1
Land Uses Surrounding the Project Site

Direction	General Plan Designation	Zoning District	Existing Use
North	*Combined Industrial/Commercial* and *Heavy Industrial*	Heavy Industrial Planned Development (on the corner of Monterey Rd. and San Jose Ave.)	Commercial/Automotive/ Industrial
South	*Combined Industrial/Commercial* and *Heavy Industrial*	Heavy Industrial Mobile Home Park (on Bernard Ave.)	Industrial/ Mobile Home Park
East	*Combined Industrial/Commercial*	Planned Development (North of Phelan Ave.) Commercial General (South of Phelan Ave.)	Commercial
West	*Heavy Industrial*	Heavy Industrial	Commercial/Automotive/ Industrial/ Residential

Existing General Plan Land Use Designation and Zoning District

The project site is located in the Heavy Industrial (HI) Zoning District and is designated *Heavy Industrial* and *Combined Industrial/Commercial* in the Envision San José 2040 General Plan Land Use/Transportation Diagram (General Plan). The *Heavy Industrial* designation is applied to areas intended for industrial uses with nuisance or hazardous characteristics, including extractive and primary processing industries, and waste transfer/processing stations. Very limited scale retail sales and service establishments serving nearby businesses and their employees are also allowed. The *Combined Industrial/Commercial* designation is applied to areas intended to accommodate a mixture of compatible commercial and industrial uses, including hospitals and private community gathering

facilities. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. New development of a property with this designation are determined using an allowable FAR of up to 12.0.

The Heavy Industrial (HI) Zoning District is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses.

PD-Planned Development Zoning District

The Planned Development (PD) Zoning District is intended to be combined with an alternative base Zoning District, in this case, HI – Heavy Industrial. The PD district is intended to be individually designed to meet the needs of the land carrying the designation. The development is contingent on issuance of a PD Permit by the City. Under this Zoning District the maximum height is dependent on the alternative base Zoning District associated with the PD-HI designation, in this case, 60 feet, unless a different maximum height is provided in Chapter 20.85 of the City's Municipal Code.

Proposed Development

The proposed project would demolish five existing commercial structures (totaling approximately 20,494 SF). A sixth existing structure, close to the western boundary of the project site would be retained. The proposed project would be five stories in height and would include 120 guestrooms and various amenities in a new 124,345 square foot five-story building, including an outdoor pool, jacuzzi, fitness center, bocce ball court, rooftop deck, and restaurant area. The rooftop deck would include an outdoor yoga area, rooftop bar, and a landscaped area. The proposed development also includes two elevators, a conference room, a guest lobby, a break room for employees, manager's offices, and landscaping. In addition, the existing structure that would remain on the site would be converted into a staff room and storage area. The parking lot would also contain a trash enclosure and outdoor lighting for security purposes. The proposed development would have a maximum height of 60 feet.

The proposed site plan for the project is presented in Figure 5. Floor plans for the proposed development are provided in Figure 6. Elevations are shown in Figure 7. A rendering of the proposed development is presented in Figure 8. Additional project details are provided below.

Access and Parking. Vehicular access to the project site would be provided via a new driveway on Monterey Road (see site plan in Figure 5). A bus loading zone and a passenger loading zone is proposed as part of the development. The proposed development would include 99 parking spaces, including five Americans with Disabilities Act (ADA) compliant spaces, six motorcycle spaces, eight clean air vehicle spaces, and 11 electric vehicle (EV) charging stations. In addition, a total of 16 bicycle parking spaces via an outdoor bicycle locker and storage rack. A five-foot wide pedestrian walkway would be located on the south side of the proposed hotel.

Lighting. Outdoor lighting would be provided for site access and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3), Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development, and Citywide Design Standards and Guidelines.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is provided in Figure 9.

Grading. Development of the project would involve the excavation of approximately 1,020 cubic yards (CY) of cut and 1,500 CY of fill material. The grading and drainage plan for the project is provided in Figure 10.

Public Improvements. The project proposes to replace the existing sidewalks and driveway along the project frontage. The proposed driveway on Monterey Road will be constructed to meet the City's driveway standards. The new sidewalk on the project frontage will be 12-feet wide.

Landscaping and Tree Removal. Landscape plans are currently being prepared for the project. The project proposes to remove 11 existing trees (see *D. Biological Resources* for further discussion). A total of 50 replacement trees, including 48 24-inch box trees, would be planted onsite. The landscape plan is provided in Figure 11.

PROJECT CONSTRUCTION

The construction schedule for the project assumes a start date of July 2023, with completion tentatively scheduled for September 2024. The hotel development would be built out over a period of approximately 14 months.

PROJECT APPROVALS

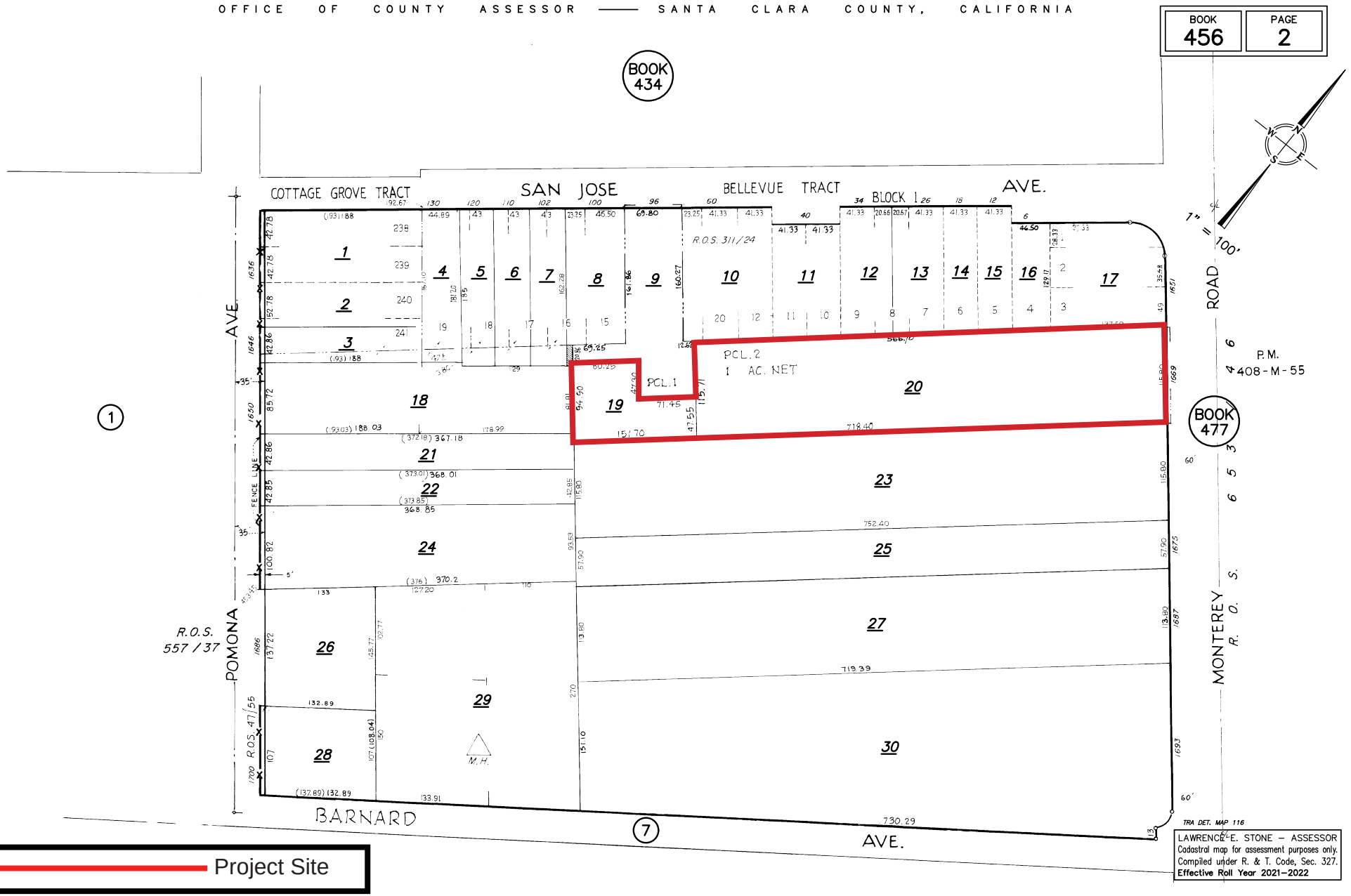
The City of San José is the lead agency with responsibility for approving the proposed project. The project applicant is seeking the following approvals for the project:

- Planned Development Rezoning
- Planned Development Permit.
- Tree Removal Permit
- Demolition Permit
- Building Permit
- Grading Permit
- Other Public Works Clearances, as applicable

Regional Map

Fairfield Inn & Suites - 1669 Monterey Rd
Initial Study

Figure
1



Source: Santa Clara County Assessor, January 2022

APN Map

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure 2

Vicinity Map

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
3

Photo #1: Northwest facing view of property from project frontage along Monterey Rd.
Source: JRP Historical Consulting, LLC - February 2022

Photo #2: West facing view of property from east side of project site.
Source: JRP Historical Consulting, LLC - February 2022

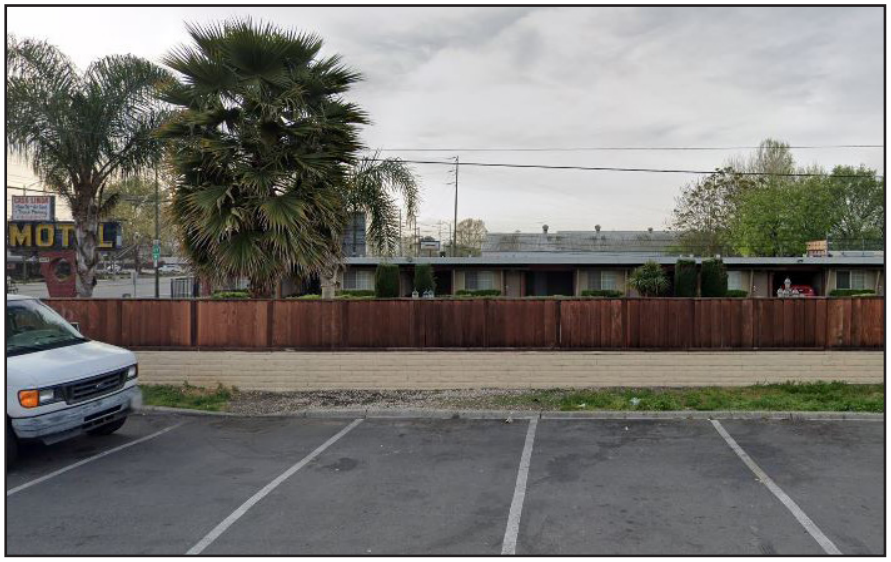


Photo #3: Southeast facing view of property from neighboring property (Monterey Rd. Liquors).
Source: Google - April 2019

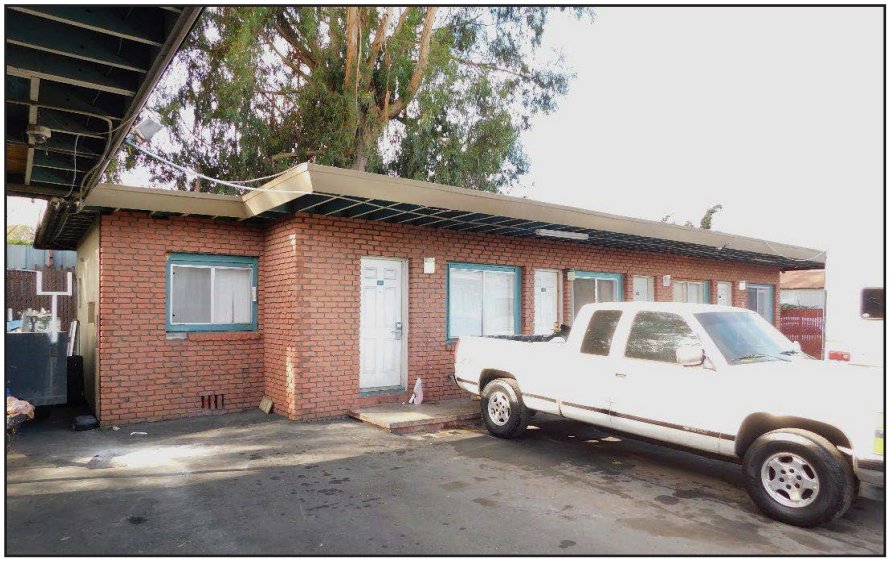
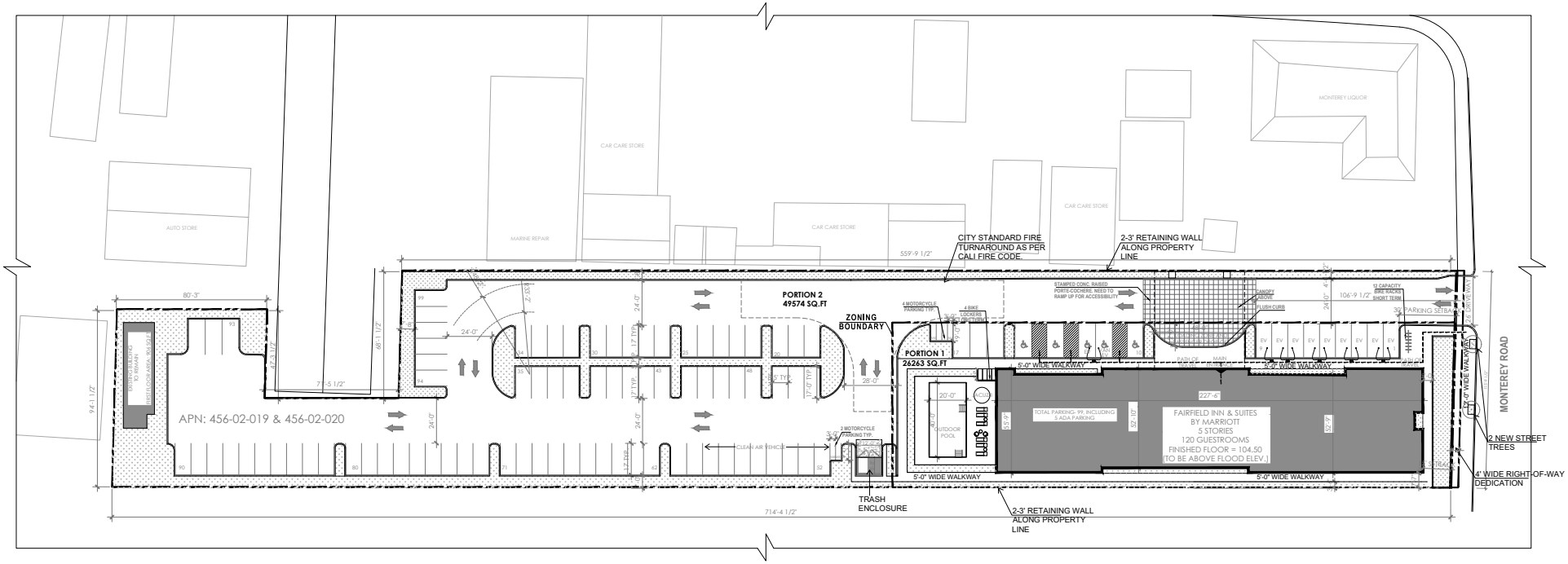


Photo #4: West facing view of APN 456-02-019 from project site.
Source: JRP Historical Consulting, LLC - February 2022

Site Photos

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
4



PARKING	REQUIRED	PROVIDED
CAR	100	99
ADA CAR PARKING	4	10
MOTERCYCLE	6	6
BYCYCLE LOCKERS	4	4
BICYCLE	12	12

NOTE:

PARKING PROVIDED : 99 SPACES, INCLUDING 5 ACCESSIBLE SPACES.

CLEAN AIR VEHICLE SPACES PROVIDED: 8 SPACES

EV CHARGING PROVIDED: 11 TOTAL, INCLUDING 1 VAN ACCESSIBLE AND 1 REGULAR ADA

BICYCLE PARKING :12 SHORT TERM SPACES

BICYCLE LOCKER : 4 LONG TERM SPACES

MOTORCYCLE PARKING : 6 SPACES

Source: Sterling Consultants, February 2023

Site Plan

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
5

Source: I&A Architects, August 2022

Floor Plan - First Floor

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
6a

Source: I&A Architects, August 2022

Floor Plan - Typical Floor

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
6b

Source: I&A Architects, August 2022

Floor Plan - Roof

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
6c

NORTH ELEVATION

3 / 32"=1'-0"

SOUTH ELEVATION

3 / 32"=1'-0"

Source: I&A Architects, September 2022

Conceptual Elevations - South & North

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
7a

GROUND FLOOR PRIMARY STREET-FACING BUILDING FRONTAGE LENGTH

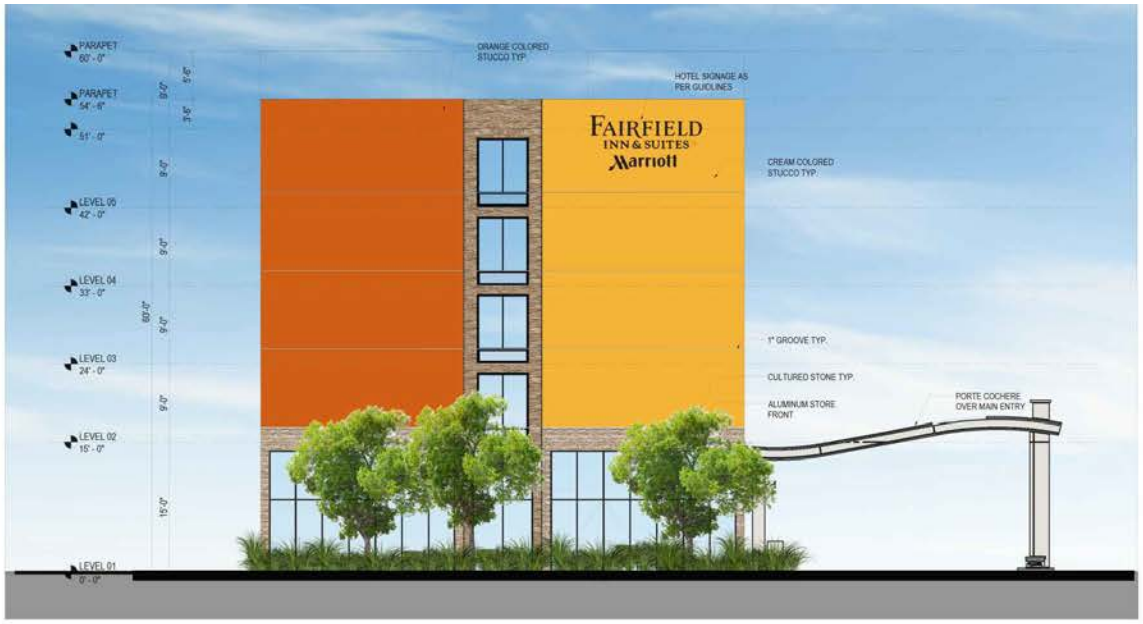
STONE:	138.85 SQ.FT	11.99%
GLASS:	697.18 SQ.FT	83.39%

FRONT FACADE CALCULATION

STUCCO	1,765.23 sq.ft.	58.11%
STONE	378.29 sq.ft.	12.45%
GLASS	890.18 sq.ft.	29.30%

FIRST FLOOR FACADE CALCULATION (PRIMARY STREETS)

STUCCO	91.99 sq.ft.	11.15%
STONE	218.54 sq.ft	26.49%
GLASS	514.47 sq.ft.	62.36%



EAST ELEVATION

3 / 32"=1'-0"

Source: I&A Architects, September 2022

Conceptual Elevations - East

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

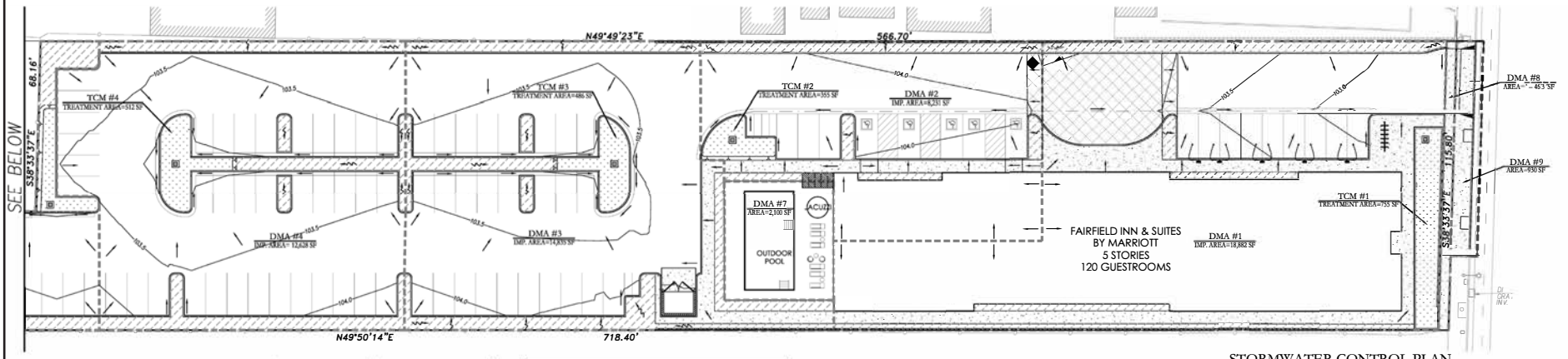
Figure
7b

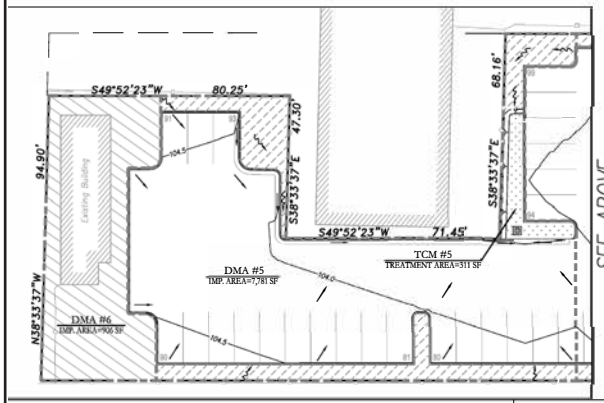
Source: I&A Architects, February 2023

Rendering

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
8





SOURCE CONTROL MEASURES:

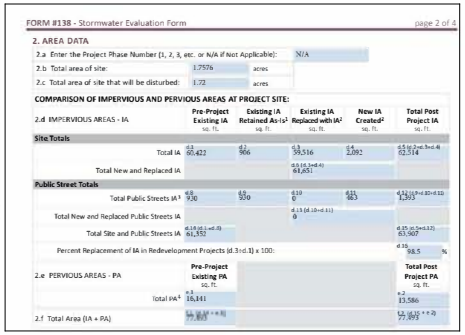
1. CONNECT THE FOLLOWING FEATURES TO SANITARY SEWER:
   a. POOLS, SPAS, FOUNTAINS.
2. BENEFICIAL LANDSCAPING.
3. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
4. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
5. STORM DRAIN LABELING.

SITE DESIGN MEASURES:

1. CREATE NEW PERVIOUS AREAS:
   a. LANDSCAPING
2. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
3. PLANT TREES ADJACENT TO AND IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.

PROJECT SITE INFORMATION:

1. **SOILS TYPE:** _____
2. **GROUND WATER DEPTH:** _____
3. **NAME OF RECEIVING BODY:** GUADALUPE RIVER
4. **FLOOD ZONE:** AO (DEPTH 2 FEET)
5. **FLOOD ELEVATION (IF APPLICABLE):** N/A



FORM #138 - Stormwater Evaluation Form — page 2 of 4

2. AREA DATA

2.a Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable):	N/A	
2.b Total area of site:	1.7576	acres
2.c Total area of site that will be disturbed:	1.72	acres

COMPARISON OF IMPERVIOUS AND PERVIOUS AREAS AT PROJECT SITE:

2.d IMPERVIOUS AREAS - IA	Pre-Project Existing IA sq. ft.	Existing IA Retained As-Is[1] sq. ft.	Existing IA Replaced with IA[2]	New IA Created[2]	Total Post Project IA sq. ft.
Site Totals					
Total IA	60,422	966	59,516	2,092	62,548
Total New and Replaced IA			63,651		
Public Street Totals					
Total Public Streets IA[3]	920	920	0	983	1,903
Total New and Replaced Public Streets IA			0		
Total Site and Public Streets IA	61,342				63,907
Percent Replacement of IA in Redevelopment Projects (d.3=d.1) x 100:					98.5 %

2.e PERVIOUS AREAS - PA	Pre-Project Existing PA sq. ft.	Total Post Project PA sq. ft.
Total PA[4]	16,141	13,586
2.f Total Area (IA + PA)		

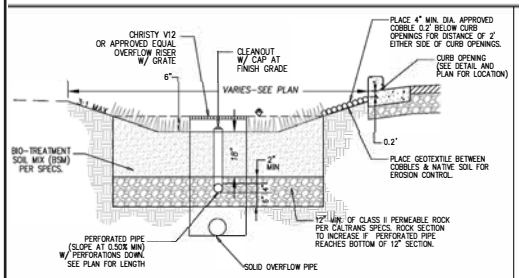
NOTE: SEE TREATMENT CONTROL MEASURE SUMMARY TABLE ON SDP–5.

STORMWATER CONTROL PLAN
SCALE: 1" = 20'

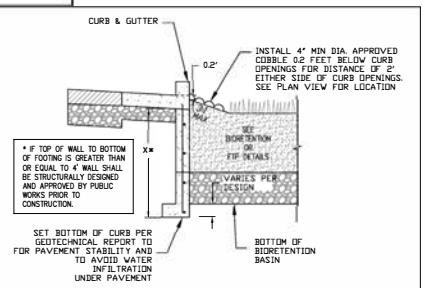
LEGEND

- DRAINAGE MANAGEMENT AREA (DMA)
- PERMEABLE SURFACE (ALL LANDSCAPED AREAS)
- TCM #: BIORETENTION PLANTERS (TCM #1 - TCM #5) SEE TYPICAL DETAILS THIS SHEET
- SELF-RETAINING LANDSCAPE AREA (DMA #6)

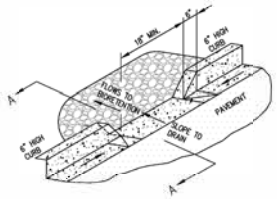
GRAPHIC SCALE
20 0 10 20 40 60
(IN FEET)
1 inch = 20 ft.



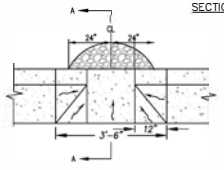
BIORETENTION BASIN W/O LINER
N.T.S.



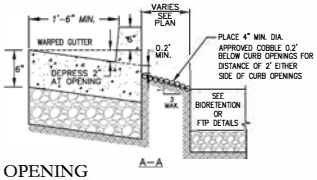
9 | CURB ADJACENT TO BIORETENTION N.T.S.



SECTION VIEW



PLAN VIEW



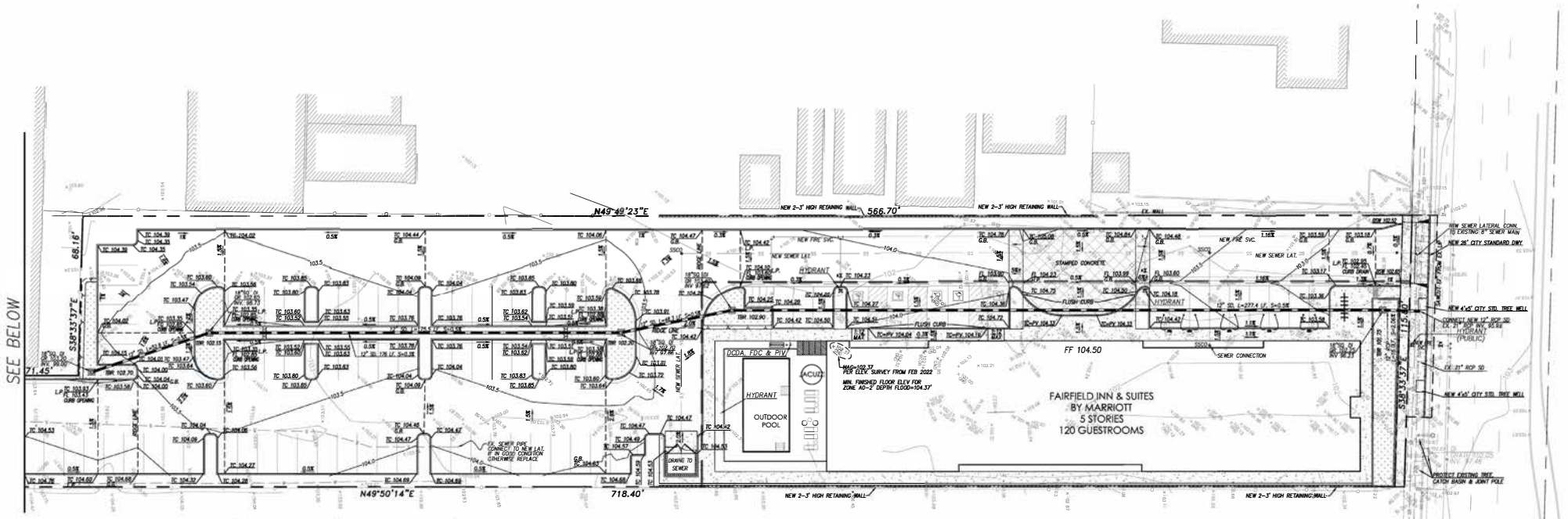
CURB OPENING
N.T.S.

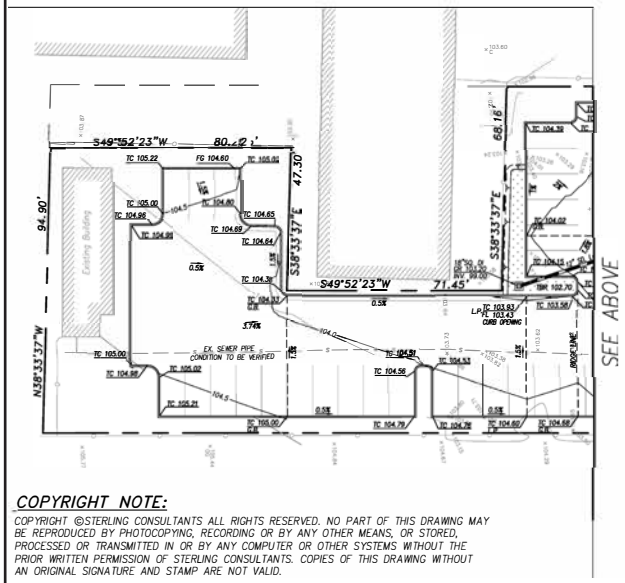
Source: Sterling Consultants, February 2023

Stormwater Control Plan

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure 9

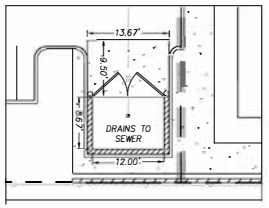




GRADING, DRAINAGE & UTILITY PLAN
SCALE: 1" = 20'

LEGEND

ZONING BOUNDARY LINE
SEE SHEET SDP-1 FOR DIMENSIONS



ENLARGED TRASH ENCLOSURE DETAIL
SCALE: 1"=10'

SEE TYPICAL ENCLOSURE ELEVATIONS ON SHEET SDP-5

GRADING NOTES:

1. SITE GRADING & EXCAVATIONS SHALL ADHERE TO ALL RECOMMENDATIONS CONTAINED IN THE PROJECT GEOTECHNICAL REPORT.
2. ALL GRADES SHOWN ARE FINISHED GRADES, UNLESS OTHERWISE NOTED.
3. ALL CUT AND FILL SLOPES AT THE BOUNDARY LINES SHALL BE CONSTRUCTED IN SUCH A MANNER THAT ADJACENT FENCES WILL NOT BE DAMAGED. GRADING SHALL CONFORM AT BOUNDARY LINES.
4. ALL CUT SLOPES SHALL BE ROUNDED TO MEET EXISTING GRADES AND BLEND WITH SURROUNDING TOPOGRAPHY. ALL GRADED SLOPES OVER FIVE FEET IN HEIGHT SHALL BE PLANTED WITH SUITABLE GROUND COVER.
5. DURING GRADING OPERATIONS, THE CONTRACTOR SHALL IMPLEMENT DUST CONTROL MEASURES BOTH ON-SITE. STREETS SHALL BE SWEPT PER REQUIREMENTS SPECIFIED IN BLUEPRINT FOR CLEAN BAY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF SAID GRADING QUANTITIES PRIOR TO THE START OF THE GRADING OPERATION. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR DISTRIBUTING ANY EXCESS MATERIAL OR SUPPLY MATERIAL FOR DEFICIENCIES TO BRING PAVEMENT OR LOTS TO REQUIRED GRADE. CLARIFICATION OF GRADING SHALL BE DONE BY THE ENGINEER.
7. WASTEWATER GENERATED DURING CONSTRUCTION SHALL NOT BE DISCHARGED TO THE STORM DRAIN SYSTEM. THIS INCLUDES WASTE FROM PAINTING, SAWCUTTING, CONCRETE WORK, ETC. THE CONTRACTOR SHALL MAKE ARRANGEMENTS TO ELIMINATE DISCHARGES TO THE STORM DRAIN SYSTEM AND, IF NECESSARY, PROVIDE AN AREA FOR ON-SITE WASHING ACTIVITIES DURING CONSTRUCTION. MATERIALS WHICH COULD CONTAMINATE STORM RUNOFF SHALL BE STORED IN AREAS WHICH ARE DESIGNED TO PREVENT EXPOSURE TO RAINFALL AND TO NOT ALLOW STORM WATER TO RUN ONTO THE AREA.
8. FLUSHING OF STREETS/PARKING LOTS TO REMOVE DIRT AND CONSTRUCTION DEBRIS IS PROHIBITED UNLESS PROPER SEDIMENT CONTROLS ARE USED. AREAS REQUIRING CLEANING SHOULD BE SWEPT.
9. WHERE UNSTABLE OR UNSUITABLE MATERIALS ARE ENCOUNTERED DURING SUBGRADE PREPARATION, THE AREA IN QUESTION SHALL BE OVER EXCAVATED AND REPLACED BY SELECT BACKFILL MATERIAL AS NEEDED.
10. WHERE ABANDONED UNDERGROUND STRUCTURES ARE ENCOUNTERED IN THE STREET AREAS, REMOVE TO SUFFICIENT DEPTH TO ALLOW UNDERGROUND LINES TO CROSS, BACKFILL AND COMPACT DURING ROUGH GRADING. THE INSPECTOR MAY REQUIRE FURTHER WORK TO BE DONE IF VISUAL INSPECTION INDICATES SO DURING CONSTRUCTION.
11. PRIOR TO ANY GRADING, DEMOLITION OF THE SITE SHOULD BE COMPLETED. DEMOLITION SHOULD INCLUDE THE COMPLETE REMOVAL OF ALL SURFACE AND SUBSURFACE STRUCTURES. IF ANY OF THE FOLLOWING ARE ENCOUNTERED: TREE ROOT SYSTEMS, CONCRETE, SEPTIC TANKS, GAS OR OIL TANKS, STORM INLETS, IRRIGATION PIPES, FOUNDATIONS, ASPHALT, DEBRIS AND TRASH, THESE SHOULD ALSO BE REMOVED, WITH THE EXCEPTION OF ITEMS SPECIFIED BY THE OWNER FOR SALVAGE.

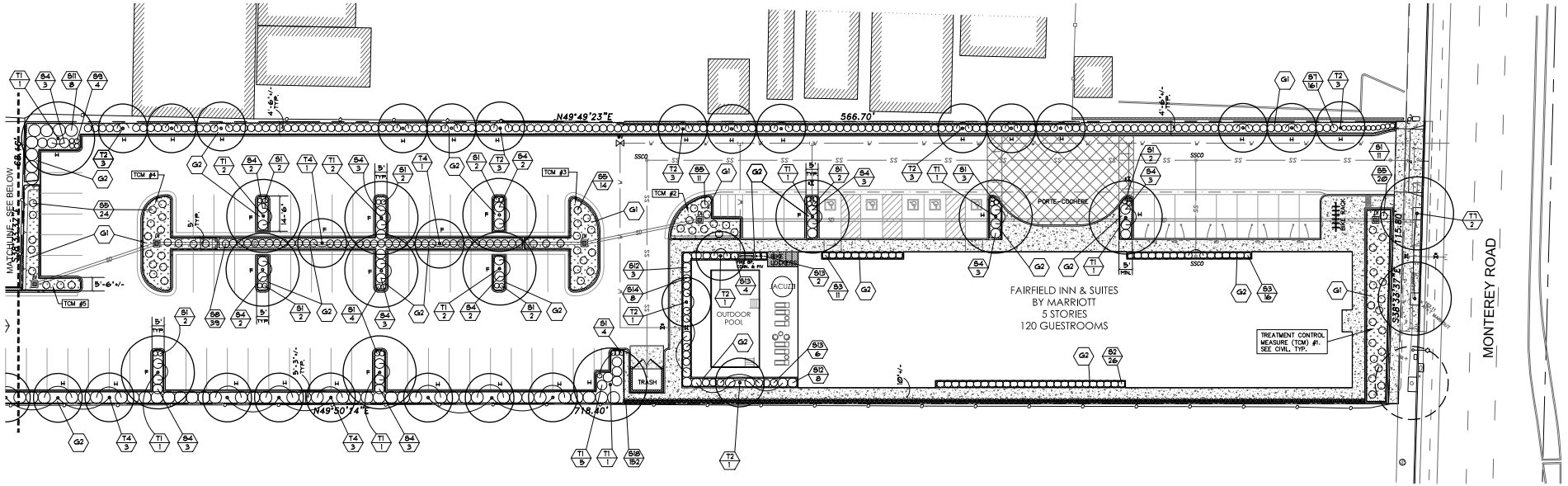
GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

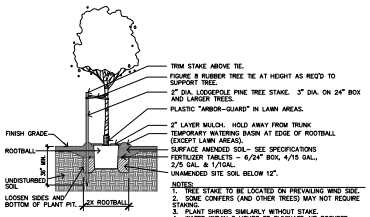
Source: Sterling Consultants, February 2023

Grading and Drainage Plan

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
10





PLANTING

N.T.S.

LANDSCAPE STORMWATER CONTROL AREA

TOTAL LANDSCAPE AREA	13,040 S.F.
TOTAL BIO-RETENTION AREA	2,265 S.F. = 17%

EXISTING TREE REMOVAL

1. SEE SHEET L-1.1 FOR INFORMATION ON EXISTING TREES.

2. 11 ON-SITE TREES ARE TO BE REMOVED, 8 NON-NATIVE TREES AT ABOVE 38 INCH CIRCUMFERENCE AND 3 AT 19 TO 38 INCH CIRCUMFERENCE.

3. PER CITY OF SAN JOSE TREE REPLACMENT SCHEDULE, 38 15-GALLON SIZE, OR 19 24"-BOX SIZE REPLACEMENT TREES ARE REQUIRED. 50 ON-SITE REPLACMENT TREES ARE BEING PROVIDED. 48 24"-BOX TREES AND 2 15-GALLON TREES.

4. ONE OFF-SITE (STREET TREE) IS BEING REMOVED AND IS TO BE REPLACED WITH TWO 24"-BOX (STREET) TREES.

5. ALL TREES TO BE REMOVED WILL REQUIRE A TREE REMOVAL PERMIT.

PLANT LEGEND

51 INDICATES PLANT KEY
3 INDICATES PLANT QUANTITY

KEY	BOTANICAL/COMMON NAME		SIZE	QTY.	REMARKS
	TREES				
T1	ULMUS PARVIFOLIA 'BREA'	CHINESE EVERGREEN ELM	24" BOX	15	
T2	SYAGRUS ROMANZOFFIANUM	QUEEN PALM	24" BOX	18	
T3	DELETED		-	-	
T4	ARBUTUS 'MARINA'	N.C.N.	24" BOX	15	
T5	SEQUOIA SEMPERVIRENS 'LOS ALTOS'	COAST REDWOOD	15 G.C.	2	
T6	DELETED		-	-	
T7	PLATANUS ACERIFOLIA 'COLUMBIA'	LONDON PLANE TREE	24" BOX	2	STREET TREE
	SHRUBS, GRASSES AND PERENNIALS				
S1	KNIPHOFIA X 'BEE'S SUNSET'	TORCH LILY	1 G.C.	-	
S2	HEMEROCALLIS X 'STELLA DE ORO'	DAYLILY	1 G.C.	-	
S3	NANDINA DOMESTICA 'COMPACTA'	COMPACT HEAVENLY BAMBOO	5 G.C.	-	
S4	VIBURNUM TINUS 'SPRING BOUQUET'	LAURUSTINUS	5 G.C.	-	
S5	CAREX TUMULICOLA	BERKELEY SEDGE	5 G.C.	-	
S6	CAMELLIA HIEMALIS 'SHISHI-GASHIRA'	CAMELLIA	5 G.C.	-	
S7	NERIUM OLEANDER 'PETITE PINK'	DWARF OLEANDER	5 G.C.	-	
S8	STIPA ARUNDINACEA	PHEASANT'S-TAIL GRASS	5 G.C.	-	
S9	LIGUSTRUM J. 'TEXANUM'	TEXAS PRIVET	5 G.C.	-	
S10	EUONYMUS J. 'SILVER KING'	SILVER EVERGREEN EUONYMUS	5 G.C.	-	
S11	ESCALLONIA 'FRADESII'	N.C.N.	5 G.C.	-	
S12	BOUGAINVILLEA 'BARBARA KARST'	BOUGAINVILLEA	5 G.C.	-	
S13	MELIANTHUS MINOR	DWARF HONEY BUSH	5 G.C.	-	
S14	STRELITZIA REGINAE	BIRD OF PARADISE	5 G.C.	-	
S15	XYLOSMA CONGESTUM	N.C.N.	5 G.C.	-	
S16	PRUNUS LAUROCERASUS 'ZABELIANA'	ZABEL LAUREL	5 G.C.	-	
S17	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	5 G.C.	-	
S18	NANDINA DOMESTICA 'FIRE POWER'	DWARF HEAVENLY BAMBOO	1 G.C.	-	
	GROUNDCOVERS				
G1	DELTA BLUEGRASS CO. 'BIO-FILTRATION SOD' FESCUE MIX SOD		SOD	AS REQ.	
G2	BARK MULCH. MEDIUM GRIND 'WALK-ON' BARK		MED.	AS REQ.	2" DEPTH

NOTES

1. THE STORMWATER TREATMENT AREAS ARE BEING PLANTING WITH GROUND COVERING SOD, SO MULCH IS NOT NECESSARY IN THOSE AREAS.
2. THE LOCATIONS AND SPECIES OF THE STREET TREES WILL BE DETERMIND AT THE STREET IMPROVEMENT STAGE. STREET TREES SHOWN ON THESE PLANS ARE CONCEPTUAL ONLY.

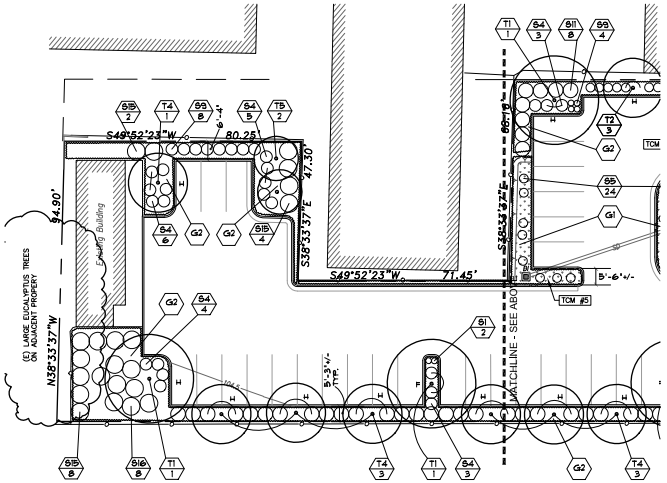
PARKING LOT SHADE CALCULATION TABLE

'F', 'TQ', 'H', 'Q' TREE SHADE RATING NOTED NEAR TREE ON PLAN

KEY	BOTANICAL/COMMON NAME		ASSUMED CROWN DIAMETER	'F' = FULL (S.F.)	'TQ' = THREE QUARTER (S.F.)	'H' = HALF (S.F.)	'Q' = QUARTER (S.F.)
T1	ULMUS PARVIFOLIA 'BREA'	CHINESE EVERGREEN ELM	30'	16 @ 707 = 7,070	-	5 @ 353 = 1,765	-
T4	ARBUTUS 'MARINA'	N.C.N.	20'	2 @ 314 = 628	-	13 @ 157 = 2,041	-
T2	SYAGRUS ROMANZOFFIANUM	QUEEN PALM	20'	2 @ 314 = 628	-	19 @ 157 = 2,355	-

NOTE: ASSUMED AREA TO BE SHADED IS THE TOTAL PARKING STALL AREA, NOT INCLUDING DRIVE AISLES, BUT BOTH WITH AND WITHOUT DRIVE AISLE AREAS IS SHOWN BELOW.

TOTAL ON-SITE SURFACE PARKING AREA EXCLUDING DRIVE AISLES	19,125 S.F.
TOTAL MINIMUM REQUIRED SHADING AREA, 50% OF TOTAL ON-SITE SURFACE PARKING AREA	7,563 S.F. = 50%
TOTAL TREE SHADED AREA PER THE ABOVE TABLE EXCLUDING DRIVE AISLES	7,504 S.F. = 46%
INCLUDING PAVED DRIVE AISLES, TOTAL ON-SITE SURFACE PAVING	41,010 S.F.
TOTAL TREE SHADED AREA PER THE ABOVE TABLE INCLUDING DRIVE AISLES	13,859 S.F. = 34%



LICENSED LANDSCAPE ARCHITECT
CHARLES WILSON
NO. 1682
RENEWAL 08-31-25
STATE OF CALIFORNIA

Source: Wilson & Associates, March 2023

Landscape Plan

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
11

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☒ Land Use/Planning	☒ Mineral Resources
☒ Noise	☒ Population/Housing	☒ Public Services
☒ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☒ Utilities/Service Systems	☒ Wildfire	☒ Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

A brief explanation is required for all answers except "No Impact" answers. Answers need to be adequately supported by the information sources cited by the lead agency. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and
b) The mitigation measure identified, if any, to reduce the impact to less than significance.

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

- A “potentially significant impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.
- A “less than significant with mitigation incorporated” response applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to less than significant impact. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

Important Note to the Reader:

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

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

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

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is located near Saratoga at the intersection of State Route 9 and Saratoga Avenue. This segment of the officially designated highway is located approximately 9.6 miles southwest of the project site. In addition, the scenic designated portion of Interstate-680 that starts at the Mission Boulevard exit in Fremont is located about 16 miles north of the project site. The project site is not located near these designated scenic highways.

Local

Outdoor Lighting Policy (City Council Policy 4-3)

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

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage

Envision San José 2040 Relevant Aesthetic Policies	
	compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Existing Setting

The project site is located on a developed parcel within an urbanized area of San José. The site is located in a mixed industrial and commercial area along and west of Monterey Road, and is bordered by the following land uses:

- North: Commercial, San Jose Avenue, Industrial
- South: Industrial
- East: Monterey Road, Commercial
- West: Residential, Commercial

Photographs of the property are presented in Figure 4, and an aerial of the project area is provided in Figure 3. A rendering of the proposed development is provided in Figure 8. As shown in the

photographs, the project site is currently occupied by an existing motel and associated landscaping, including several trees. In addition, offsite street trees front the property.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2, 3
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2, 3
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2, 3
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2, 3

Explanation

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

The City's General Plan states that San José contains scenic resources that include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is located in an urbanized location in San José. The proposed project would result in the construction of a new five-story hotel on a site containing a one-story motel. The vicinity of the proposed project is relatively flat and surrounding buildings are one to two stories in height. No scenic vistas are visible from the proposed project site due to obstruction by existing urban development. The project would have a less than significant impact on a scenic vista. **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?**

The project site is not located within a State-designated scenic route or City-designated scenic corridor. The nearest state-designated scenic highway is located near Saratoga at the intersection of State Route 9 and Saratoga Avenue. This segment of the officially designated highway is located approximately 9.6 miles southwest of the project site. The project site is not located near either a designated scenic highway. In addition, the project site is not located along any scenic corridors identified the City's Scenic Corridors Diagram. The rezoning of the project site and development of the proposed 120-guestroom hotel on the project site would have no impact on a scenic route. **No Impact**.

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

The project would alter the existing visual character of the site and its immediate surroundings by introducing a new five-story hotel building onto a site that is currently occupied by a one-story motel. The building elevations are presented in Figure 7. A conceptual rendering of the proposed hotel is provided in Figure 8. The building height for the proposed hotel development is approximately 54.5 feet from the top of the parapet (see Figure 7). The project site is bordered by a mix of commercial and industrial uses ranging from one to two stories in height. Due to the project site's location in a primarily developed mixed industrial and commercial area of the City and the proximity to public transit uses, the project site is considered to be located in an urbanized area.

The project would alter the existing public views of the site from local streets in the vicinity of the project. Other public views, (e.g., from SR-87) would be more distant, and the effects from the proposed buildings less noticeable. The proposed development would be multiple stories higher than immediately adjacent development.

The proposed project would be required to 1) conform to the City's Design Guidelines, and 2) undergo design review to ensure the scale and mass are compatible with surrounding development. In addition, the project proposes landscaping to soften the visual effects of development through planting of shrubs and groundcover in outdoor areas and replacement of all trees proposed to be removed as part of the development. By adhering to these requirements, the project would not substantially degrade the existing visual character or quality of the site and its surroundings within this urbanized area and would result in a less than significant impact. **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 existing site current source of light and glare at the project site are generated by streetlights, passing cars, as well as adjacent buildings. The project does not propose any major sources of lighting or glare. Outdoor lighting would be provided for access and security. Building entries would be lit using mounted area downlights or sconces, and interstitial spaces between the face of the building and property line would be lit with building mounted wall packs. Site lighting would serve as both functional and accent lighting for the development and would be consistent with the architectural character of the development. All outdoor lighting would conform to the City's Outdoor Lighting policies and would be shielded to direct light downwards to ensure that lighting does not spill over onto nearby properties, consistent with City standards. In addition, the project does not propose to introduce materials into the design that would create substantial glare. The project would have a less than significant impact related to lighting and glare. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on aesthetics.

B. AGRICULTURAL AND FORESTRY RESOURCES

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland." Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

Envision San José 2040 Relevant Agricultural Resources Policies	
	• Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Existing Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The developed infill project site does not contain any agricultural and forest/timber resources.

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "Urban and Built-Up Land" on the 2016 Santa Clara County Important Farmland Map (California Department of Conservation).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
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?				X	1, 2, 4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 2, 4

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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))?				X	1, 2, 4
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	1, 2, 4
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?				X	1, 2, 4

Explanation

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

The project site is an infill property and designated as Urban and Built-Up Land on the Important Farmland Map for Santa Clara County, and does not contain any prime farmland, unique farmland, or farmland of statewide importance. Development of the site with a new 120-guestroom hotel would not affect agricultural land and would result in no impact. **No Impact**.

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

The project site is on a developed infill property, is not zoned for agricultural use, and does not contain lands under Williamson Act contract; therefore, development of the site with a new 120-guestroom hotel would not conflict with agricultural uses and would result in no impact. **No Impact**.

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

Development of the site with a new 120-guestroom hotel would not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g). There would be no impact as a result of the proposed project. **No Impact**.

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

See c) above. No other changes to the environment would occur from the project that would result in the loss of forest land or conversion of forest land to non-forest uses. There would be no impact as a result of the proposed 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 per the discussion above, the project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or forest land, since none is present on this infill property. There would be no impact as a result of the proposed project. **No Impact**.

Conclusion: The project would have no impact on agricultural and forest resources.

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (July 2022). This report is included as Appendix A.

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

The Federal Clean Air Act (CAA) allows California to seek a waiver of the federal preemption that prohibits states and local jurisdictions from enacting emission standards and other emission-related requirements for new motor vehicles and engines (CAA section 209(a)). The California Air Resources Board (CARB) serves as the representative of California in filing waiver requests with U.S. EPA. After California files a written request for a waiver, U.S. EPA will publish a notice for a public hearing and submission of comments in the *Federal Register*. After consideration of comments received, the Administrator of U.S. EPA will issue a written determination on California's request, which is also published the *Federal Register*.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the

California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 2 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

Climate Smart San Jose

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones.

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) address the need for regulations to improve energy efficiency and combat climate change. The 2019 CAL Green standards include some substantial changes intended to increase the energy efficiency of buildings. For example, the code encourages the installation of solar and heat pump water heaters in low-rise residential buildings. The 2019 California Code went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[1] The City's reach code applies only to new residential and non-

[1] City of San José Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

residential construction in San José. It incentivizes all-electric construction, requires increased energy efficiency and electrification-readiness for those choosing to maintain the presence of natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment (EVSE) installation for all development types.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

Air Pollutants and Contaminants

Multiple federal and state standards govern air pollution to regulate and mitigate health impacts. At the federal level, there are six criteria pollutants for NAAQS have been established: carbon monoxide

(CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), suspended particulate matter (PM: $PM_{2.5}$ and PM_{10}), and sulfur dioxide (SO_2). California sets standards similar to the NAAQS as California Ambient Air Quality Standards (CAAQS). Note that California includes pollutants or contaminants that are specific to certain industries and not associated with this project. These include hydrogen sulfide and vinyl chloride.

Ozone. Ozone is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_X). The main sources of ROG and NO_X, often referred to as ozone precursors, are combustion processes (including combustion in motor vehicle engines) and the evaporation of solvents, paints, and fuels. In the Bay Area, automobiles are the single largest source of ozone precursors. Ozone is referred to as a regional air pollutant because its precursors are transported and diffused by wind concurrently with ozone production through the photochemical reaction process. Ozone causes eye irritation, airway constriction, shortness of breath, and can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide. Carbon monoxide is an odorless, colorless gas usually formed as the result of the incomplete combustion of fuels. The single largest source of CO is motor vehicles. While CO transport is limited, it disperses with distance from the source under normal meteorological conditions. However, under certain extreme meteorological conditions, CO concentrations near congested roadways or intersections may reach unhealthful levels that adversely affect local sensitive receptors (e.g., residents, schoolchildren, the elderly, hospital patients, etc.). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service (LOS) or with extremely high traffic volumes. Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause headaches, nausea, dizziness, fatigue, impair central nervous system function, and induce angina (chest pain) in persons with serious heart disease. Very high levels of CO can be fatal.

Nitrogen Dioxide. Nitrogen Dioxide is a reddish-brown gas that is a byproduct of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Aside from its contribution to ozone formation, NO_2 also contribute to other pollution problems, including a high concentration of fine particulate matter, poor visibility, and acid deposition. NO_2 may be visible as a coloring component on high pollution days, especially in conjunction with high ozone levels. NO_2 decreases lung function and may reduce resistance to infection. On January 22, 2010, the U.S. EPA strengthened the health-based NAAQS for NO_2.

Sulfur Dioxide. Sulfur dioxide is a colorless, irritating gas formed primarily from the incomplete combustion of fuels containing sulfur. Industrial facilities also contribute to gaseous SO_2 levels in the region. SO_2 irritates the respiratory tract, can injure lung tissue when combined with fine particulate matter and reduces visibility and the level of sunlight.

Particulate Matter. Particulate matter is the term used for a mixture of solid particles and liquid droplets found in the air. Coarse particles are those that are larger than 2.5 microns but smaller than 10 microns (PM_{10}). $PM_{2.5}$ refers to fine suspended particulate matter with an aerodynamic diameter of 2.5 microns or less that is not readily filtered out by the lungs. Nitrates, sulfates, dust, and combustion particulates are major components of PM_{10} and $PM_{2.5}$. These small particles can be directly emitted into the atmosphere as by-products of fuel combustion, through abrasions, such as tire or brake lining wear, or through fugitive dust (wind or mechanical erosion of soil). They can also be formed in the atmosphere

through chemical reactions. Particulates may transport carcinogens and other toxic compounds that adhere to the particle surfaces and can enter the human body through the lungs.

Lead. Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial. As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of lead in the air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers. Over 20 years ago, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, the U.S. EPA established national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. The EPA banned the use of leaded gasoline in highway vehicles in December 1995. As a result of the EPA's regulatory efforts to remove lead from gasoline, emissions of lead from the transportation sector and lead levels in the air decreased dramatically.

Air Pollutants of Concern in the Bay Area

High ozone levels are caused by the cumulative emissions of ROG and NO_X. These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. TACs are injurious in small quantities and are regulated by the EPA and CARB. Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants.

High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high-volume transit centers, or schools with a high volume of bus traffic. Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites and at new TAC sources that the project would introduce. These sources include railroads, highways, busy surface streets, and stationary sources identified by BAAQMD.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of

health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Air Quality Setting

The project is located in Santa Clara County, which is part of the San Francisco Bay Area Air Basin. The Air Basin includes the counties of San Francisco, Santa Clara, San Mateo, Marin, Napa, Contra Costa, and Alameda, along with the southeast portion of Sonoma County and the southwest portion of Solano County. This project is within the jurisdiction of the BAAQMD. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants, and the number of days during which the region exceeds air quality standards, have fallen dramatically. Exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Local Climate and Air Quality

Air quality is a function of both local climate and local sources of air pollution. Air quality is the balance of the natural dispersal capacity of the atmosphere and emissions of air pollutants from human uses of the environment. Climate and topography are major influences on air quality.

Climate and Meteorology. During the summer, mostly clear skies result in warm daytime temperatures and cool nights in the Santa Clara Valley. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland, where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Air Pollution Potential. Ozone and fine particle pollution, or $PM_{2.5}$, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air, which usually reaches across San Mateo County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the county, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the $PM_{2.5}$ standard each winter. This is due to the high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flows into the region. Recently, wildfires have caused many days per year of unhealthy air during summer and fall due to high particle pollution (e.g., $PM_{2.5}$ and PM_{10} levels that exceed standards).

Attainment Status Designations. The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for all state standards. An “attainment” designation for an area signifies that pollutant concentrations did not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An “unclassified” designation signifies that data does not support either an attainment or

nonattainment status. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

Existing Air Pollutant Levels. BAAQMD monitors air pollution at various sites within the Bay Area. The closest BAAQMD air monitoring station (158 Jackson Street) that monitored O_3, CO, NO, NO_2, PM_{10}, and $PM_{2.5}$ over the past five years (2017 through 2022) is in the City of San José, approximately 2.85 miles north of the project site. The data shows that the project area has exceeded the state and/or federal O_3, PM_{10}, and $PM_{2.5}$ ambient air quality standards during the past few years. The most recent time-period available illustrating air quality trends collected by BAAQMD and CARB is presented in Appendix A.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, people over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptors to the project site are the single-family residences located approximately 200 feet to the west. There are additional sensitive receptors to the southwest and north of the site at farther distances. This project would not introduce new sensitive receptors (i.e., residents) to the area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		1 ,2, 5, 6,
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?			X		1 ,2, 5, 6, 7
c) Expose sensitive receptors to substantial pollutant concentrations?			X		2, 5, 6, 7
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		1, 2, 5, 6

Explanation

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

The 2017 Clean Air Plan (CAP), adopted by BAAQMD in April 2017, includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Plans must show consistency with the control measures listed within the CAP. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP - should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures.

The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors, and greenhouse gases. The 2017 CAP has control measures that are designed to indirectly or directly reduce air pollutants emissions in the Bay Area. These measures are divided into five categories, including:

- Measures to reduce emissions from stationary area sources;
- Mobile source measures;
- Transportation control measures
- Land use and local impact measures; and
- Energy and climate measures

As summarized in the "Project Consistency" column of Table 2, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants. Therefore, the project would have a less than significant impact on clean air planning efforts. **Less Than Significant Impact**.

Table 2
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include four long-term bicycle parking spaces (via a bicycle locker) and 12 short-term bicycle spaces (via bicycle rack), consistent with City's Zoning Ordinance standards. The proposed project would also new sidewalks along the project frontage on Monterey Road. The project site is located in an area with substantially developed pedestrian facilities and is within walking distance to a variety of commercial uses. Therefore, the

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
		project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Municipal Code Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) and the City's Green Building Ordinance, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13), Private Sector Green Building Policy (Council Policy 6-32) the City's Green Building Ordinance, and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities.	The project would include surface level vehicle parking. The existing parking lot would be repaved and would utilize cool surface treatments to reduce the project's heat island effect. In addition, the project would provide new landscaping, including planting of shrubs, groundcover, and trees to outdoor areas. These features would minimize surface parking and reduce the project's heat island effect. The project, therefore, is consistent with this measure.

Table 2 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Water Management Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water, including, but not limited to, AB 1668: Water Conservation and Drought Planning, AB 2731: Landscape Water Use Efficiency, implementation of a stormwater control plan, and adherence to the City's levelled water shortage restrictions on potable water use. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Removal of trees would be replaced by tree plantings as required by the City's Tree Removal Ordinance. Therefore, the project is consistent with this control measure.

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

The San Francisco Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide.

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The applicable thresholds are presented below in Table 3.

Table 3 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust ($PM_{2.5}$, PM_{10})	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter			

The air quality assessment for the project (Appendix A) used the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 to estimate air pollutant emissions from construction and operation of the project at buildout.[2]

Construction Period Emissions

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while offsite activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment list and schedule, were based on CalEEMod defaults for a project of this type and size that was reviewed and approved by the project applicant.

The project land use types and size, and anticipated construction schedule were input to CalEEMod, as follows:

- 120 rooms entered as “Hotel” on a 4.9-acre site
- 100 parking spaces entered as “Parking Lot” on a 4.9-acre site.

[2] CalEEMod quantifies ozone precursors, criteria pollutants, and greenhouse gas emissions from the construction and operation of new land use development and linear projects in California.

The construction schedule assumed that the earliest possible start date would be Summer 2023 and the project would be built out over a period of approximately 14 months or 307 construction workdays. The earliest year of operation was assumed to be 2024.

Average daily emissions were annualized for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 4 shows the unmitigated annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 4, predicted unmitigated annualized project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction.

Table 4
Construction Period Emissions - Unmitigated

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (Tons)				
2023-2024*	1.19	2.33	0.12	0.10
Average Daily Construction Emissions Per Year (pounds/day)				
2023-2024 (307 construction workdays)	7.74	15.20	0.75	0.66
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No
* Includes 2024 (only two months of construction)				

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries.

Although construction period emissions would not exceed the BAAQMD significance thresholds, the BAAQMD CEQA Air Quality Guidelines require implementation of best management practices. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below as standard permit conditions would reduce the air quality impacts associated with grading and new construction to a less than significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following best management practices that are required of all projects:

Standard Permit Conditions

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

- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

- Remove visible mud or dirt track-out onto adjacent public roads using wet -power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- Pave new or improved roadways, driveways, and sidewalks as soon as possible.

- Lay building pads as soon as possible after grading unless seeding or soil binders are used.

- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- Replant vegetation in disturbed areas as quickly as possible.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

- Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by future residents. The project does not include a backup generator. Evaporative emissions from architectural coatings and maintenance products are typical emissions from these types of uses (e.g., paints, stains). CalEEMod was used to estimate emissions from operation of the proposed project at buildout. Inputs for this modeling scenario included project components along with the vehicle trip rate generation rates used in the traffic study, with the results of the modeling are presented in Table 5. As shown in Table 5, operational emissions would not exceed the BAAQMD significance thresholds, representing a less than significant impact.

Table 5
Operational Period Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2024 Annual Project Operational Emissions (*tons/year*)	1.52	0.48	0.80	0.20
BAAQMD Thresholds (tons/years)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*

Table 5 Operational Period Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
2024 Daily Project Operational Emissions (*pounds/day*)[1]	8.31	2.63	4.39	1.12
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
	No	*No*	*No*	*No*
Note: [1] Assumes 365-day operation				

With incorporation of Best Management Practices identified above, the project would result in a less than significant impact with respect to the increase of criteria pollutants. **Less Than Significant Impact**.

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

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The project would also include demolition of the existing motel on the site and construction of a new 120-guestroom, five-story hotel.

Project impacts related to increased community risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile and stationary sources).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. The project would not include the installation of any stationary TAC emissions sources (i.e., generators) but would generate some traffic consisting of mostly light-duty gasoline-powered vehicles, which would produce TAC and air pollutant emissions.

Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC was also assessed in terms of the cumulative risk that includes the project contribution.

Community Health Risk Impacts Associated with Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, specifically DPM, which is a known TAC. These exhaust emissions (i.e., DPM) pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. DPM poses both a potential health and nuisance impact to nearby receptors.

A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$. The health risk assessment included dispersion modeling to predict the offsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. Receptors for the health risk assessment included locations

where sensitive populations closest to the project would be present for extended periods of time (i.e., chronic exposures). This includes the existing residences to the west of the site, as shown in Figure 11.

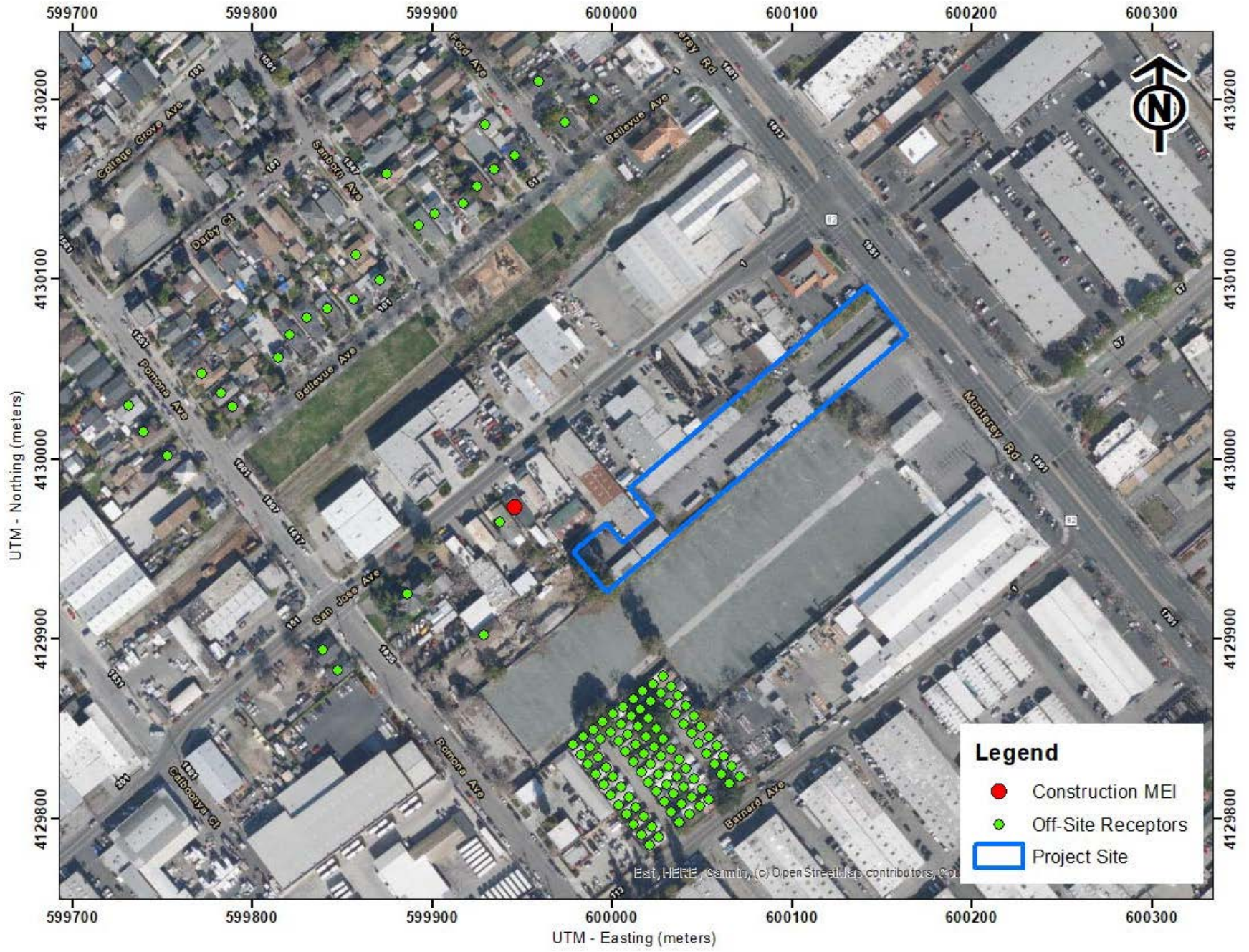
The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Results of this assessment indicated that the construction MEI was located on the first floor (5 feet above ground) of a single-family residence to the west of the project. The location of the MEI and nearby sensitive receptors are shown in Figure 12. Table 6 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities. As shown in Table 6, the unmitigated maximum cancer risks, annual $PM_{2.5}$ concentration, and HI from construction activities at the MEI location would not exceed the respective BAAQMD single-source significance thresholds.

Cumulative Community Health Risk at Construction MEI

The cumulative impacts of TAC emissions from construction of the project, traffic on Monterey Road, and various other nearby land uses on the construction MEI are summarized in Table 6. Figure 13 shows the location of the sources affecting the MEI. The construction MEI is represented by the residential MEI identified above. As shown in Table 6, the combined cancer risk and hazard risk values, which includes unmitigated and mitigated, would not exceed the cumulative thresholds.

Table 6
Cumulative Community Risk Impacts at the Project MEIs

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impact				
Project Construction	Unmitigated	7.00 (infant)	0.06	0.01
BAAQMD Single-Source Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*
Cumulative Impacts				
Monterey Road, ADT 30,775		0.27	0.02	<0.01
RC Refinishing (Facility ID #3007, Spray Booth), MEI at 535 feet		<0.01	<0.01	<0.01
Tan Auto Repair (Facility ID #11952, Auto Body Coating), MEI at 460 feet		-	-	<0.01
Freeman Finishing (Facility ID #14818, Spray Booth), MEI at 920 feet		-	-	<0.01
Valley Lapping, Inc (Facility ID #20157, Solvent Cleaning), MEI at +1,000 feet		-	-	<0.01
R&P Painting Company (Facility ID #21943, Spray Booth), MEI at 940 feet		-	-	-
Hoas Auto Touch-Up Autobody (Facility ID #21963, Auto Body Coating), MEI at +1,000 feet		-	-	<0.01
Y2K Auto Body Repair (Facility ID #22212, Spray Booth), MEI at 790 feet		-	-	-
Combined Sources	Unmitigated	<7.28	<0.09	<0.07
BAAQMD Cumulative Source Threshold		***100***	***0.8***	***10.0***
Exceed Threshold*?*	Unmitigated	*No*	*No*	*No*

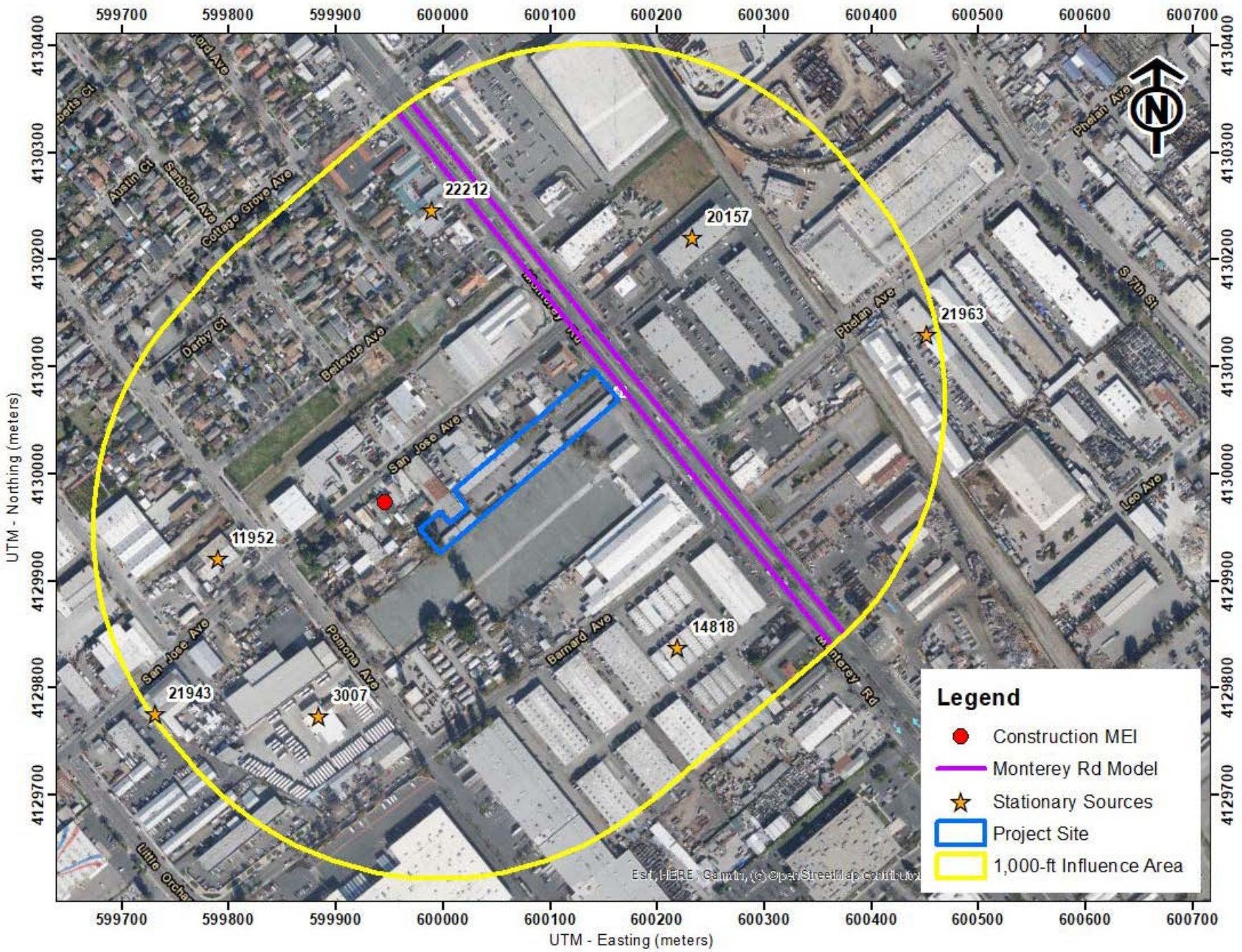


Source: Illingworth & Rodkin, July 2022

Location of Nearby Sensitive Receptors and Maximally Exposed Individual

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure 12



Source: Illingworth & Rodkin, July 2022

Nearby TAC and $PM_{2.5}$ Sources

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure 13

As described above the proposed project would be below applicable BAAQMD thresholds for project and cumulative sources. This represents a less than significant impact. **Less Than Significant Impact**.

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

Common sources of odors and odor complaints are uses such as transfer stations, recycling facilities, painting/coating facilities, landfills, and wastewater treatment plants. Development of the site with a 120-guestroom hotel under the proposed *Heavy Industrial* PD zoning would not result in new odor sources compared to the existing motel located on the site.

During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. This represents a temporary impact and implementation of abatement measures for construction period emissions identified in c) above would further assure that this impact is less than significant. **Less Than Significant Impact.**

Conclusion: The project would have a less than significant impact on air quality with implementation of identified permit conditions, and applicable General Plan Policies.

D. BIOLOGICAL RESOURCES

A tree plan was prepared to document the existing trees within and adjacent to the project site, and is contained in Appendix B.

Regulatory Framework

Federal and State

Special-Status Species

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

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP or Habitat Plan) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

In addition, the SCVHP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the SCVHP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies	
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 ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Existing Setting

The project site is currently developed with an existing motel, parking lot, landscaping, and trees on the site (see Figure 3). There are no wetlands or riparian areas on or near the site. The nearest waterway

to the site is Coyote Creek, located approximately 4,900 feet to the northeast. Due to its developed nature and urbanized location, the habitat value of the project site is considered low. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area. However, existing trees on and surrounding the site may contain habitat for nesting birds.

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and visual enhancement of urban environments. The site contains 13 trees. In addition, offsite street trees front the property. A tree survey was completed for the project and is contained in Appendix B. The results of the tree survey are presented in Table 7, below.

Table 7
Tree Survey Results

No	Species	Scientific Name	Trunk Diameter (inches)	Condition	Proposed Action
1	London Plane[1]	*Platanus Acerifolia*	10	Fair	Remove
2	**London Plane[1]**	***Platanus Acerifolia***	**15**	**Fair**	**Retain**
3	**Mexican Fan Palm**	***Washingtonia Robusta***	**18**	**Fair**	**Remove**
4	Mexican Fan Palm	*Washingtonia Robusta*	10	Fair	Remove
5	**Mexican Fan Palm**	***Washingtonia Robusta***	**16**	**Fair**	**Remove**
6	**Mexican Fan Palm**	***Washingtonia Robusta***	**18**	**Fair**	**Remove**
7	Queen Palm	*Syagrus Romanzoffianum*	10	Good	Remove[2]
8	Queen Palm	*Syagrus Romanzoffianum*	10	Good	Remove[2]
9	**Mexican Fan Palm**	***Washingtonia Robusta***	**18**	**Good**	**Remove**
10	**Mexican Fan Palm**	***Washingtonia Robusta***	**21**	**Good**	**Remove**
11	**Mexican Fan Palm**	***Washingtonia Robusta***	**18**	**Good**	**Remove**
12	**Decidious[3]**	***N/A***	**10, 8, 6**	**Fair**	**Remove**
13	**Canary Island Date Palm**	***Pheonix Canariensis***	**28**	**Good**	**Remove[2]**

Ordinance size trees shown in **bold**.
[1] Indicates street tree.
[2] Could be relocated rather than removed outright.
[3] Not positively identified due to season

Based on an arborist report prepared for the adjacent property to the south, an offsite tree located at the southwest portion of the site is a protected black walnut tree.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. 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 Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X	1, 2
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?				X	1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2, 9, 10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 9, 10, 12
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 2, 9, 10

Explanation

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

The project site is currently occupied by an existing motel, parking lot, landscaping, and trees. The site is surrounded by development and offers little habitat for plants or wildlife. However, mature trees within and/or directly adjacent to the project site may provide nesting habitat for raptors and other nesting birds. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. These species could be disturbed during tree removal and construction activities.

Impact BIO-1: Construction activities associated with the project could result in the loss of fertile eggs of nesting raptors or other migratory birds, or nest abandonment.

Mitigation Measure

MM BIO-1 Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the Planning, Building, and Code Enforcement or the Director's designee.

With implementation of the identified mitigation measure, the project's impact to nesting birds and raptors would be less-than-significant. **Less Than Significant with Mitigation Incorporated**.

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

The project is located on a developed infill site and does not contain any sensitive natural communities. The nearest riparian corridor is Coyote Creek, located approximately 0.9 miles

northeast of the site. The project would have no impact to sensitive natural communities. **No Impact**.

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

The project site is fully developed and does not contain any State or federally protected wetlands. **No Impact**.

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

The project site is located in a developed area that does not support any watercourse or river and does not provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. Therefore, the proposed rezoning of the project site to *Heavy Industrial PD* and 120-guestroom hotel would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites since none are located on or near the project site. However, tree removal or other construction activities could potentially disrupt nesting raptors. With the implementation of MM BIO-1, the proposed project would reduce this potential impact to a less than significant levels. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. **Less than Significant Impact**.

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

A tree survey was completed for the project and is presented in Appendix B.

As a part of the development approval, the project will implement the following standard permit conditions to mitigate for impacts to trees. This includes the protected black walnut tree located on the adjacent property near the southwestern portion of the project site. The project, therefore, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

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

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 12-inch diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial and industrial properties, a permit is required for removal of trees of any size.
A 24-inch box tree = two 15-gallon trees

  - Twelve trees onsite would be removed, including one street tree. Three trees at a 2:1 ratio, and eight trees at a 4:1 ratio. The total number of replacement trees required to be planted would be 38 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

  - In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:

    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.

    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

- **Tree Protection Standards**. The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be

maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

With implementation of this standard permit condition, the project would comply with the local policies or ordinances protecting biological resources, resulting in a less than significant impact. **Less Than Significant Impact**.

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

The project is located within the SCVHP plan area and is considered a Covered Activity. The project is located on land designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following standard permit condition in accordance with the SCVHP.

Standard Permit Condition

- The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan

With implementation of this standard permit condition, the project would comply with the SCVHP, resulting in a less than significant impact. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and permit conditions.

E. CULTURAL RESOURCES

The following discussion is based on a historic evaluation and an archaeological literature review. A Historic Resources Study was prepared for the project property by JRP Historical Consulting, LLC (February 3, 2022). This report is contained in Appendix C. An Archaeological Review and Assessment was prepared for the project site by Charles Mikulik Archaeological Consulting, LLC (CMAC) for the project site (June 2022). *The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this document. Qualified personnel, however, may request a copy of the report from the Department of Planning, Building and Code Enforcement located at 200 East Santa Clara Street, 3rd Floor, during normal business hours.*

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (National Register or NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the National Register if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or
2. are associated with the lives of persons significant to our past; or
3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Health and Safety Code Sections 7050.5 and 7054

Section 7050.5 states that "[i]n the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined… that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation". The coroner shall make his or her determination within two working

days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone, within 24 hours, the Native American Heritage Commission.

Section 7054 of the California Health and Safety Code regulates the disposal of human remains, classifying the disposal of human remains in any place, except in a cemetery, as a misdemeanor offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or both that imprisonment and fine. This section does not apply to the reburial of Native American remains.

California Environmental Quality Act (CEQA) and California Register of Historical Resources

CEQA requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources was created to identify resources deemed worthy of preservation and was modeled closely after the National Register of Historic Places. The criteria are nearly identical to those of the National Register, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

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

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the California Register. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. The Graves House was found in the historic evaluation

to be eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction).

Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Assembly Bill 52

California Assembly Bill (AB) 52 went into effect on July 1, 2015 and establishes a new category of CEQA resources for "tribal cultural resources" (Public Resources Code §21074). The intent of AB 52 is to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also creates a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

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

Local

Historic Preservation Ordinance: City of San José's Criteria for Local Significance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic

benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan.

Part 5 of the City of San José Historic Preservation Ordinance includes provisions for the designation of Conservation Areas to recognize, preserve, and enhance the character of qualifying neighborhoods. A "conservation area" means a geographically definable area of urban or rural character with identifiable attributes embodied by: 1) architecture, urban design, development patterns, setting, or geography; and 2) history. Every potential conservation area proposed for designation must qualify as a conservation area pursuant to Section 13.48.610 and meet one or both of the following additional criteria: a) the neighborhood or area has a distinctive character conveying: (1) a sense of cohesiveness through its design, architecture, setting, materials, or natural features; and (2) its history; or b) the neighborhood or area reflects significant geographical or developmental patterns associated with different eras of growth in the city. Because the threshold of significance for this local designation is significantly lower than City Landmark Historic District designation, Conservation Areas are considered historic resources of lesser significance.

For a historic resource to qualify as a City Landmark or City Landmark Historic District, it must have "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and be one of the following resource types:

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

In addition, the designation must conform to the goals and polices of the General Plan.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.15	Implement City, State, and Federal historic reservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The Historic Resources Inventory (HRI) is a list of citywide historic resources identified and/or documented and evaluated in surveys (including Identified Structures, Contributing Structures and Structures of Merit), properties listed in and eligible for listing in the NRHP and CRHR, and properties that have been designated or are eligible for designation as City Landmarks. The HRI also includes City Landmark Historic Districts and Conservation Areas designated in accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code).

Existing Setting

Historical Resources

As discussed above, a Historic Resources Study was completed for the project site by JRP (February 3, 2022). The project site contains The Casa Linda Motel, located on a long narrow lot. The motel complex contains six buildings all arranged along the long sides of the narrow parcel, which is accessed at the east end from Monterey Road. The buildings are generally separated by the asphalt paved driveway and parking lot that covers much of the parcel save for a planted median near the main entrance and sign and more plantings, lawns, and trees along the east half of the north side of the complex. The manager's residence and office sits along the southern edge of the parcel with two narrow buildings of room units located to either side, also aligned with the southern side of the parcel. A similar building of room units sits along the north side of the parcel farther to the west. Two additional buildings containing four units each, are at the west end of the parcel. These buildings were built in several phases between 1939 and 1953.

The motel complex layout with carports attached to each room unit illustrates a blend of the auto camp and the auto court formats. Several of the buildings use the sharp planes and lines of Googie Roadside Modern architecture. Most of the buildings also display aspects of the Ranch style in its overall low horizontal massing, use of brick veneer, and the deep overhanging eaves. The resulting mixture of architectural elements does not present as a strong, historically important example of either style.

Alterations have diluted the impact of the Googie and Ranch design elements of the motel complex. Enclosure of the once open car ports and replacement of nearly all windows and doors throughout the property have resulted in an overall diminishment of design, materials, workmanship, and feeling. The property retains integrity of location, setting, and association, but the diminished integrity renders the property ineligible for listing in the NRHP or CRHR and as a local example of transitional roadside accommodation, therefore, the property is not eligible as a San Jose City Historical Landmark (see Appendix C).

Appendix C contains a reconnaissance survey of 21 properties within 200 feet of the proposed project site. Of these properties, 19 contain buildings that are 45 or more years in age. Most parcels face onto San Jose Avenue on the north side of the proposed project and have light industrial uses such as automotive service and repair, and home maintenance and repair services. One of the light industrial buildings on San Jose Avenue is a converted residence. Two buildings on San Jose Avenue (102 and 110 San Jose Avenue), and 1650 Pomona Avenue retain their residential uses. A trailer park to the southwest of the property at 111 Barnard Avenue contains multiple mobile homes. Two properties facing Monterey Road (1650 and 1651 Monterey Road) have commercial uses, a liquor store and restaurant. The building at 1651 Monterey Road covers two parcels and included both light industrial and commercial uses.

Many of the buildings within 200 feet of the motel property show signs of frequent alterations and lack integrity or are of plain utilitarian design. The long narrow parcel west of the project parcel contains a residence that faces west and carries the address 1650 Pomona Avenue. The residence is located behind a tall metal fence and is not clearly visible from the right-of-way. Assessor records give an estimated construction date of 1920, but visible elements suggest it is older, perhaps dating to the late nineteenth century. The residence and other built elements of the property are not within the 200' buffer because it crosses only the easternmost eighth of the parcel. South of the project parcel were once auto salvage yards that have since been vacated. All that remains there is a metal prefabricated building dating to the 1950s. Across Monterey Road from the project parcel is a series of large modern multi-tenant commercial and light industrial spaces that are less than 45 years old. In summary, no historic-era resources or properties are listed on federal, state, or local inventories within the area. Several properties north and south of the project parcel are 45 years old or older but are plain and utilitarian in design or are heavily altered. None appear to have architectural importance that would meet the significance criteria of the National Register, California Register, or San Jose City Landmarks programs. The residence at 1650 Pomona Avenue, west of the project parcel is not clearly visible from the right-of way and may date to the nineteenth century, but the building itself is located more than 200 feet from the project on a long narrow parcel.

Archaeological Resources

Cultural resource specialists at CMAC conducted a preliminary cultural resource assessment of the project area. This background research included obtaining information concerning previously conducted cultural resource surveys and previously recorded sites in the area as well as examining historical maps, aerials, and land patents, and a review geologic and soils data to determine the potential for buried archaeological resources.

In January 2022, CMAC conducted an archival search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) to obtain and review previous cultural resource records, cultural resource studies, and any additional documentation pertaining to historic properties located within a half mile of the project site. In addition, CMAC staff reviewed files

held by the National Register of Historic Places (NRHP) under the National Parks Service (NPS), California Office of Historic Preservation (OHP) under the California State Historic Preservation Officer (SHPO), Directory of Properties in the Historic Property Data File (HPD dated 2012-2013), Built Environment Resource Directory (BERD, 2020), local government listings, and additional listings (i.e., historical society and museum records), as available.

The review of soils and geologic data indicates that the site has a moderate to high sensitivity for containing buried archaeological material.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?			X		1, 2, 7, 8
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 2, 3, 9
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2, 3

Explanation

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

Onsite. The Casa Linda Motel was constructed between 1939 and 1953 and determined to be ineligible for listing in the NRHP or CRHR and in the Historic Resource Inventory as a Candidate City Landmark. Therefore, the project site does not contain any historical resources under CEQA and the proposed demolition of the six existing motel buildings (totaling approximately 21,400 SF) will not have an impact on historical resources on the project site. While the property is not considered a historical resource under CEQA, The Casa Linda Motel is listed in the San José Historic Resources Inventory as a Structure of Merit, which is considered a historic resource of lesser significance. Consistent with the City standard procedures, the following Standard Permit Condition is included in the project to document the existing motel complex as a Structure of Merit.

Standard Permit Condition:

- Prior to issuance of any demolition permit for The Casa Linda Motel located at 1669 Monterey Road, a listed Structure of Merit, photo-documentation consisting of selected views of the building for research and archival use shall be taken under the following standards:

- Cover sheet—The documentation shall include a cover sheet identifying the photographer, providing the address of building, significance statement, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
- Camera—A 35mm camera or comparable.
- Lenses—No soft-focus lenses. Lenses may include normal focal length, wide angle and telephoto.
- Film—Color film is recommended.
- View—Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure. Detailed photographs of character-defining features shall be included.
- Lighting—Sunlight is preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
- Technical—All areas of the photograph must be in sharp focus.
- Digital Form—All photographs shall be provided in print and digital form

The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos shall be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a standard measure to address the loss of the Structure of Merit, which shall be named and the address stated, in coordination with the City's Historic Preservation Officer.

Offsite. No historic-era resources or properties are listed on federal, state, or local inventories within 200 feet of the project site. Several properties north and south of the project parcel are 45 years old or older, but none appear to have architectural importance that would meet the significance criteria of the National Register, California Register, or San Jose City Landmarks programs. Therefore, there are no historical resources under CEQA adjacent to the site and the proposed construction of a five story 124,345 square foot hotel with 120 guestrooms and various amenities would not have an impact on any historical resources adjacent to the project site.

This represents a less than significant impact. **Less Than Significant Impact**.

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

Based on the archaeological literature review prepared for the project, no archaeological sites have been identified in the project area. The project site has a low sensitivity for historic-era archaeological deposits, and a moderate to high sensitivity for buried pre-contact archaeological deposits within the project area. The project involves the construction of a five-story building. As a result, it is possible that older soils with archaeological remains may be encountered during construction.

Impact CR-1: The project may impact prehistoric and historical archaeological deposits during excavation and construction activities.

Mitigation Measures

MM CR 1.1 Monitoring. The project applicant shall implement the following construction practices and protocols proposed as part of the project to avoid and minimize potential impacts to unknown archaeological resources:

- All construction crews and their supervisors shall receive cultural resources training by a qualified archaeologist before construction begins.
- A qualified archaeologist shall monitor archaeologically sensitive areas during initial ground disturbance to determine whether pre-historic-era or historic-era archaeological resources are present in the project area.
- If no resources are discovered, the consulting archaeologist shall submit a report to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer verifying that the required monitoring occurred and that no further mitigation is necessary.

MM CR 1.2 Treatment Plan. If pre-historic-era or historic-era resources are discovered during the implementation of MM CR-1.1, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee prior to approval of any grading permits. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Monitoring schedules and individuals
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Security approaches or protocols for finds.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CR 1.3 Evaluation. The project applicant shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the preliminary field investigation, grading, or

other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the City of San José Department of Planning, Building, and Code Enforcement or Director's designee.

In addition to the mitigation identified above, as part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources and human remains during construction for accidental discovery outside of the monitored times. **Less Than Significant with Mitigation Incorporated**.

Standard Permit Conditions

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Commission for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement

(PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

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

Though unlikely, human remains may be encountered during construction activities. Standard permit conditions are identified in b) above to avoid impacts associated with disturbance to human remains, including those interred outside of dedicated cemeteries. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of mitigation measures and standard permit conditions.

F. ENERGY

Regulatory Framework

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

State

California Renewable Energy Standards

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

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

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[3]

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[4]

[3] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.
[4] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint,[5] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 8 below.

Table 8
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/energy/green-building/private-sector-green-building

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).

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy

[5] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

San José Reach Code Initiative for Building Efficiency

The City Council approved Ordinance No. 30311 in September 2019 to amend various sections of Title 24 of the City's Municipal Code to adopt provisions of the 2019 California Green Building Standards Code and California Building Energy Efficiency Standards with certain exceptions, modifications and additions which serve as a Reach Code to increase building efficiency, mandate solar readiness and increase requirements related to electric vehicle charging stations. The Reach Code goes into effect on January 1, 2020 and affects all new construction.

San José Clean Energy

San José Clean Energy (SJCE) is an electricity supplier operated by the City's Community Energy Department. Since launching in February 2019, SJCE has provided City businesses and residents with access to cheaper and cleaner energy sources. SJCE serves as an alternative to traditionally privatized energy sources by being a community-governed organization. Oversight for SJCE activities is provided by City Council in cooperation with a Community Advisory Commission.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial,

Envision San José 2040 Relevant Energy Policies	
	and developer-installed residential development unless for recreation needs or other area functions
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
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, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
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.

Existing Setting

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is expected that the project would be enrolled in and receive energy from the SJCE program.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[6]

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

[6] PG&E, Delivering low-emission energy. Accessed March 2022. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[7] SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and PG&E delivers it via their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately 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.[8] 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.[9]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[10] 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 2019.[11] 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.[12] [13]

[7] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." http://ecdms.energy.ca.gov/elecbycounty.aspx.
[8] California Gas and Electric Utilities. 2019 *California Gas Report.* https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[9] California Energy Commission. "Natural Gas Consumption by County." http://ecdms.energy.ca.gov/gasbycounty.aspx.
[10] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[11] United States Environmental Protection Agency. "Highlights of the Automotive Trends Report, Available at: https://www.epa.gov/automotive-trends/highlights-automotive-trends-eport#:~:text=Preliminary%20data%20suggest%20improvements%20in,0.8%20mpg%20to%2025.7%20mpg
[12] United States Department of Energy. *Energy Independence & Security Act of 2007.*http://www.afdc.energy.gov/laws/eisa.
[13] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2, 3, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2, 3

Explanation

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?**

Energy use consumed by the proposed project was estimated in the Air Quality & Greenhouse Gas Assessment prepared by Illingworth & Rodkin (Appendix A). This included electricity consumption for the proposed mixed-use development. A discussion of the project's effect on energy use is presented below.

Construction Impacts

The anticipated construction schedule assumes that the project would be built out over a period of approximately 14 months. The project would require demolition, site preparation, grading, site construction, paving, and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the proposed hotel. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is because equipment and fuel are not typically used wastefully due to the added expense associated with renting, maintaining, and fueling of construction equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed as standard permit conditions in *Section C. Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

With implementation of the BAAQMD BMPs, the short-term energy impacts associated with use of fuel or energy related to construction would be less than significant.

Operational Impacts

As described previously, PG&E's (the electricity provider to the project site) 2018 electricity mix was 39 percent renewable. Operation of the proposed project would consume energy, in the form of electricity, primarily for building heating and cooling, lighting, cooking, and water heating. The City of San José passed an ordinance in December 2020 that prohibits the use of natural gas infrastructure in new buildings. This ordinance applies to any new construction (with the exception of hospitals, restaurants, etc.) starting August 1, 2021. The ordinance is the latest milestone for Climate Smart San José, the City's GHG emission reduction plan adopted by City Council in 2018. Table 9 summarizes the estimated mitigated energy use of the proposed project.

Table 9
Estimated Annual Energy Use of Proposed Project (2030)

Proposed Project	Electricity Use (kWh)	Natural Gas Use[1] (kBtu)
Hotel	3,531,840	--
Parking Lot	14,000	--

Source: Illingworth & Rodkin, Inc., *Air Quality & Greenhouse Gas Assessment*, Attachment 2, Sections 5.2 and 5.3, pages 75-76, July 2022.

The energy use increase is a conservative estimate, because these estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2019 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the one-year construction term), and CALGreen code. These measures include insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. In addition, the project would be required to submit a LEED, GreenPoint, or Build-It-Green checklist as part of their development permit applications in accordance with Council Policy 6-32, which promotes practices to minimize the use and waste of energy, water, and other resources in the City of San José.

Transportation-Related Energy Use

The proposed project would result in an increase in traffic to the project site of approximately 1,292 net new daily vehicle trips (Appendix G). However, since the project is evaluated as a retail use for the purposes of VMT, and because the development is less than 100,000 square feet, the project is considered exempt from performing a VMT analysis. In addition, the project is in close proximity to major transit services (refer to *Section Q. Transportation*). A Valley Transit Authority (VTA) bus stop is located on the west side of Monterey Road, about 450 feet from the project site, which is served by VTA bus routes 66, 68, and 568. Therefore, implementation of the proposed project would not result in a substantial increase on automobile-related energy use.

The proposed project would be required to build to the State's CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Although the proposed project does not include on-site renewable energy resources, the proposed building would be built to align with LEED standards, consistent with San José Council Policy 6-32.

The proposed project would provide bicycle parking consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the project's alignment with measures required for LEED Certification, the proposed project would comply with existing State energy standards.

Based on the discussion above, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. **Less Than Significant Impact.**

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

Operation of the proposed project would consume energy for building heating and cooling, lighting, water heating, and other activities. Energy would also be consumed during vehicle trips generated by occupants of the proposed hotel. Although the project would increase the project site's energy use, the proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, and the City's Municipal Code. The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This represents a less than significant impact. **Less Than Significant Impact**.

Conclusion: The project would have less than significant impacts related to energy use.

G GEOLOGY AND SOILS

Regulatory Framework

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Zoning Act was passed in 1972 with the intent to reduce the loss of life and property associated with surface rupture caused by active fault lines. The Alquist-Priolo Earthquake Zoning Act prohibits the placement of structures for human occupancy above active faults and sets minimum distances for construction away from the fault line. These fault lines are shown on Alquist-Priolo Maps, which are produced by the California Geological Survey.

Seismic Hazards Mapping Act

The 1990 Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey to identify and map areas prone to various earthquake-related hazards, including liquefaction, landslides, and amplified ground shaking. The SHMA is intended to reduce the threat of seismic hazards to public health and to minimize the loss of life and property through identification and mitigation of seismic hazards. The State Geologist establishes regulatory zones (Zones of Required Investigation) and issues Seismic Hazard Zone Maps. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development.

California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

Changes in the 2019 California Building Standards Code provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;

- Clarifies requirements for testing and special inspection of selected building materials during construction; and

- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations - California Public Resources Code

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. California Public Resources Code (Section 5097.5) stipulates that the 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

Municipal Code Chapter 17.10 – Geologic Hazard Regulations

Chapter 17.10 of the City's municipal code provides regulations for natural and artificial geologic hazards. Geologic hazard zones are defined as being any land in an area identified as very high, high, or moderate/high landslide susceptibility zones, being on a California earthquake fault zone map, or one of the City maps dated 1983 or 1985. Provisions made under this Chapter include prohibiting construction or grading of any property in a geologic hazard zone except in full compliance with Chapter 17.10, and granting any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer the power to order immediate cessation of construction in the event a new geologic hazard is discovered.

Section 17.10.600 of this code states that "[n]o regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study." This section outlines various requirements for such a report, including requiring supervision of a certified engineering geologist or geotechnical engineer, incorporation of dust control measures to avoid air quality impacts from fugitive dust, requiring preparation of a cultural resources assessment to avoid cultural impacts, and other requirements.

Municipal Code Chapter 17.40 – Dangerous Building Code

Chapter 17.40 of the City's municipal code regulates dangerous buildings, defined as "any building or structure or portion thereof which creates an endangerment to the life, limb, health, property, safety or welfare of the occupants of the building or members of the public." Dangerous buildings are considered to be "public nuisances" and the City Manager has the power to restrict such buildings from use or occupancy and to initiate abatement procedures.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Existing Setting

The project property is an essentially flat lot with an elevation of approximately 100 feet above mean sea level (Google Earth, February 2022). Regionally, the topographic slope is to the north, towards San Francisco Bay. The project site is currently occupied by an existing motel that would be demolished as part of the project.

The project site is located in Santa Clara Valley, an alluvial basin that lies between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay lenses.

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project. In addition, the Santa Clara County Fault Rupture Hazard Zones map does not identify any fault hazard zones in the project area.

The site is located within an area zoned by the State of California as having potential for seismically induced liquefaction hazards.[14] However, the site is not located within an area zoned in the Santa Clara County Geologic Hazard Zone maps as a Liquefaction Hazard Zone.[15] Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by seismic shaking or other rapid loading. Liquefied soil can also settle.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 2
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2, 13
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2, 13
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2

[14] California Geological Service, EQ Zapp: California Earthquake Hazards Zone Application, 2019.
[15] Santa Clara County, Santa Clara County Geologic Hazard Zones, 2012.

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2, 3

Explanation

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

ai) **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.**

The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the site is considered low. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone. Furthermore, the project will be designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential direct or indirect damage from seismic shaking on the project site as described below. This results in a less than significant impact. **Less than Significant Impact**.

aii) **Strong seismic ground shaking?**

Due to its location in a seismically active region, the proposed structures would be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. **Less Than Significant Impact**.

aiii) **Seismic-related ground failure, including liquefaction?**

As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. A geotechnical analysis would be required prior to construction to identify potential geotechnical hazards and provide recommendations to minimize these hazards. The project will be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition. **Less Than Significant Impact**.

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.

aiv) **Landslides?**

The project site is located in a topographically flat area and would not be subject to landslides. **No Impact**.

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

Development of the project would involve the excavation of approximately 1,020 cubic yards (CY) of cut and 1,500 CY of fill material, which could result in a temporary increase in erosion. The project will implement the standard measures identified in *Section J. Hydrology and Water Quality* section of this Initial Study as well as the standard permit conditions below to minimize erosion. **Less Than Significant Impact**.

Standard Permit Conditions

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

- 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.

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?**

The project may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed structures. Impacts associated with

these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in aiii) above. This would reduce any potentially significant geotechnical impacts to a less than significant level. **Less Than Significant Impact**.

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

The project may contain expansive soils, which could damage proposed structures on the site. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for a iii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less than significant level. **Less Than Significant Impact**.

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

The project does not propose any septic systems. The proposed project would connect to the City's existing sanitary sewer system. Any existing septic systems on the site will be removed in accordance with all regulatory requirements. This represents a less than significant impact. **No Impact**.

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

The project site is located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[16] The project proposes grading that could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard permit condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on the site. **Less Than Significant Impact**.

Standard Permit Condition

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) 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

[16] Figure 3.11-1 "Paleontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or the Director's designee.

Conclusion: The project would have a less than significant impact on geology and soils with implementation of identified standard permit conditions.

H. GREENHOUSE GAS EMISSIONS

Regulatory Framework

Federal

The Federal Clean Air Act (CAA), first passed in 1970, is the overarching federal-level law that, as of 2007 via the U.S. Supreme court decision in Massachusetts v. EPA, enables the U.S. EPA to provide regulations of key GHG emissions sources (mobile emissions), established a mandatory emissions reporting program for large stationary emitters, and implementation of vehicle fuel efficiency standards.

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[17]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a

[17] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 32 – California Global Warming Solutions Act of 2006

In September 2015, the California Legislature passed SB 350 (de Leon 2015), which increases the State's Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Executive Order S-03-05

On June 1, 2005 Governor Schwarzenegger signed Executive Order S-03-05, the purpose of which was to implement requirements for the California Environmental Protection Agency (EPA) to provide ongoing reporting on a biennial basis to the State Legislature and Governor's Office on how global warming is affecting the State. Required areas of impact reporting include public health, water supply, agriculture, coastline, and forestry. The EPA secretary is required to prepare and report on ongoing and upcoming mitigation designed to counteract these impacts.

Executive Order B-30-15

On April 15, 2015 Governor Brown signed Executive Order B-30-15, the purpose of which is to establish a GHG reduction of 40 percent below 1990 levels by 2030. The Executive Order is intended to help the State work towards a further emissions reduction target of 80 percent below 1990 levels by the year 2050. The order directed state agencies to prepare for climate change impacts through prioritization of adaptation actions to reduce GHG emissions, preparation for uncertain climate impacts through implementation of flexible approaches, protection of vulnerable populations, and prioritization of natural infrastructure approaches.

Executive Order B-55-18 and SB 100 – 100 Percent Clean Energy Act of 2018

On September 10, 2018 Governor Brown signed both SB 100 – 100 Percent Clean Energy Act of 2018 and Executive Order B-55-18 to Achieve Carbon Neutrality. SB 100 sets California on course to achieving carbon-free emissions from the electric power production sector by 2045. SB100 also increases the required emissions reduction generated by retail sales to 60% by 2030, an increase in 10% compared to previous goals. B-55-18 establishes a new goal of achieving statewide "carbon neutrality as early as possible and no later than 2045, and to achieve and maintain net negative emissions thereafter".

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

2022 Justification Report – CEQA Thresholds for Evaluating the Significance of Climate Impacts

In April 2022, the BAAQMD published a *Justification Report for CEQA Thresholds for Evaluating the Significance of Climate Impacts*.[18] The report presents BAAQMD's new greenhouse gas emissions thresholds of significance for determining whether a project would have a significant impact on the

[18] BAAQMD, CEQA Thresholds and Guidelines Update, April 2022. Available at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

environment. It is expected that BAAQMD will formally release new quantitative thresholds based on this updated guidance in 2023.

The updated thresholds of significance identified in the 2022 Justification Report are as follows:

- Projects must include, at a minimum, the following project design elements:
  - Buildings
    - The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    - The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
  - Transportation
    - Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
      - Residential projects: 15 percent below the existing VMT per capita
      - Office projects: 15 percent below the existing VMT per employee
      - Retail projects: no net increase in existing VMT
    - Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

City of San José Municipal Code

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

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

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José Greenhouse Gas Reduction Strategy

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

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

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on 11/17/2020. The 2030 GHG Reduction Strategy went into effect on 12/17/2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City of San José's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist (checklist) was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects.
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones.

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the California Code of regulations. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and the California Green Building Standards Code (CALGreen) address the need for regulations to improve energy efficiency and combat climate change. The 2019 CAL Green standards include some substantial changes intended to increase the energy efficiency of buildings. For example, the code encourages the installation of solar and heat pump water heaters in low-rise residential buildings. The 2019 California Code went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[19] The City's reach code applies only to new residential and non-residential construction in San José. It incentivizes all-electric construction, requires increased energy efficiency and electrification-readiness for those choosing to maintain the presence of natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment (EVSE) installation for all development types.

General Plan Policies

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design

[19] City of San José Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
	(e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
Policy MS-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.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Existing Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. Climate change is a cumulative effect from local, regional, and global GHG emission contributions. According to the EPA on a Global scale, CARB on a state scale, and BAAQMD on a County scale, the transportation sector is the largest

emitter of GHG emissions, followed by electricity generation and the industrial sector.[20],[21] ,[22] The City of San José also has the transportation sector as the largest emitter of GHG emission, but followed by residential and commercial development.[23]

The U.S. EPA reported that in 2018, total gross nationwide GHG emissions were 6,676.6 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[24] These emissions were lower than peak levels of 7,416 MMT that were emitted in 2007. CARB updates the statewide GHG emission inventory on an annual basis where the latest inventory includes 2000 through 2017 emissions.[25] In 2017, GHG emissions from statewide emitting activities were 424 MMT. The 2017 emissions have decreased by 14 percent since peak levels in 2004 and are 7 MMT below the 1990 emissions level and the State's 2020 GHG limit. Per capita GHG emissions in California have dropped from a 2001 peak of 14.1 MT per person to 10.7 MT per person in 2017. The most recent Bay Area emission inventory was computed for the year 2011.[26] The Bay Area GHG emission were 87 MMT. As a point of comparison, statewide emissions were about 444 MMT in 2011. According to San José's GHGRS, the City's emissions were 5.71 MMT.

The project site is developed with an existing operational motel. The existing GHG emissions at the site would be from vehicles traveling to and from the site, as well as energy usage from electricity and natural gas.

[20] USEPA, https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks
[21] CARB, https://ww2.arb.ca.gov/ghg-inventory-data
[22] BAAQMD. Available at: https://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/Emission%20Inventory/BY2011_GHGSummary.ashx?la=en&la=en
[23] City of San José, 2011. *Greenhouse Gas Reduction Strategy for the City of San José*. https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy
[24] United States Environmental Protection Agency, 2020. *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2018*. April. Web: https://www.epa.gov/sites/production/files/2020-04/documents/us-ghg-inventory-2020-main-text.pdf
[25] CARB. 2019. *2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017*. Web: https://ww3.arb.ca.gov/cc/inventory/pubs/reports/2000_2017/ghg_inventory_trends_00-17.pdf
[26] BAAQMD. 2015. *Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011*. January. Web: http://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf accessed NMarch 2021.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3

Explanation

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

Development of the project would generate GHG emissions. GHG emissions associated with development would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. Long-term operational emissions would also be generated from vehicular traffic, energy and water use, and solid waste disposal. However, the GHG generation would be considered less than significant provided the project demonstrates that it is consistent with the City's 2030 GHG Reduction Strategy.

The project is subject to the GHG reduction strategies identified in the City's 2030 GHG Reduction Strategy Compliance Checklist. The project would implement and comply with all relevant GHG reduction measures as determined by the City to reduce the project's GHG emissions, which may include the following:

- Implementation of green building measures through construction techniques and architectural design
- Incorporation of energy conservation measures
- Enrollment in Total Green program with San Jose Clean Energy
- Incorporation of bicycle storage and related facilities
- Incorporation of water-efficient landscaping
- Incorporation of appropriate landscaping species

Standard Permit Condition

Proof of Enrollment in SJCE. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the TotalGreen program (approx. 100% renewable energy)] assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen

program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

With implementation of GHG reduction strategies, development of the proposed project would have a less than significant impact related to GHG emissions. **Less Than Significant Impact**.

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

Less Than Significant Impact. The City's 2030 GHG Reduction Strategy Compliance Checklist has been completed for the project, as presented in Appendix D. In fulfillment of GHG Reduction Strategy #1, the project plans to enroll in the SCJE program at the Total Green level. In addition, the project would include all electrical infrastructure and would not utilize natural gas in fulfillment of GHG Reduction Strategy #2. The project would participate in the City's Zero Waste Strategic plan per GHG Reduction Strategy #5. The project would utilize water efficient landscaping species and equipment consistent with GHG Reduction Strategy #7. Finally, the project would comply with green building ordinances and all applicable energy efficiency measures. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the project would comply with the City's 2030 GHG Reduction Strategy.

Conclusion: The project would have a less than significant impact related to GHG emissions.

I. HAZARDS AND HAZARDOUS MATERIALS

Salem Engineering Group, Inc. (SALEM) completed a Phase I Environmental Site Assessment to evaluate potential Recognized Environmental Concerns (RECs) at the project site (April 7, 2022). This report is contained in Appendix E.

The intent of the Phase I Environmental Site Assessment is to assess Recognized Environmental Conditions (RECs) associated with the property. The report included a review of local, state, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps, and physical setting sources. In addition, findings of previous soil assessments performed for the project site were reviewed.

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

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

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Cortese List: Section 65692.5(a)

California Code of Regulations Section 65962.5(a) requires that the DTSC compile and update an annual list, known as the Cortese List, of all hazardous waste facilities subject to corrective action, pursuant to Section 25187.5 of the Health and Safety Code. Facilities are added to the Cortese List are those that have failed to comply with a posted date for taking corrective action for an existing hazard or because DTSC determined that immediate corrective action is necessary to abate an imminent or substantial endangerment.

California Code of Regulations, Title 8 Section 1529 – Asbestos

California Code of Regulations, Title 8, Section 1529 regulates asbestos exposure in all construction work, including structure demolition, removal of asbestos-containing materials, activities involving construction or alteration of existing structures that contain asbestos, installation of asbestos-containing products, emergency cleanup, and other activities. Section 1529 regulates permissible exposure limits for individual employees, standards for demarcation of regulated asbestos work areas, and safety protocol and equipment.

California Code of Regulations, Title 8 Section 1532.1 – Lead

California Code of Regulations, Title 8, Section 1532.1 applies to all construction work where an employee may be occupationally exposed to lead. As defined in this section, an employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50\mu g/m^3$) averaged over an 8-hour period. Employers are required to identify hazards at existing job sites and provide workers with training and sanitation stations for decontamination. Compliance is regulated by the California Occupational Safety Health Program (CAL/OSHA).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) program is designed to help prevent the accidental release of substances that pose harm to public health and the environment. CalARP also provides guidance for minimizing damage from spills and requires businesses to develop Risk Management Plans (RMPs) if they handle a certain amount of a regulated substance. RMPs are detailed engineering documents that analyze the potential accident factors and identify mitigation for rapid implementation to reduce accident potential and address any accidental releases. The CalARP program is implemented by Unified Program Agencies (UPAs) at the local government levels. UPAs work directly with businesses to review and approve RMPs, conduct inspections, and provide public-facing data.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. The proposed 120-guestroom hotel would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

The existing property consists of two parcels (APNs 456-02-019 and 456-02-020) totaling 1.49-acres. The parcels are currently developed with an existing motel.

Records Review

A review of regulatory agency records was conducted to determine if hazardous materials/waste have been stored or handled on the project site. Table 10 shows the agencies that were contacted pertaining to possible past development and/or activity at the site.

Table 10 Regulatory Agency Records	
Name of Agency	**Records Reviewed**
California Environmental Protection Agency	SALEM's March 10, 2022 review of the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) Envirostor California cleanup sites database available via the DTSC Internet Website which tracks federal superfund sites, state response sites, voluntary cleanup sites, and school cleanup sites, indicated that no records of cleanup sites are on file with the DTSC for the subject property. The southeast adjoining property located at 1675 Monterey Road is identified as Pick-N-Pull Auto Dismantlers, an open Cleanup Program site. The former Pick-N-Pull Auto Dismantlers is reported to have operated as an automobile wrecking yard from the 1950s through March 2020. Inspections conducted by the City of San Jose Fire Department (SJFD) resulted in violations related to spills and leaks observed throughout the site. Notices of Violation (NOVs) were documented in 1984, 1988, 2002, 2003, 2005, 2010, and 2019. Environmental investigations conducted at the site as part of the redevelopment process in 2020 resulted in designation of the site as an active Cleanup Program site on August 3, 2021. The site is currently listed as "open – site assessment" under the regulatory oversight of Santa Clara County Department of Environmental Health (SCCDEH). Please refer to the SCCDEH section below for a detailed discussion of the adjoining former Pick-N-Pull Auto Dismantlers site conditions.
California Regional Water Quality Control Board	SALEM's March 10, 2022 review of the RWQCB GeoTracker leaking underground storage tank (LUST) database available via the RWQCB Internet Website indicated no records of LUSTs are on file with the RWQCB for the subject property or adjoining properties.
California Division of Oil, Gas, and Geothermal Resources	SALEM reviewed the California Division of Oil, Gas, and Geothermal Resources (DOGGR) website (http://maps.conservation.ca.gov/doms/index.html) to evaluate the potential for existing/former oil, gas, or geothermal wells on the subject property or adjoining properties. The subject property is located within DOGGR Coastal District. The subject property vicinity is not located within an oil, gas, or geothermal field. The review of DOGGR information does not indicate that an oil, gas, or geothermal well has been drilled on the subject or adjoining properties.
Santa Clara County Department of Environmental Health	On March 10, 2022, the SCCDEH was contacted regarding records of USTs, historical hazardous/flammable permits, hazardous materials handling, and unauthorized releases of hazardous substances or petroleum products for the subject property address of 1669 Monterey Road. According to a representative with the SCCDEH, no records of registered USTs, historical hazardous/flammable permits, hazardous materials handling, or unauthorized releases of hazardous substances or petroleum products are on file for the subject property. However, the southeast adjoining property located at 1675 Monterey Road was identified as Pick-N-Pull Auto Dismantlers, an open Cleanup Program site. The former Pick-N-Pull Auto Dismantlers is reported to have operated an automobile wrecking yard from the 1950s through March 2020. Environmental investigations conducted at the site as part of the redevelopment process in 2020 resulted in designation of the site as an active Cleanup Program site on August 3, 2021. In June 2021, an application was filed to begin remediation/redevelopment of the site under the regulatory agency oversight of the SCCDEH. Subsequent site assessment

Table 10 Regulatory Agency Records	
Name of Agency	**Records Reviewed**
	activities have yielded diesel range total petroleum hydrocarbons (TPH-d) in groundwater at concentrations ranging from 310 to 470 micrograms per liter (ug/L), these concentrations are above the Tier 1 Environmental Screening Level (ESL) set at 100 ug/L by the RWQCB. Volatile organic compounds (VOCs) identified in groundwater include acetone at a concentration of 57 ug/l, methyl ethyl ketone (MEK) at concentrations ranging from 5.5 to 22 ug/L, and 2-hexanone at concentrations ranging from 0.64 to 3.5 ug/L; these concentrations are below their respective ESLs. Groundwater was reported to be first encountered at depths ranging from 14 to 17 feet bgs. Lead concentrations were reported ranging from 620 to 27,000 milligrams per kilogram (mg/kg) in shallow soils at the site at two feet bgs and shallower. Soil vapor sampling attempts have been unsuccessful to date due to the nature of the tight subsurface soils found at the site. Based upon various influencing factors including, municipal water supply with no use of local groundwater at the subject property; the low mobility and high ESL of TPH-d; the tight subsurface soils impeding soil vapor migration; and the identification of a responsible party (RP) for assessment and remediation costs, the former Pick-N-Pull Auto Dismantlers Cleanup Program site is deemed to have a low potential to environmentally impact the subject property and therefore, does not present an REC to the subject property. Please refer to Appendix G for copies of SCCDEH records.
City of San Jose Fire Department	On March 10, 2022, the SJFD was contacted regarding records of historical hazardous/flammable permits, hazardous materials handling, hazardous/flammable incidents, and/or USTs for the subject property address of 1669 Monterey Road. According to the SJFD, no records of historical hazardous/flammable permits, hazardous materials handling, hazardous/flammable incidents, and/or USTs are on file for the subject property.
Local Area Tribal Records	According to the EDR Radius Map Report, no tribal records are listed for the subject property or adjoining properties.

Site Reconnaissance

SALEM conducted a reconnaissance of the project site on March 16, 2022. The site reconnaissance did not reveal any significant amounts of environmental contaminants on the project site. Small quantities of hazardous substances and/or petroleum products were observed to be stored and handled throughout the property. These included minor quantities of household cleaning products, propane tanks, and retail-sized containers of automotive fluid. No staining of the surface areas in the vicinity of the materials was observed. In addition, no drains were observed in the vicinity of these materials. No evidence of soil contamination, Underground Storage Tanks (USTs), standing water, or indications of previous site structures were observed during site reconnaissance.

Summary of Phase I Assessment

The Phase I included a review of local, state, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the site was completed to review site use and current conditions to check for the storage, use, production, or disposal of hazardous or potentially hazardous materials and to conduct written/oral interviews with persons knowledgeable about current and past site use.

The Phase I Assessment revealed no evidence of Recognized Environmental Conditions (RECs) in connection with the site, and the property was found suitable for residential land use. No further site investigation was recommended.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 18
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 2, 18
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 2
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires				X	1, 2, 17

Explanation

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

The proposed hotel development would not involve the routine transport, use, or disposal of significant quantities of hazardous materials. Hotel uses may apply small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer's specifications.

The project would use fuels, lubricants, paints, and solvents during construction activities. The project would prepare and implement a Storm Water Pollution Prevention Plan and appropriate best management practices to minimize the impact on water quality from release of hazardous materials during construction. In addition, the applicant proposes to implement standard protection measures for the temporary onsite storage of fuel and other hazardous materials used during construction. **Less Than Significant Impact**.

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

Based on the findings of the Phase I assessment, no RECs, no historical RECs, and no controlled RECs were identified for the project site. This assessment has revealed no evidence of RECs in connection with the site and found that the property is suitable for the proposed hotel land use. The Phase I assessment did not recommend additional site investigation.

Asbestos & Lead Based Paint in Demolished Buildings

Development of the project would require the demolition of existing motel on the site. Due to their age, these structures potentially contain asbestos building materials and/or lead-based paint. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. As a part of the development permit approval, the project will conform to the following standard permit conditions.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

With implementation of the standard permit conditions identified above, the project would have a less than significant impact related to the release of hazardous materials into the environment. **Less Than Significant Impact**.

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

The nearest school to the project site is Franklin Elementary School, located about 1.1 miles southeast of the project site. No schools are located within ¼ mile of the project site and therefore, there is no potential for hazardous impacts from the project to any schools. **No Impact**.

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

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List) based on a search of the California Department of Toxic Substances Control EnviroStor database.[27] There would be no impact. **No Impact**.

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

The closest airport to the project site is Mineta San José International Airport is located approximately 3.75 miles northwest of the project site. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in any hazards related to airport operations. There would be no impact. **No Impact**.

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

The proposed rezoning of the project site and development of a 120-guestroom hotel would not interfere with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements. This represents a less than significant impact. **Less Than Significant Impact**.

[27] California Department of Toxic Substances Control. EnviroStor: Hazardous Waste and Substances Site List (Cortese). Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29

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

The project would not expose people or structures to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section T. Wildfire* of this Initial Study. **No Impact**.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials with the incorporation of mitigation measures.

J. HYDROLOGY AND WATER QUALITY

Regulatory Framework

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established 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

Clean Water Act – Section 404

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States (waters of the U.S.) and regulating quality standards for surface waters. Its goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Under the CWA, the US EPA has implemented pollution control programs and established water quality standards, and together with the U.S. Army Corps of Engineers, regulates discharge of dredged and fill material into waters of the U.S. under Section 404 of the CWA and its implementing regulations. Waters of the U.S. are defined broadly as waters susceptible to use in commerce (including waters subject to tides, interstate waters, and interstate wetlands) and other waters.

National Flood Insurance Program

FEMA established the National Flood Insurance Program (NFIP) in order to reduce 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.

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification

- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage based on area of land disturbed (1.23 acres).

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (CGP). For projects disturbing one acre or more, 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 CGP includes requirements for training, inspection, 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 and Local

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 Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore

the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

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

Green Stormwater Infrastructure Plan

The City of San José has developed a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices. The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and a reporting tool to provide reasonable assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters 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.
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.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
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.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Existing Setting

The project site does not contain any natural drainages or waterways. The nearest waterways are the Guadalupe River located about 0.75 miles west of the site, and Coyote Creek located about 0.9 miles east of the site. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located predominantly within Zone AO, with a flood depth of 1.5 feet to 2.5 feet (Depth 2). Zone AO is defined as an area subject to inundation by a 1-percent-annual-chance of shallow flooding, where average depths are between one and three feet. Projects involving new development within Zone AO are required to comply with the FEMA regulations as well as the City's requirements for Special Flood Hazard Area Regulations (City Code Section 17.08.620).

The project site is located within the inundation area for the Leroy Anderson Dam, based on the "California Dam Breach Inundation Maps" map provided by the California Department of Water Resources.[28]

[28] https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X		1, 2
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2, 3
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X		1, 2
iv)	Impede or redirect flood flows?			X		1, 2, 14
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2, 14
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

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

The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing water quality measures through the grading and building permit process. All construction/demolition projects must comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. The project is subject to Municipal Code Section 20.100.470, which requires the project to incorporate BMPs to control the discharge of storm water pollutants including sediments associated with construction activities including erosion, as outlined in the standard permit conditions in item ci) below. The project is located in an urban environment and operation of the proposed 120-guestroom hotel would not utilize materials that would significantly harm the water quality in the area. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary

infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality. **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?**

The project site is located within the Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions. The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility.[29] The project proposes excavation to construct foundations for the proposed 120-guestroom hotel. According to data available from Valley Water's nearest monitoring well (#08S01E08H004) located at 320 W Almaden Expressway, groundwater depth in the project area is approximately 41 feet below surface.[30] Historical records from this monitoring well show groundwater level ranging between 20 and 70 feet. The project would require excavation to construct the foundations for the proposed 120-guestroom hotel, which would not be expected to encounter groundwater. The project does not propose any wells or groundwater pumping. Thus, the project would not decrease groundwater supplies or interfere substantially with groundwater recharge. **Less Than Significant Impact**.

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:

ci) **Result in substantial erosion or siltation on- or off-site?**

Construction of the project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. The City's implementation requirements to protect water quality are described below.

Construction Impacts

Prior to the commencement of any clearing, grading or excavation, the project is required to comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works. The project applicant is required to develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. Additionally, the project applicant is required to file a Notice of Intent (NOI) with the State Water Resource Control Board (SWRCB) to comply with the General Permit and prepare a SWPPP that includes measures that would be included in the project to minimize and control construction and post-construction runoff. The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.

[29] Valley Water, *Annual Groundwater Report 2019*, July 2020. Available at: https://www.valleywater.org/sites/default/files/2020-09/2019_Annual_Groundwater_Report_Web_Version.pdf
[30] California Department of Water, SGMA Data Viewer, Accessed March 4th, 2022, available at: https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#gwlevels

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*[31], and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the project applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

All projects in the City, including the proposed project are required to comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation, as well as the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs are required to be implemented by all projects in the City as standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction.

The project may increase impervious surfaces on the site and slightly modify the drainage pattern on the site. Consistent with the regulations and policies described above, the project will follow all standard permit conditions. The following measures are based on RWQCB BMPs and have been included in the project to reduce construction and development-related water quality impacts. These BMPs would be implemented prior to and during earthmoving activities onsite and would continue until the construction is complete and during the post-construction period as appropriate.

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 required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.

[31] Bay Area Stormwater Management Agencies Association.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Post-Construction Impacts

The project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management. For Council Policy 6-29 Post-Construction Urban Runoff Management, the project will be required to implement BMPs, which includes site design measures, source controls, and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges. The project site is not located in a Hydromodification Management (HM) area. However, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 and 8-14. The project would not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance. **Less Than Significant Impact**.

cii) **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

The project would increase the amount of impervious area on the project site compared to existing developed conditions. The project would implement a stormwater control plan to manage runoff from the site. Runoff will be collected in a storm drain system and conveyed within a proposed storm drain system prior to entering into the City's storm drainage system.

Existing storm drain inlets are located within Monterey Road along the project frontage. No other existing storm drain systems are currently present along project frontages. The existing storm drain inlets would be preserved as part of the project. In addition, stormwater generated on the site would be directed to new bioretention features located on the site. This stormwater would be conveyed to the City's existing storm drainage system in Monterey Road via a new 12-inch stormwater lateral (see Figure 10). As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff. **Less Than Significant Impact**.

ciii) **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?**

The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also ci) above. **Less Than Significant Impact**.

civ) **Impede or redirect flood flows?**

The project is located within the 100-year floodplain, as mapped by FEMA, as the site is within Flood Zone AO with flood depths between 1.5 feet and 2.5 feet. Construction of the proposed development would include dry-proofing the structures and elevating the structure to or above the depth number provided on the FEMA Map which would bring the proposed project into compliance with City and FEMA regulations. In addition, the project would be required to comply with all of the City's requirements for Special Flood Hazard Area Regulations (City Code Section 17.08.620). Finally, the project would comply with all applicable FEMA and City requirements so as not to significantly impede or redirect flood flows. This represents a less than significant impact. **Less Than Significant Impact**.

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

As described above, the project is located within a 100-year floodplain or flood hazard zone, and would be required to comply with all applicable state and City regulations, including the City's requirements for Special Flood Hazard Area Regulations. As stated above, this would involve dry-proofing of the structure and elevating the lowest floor to or above the depth number provided on the FEMA Map. In addition, upon completion of the structure, the floodplain administrator or a registered professional engineer or surveyor shall certify that the structure is elevated as required. Based on a review of the California Department of Water Resources' California Dam Breach Inundation Maps, the project site is located within the inundation area for the Anderson Dam. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the dam at the time of failure.

The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources, Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Valley Water) are responsible for minimizing the risks of dam failure, thus diminishing the potential for the release of pollutants due to project inundation. Therefore, the impact would be less than significant. **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 project consists of development on an approximately 1.5 gross acre site. As described above, grading and construction activities could result in a temporary increase in erosion affecting the quality of storm water runoff. However, construction and operation of the project

would not result in significant water quality or groundwater quality impacts since the proposed project would be required to comply with the City of San José Grading Ordinance and implement standard BMPs during construction. Therefore, the project would not result in impacts that would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on hydrology and water quality with implementation of identified standard permit conditions.

K. LAND USE AND PLANNING

Regulatory Framework

Regional and Local

Santa Clara Valley Habitat Plan

As discussed in *Section D, Biological Resources*, the HCP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. As it pertains to issues of land use, the HCP helps public and private entities within the HCP's jurisdiction plan and conduct projects and activities in ways that lessen the impact on natural resources.

General Plan Designation

The project site is designated *Heavy Industrial* and *Combined Industrial/Commercial* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Land Use and Planning Policies	
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 landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
Policy VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the

Envision San José 2040 Relevant Land Use and Planning Policies	
	surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods

Existing Setting

The project is located in an area primarily developed with a variety of industrial and commercial uses. The site is currently occupied by two single-family residences and accessory structures. Land uses surrounding the site are listed below as shown in the aerial in Figure 3.

- North: Commercial, San Jose Avenue, Industrial
- South: Industrial
- East: Monterey Road, Commercial
- West: Residential, Commercial

The project site is designated *Heavy Industrial* and *Combined Industrial/Commercial* in the City's Envision San José 2040 General Plan Land Use/Transportation Diagram. The property is currently zoned Heavy Industrial (HI). The *Heavy Industrial* designation is applied to areas intended for industrial uses with nuisance or hazardous characteristics, including extractive and primary processing industries, and waste transfer/processing stations. Very limited scale retail sales and service establishments serving nearby businesses and their employees are also allowed. The *Combined Industrial/Commercial* designation is applied to areas intended to accommodate a mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. The project includes a PD rezoning from Heavy Industrial (HI) to Heavy Industrial PD – Planned Development. The proposed project would involve development of a new 120-guestroom hotel on the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?			X		1, 2
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?			X		1-18

Explanation

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

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The proposed project involves demolition of the existing structures on site and construction of a new 120-guestroom hotel. The project site is located in an urbanized area surrounded primarily by commercial and industrial development. The project site is bordered by Monterey Road to the east. Emergency vehicle access would be provided via Monterey Road. Access to and from Monterey Road would not be affected by the project. The proposed project would not necessitate new roadways or major physical factors that would physically divide a community. The project would be subject to further review for development permits to ensure compliance with design standards. This represents a less than significant impact. **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 proposes includes a PD rezoning from the Heavy Industrial (HI) Zoning District to the PD – Planned Development Zoning District.

The project includes demolition of the existing structures on site and construction of a new 120-guestroom hotel. Development of the site would be required to comply with General Plan policies and other land use regulations to assure that the proposed project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect. The impact would be less than significant. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on land use and planning.

L. MINERAL RESOURCES

Regulatory Framework

State

Surface Mining and Reclamation Act

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Existing Setting

There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
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?				X	1, 2

Explanation

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

The project site is located about 1.35 miles north of the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA. The proposed project would

not result in a significant impact from the loss of availability of a known mineral resource, resulting in no impact. **No Impact**.

Conclusion: The project will have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (July 2022), which is contained in Appendix F. The following discussion summarizes the results of this assessment.

Regulatory Framework

Federal

Federal Highway Administration Roadway Construction Noise Model

The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RNCM) is the national model for prediction of noise generated by construction projects. Since construction frequently occurs near residences and businesses, the FHWA developed the RNCM in an effort to control and monitor construction noise to avoid impacts on surrounding communities and neighborhoods. The RNCM provides a federally-recognized construction noise screening tool to reliably and easily predict construction noise levels and to determine compliance with noise limits for construction projects of varying types.

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[32] that project building materials and assemblies need to comply with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses.

[32] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José							
Land Use Category	**Exterior DNL Value In Decibels**						
	55	**60**	**65**	**70**	**75**	**80**	
1. Residential, Hotels and Motels, Hospitals and Residential Care							
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds							
3. Schools, Libraries, Museums, Meeting Halls, and Churches							
4. Office Buildings, Business Commercial, and Professional Offices							
5. Sports Arenas, Outdoor Spectator Sports							
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters							
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)						

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General

Envision San José 2040 Relevant Noise and Vibration Policies	
	Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit or Conditional Use Permit as provided in Chapter 20.100.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels in Decibels at Property Line**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Existing Setting

Noise Fundamentals

Noise is measured in decibels (dB) and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. The City's Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

Vibration Fundamentals

Several different methods are typically used to quantify vibration amplitude. One method, used by the City, is Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, the PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human annoyance.

Existing Noise Environment

The project site is located at 1669 Monterey Road in the City of San José. Commercial and light industrial land uses border the site to the north, west, and south, with Monterey Road bordering the eastern side of the property. The nearest single-family residences are located approximately 160 feet northwest of the project site along San Jose Avenue.

The noise environment at the site and in the surrounding area results primarily from local vehicular traffic along Monterey Road, with other contributing noise sources including local commercial/industrial noise and aircraft flyovers associated with San José International Airport. A

noise monitoring survey consisting of one long-term (LT-1) and two short-term (ST-1 and ST-2) noise measurements was conducted at the site between Tuesday, February 8, 2022, and Friday, February 11, 2022. All measurement locations are shown in Figure 14.

Long-term noise measurement LT-1 was made approximately 50 feet west of the centerline of Monterey Road to represent typical noise levels at the east façade of the proposed building. Hourly average noise levels at LT-1 typically ranged from 69 to 77 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 60 to 72 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise levels were 74 dBA DNL on Wednesday, February 9, 2022, and 75 dBA DNL on Thursday, February 10, 2022.

Short-term noise measurement ST-1 was made on Tuesday, February 8, 2022, between 11:50 a.m. and 12:10 p.m. in two 10-minute measurement intervals. As shown in Figure 14, ST-1 was made at the approximate setback of the proposed pool area. Typical local traffic noise levels from Monterey Road ranged from 48 to 59 dBA. Short-term noise measurement ST-2 was made on Tuesday, February 8, 2022, between 11:50 a.m. and 12:00 p.m. ST-2 was made on the western side of the site to document noise levels located further from Monterey Road. The results of the short-term measurements are summarized in Table 11 below.

Table 11
Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: ~363 feet southwest of the centerline of Monterey Road	2/8/2022 11:50-12:00	71	68	58	53	49	57
	2/8/2022 12:00-12:10	74	73	67	55	49	63
ST-2: ~620 feet southwest of the centerline of Monterey Road	2/8/2022 11:50-12:00	72	69	55	50	48	56

Source: Illingworth & Rodkin, July 2022

Noise Measurement Locations

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure
14

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. 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?		X			1, 2, 3, 15
b) Generation of excessive groundborne vibration or groundborne noise levels?		X			1, 2, 3, 15
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?			X		1, 2, 3

Explanation

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
    - A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.
    - A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) a noise level increase of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.
    - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.

- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For sensitive historic structures, a continuous vibration limit of 0.08 in/sec PPV is used to determine the impact significance.

- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

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

The following addresses the temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. The noise and vibration effects associated with the project are described below based on the results of the noise and vibration study (see Appendix E).

Project-Generated Noise Impacts During Construction

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project that is located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

The nearest single-family residences are located approximately 160 feet northwest of the project site along San Jose Avenue. Table 12, below, presents the construction activities expected from the proposed project along with the respective noise levels calculated from each phase of construction at nearby land uses.

Table 12 Estimated Construction Noise Levels for the Hotel Building at Nearby Land Uses					
Phase of Construction	**Calculated Hourly Average Noise Levels, L_{eq} (dBA)**				
	North Comm. & Light Ind. (65ft)	**South Light Ind. (60ft)**	**East Comm. & Offices (460ft)**	**West Comm. & Light Ind. (390ft)**	**Nearest Res. NW (390ft)**
Demolition	84 dBA L_{eq}	85 dBA L_{eq}	67 dBA L_{eq}	69 dBA L_{eq}	69 dBA L_{eq}
Site Preparation	85 dBA L_{eq}	86 dBA L_{eq}	68 dBA L_{eq}	70 dBA L_{eq}	70 dBA L_{eq}
Shoring/ Excavation	85 dBA L_{eq}	86 dBA L_{eq}	68 dBA L_{eq}	69 dBA L_{eq}	69 dBA L_{eq}
Trenching/ Foundation	79 dBA L_{eq}	80 dBA L_{eq}	62 dBA L_{eq}	64 dBA L_{eq}	64 dBA L_{eq}
Building – Exterior	84 dBA L_{eq}	85 dBA L_{eq}	67 dBA L_{eq}	68 dBA L_{eq}	68 dBA L_{eq}
Building – Interior/ Architectural Coating	71 dBA L_{eq}	72 dBA L_{eq}	54 dBA L_{eq}	56 dBA L_{eq}	56 dBA L_{eq}
Paving	84 dBA L_{eq}	85 dBA L_{eq}	67 dBA L_{eq}	69 dBA L_{eq}	69 dBA L_{eq}

As shown in Table 12, construction noise levels would intermittently range from 54 to 86 dBA Leq when focused near the center of the project site. Construction noise levels would not exceed the exterior threshold of 80 dBA Leq at nearest residential land uses. The 90 dBA Leq threshold would not be exceeded at commercial land uses in the project vicinity during project construction. While specific construction activities would at times exceed these thresholds when work is conducted near shared property lines, construction would move throughout the project site during the planned 14-month period and thus would not constitute a significant temporary increase. Since project construction would last more than one year and considering that the project site is within 500 feet of existing residential uses and within 200 feet of existing commercial uses, this temporary construction impact would be considered significant in accordance with Policy EC-1.7 of the City's General Plan).

Ambient levels at the surrounding sensitive uses would potentially be exceeded by 5 dBA Leq or more at various times throughout construction. Project construction is expected to last for a period of approximately 14 months. Since project construction would last for a period of more than one year and is within 500 feet of existing residential uses and within 200 feet of existing commercial uses, this temporary construction impact would be considered significant in accordance with General Plan Policy EC-1.7.

Impact NSE-1: The project would result in substantial noise generating activities continuing for more than twelve months, which is considered a significant impact pursuant to General Plan Policy EC-1.7.

Mitigation Measure

MM NSE-1 **Construction Noise Logistics Plan**. Prior to the issuance of any demolition, grading or building permits, the project applicant shall prepare and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction (i.e. prior to grading permits) and implemented during construction to reduce noise impacts on neighboring residents and other uses. The construction noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review prior to the issuance of any demolition, grading, or building permits. As a part of the construction noise logistics plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Pile Driving is prohibited.

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).

- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines shall be strictly prohibited.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.

- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance

coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Project-Generated Noise Impacts During Operation

The City's General Plan does not include thresholds for noise generated at residential/hotel buildings; however, the Municipal Code requires mechanical equipment noise to be maintained at or below 55 dBA at receiving residential properties when operational noise is generated at residential/hotel uses. Additionally, Section 20.40.600 of the Municipal Code includes a noise limit of 60 dBA on receiving commercial uses and 70 dBA on receiving industrial uses.

The proposed project would include an outdoor pool area that would generate additional noise. However, the amount of noise generated from this use would be minimal compared to the existing noise environment.

The traffic study included peak hour turning movements for the existing traffic volumes, project trips, and pending project trips at four intersections in the vicinity of the project site. The peak hour project trips and pending project trips were added to the existing traffic volumes to establish the existing plus project traffic and the existing plus project plus pending project traffic scenarios. By comparing the existing plus project traffic scenario and the existing plus project plus pending project traffic scenario to the existing scenario, the project's contribution to the overall noise level increase was not determined to be measurable or detectable (0 dBA DNL increase) along any roadway segment in the project vicinity. The project would not result in a permanent noise increase of 3 dBA DNL or more at noise-sensitive receptors in the project vicinity.

The roof plan for the proposed project does not show mechanical equipment. The noise/vibration assessment assumed that the individual rooms of the hotel would be equipped with PTAC units for ventilation. As such, mechanical equipment noise would not generate audible noise at the property lines of the surrounding receiving land uses. Therefore, mechanical equipment noise levels would not exceed the City's Municipal Code thresholds at existing receptors in the project vicinity. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA DNL increase). In addition, the project would implement the following standard permit condition to further ensure that mechanical equipment noise would not be measurable or detectable at existing receptors.

Standard Permit Condition

- Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dB(A) noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited

to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the northern and eastern edges, where feasible.

While the site plan does not indicate a truck loading zone, it was assumed that the main entrance area would be used by trucks for delivery purposes. It was further assumed that all deliveries and on-site maintenance activities would occur during daytime hours between 7:00 a.m. and 10:00 p.m. For a hotel of this size, smaller medium-sized trucks would be assumed to delivery supplies weekly. Smaller medium-sized delivery trucks typically generate maximum noise levels of 60 to 65 dBA at a distance of 50 feet. Low speed truck noise results from a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air brakes, with maximum noise levels typically between 65 to 75 dBA at a distance of 50 feet. Typical deliveries would occur for a period of 15 minutes or less in any given hour.

The light industrial and commercial uses to the north would have direct line-of-sight to the main entrance, with distances of about 40 feet. The nearest residential use would be approximately 535 feet from the main entrance. An existing barrier is located along the northern boundary of the project site, which would provide a minimum attenuation of 5 dBA. Additionally, the nearest residence would be partially shielded by intervening buildings, which would provide a minimum 10 dBA attenuation. Truck deliveries occurring at the proposed project site would not be expected to generate levels exceeding the City's thresholds at the nearby noise-sensitive land uses. For all existing receptors, the noise level increase due to truck delivery noise would not be measurable or detectable (0 dBA DNL increase). This would be a less than significant impact.

Cumulative Impacts

Cumulative noise impacts would include temporary construction noise from cumulative construction projects. Cumulative traffic was not included in the traffic study. Based on the existing traffic volumes, immeasurable traffic noise increase by the year 2040, which was included in the Envision San Jose 2040 EIR, and the number of project trips generated by the proposed project, a cumulative traffic noise increase would not be expected due to the proposed project. Based on a review of the City's website,[33] there are no planned or approved projects located within 1,000 feet of the proposed project. Therefore, there would not be a cumulative construction impact associated with the proposed project.

With incorporation of the mitigation measure above, temporary construction impacts would be less than significant. Cumulative and operational impacts were determined to be less than significant. **Less Than Significant Impact with Mitigation Incorporated**.

b) **Generation of excessive groundborne vibration or groundborne noise levels?**

Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include

[33] https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd

demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project.

According to the City's Historic Resource Inventory, historical structures are located at 1636 Pomona Avenue, 1635 Pomona Avenue, 1639 Pomona Avenue, 1643 Pomona Avenue, 1605 Pomona Avenue, and 1706 Monterey Road.[34] These buildings range from 220 to 630 feet from the nearest boundary of the project site. No historical buildings are located within 200 feet of the project site.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. As discussed in detail below, vibration levels exceeding these thresholds would be capable of cosmetically damaging adjacent buildings. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls.

Table 13 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 13 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings. Since no historical buildings are located within 60 feet of the site, the 0.08 in/sec PPV threshold would not be exceeded at any historical buildings during project construction and is not discussed further.

Table 13
Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec.)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	In soil	0.008	4	2
	In rock	0.017	7	3
Vibratory Roller		0.210	61	27
Hoe Ram		0.089	28	13
Large Bulldozer		0.089	28	13

[34] www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

Table 13 Vibration Source Levels for Construction Equipment			
Equipment	**PPV at 25 ft. (in/sec.)**	**Minimum Distance to Meet 0.08 in/sec PPV (feet)**	**Minimum Distance to Meet 0.2 in/sec PPV (feet)**
Caisson Drilling	0.089	28	13
Loaded Trucks	0.076	24	11
Jackhammer	0.035	12	6
Small Bulldozer	0.003	2	<1
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., March 2022.			

As shown in Table 14, project construction activities would potentially generate vibration levels up to 1.2 in/sec PPV at the nearest light industrial structures adjoining the project site to the north. A study completed by the US Bureau of Mines analyzed the effects of blast-induced vibration on buildings in USBM RI 8507. The findings of this study have been applied to buildings affected by construction-generated vibrations. Threshold damage, or cosmetic damage, would entail hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage would include hairline cracking in masonry or the loosening of plaster, and major structural damage would include wide cracking or shifting of foundation or bearing walls. Maximum vibration levels of 0.2 in/sec PPV or lower would result in virtually no measurable damage, while maximum vibration levels of 1.2 in/sec PPV would result in about 20% chance of cosmetic damage. No minor or major damage would be expected at the buildings immediately adjoining the project site.

Neither cosmetic, minor, or major damage would occur at historical or conventional buildings located 60 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

In summary, the construction of the project would potentially generate vibration levels exceeding the General Plan threshold of 0.2 in/sec PPV at non-historical properties in the project vicinity. This represents a potentially significant impact.

Table 14
Vibration Levels Estimated at the Nearest Structures Surrounding the Project Site

Equipment		PPV (in/sec)					
		South Light Industrial (105 ft)	**North Light Industrial (5ft)**	**Nearest North Residence (95 ft)**	**West Light Industrial (80 ft)**	**East Office/ Commercial (180 ft)**	**Nearest Historical Structure at 1636 Pomona Avenue (220 ft)**
Clam Shovel Drop		0.042	**1.186**	0.047	0.056	0.023	0.018
Hydromill (slurry wall)	In soil	0.002	0.047	0.002	0.002	0.001	0.001
	In rock	0.004	0.100	0.004	0.005	0.002	0.002
Vibratory Roller		0.043	**1.233**	0.048	0.058	0.024	0.019
Hoe Ram		0.018	**0.523**	0.020	0.025	0.010	0.008
Large Bulldozer		0.018	**0.523**	0.020	0.025	0.010	0.008
Caisson Drilling		0.018	**0.523**	0.020	0.025	0.010	0.008
Loaded Trucks		0.016	**0.446**	0.018	0.021	0.009	0.007
Jackhammer		0.007	**0.206**	0.008	0.010	0.004	0.003
Small Bulldozer		0.001	0.018	0.001	0.001	0.0003	0.0003

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., March 2022.

Impact NSE-2: Construction of the project would generate vibration levels of up to 1.233 in/sec PPV, exceeding the General Plan threshold 0.2 in/sec PPV or more at buildings of normal conventional construction located within 25 feet of the project site.

Mitigation Measures

MM NSE 2 **Construction Vibration Monitoring, Treatment, and Reporting Plan**. Prior to the issuance of any grading permits, the project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent buildings.

- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent buildings. Only use the static compaction mode when compacting materials within 15 feet of buildings.

- Document conditions at all structures located within 30 feet of construction prior to, during, and after vibration generating construction activities with the agreement of property owners. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:

- Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.

- Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 30 feet of all construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion of vibration generating construction activities, and shall include internal and external crack monitoring in the structures, settlement, and distress, and shall document the condition of the foundations, walls and other structural elements in the interior and exterior of said structures.

- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings.

- The contractor shall alert heavy equipment operators to the close proximity of the adjacent structures so they can exercise extra care.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.

- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.

- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

Implementation of this mitigation measure would reduce the vibration impact to a less than significant level. **Less Than Significant Impact with Mitigation**.

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?**

Norman Y. Mineta San José International Airport is a public-use airport located about 3.75 miles northeast of the project site. The project site lies outside of the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project[35] report (May 2018). Therefore, the proposed rezoning of the project site and development of a new five-story 120-guestroom hotel would be compatible with the City's exterior noise standards for aircraft noise. The impact would be less than significant. **Less Than Significant Impact**.

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (*CBIA vs. BAAQMD*) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits.

The exterior noise threshold established by the City's General Plan for hotel projects is 60 dBA DNL, while the interior noise threshold is 45dBA DNL. The future noise environment at the site would continue to result primarily from vehicular traffic along Monterey Road. No measurable noise level increase was calculated along this segment of Monterey Road for the *Envision San José 2040 General Plan Comprehensive Update Draft EIR*. Additionally, the peak hour trips included in the traffic study for the proposed project, which included 65 project trips in the peak AM hour and 77 project trips in the peak PM hour, resulted in no measurable increase over existing ambient noise levels. For purposes of assessing the worst-case scenario, a 1% to 2% increase in traffic volumes are assumed along Monterey Road through the year 2040. This represents typical growth for developed areas, similar to the project site vicinity. Under this assumption, a noise level increase of 1 dBA DNL would be conservatively applied to the existing noise levels to represent the worst-case future noise levels at the project site.

Future Exterior Noise Environment

According to the site plan, an outdoor pool would be located behind the proposed hotel on the ground level and an outdoor amenity area would be located on the rooftop of the proposed hotel, which would include a bar, yoga area, and garden.

The pool would be well shielded from traffic noise along Monterey Road by the proposed hotel area and the existing structures surrounding the site. With the center of the pool area set back approximately

[35] City of San José, "Norman Y. Mineta San José International Airport Master Plan Update Project: Twelfth Addendum to the Environmental Impact Report," City of San José Public Project File No. PP 18-059, May 15, 2018.

325 feet from the centerline of Monterey Road and considering the shielding provided by the proposed hotel, the future exterior noise levels at the ground-level pool area would be less than 60 dBA DNL.

The outdoor use areas located on the rooftop of the proposed hotel is expected to be 55 feet or more above the ground, which would provide a minimum attenuation of 15 dBA, at a distance of 10 feet from the eastern edge of the roof. The center of the rooftop bar would be approximately 110 feet from the centerline of Monterey Road. With this setback and the elevation of the building, there would be a minimum attenuation of 20 dBA at the center of the rooftop bar. The future exterior noise levels at center of the rooftop bar would be less than 60 dBA DNL, while future noise levels within 10 feet of the nearest edge of the rooftop bar would exceed 60 dBA DNL, the majority of the rooftop bar would be exposed to future noise levels at or below the City's normally acceptable threshold of 60 dBA DNL. The yoga area and garden would be set back farther from Monterey Road than the rooftop bar, and would, therefore, have noise levels lower than the rooftop bar. Future exterior noise levels at these outdoor use areas would be below 60 dBA DNL.

The City's normally acceptable threshold for hotel uses would be below the City's normally acceptable threshold at the center of outdoor use areas. Therefore, the proposed project would be compatible with the future noise environment at the project site.

Future Interior Noise Environment

Standard hotel construction with the windows and doors closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The eastern façade of the proposed hotel would be set back approximately 75 feet from the centerline of Monterey Road. At this distance, the hotel rooms would be exposed to future exterior noise levels up to 74 dBA DNL. Assuming windows to be partially open, future interior noise levels in these rooms would be up to 54 dBA DNL.

Rooms located along the northern and southern façades of the proposed hotel would have setbacks of approximately 75 to 300 feet from the centerline of Monterey Road. These rooms would be partially shielded from existing structures located on the adjoining sites. Assuming no shielding from surrounding buildings, rooms located along the northern and southern façades would be exposed to future exterior noise levels ranging from 65 to 74 dBA DNL. Assuming windows to be partially open, future interior noise levels in these rooms would range from 45 to 54 dBA DNL.

To meet the interior noise requirements set forth by the City of San José of 45 dBA DNL, implementation of noise insulation features would be required.

Condition of Approval

The following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA DNL or less at hotel interiors:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all hotel rooms in the proposed hotel, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

- Preliminary calculations indicate that hotel rooms along the eastern building façade of the proposed hotel and along the northern and southern façades located within 150 feet of the centerline of Monterey Road would require windows and doors with a minimum rating of 35 to 36 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- Preliminary calculations indicate that hotel rooms along the northern and southern façades of the proposed hotel located 150 feet or more from the centerline of Monterey Road would require windows and doors with a minimum rating of 28 to 31 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA DNL.

- The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the hotel rooms. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

The implementation of these noise insulation features would reduce interior noise levels at the proposed hotel to 45 dBA DNL or less.

Conclusion: The project would have a less than significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

N. POPULATION AND HOUSING

Regulatory Framework

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its 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 a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[36] The City of San José Housing Element and related land use policies were last updated in January 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a 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 greenhouse gas (GHG) emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[37]

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

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating population and housing impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Population and Housing Policies	
Policy CD-1.9	Give the greatest priority to developing high-quality pedestrian facilities in areas that will most promote transit use and bicycle and pedestrian activity. In pedestrian oriented areas such as Downtown, Urban Villages, or along Main Streets, place commercial and mixed-use building frontages at or near the street-facing property line

[36] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed March 2022. https://www.hcd.ca.gov/community-development/rhna/index.shtml
[37] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/

Envision San José 2040 Relevant Population and Housing Policies	
	with entrances directly to the public sidewalk, provide high-quality pedestrian facilities that promote pedestrian activity, including adequate sidewalk dimensions for both circulation and outdoor activities related to adjacent land uses, a continuous tree canopy, and other pedestrian amenities. In these areas, strongly discourage parking areas located between the front of buildings and the street to promote a safe and attractive street facade and pedestrian access to buildings

Existing Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,029,782 in January 2021 and had an estimated total of 37,442 housing units, with an average of 3.14 persons per household. [38] ABAG projects that the City's population will reach 1,445,000 with 472,000 households by 2040.

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. POPULATION AND HOUSING. 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)?			X		1, 2, 3
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X		1, 2

[38] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State—January 1, 2011-2021." January 2021. Accessed March 2022. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

Explanation

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

The project site is located in an urbanized area in the City of San José. The proposed project includes a rezoning of the project site, demolition of the existing motel located on the site, and construction of a new 120-guestroom hotel. Occupancy of the proposed hotel would be temporary and would not induce unplanned population growth. The impact would be less than significant. **Less Than Significant Impact**.

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

The project site is currently occupied by a motel that would be demolished as part of the proposed project. Development of the site with a new 120-guestroom hotel would not displace existing people, remove existing housing, or require the construction of replacement housing. The impact would be less than significant. **Less than Significant Impact**.

Conclusion: The project would have a less than significant impact related to population and housing.

O. PUBLIC SERVICES

Regulatory Framework

State

California Government Code Section 65996

California Government Code Section 65996 stipulates 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 payments 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 of school impact mitigation 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 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) 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

Parkland Dedication Ordinance and 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 onsite. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular

Envision San José 2040 Relevant Public Service Policies	
	and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal 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, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
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.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station #3, located about 0.9 miles north of the site at 98 Martha Street.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Schools: The project site is within the boundaries of Franklin McKinley Elementary School District (FMESD) and East Side Unified High School District (ESUHSD). These districts operate a combined 42 schools (13 elementary schools, three middle schools, eleven traditional high schools, five

alternative education high schools, and 12 charter high schools) serving approximately 34,296 students.[39] The project site is served primarily by Shirakawa Elementary School (kindergarten through eight grade), and Yerba Buena High School. Shirakawa Elementary School is located 665 Wool Creek Drive and Yerba Buena High School is located at 1855 Lucretia Avenue.

Parks: Parks and recreation facilities within the project area are provided by the City of San José. The closest park facility to the project site is Bellevue Park, a 1.66-acre City neighborhood park located 0.1 miles northwest of the project site. It contains a youth playground, two half-size basketball courts, picnic/BBQ areas, and public restrooms.

Libraries: The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 24 branch libraries. The nearest public library is Biblioteca Latinoamericana Branch Library, approximately 0.9 miles north of the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?			X		1, 2
d) Parks?			X		1, 2
e) Other public facilities?			X		1, 2

Explanation

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

a) Fire protection?

The project proposes to redevelop the site with a new 120-guestroom hotel, which would intensify the use of the site and generate additional temporary occupants in the area. This would result in an incremental increase in the demand for fire protection services. The project site, however, is currently served by the SJFD and the amount of proposed development represents

[39] EdData Education Data Partnership, Accessed February 2, 2022. Available at: http://www.ed-data.org/.

a small fraction of the total growth in the City. Additionally, SJFD currently serves the existing motel that is present on the site. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building and Fire codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed development of a 120-guestroom hotel would not significantly impact fire protection services or require the construction of new or remodeled facilities. **Less Than Significant Impact**.

b) **Police protection?**

The project proposes to redevelop the site, which would intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for police protection services. 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 City. Additionally, SJPD currently serves the existing motel that is present on the site, which is of similar size and scale to the proposed development. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded police facilities. 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. Therefore, the proposed rezoning of the project site and development of a 120-guestroom hotel would not significantly impact police protection services or require the construction of new or remodeled facilities. **Less Than Significant Impact**.

c) **Schools?**

The proposed rezoning of the project site and development of a 120-guestroom hotel would not generate additional new students or otherwise affect school services. This represents a less than significant impact. **Less Than Significant Impact**.

d) **Parks?**

The proposed rezoning of the project site and development of a 120-guestroom hotel would have the potential to generate some additional park users via temporary hotel occupants. While hotel occupants may utilize nearby parks, they are unlikely to place a major physical burden on these facilities. The proposed project would not generate new residents in the area and would not be required to comply with the City's Parkland Dedication Ordinance and Park Impact Ordinance. This represents a less than significant impact. **Less Than Significant Impact**.

e) **Other public facilities?**

The proposed rezoning of the project site and development of a 120-guestroom hotel is not expected to result in an increase in the demand for other public services, including library services. Occupants of the 120-guestroom hotel would be temporary and unlikely to utilize library services. In addition, the General Plan FEIR concluded that development allowed under the General Plan would be adequately served by existing and planned library facilities. This represents a less than significant impact. **Less Than Significant Impact.**

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Regulatory Framework

State

Assembly Bill 1359 – Quimby Act

The Quimby Act, which is within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or impose fees for park or recreational purposes as a condition to the approval of a tentative or parcel subdivision map, if specified requirements are met. On September 28th, 2013 Governor Brown signed the AB 1359, the purpose of which was to amend the existing Quimby Act to authorize local governments to spend Quimby Act funds beyond parks that serve the development from where the funds were sourced. To reallocate the funds in this manner, AB 1359 requires the legislative body to hold a public hearing before using fees as prescribed in the bill.

Local

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. See *Section O. Public Services* for additional discussion.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan was developed by the City of San José as a replacement to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The Activate SJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Recreation Policies	
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.)

Envision San José 2040 Relevant Recreation Policies	
	within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

The City of San José owns and maintains approximately 3,537 acres of parkland, including neighborhood parks, community parks, and regional parks, for a total of 209 public parks. The City has 48 community centers and over 61 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The closest park facility to the project site is Bellevue Park, a 1.66-acre City neighborhood park located 0.1 miles northwest of the project site. It contains a youth playground, two half-size basketball courts, picnic/BBQ areas, and public restrooms.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the 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 would occur or be accelerated?			X		1, 2
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?			X		1, 2

Explanation

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

The proposed project consists of a rezoning and development of a 120-guestroom hotel. The proposed project would not result in permanent housing or a population increase that would substantially increase the use of existing and regional parks or other recreational facilities. In addition, the proposed project does not include any recreational facilities and would not require the construction or expansion of recreational facilities. This represents a less than significant impact. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on recreational facilities.

Q. TRANSPORTATION

This section is also based on a project specific Local Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. (July 21, 2022). A copy of this report is provided in Appendix G.

Regulatory Framework

State

Regional Transportation Plan

The 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

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to use. 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 are located within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

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

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[40] According to the policy, an employment facility (e.g., office, R & D) or a 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 the existing average citywide per capita VMT 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 (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,

[40] The new policy took effect on March 29, 2018.

5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

General Plan Policies

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

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-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.

Existing Setting

Existing Roadway Network

Regional access to the project site is provided via State Route 87. Local access to the project site via Monterey Road, Curtner Avenue, Lelong Street, Alma Avenue, San Jose Avenue, and Phelan Avenue. These roadways are described below and are depicted in Figure 15.

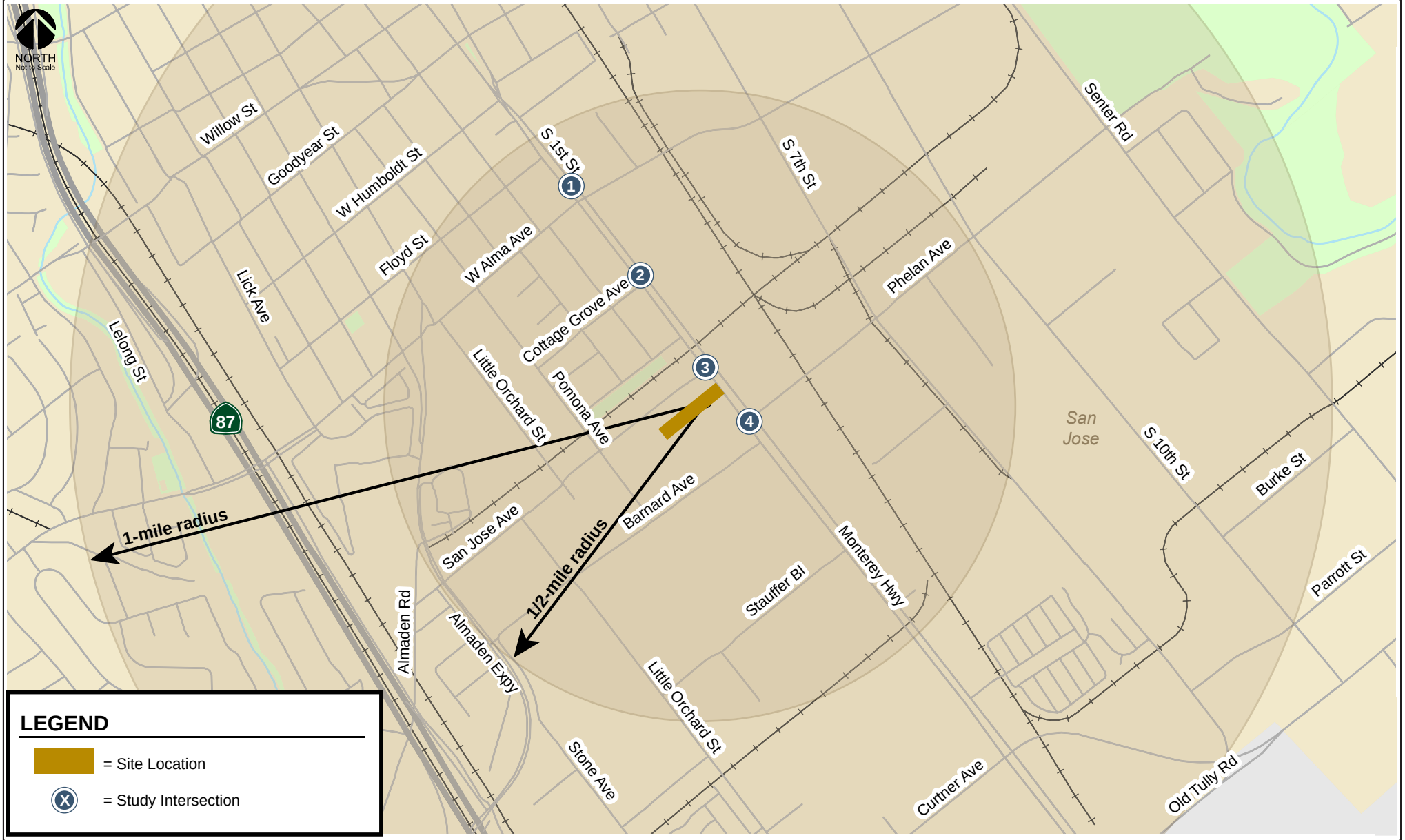
SR 87 is a north-south freeway providing regional access to the project site via its connections to SR 85 in the south, and I-280 and US 101 in the north. These facilities allow for regional access from East Bay and Peninsula cities, as well as Gilroy and Morgan Hill to San Jose. SR 87 is oriented in a northwest/southwest direction with four mixed-flow lanes and two HOV lanes in the vicinity of the site. SR 87 provides access to the project study area via its interchange with Curtner Avenue to the south and Lelong Street to the north.

Monterey Road is a north-south four- to six-lane Grand Boulevard with a posted speed limit of 35 mph in the vicinity of the site. As defined by the Envision San Jose 2040 General Plan, Grand Boulevards are major transportation corridors that serve as primary routes for LRT, busses, and other public transit vehicles. Although Grand Boulevards accommodate all modes of travel, priority is given to public transit vehicles. Monterey Road is also a Vision Zero Corridor, which is a commitment to prioritizing street safety and ensuring all road users – whether walking, biking, riding transit, or driving – are safe. Monterey Road extends from Gilroy in the south to central San Jose in the north. It transitions into First Street north of Alma Avenue. Bicycle lanes are provided in both directions in the project vicinity and sidewalks are located on both sides of the street. Monterey Road provides direct access to the project site.

Curtner Avenue is an east-west four- to six-lane City Connector Street extending from Camden Avenue near SR 17 to Tully Road just east of Monterey Road. Curtner Avenue has a posted speed limit of 40 mph and has Class II bike lanes and sidewalks on both sides of the street. Curtner Avenue provides access to SR 87 and provides access to the project site via Monterey Road.

Lelong Street is a two-lane north-south local street with a posted speed limit of 25 mph in the vicinity of the site. It connects Alma Avenue in the south and Willow Street in the north. Lelong Street provides on-ramp access to SR 87 northbound and off-ramp access for SR 87 southbound. Lelong Street provides access to the project site via its intersection with Alma Avenue.

Alma Avenue is a designated On-Street Primary Bicycle Facility with a posted speed limit of 35 mph in the vicinity of the site. Alma Avenue does not have bike lanes but has sidewalks on both sides of the street in the project vicinity. It extends westward from Senter Road to where it transitions into Minnesota Avenue. Alma Avenue is a four-lane undivided road within the study area and provides access to the project site via Monterey Road.



Source: Hexagon Transportation Consultants, June 2022

Roadway Network and Study Intersections

Fairfield Inn & Suites - 1669 Monterey Rd.
Initial Study

Figure 15

San Jose Avenue is an east-west local street with a posted speed limit of 25 mph. San Jose Avenue does not have bike lanes and has sidewalk on the north side of the street only. It extends westward from Monterey Road and terminates at Almaden Road. San Jose Avenue is a two-lane undivided road within the study area and provides access to the project site via Monterey Road.

Phelan Avenue is an east-west Local Collector Street that extends from Monterey Road east to Senter Road. It has a posted speed limit of 25 mph west of 7th Street and 30 mph east of 7th Street. Phelan Avenue has buffered Class II bike lanes and sidewalks are very sporadic. Land uses along Phelan Avenue consist of mostly industrial uses. Phelan Avenue is a two-lane undivided road within the study area and provides access to the project site via Monterey Road.

Existing Pedestrian, Bicycle and Transit Facilities

Existing Pedestrian Facilities. Due to the industrial nature of the project area, many roadway segments in the area have no sidewalks. However, a complete network of sidewalks and crosswalks is found along Monterey Road. Crosswalks with pedestrian signal heads are located at all the signalized intersections along Monterey Road. ADA compliant curb ramps are also provided at all the nearby signalized intersections along Monterey Road. The existing pedestrian facilities provide adequate connectivity between the project site and the surrounding land uses and transit stops along Monterey Road.

Existing Bicycle Facilities. Bicycle facilities are divided into three classes of relative significance. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs and/or Sharrows (bike route lane markings) to help guide bicyclists on recommended routes to certain locations.

In the project area, Class II striped bike lanes are present on Monterey Road, Curtner Avenue, and segments of Phelan Avenue. In addition, the Guadalupe River/Los Alamitos Creek multi-use trail system (Class I bikeway) runs through the City of San Jose along the Guadalupe River and separates bicyclists from motor vehicle traffic. The Guadalupe River trail is a continuous Class I bikeway (paved path) from W Virginia Street in the south to Alviso Marina County Park. There is another section of the trail a few blocks south of W Virginia Street from Willow Street to Curtner Avenue, which provides access to trails that lead to Almaden Valley in southern San Jose. This park trail system runs adjacent to SR 87 in the project vicinity, with access provided via the Tamien Caltrain/Light Rail Transit (LRT) station approximately 1 mile from the project site. The trail system is also available for use by pedestrians year-round.

Existing Transit Services. Existing bus service and Light Rail Transit (LRT) service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served by frequent bus routes 26, 66, and 68 and Rapid Bus route 568.

Route 26 operates between West Valley College and Eastridge Mall. It provides frequent service between 5:20 AM and 11:10 PM with 15-minute headways during the AM and PM peak commute hours. Route 26 operates along Curtner Avenue in the study area.

Route 66 operates between Kaiser San Jose Medical Center and north Milpitas. It provides frequent service between 5:10 AM and 12:10 AM with 15-minute headways during the AM and PM peak commute hours. Route 66 operates along Monterey Road in the study area.

Route 68 operates between the San Jose Diridon Station and Gilroy Transit Center. It provides frequent service between 4:40 AM and 1:20 AM with 15-minute headways during the AM and PM peak commute hours. Route 68 operates along Monterey Road in the study area.

Rapid Bus Route 568 operates between the San Jose Diridon Station and Gilroy Transit Center. It provides limited-stop service between 5:25 AM and 8:10 PM with 30-minute headways during the AM and PM peak commute hours. Route 26 operates along Monterey Road in the study area.

The VTA currently operates the 42.2-mile light rail line system extending from south San Jose through downtown to the northern areas of San Jose, 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 Tamien LRT Station is located approximately 1 mile from the project site and is served by the Santa Teresa-Baypointe LRT Line (Blue Line). Although no LRT stations are located within walking distance of the project site, bus route 26 serves the Curtner LRT station.

Commuter rail service between San Francisco and Gilroy is provided by Caltrain. Caltrain operates a total of 92 weekday trains. The Tamien Caltrain Station is located approximately 1 mile from the project site. Trains stop at the Tamien Station during commute hours five days a week, although stops are not as frequent as at the downtown Diridon Station. Trains stop at the Tamien Station between 4:22 AM and 11:05 PM in the northbound direction, and between 7:24 AM and 1:46 AM (following day) in the southbound direction. Caltrain provides passenger train service seven days a week and provides extended service to Morgan Hill and Gilroy during the weekday commute hours.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17.	TRANSPORTATION. Would the project:					
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 3, 16
b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 3, 16
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2
d)	Result in inadequate emergency access?			X		1, 2

Explanation

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

The results of the project-specific transportation study related to bicycle, pedestrian, and transit facilities are summarized below. Roadway operations are described as part of the LTA for the project described later in this section.

Bicycle, Pedestrian and Transit Facilities

Pedestrian Facilities. The site plan for the proposed project (Figure 4) indicates that the existing sidewalk and curb along the project frontage on Monterey Road would be reconstructed. The site plan shows a 10- to 12-foot-wide attached sidewalk. The reconstructed sidewalk would connect to a 5-foot-wide sidewalk that would encircle the proposed hotel and provide pedestrian access to the hotel lobby and associated areas, including the check-in counter, elevators, stairwells, meeting room, dining room, fitness center, bocce ball court, pool, restrooms, hotel offices, and four guest rooms.

Monterey Road is designated as a "Safety Priority Street" as part of San Jose's Vision Zero policy, which prioritizes roadway safety for all modes, particularly non-automobile modes. As part of this policy, there are plans to install an Accessible Pedestrian Signal (APS) at the Monterey Road and Phelan Avenue signalized intersection. APS communicates information about walking intervals in non-visual formats, to pedestrians who are blind or have significantly impaired vision. The project applicant would be required to make a fair-share monetary contribution towards the APS implementation at the Monterey Road and Phelan Avenue intersection as part of the City's Vision Zero goals.

Bicycle Facilities. In the immediate project vicinity, Class II striped bike lanes are present on Monterey Road, 7th Street, 10th Street, Curtner Avenue, and portions of Phelan Avenue. Future hotel employees and guests could use the bike lanes for recreational or commuting purposes. Adequate bicycle parking (12 short-term bicycle racks and four long-term bicycle lockers) are shown on the site plan. The project would not result in the removal of any bicycle facilities and would not conflict with any adopted plans or policies for new bicycle facilities. However the City of San Jose Better Bike Plan 2025 identifies Monterey Road as having a Class IV separated bikeway. As a result, to ensure the project's compliance with the Better Bike Plan 2025, the project applicant would be required to make a fair-share monetary contribution toward the planned Class IV bikeway improvements along the project frontage.

Transit Services. As stated previously, the proposed project is served by VTA bus routes 66, 68, and 568, which operate along Monterey Road and stop near the project site at Phelan Avenue. The bus stop on the west side of Monterey Road consists of a standard blue bus stop sign attached to an existing pole. The bus stop on the east side of Monterey Road has a bench and shelter. Due to the existing transit services serving the project area, it is reasonable to assume that some hotel employees and guests would utilize bus service. However, the increased demand for VTA services as a result of the proposed project would not result in the need for increased transit services compared to current operation and would be consistent with applicable plans and policies, including the VTA's *2021 Transit Plan.*

In conclusion, based on the discussion above the project would not conflict with any program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This represents a less than significant impact. **Less than Significant Impact.**

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

As described above, City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT. The project would be consistent with CEQA Guidelines Section 15064.3 (b), which calls for evaluation of a project's transportation impacts based on VMT, since this is the metric used for the transportation analysis.

Project VMT Analysis

Most projects in San Jose require a CEQA-level analysis of vehicle miles traveled (VMT) per the City guidelines. The City of San Jose's VMT Evaluation Tool is used to calculate the daily VMT generated by project. However, the evaluation tool is limited to the evaluation of the general land use categories of residential, office, and industrial. Therefore, the use of the VMT tool for land uses that are not reflective of one of the three general land uses, such as the proposed hotel, requires the conversion of the proposed land use to an equivalent land use category. Based on this procedure, the hotel project trip generation estimates were converted to an equivalent amount of retail square footage. This is a reasonable approach to the VMT analysis since hotels exhibit similar vehicle mode share characteristics, travel patterns, and trip length characteristics to that of local retail uses (e.g., both uses typically serve nearby local businesses).

If a project passes the screening criteria, listed in the *City of San Jose Transportation Analysis Handbook (2020)*, it is expected to result in a less-than significant VMT impact based on project description, characteristics, and/or location." The project is equivalent to 27,000 s.f. of retail spaces which is below the local-serving retail screening criteria of 100,000 s.f. of total gross floor area or less without drive-through operations. Over 20 existing hotels are located within a two-mile radius of the project site, and it is expected that the proposed hotel would generate mostly localized traffic. The majority of hotel customers would divert trips to the proposed hotel from other existing hotels and, therefore, would not generate a significant number of new hotel trips in the region. At the project level, this represents a less than significant impact. **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)?**

The project would not substantially increase hazards due to a geometric design feature or incompatible uses. During the development review process, vehicle circulation on the project site is reviewed by City staff to assure that the project complies with the City's regulations and policies. **Less than Significant Impact.**

d) **Would the project result in inadequate emergency access?**

The City of San José Fire Department requires that all portions of the building be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the building. The project would meet these emergency vehicle access (EVA) requirements. **Less than Significant Impact.**

Non-CEQA Effects

Senate Bill 743, the revised 2019 CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to these requirements, the vehicle miles traveled (VMT) metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. An LTA was prepared for the project to address transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. These operational issues are provided for informational purposes only.

Trip Generation

The project would result in traffic to and from the site. Vehicle trips that would be generated by the project were estimated using the trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition (2021). Trips that would be generated by the project were estimated using the ITE average trip rates for "Hotel" (ITE Land Use 310).

After applying the ITE trip rates for Hotel and a 12 percent mode-share trip reduction, the proposed project would generate 1,292 new daily vehicle trips, with 65 new trips occurring during the AM peak hour and 77 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE Trip Generation Manual, the project would produce 36 inbound and 29 outbound trips during the AM peak hour, and 38 inbound and 39 outbound trips during the PM peak hour (see Table 15).

Table 15
Project Trip Generation Estimates

Land Use	Size	Daily		AM Peak Hour				PM Peak Hour			
		Trip Rate	Trips	Trip Rate	Trips In	Trips Out	Trips Total	Trip Rate	Trips In	Trips Out	Trips Total
Hotel[1]	120 rooms	12.23	1,448	0.62	41	33	74	0.73	43	45	88
Location-Based Vehicle Mode Share (12%)[2]		*(176)*			*(5)*	*(4)*	*(9)*		*(5)*	*(6)*	*(11)*
Net new project trips:		**1,292**			**36**	**29**	**65**		**38**	**39**	**77**

Sources: ITE Trip Generation Manual, 11th Edition , 2021 and City of San Jose's Transportation Analysis Handbook , April 2020.
Notes:
[1] Average trip rates (per occupied rooms) for Hotel (Land Use 310) were used.
[2] Since a hotel exhibits similar mode share characteristics to that of a retail use, a 12% mode share trip reduction was applied based on the location-based vehicle mode share % outputs (Table 6 of TA Handbook) for retail development in a Suburban with Multifamily Housing area.

Intersection LOS Evaluation

An intersection LOS analysis was performed for the following four intersections:

1. Monterey Road/First Street/Alma Street

2. Monterey Road/Cottage Grove Avenue
3. Monterey Road/San Jose Avenue
4. Monterey Road/Phelan Avenue

The City of San José has defined significant intersection impacts as follows. The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

1. The level of service at the intersection degrades form an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

The results of the analysis show that all the signalized study intersections are currently operating at acceptable levels of service (LOS D or better) during the AM and PM peak hours of traffic and all but one intersection would continue to operate acceptably under background, background plus project, and cumulative conditions (see Table 16). The intersection of Monterey Road/First Street and Alma Avenue would operate at an unacceptable LOS E during the AM peak hour of traffic under background, background plus project, and cumulative conditions. However, the project would not have an adverse effect on intersection operations according to the City's operational thresholds.

Table 16
Intersection Level of Service Summary

#	Signalized Intersection	Peak Hour	Count Date	Existing		Background		Background + Project				Cumulative	
				Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS	Incr. in Crit. Delay	Incr. in Crit. V/C	Avg. Delay (sec)	LOS
1	Monterey Rd/First St & Alma St*	AM	10/8/16	42.1	D	**63.9**	**E**	**64.2**	**E**	0.4	0.003	**64.2**	**E**
		PM	12/4/18	47.8	D	53.8	D	54.2	D	0.7	0.009	54.3	D
2	Monterey Rd & Cottage Grove Av	AM	10/22/15	11.9	B	10.9	B	10.9	B	0.0	0.002	10.8	B
		PM	10/22/15	20.1	C	17.4	B	17.3	B	-0.2	0.003	17.3	B
3	Monterey Rd & San Jose Av	AM	10/28/15	17.1	B	17.2	B	18.1	B	0.8	0.011	17.9	B
		PM	10/18/15	20.1	C	19.9	B	20.9	C	1.3	0.017	20.5	C
4	Monterey Rd & Phelan Av	AM	10/28/15	16.8	B	19.3	B	19.8	B	0.8	0.009	19.8	B
		PM	10/28/15	20.9	C	21.5	C	21.8	C	-0.2	0.004	21.7	C

Notes
* Denotes CMP intersection.
Bold indicates a substandard level of service.

Conclusion: The project would have a less than significant impact on transportation with identified mitigation measures.

R. TRIBAL CULTURAL RESOURCES

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 Resources,[41] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

The Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

[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)).

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Local

General Plan

The Envision San José 2040 General Plan includes the following tribal cultural resource policies applicable to the Proposed Project:

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Environmental Setting

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. See additional discussion under “Regulatory Framework” above.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18.	TRIBAL CULTURAL RESOURCES. Would the project:					
a)	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, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2

a) **For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to tribal cultural resources would be considered significant if the project would 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:**

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

ii) **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 America Tribe.**

Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

On March 14, 2022, CMAC sent a request to the NAHC to inquire about the potential existence of tribal cultural resources through a Sacred Lands File request (SLF) the project and research area. A list of appropriate Native American organizations and individuals to contact regarding this project was also requested. On April 10, 2022, CMAC received a response from the Native NAHC. The results were negative for tribal cultural resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes have sent written requests for notification of projects to the City of San José except for those in Coyote Valley (approximately 12.5 miles south of the site) and downtown San José (about 2.5 miles west of the site). In addition, the City has sent out referral and consultation requests to all applicable tribal representatives for the project on October 24, 2022 and completed tribal consultation with the Tamien Nation on January 20, 2023. Based on the results of the consultation, the proposed project will include the following voluntary permit condition:

Voluntary Permit Condition

Prior to issuance of grading permits, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

The proposed project would result in a less than significant impact on tribal resources. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

Regulatory Framework

State

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Assembly Bill 341 (2011)

California AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826 (2014)

California AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383 (2016)

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

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

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce 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

- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José 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 diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% 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 $2,000 for an alteration-renovation residential project and $5,000 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 construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photographs, 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.

Construction and Demolition Diversion Deposit Program

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

Council Policy 8-13 Green Building Policy

Council Policy 8-13 “Green Building Policy” for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City’s residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	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 to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
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 stormwaters 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.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Existing Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José

- Water Service: San Jose Water Company
- Storm Drainage: City of San José
- Solid Waste: Republic Services
- Natural Gas & Electricity: San Jose Clean Energy and PG&E

Existing Water Supply System

Water service to the project site is provided by San José Water Company (SJWC). The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed hotel development.

Groundwater

SJWC draws water from the Santa Clara Valley Subbasin in the north part of Santa Clara County. The basin is 22 miles long and 15 miles wide with an operational storage capacity estimated to be 350,000 acre-feet. Groundwater is a substantial source of water for SJWC. In 2014, groundwater accounted for about 57 percent of SJW's total potable supply.

SJWC has "pre-1914 surface water rights" to raw water in Los Gatos Creek and local watersheds in the Santa Cruz Mountains. Prior to 1872, appropriative water rights could be acquired by simply taking and beneficially using water. In 1914, the Water Code was adopted, grandfathering in all existing water entitlements to license holders. SJWC filed for a license in 1947, and in 1976 was granted a license allowing it to draw 6,240 acre-feet per year (AFY) from Los Gatos Creek. SJWC has since upgraded the collection and treatment system that draws water from this watershed, which has increased the capacity of this entitlement to approximately 11,200 AFY for an average rain year.

Recycled Water

South Bay Water Recycling (SBWR) has been serving Silicon Valley communities since 1993. In 1997, SJWC entered into a Wholesaler-Retailer Agreement with the City of San José to provide recycled water to SJWC's existing and new customers near SBWR recycling water distribution facilities. In accordance with the terms of this agreement, SJWC allowed SBWR to construct recycled water pipelines in its service area; SJWC would only own the recycled water meters while SBWR would own, operate, and maintain the recycled water distribution system. In 2010, the Wholesaler-Retailer Agreement was amended to allow SJWC to construct recycled water infrastructure that would be owned, operated, and maintained by SJWC. In 2012, the agreement was again amended to allow SJWC to construct additional recycled water infrastructure.

Wastewater/Sanitary Sewer System

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that conveys effluent from its source to the treatment plant; and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary sewer lines in the project area are owned and maintained by the City of San José. Wastewater generated on the project site is discharged to the existing 8-inch vitrified clay pipe (VCP) sanitary sewer line located in Monterey Road.

Wastewater treatment service for the project area is provided by the City of San José through the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF is located in Alviso and serves over 1,500,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The RWF treats approximately 110 million gallons per day (mgd) of sewage during dry weather flow and has a capacity of 167 mgd.[42] The City of San José generates approximately 69.8 mgd of dry weather average flow.[43] Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

Existing Solid Waste Disposal System

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the county has a diversion requirement of 50 percent for 2000 and each year thereafter. 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.[44] In 2019, there were approximately 600,000 tons of material generated in San Jose that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage.

Electricity and Natural Gas

SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources electricity, and PG&E delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG-free electricity from entirely renewable resources. It is assumed that, once operational, the project would utilize SJCE.

PG&E also furnishes natural gas for residential, commercial, industrial, and municipal uses. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent, and two percent was unspecified.[45]

Total energy usage in California was approximately 7,881 trillion Btu in the year 2017, the most recent year for which this data was available. In 2017, California was ranked second in total energy consumption in the nation, and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for

[42] City of San José. "San José/Santa Clara Regional Wastewater Facility." Accessed April 29, 2020. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[43] City of San José. *Envision San José 2040 General Plan FEIR.* September 2011. Page 648.
[44] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[45] PG&E, Delivering low-emission energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation. This energy is mainly supplied by natural gas, petroleum, nuclear electric power, and hydroelectric power.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2, 7
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
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?			X		1, 2
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

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

The project would incrementally increase demands on utility services. The project includes a rezoning of the project site, demolition of an existing motel, and construction of a 120 guestroom hotel. The proposed hotel use is allowable under the *Combined Industrial/Commercial* General Plan designation. As a result, the increased demand on utility services was anticipated in the City's 2040 General Plan. In addition, given the relatively small scale of the project (120 guestrooms), the increase in utility demand is expected to be minor.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed mixed uses.

The City of San José owns and maintains the sanitary sewer drain system in the project area. Existing 8" sewer mains extend along Monterey Road in the vicinity of the project. The project proposes to connect to the existing sewer main.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. The proposed project would include installation of storm pipelines that would connect to an existing 21-inch storm main located along Monterey Road. While the project would result in an increase in the amount of impervious surfaces on the site, the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

As described in *Section F. Energy,* the project would have a less than significant impact related to natural gas and electricity use (among other energy sources). If required, the relocation of telecommunication facilities would be coordinated between the project applicant and telecommunication provider and no significant environmental effects are anticipated as a result of this infill project.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **Less Than Significant Impact**.

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

As described above, the project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed mixed uses from existing entitlements and resources (during normal, dry and multiple dry years). **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 has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Given the relatively small scale of the proposed project, it is not expected to exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity. **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 would not generate substantial solid waste that would adversely affect any landfills. The proposed project's operation of a 120-guestroom hotel would result in an increase of solid waste generation compared to the existing operation of the 32-unit motel. This increase in solid waste generation is not anticipated to be significant.

In addition, the increase in solid waste generation from development of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that the project would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste. **Less Than Significant Impact**.

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

Final project design would be required to comply with all federal, State, and local statutes and regulations related to solid waste disposal. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on utilities and service systems.

T. WILDFIRE

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The California Fire Code establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating wildfire impacts from development projects. Relevant policies applicable to the project are presented below.

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Existing Setting

The project site, located in an urbanized part of the City, is surrounded by industrial development and commercial development, and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

Impacts and Mitigation

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20.	WILDFIRE. 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?			X		1, 2, 3
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?			X		1, 2, 17
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?			X		1, 2, 17
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?			X		1, 2, 17

Explanation

a) **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?**

The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements. **Less Than Significant Impact**.

b) **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area. **Less Than Significant Impact**.

c) **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure. **Less Than Significant Impact**.

d) **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire. **Less Than Significant Impact**.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. MANDATORY FINDINGS OF SIGNIFICANCE.					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			1-18
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)?			X		1-18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-18

Explanation

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?**

Based on the analysis provided in this Initial Study, the rezoning of the project site, demolition of the existing motel, and development of a 120-guestroom hotel would not 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, with incorporation of mitigation measures and standard permit conditions identified in this document. Mitigation measures and standard permit conditions are identified for potential impacts of the project on special status species (nesting birds) and potential disturbance to cultural resources (buried archaeological resources) to reduce these effects to less than significant. **Less Than Significant Impact with Mitigation Incorporated**.

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts. As discussed in *Section C. Air Quality* and *Section H. Greenhouse Gas Emissions*, the project would have a less than significant impact related to criteria air pollutants and GHG emissions. As discussed in *Section M. Noise & Vibration*, there are no planned or approved projects within 1,000 feet of the project site and no cumulative construction impacts would occur in the project vicinity. As discussed in *Section Q. Transportation*, the project would have a less than significant impact related to cumulative VMT. For these reasons, the project would have a less than significant cumulative impact on air quality overall.

The project would result in potential impacts in the following areas: 1) impacts on biological resources during construction from disturbance to nesting birds, 2) potential impacts to buried archaeological resources during excavation, and 3) vibration impacts to nearby buildings during construction. These impacts would be minimized by implementation of identified mitigation measures and standard permit conditions in this document, and would not significantly contribute to cumulative impacts in these areas.

With the implementation of measures in accordance with the City's General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances under the proposed hotel would not result in significant impacts. Therefore, the project would not contribute to a significant cumulative impact on these resources. **Less Than Significant Impact**.

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

Based on the analysis provided in this Initial Study, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and standard permit conditions. **Less Than Significant Impact**.

Conclusion: The project would have a less than significant impact on the CEQA mandatory findings of significance with the incorporation of mitigation measures, standard permit conditions, and General Plan policies identified in this document.

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Chapter 4. References

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