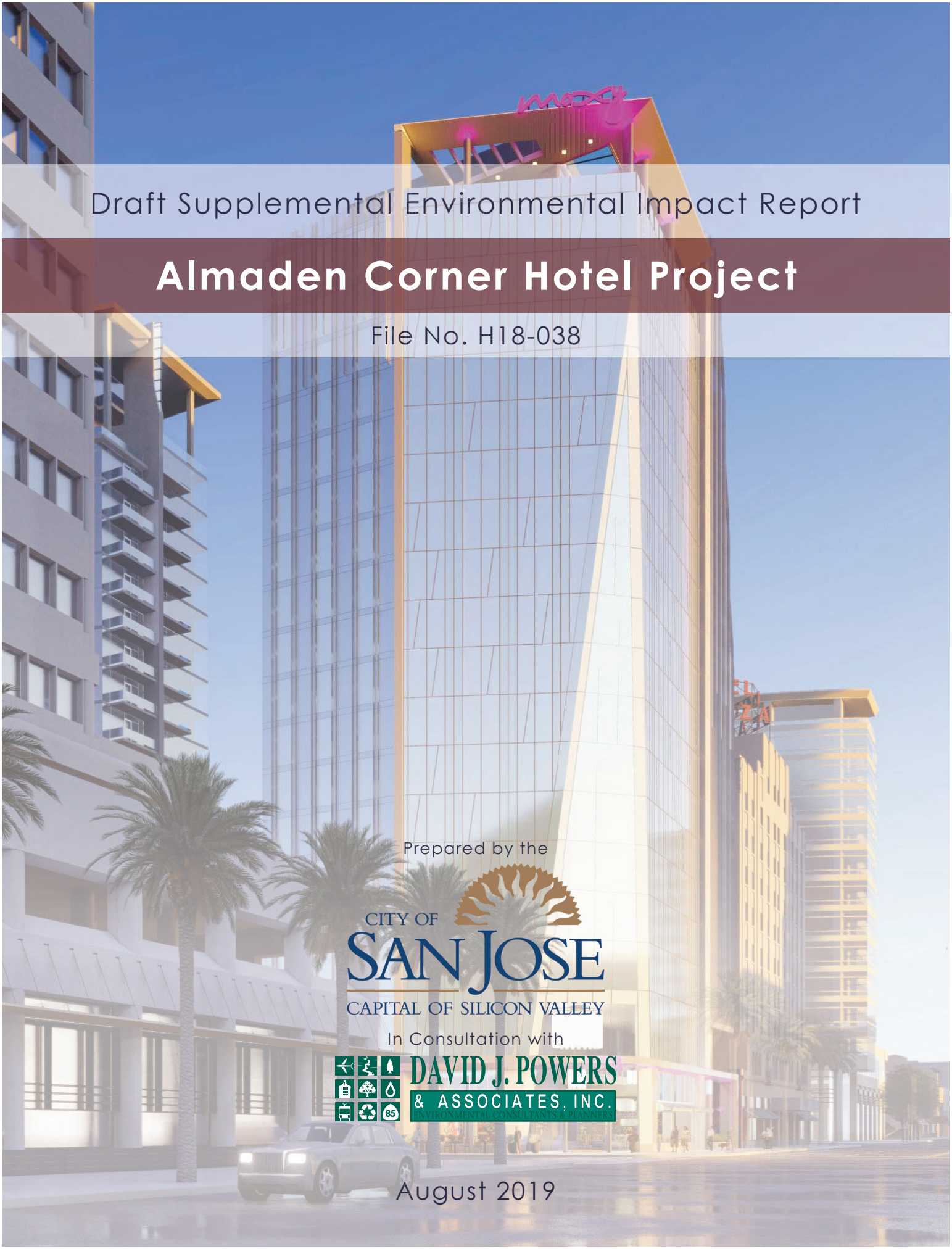

Draft Supplemental Environmental Impact Report

Almaden Corner Hotel Project

File No. H18-038

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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ENVIRONMENTAL CONSULTANTS & PLANNERS

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ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service

SUMMARY

The 0.20-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 272-room hotel. The 19-story building would have a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is proposed on-site. The project would provide parking for hotel patrons at an off-site City garage via a valet service and a parking agreement with the City of San Jose of up to 30 years. The project would have a total of five valet parking spaces (two on Almaden Boulevard and three on Santa Clara Street).

The following is a summary of the significant impacts and mitigation measures addressed within this SEIR (including the Initial Study in Appendix A). The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0 Project Information and Description* and *Section 3.0 Environmental Setting, Impacts, & Mitigation*

Significant Impacts	Mitigation Measures
Air Quality	
Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. Same Impact as Approved Project (Less than Significant Impact With Mitigation)	**MM AIR-1.1:** The project applicant shall ensure that all diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. Environmental Protect Agency (EPA) particulate matter emissions standards for Tier 4 engines. An alternative option would be equipment that meets Tier 3 engines that have California Air Resources Board (CARB) certified Level 3 Diesel Particulate Filters[1] or equivalent. Alternatively, the use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AIR-1.2) which include specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest. Additionally, large stationary cranes shall be powered by electricity, and generators and welders using diesel fuel shall be limited to 200 hours over the entire construction period. **MM AIR-1.2:** Prior to the issuance of any demolition, grading, and/or building permits, whichever occurs earliest, the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction to the City's Director of Planning or Director's designee for review and approval. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment

[1] California Air Resources Board. Verification Procedure – Currently Verified. Available at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm. Accessed on October 2, 2018.

	included in the plan meets the standards set forth in these mitigation measures.
Biological Resources	
Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **Same Impact as Approved Project (Less than Significant Impact With Mitigation)**	**MM BIO-4.1:** Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive. If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction. Prior to any tree removal, construction activities, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning or Director's designee.
Cultural Resources	
Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **Same Impact as Approved Project (Less than Significant Impact With Mitigation)**	**MM CUL 1-1:** <u>Pre-Condition Survey:</u> The project applicant shall prepare preconstruction documentation of the De Anza Hotel. Prior to construction, a qualified Historic Architect shall undertake an existing visual conditions study of the De Anza Hotel. The purpose of the study would be to establish the baseline conditions of the building prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City's Director of Planning or Designee and the City of

	San José's Historic Preservation Officer (HPO) prior to the issuance of any grading permits. **MM CUL 1-2:** Prior to issuance of any grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the De Anza Hotel from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect who meets the Secretary of Interior's Professional Qualifications Standards and reviewed and approved by the City's Director of Planning or Designee and the HPO. The project applicant shall ensure the contractor follows the HRRP throughout construction. At a minimum, the plan shall include, but is not limited to, the following: • Guidelines for operation of construction equipment adjacent to historical resources; • Guidelines for storage of construction materials away from historic resources; • Requirements for monitoring and documenting compliance with the plan; and • Education/training of construction workers about the significance of the historical resources around which they would be working. • Development of a vibration monitoring and construction contingency plan to identify 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 phases as detailed by the MM NOI-1.1 through NOI-1.3. Construction contingencies would be identified for when vibration levels approach the limits. **MM CUL 1-3:** The project applicant shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the De Anza Hotel property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month for the duration of the construction period. The City's

	Director of Planning or Designee and the HPO may request any additional number of site visits at their discretion. If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, a representative of the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the City's Director of Planning or Designee and the HPO of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The project applicant shall ensure that, in the event of damage to the De Anza Hotel during construction, repair work is performed (with appropriate permits, as necessary) in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status. The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the City's Director of Planning or Designee and the HPO no later than one week after each reporting period. The Monitoring Report shall include, but is not limited to, the following: • Summary of the demolition and construction progress; • Identification of substantial adverse impacts related to construction activities; • Problems and potential impacts to the historical resources and adjacent buildings during construction activities; • Recommendations to avoid any potential impacts; • Actions taken by the project applicant in response to the problem; • Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and • Inclusion of photographs to explain and illustrate progress.

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **Same Impact as Approved Project (Less than Significant Impact With Mitigation)**	In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the City's Director of Planning or Designee and the HPO prior to the issuance of any Certificate of Occupancy (temporary or final). **MM CUL-2.1:** Treatment Plan: Prior to the issuance of any grading permit, a project-specific Cultural Resources Treatment Plan shall be prepared by a qualified archaeologist. The Cultural Resources Treatment Plan shall be developed based on available records, including the subsurface archaeological investigation report completed for the adjacent Axis Residential Tower project which details specific artifacts recovered on the adjacent site. The Cultural Resources Treatment Plan shall reflect permit-level detail pertaining to depths and locations of all ground disturbing activities. The Cultural Resources Treatment Plan shall be prepared and submitted to the City's Director of Planning or Designee and the Historic Preservation Officer prior to approval of any grading permit. 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). • Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). • Detailed field strategy used to record, recover, or avoid the finds and address research goals. • Analytical methods. • Report structure and outline of document contents. • Disposition of the artifacts. • Appendices: all site records, correspondence, and consultation with Native Americans, etc. **MM CUL-2.2:** Evaluation and Data Recovery: The City's Director of Planning or Director's Designee and the City's Historic Preservation Officer shall be notified 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 grading or other construction activities shall be evaluated for

	eligibility for listing in the California Register of Historic Resources. 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 project-specific Cultural Resources Treatment Plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. **MM CUL-2.3:** Construction Monitoring and Protection Measures: Although the data recovery and treatment program is expected to recover potentially significant materials and information from the area impacted by the project prior to grading, it is possible that additional resources could remain on-site. Therefore, all ground-disturbing activities (e.g., grading and excavation) shall be completed under the observation of a qualified archaeologist, unless otherwise determined by the qualified archaeologist. The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find. If, for any reasons, the qualified archaeologist is not present but construction crews encounter a cultural resource, all work shall stop within 50 feet of the find, the City's Director of Planning or Director's Designee shall be notified, and a qualified archaeologist shall be contacted to determine the proper course of action. Any human remains encountered during construction shall be treated according to the protocol identified in MM CUL-2.4. **MM CUL-2.4:** Human Remains: Native American coordination shall follow the protocols established under Assembly Bill 52, State of California Code, and applicable City of San José procedures. 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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Project Applicant shall immediately notify the City's Director of Planning or Director's Designee of the City of San José Department of Planning, Building and Code Enforcement

	and the qualified archaeologist, who will 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 Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent 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 descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
Hazards and Hazardous Materials	
Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **Same Impact as Approved Project (Less than Significant Impact With Mitigation)**	**MM HAZ-2.1:** Under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) using their Voluntary Cleanup Program (VCP), or equivalent regulatory agency and program, the project proponent shall develop a Soil and Groundwater Management Plan (Plan), or similar document, as required by SCCDEH, to be implemented prior to and during construction to protect construction worker safety, the public, and the environment. The Soil and Groundwater Management Plan shall include measures such as: 1. A detailed discussion of the site background; 2. Health and Safety Plan to protect construction workers; 3. Soil management protocol to manage contaminated soils if encountered on-site; 4. Proper procedures as needed for demolition of existing structures;

	5. Management of stockpiles, including sampling, disposal, and dust and runoff; 6. Control including implementation of a stormwater pollution prevention program; 7. Procedures for transporting and disposing the waste material generated during removal activities; 8. Procedures for stockpiling soil on-site, if such stockpiling is necessary; 9. Provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities; 10. Procedures to ensure that fill and cap materials are verified as clean; 11. Truck routes for export of soil; 12. Staging and loading procedures and record keeping requirements; 13. Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paints, etc.) is discovered during excavation or demolition activities; 14. Details on dewatering procedures including permitting with the City of San José Environmental Services Department for treatment and discharge to the sanitary sewer or the Regional Water Quality Control Board (RWQCB) for treatment and discharge to the storm drain system. The Plan shall be submitted to the SCCDEH, or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City's Director of Planning or Designee and the Municipal Compliance Officer of Environmental Services Department prior to issuance of any demolition or grading permits.
Noise	
Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **Same Impact as Approved Project (Less than Significant Impact With Mitigation)**	**MM NOI-2.1:** The project applicant shall prohibit impact or vibratory pile driving. This measure shall be printed in all construction contracts and plans. **MM NOI-2.2:** The project applicant shall prepare a list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.), and shall submit the list to the City's Director of Planning, Building and Code Enforcement or Designee for review and approval. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and shall identify

	methodologies and tasks to effort require for continuous vibration monitoring. **MM NOI-2.3:** The project applicant shall prepare and implement a Construction Vibration Monitoring, Treatment, and Reporting Plan ("Plan") to document conditions at the historic De Anza Hotel prior to, during, and after vibration generating construction activities. All plan tasks shall be conducted under the direction of a Professional Structural Engineer licensed in the State of California and be in accordance with industry accepted standard methods. The Plan shall include, but is not limited to, the following: ○ A photo survey, elevation survey, and crack monitoring survey for the historic De Anza Hotel. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure. Frequency of intervals shall be recommended by the Professional Structural Engineer and shall be approved by the City. ○ A contingency section or plan to identify 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 further document before and after construction period. Construction contingencies would be identified for when vibration levels approach the limits. ○ If vibration levels approach limits (0.08 in/sec PPV), suspend construction and implement contingencies to either lower vibration levels or secure the affected structure. • Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs in accordance with the Secretary of the Interior's Standards where damage has occurred as a result of construction activities. • Summarize the results of all vibration monitoring and submit results in a report after completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used,

	calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The report shall be submitted to the City's Director of Planning, Building and Code Enforcement or designee and the Historic Preservation Officer two weeks after completion of each phase identified in the project schedule. • 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. ○ The project applicant shall submit the Construction Vibration Monitoring, Treatment, and Reporting Plan to the City's Director of Planning, Building and Code Enforcement or Designee prior to issuance of any demolition or grading permits for review and approval.

Summary of Alternatives to the Proposed Project

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in Section 8.0 Alternatives Analysis.

No Project – No Development Alternative

The No Project – No Development Alternative would retain the existing private parking lot on-site. If the project site were to remain as is there would be no new impacts.

No Project – Downtown Redevelopment Alternative

It is reasonable to assume that if the project were not approved, an alternative development would be proposed in the future consistent with the land use designation on the site. The Downtown General Plan designation allows development of up to 30 stories (a minimum of 300 feet assuming 10 feet per floor), with a floor area ratio of 30.0 and residential densities up to 800 dwelling units/acre. Impacts would likely be comparable to the proposed project.

Reduced Height and Massing Alternative

In response to comments from the Historic Landmark Commission (April 3, 2019 meeting) and public comments on the Notice of Preparation, a reduced building height and massing alternative was

considered. This alternative would include a seven to eight-story hotel with no roof top bar. Based on the floor plan of the proposed project, this would allow for up to 95 hotel rooms.

The Reduced Height and Massing Alternative would not allow for new high-density development to be constructed on the project site consistent with the General Plan but would result in a mid-rise structure that would not be the highest and best use of the site based on the General Plan land use designation.

Areas of Public Controversy

Areas of public concern include:

- Increased traffic
- Insufficient parking
- Height and Massing
- Interface with De Anza Hotel (a historic resource) and potential impact to the hotel
- Impacts to subsurface cultural resources

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Almaden Corner Hotel project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 EIR PROCESS

1.2.1 Overview

1.2.1.1 *Envision San José 2040 General Plan*

In 2011, the City of San José approved the 2040 General Plan and the *Envision San José 2040 General Plan Final Program Environmental Impact Report* (General Plan FEIR), which is a long-range program for the future growth of the City. The General Plan FEIR (as amended) was a broad range analysis of the planned growth and did not analyze specific development projects. The intent was for the General Plan FEIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan FEIR did, however, develop project level information whenever possible, such as when a particular site was identified for a specific size and type of development. The General Plan FEIR also identified mitigation measures and adopted Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development.

In December 2015, the City of San José approved an Envision San José 2040 Plan Supplemental FEIR (General Plan SFEIR*)* for the General Plan to include and update the greenhouse gas emissions analysis. On December 13, 2016, as part of the General Plan 4-Year Review, the City Council approved an addendum to the General Plan FEIR, SFEIR, and addenda thereto modify the job capacity to 751,650, reducing the number of jobs by 87,800. The number of residential units remained the same.

1.2.1.2 *Downtown Strategy 2040 Environmental Impact Report*

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

The Downtown Strategy 2040 is an update and replacement of the Strategy 2000: San José Greater Downtown Strategy for Development (Strategy 2000) adopted by the City Council in 2005. The new Downtown Strategy is necessary to: (i) respond to changed circumstances and conditions; and (ii) increase the Downtown development capacity to year 2040 consistent with the General Plan. For purposes of this new Strategy, the primary action is to increase the development capacity within the Downtown boundary, as defined in the General Plan, by transferring 4,000 dwelling units and 10,000 jobs from later horizon General Plan growth areas to Downtown capacity available now. The Downtown Strategy 2040 has a development capacity of 14,360 residential units, 14.2 million square feet of office uses, 1.4 million square feet of retail uses, and 3,600 hotel rooms. The Downtown Strategy 2040 FEIR provides project-level clearance for impacts related to vehicle miles traveled (VMT), traffic noise, and operational emissions of criteria pollutants associated with Downtown development.

The Downtown Strategy 2040 FEIR analysis assumed that project-level, site-specific environmental issues for a given parcel proposed for redevelopment would require additional review. This SEIR and associated Initial Study provide that subsequent project-level environmental review.

1.2.2 Purpose of the SEIR

In accordance with CEQA Guidelines Section 15163, the Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

(1) Any of the conditions described in Section 15162 (Subsequent EIRs and Negative Declarations) would require the preparation of a subsequent EIR, and
(2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

As such, the City has prepared a Supplemental EIR (SEIR) for the proposed project.

In accordance with CEQA, this SEIR provides objective information regarding the environmental consequences of the proposed project to the decisions makers who will be considering and reviewing the proposed project. The CEQA Guidelines contain the following general information of the role of an SEIR and its contents:

> **§15121(a) – Informational Document.** An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information that may be presented to the agency.
>
> **§15145 – Speculation.** If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.
>
> **§15151 – Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently considers environmental consequences. An evaluation of the

environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

1.2.3 Tiering From Previous EIRs

In accordance with CEQA, this SEIR will be a Supplemental EIR to the Downtown Strategy 2040 FEIR and tier from both the General Plan FEIR (as amended) and the Downtown Strategy 2040 FEIR. The CEQA Guidelines contain the following information on tiering an environmental document:

> **§ 15152 – Tiering.** (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the EIR or negative declaration solely on the issues specific to the later project.
>
> (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequences of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

1.2.4 Focusing the SEIR

The City of San José prepared an Initial Study (see Appendix A of this SEIR). The Initial Study concluded that the SEIR should focus on cultural resources. The issues of aesthetics, agricultural/forestry resources, air quality, biological resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, noise, transportation, and utilities were analyzed in the Initial Study. The project's impacts in these study areas were determined to be less than significant, with conformance with General Plan policies that will be made conditions of approval of the project, and/or it was determined that the project would not result in any new or more significant impacts in these resources areas that those addressed in the General Plan FEIR and Downtown Strategy 2040 FEIR.

1.2.5 Notice of Preparation and Scoping

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this SEIR. The NOP was circulated to local, state, and

federal agencies on January 18, 2019. The standard 30-day comment period concluded on February 18, 2019. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The lead agency also held a combined Community and EIR Scoping Meeting on Monday, February 4, 2019 to discuss the project and solicit public input as to the scope and contents of this SEIR. Appendix H of this SEIR includes the NOP, responses to NOP comments, and copies of written comments received on the NOP.

1.2.6 Draft EIR Public Review and Comment Period

Publication of this Draft SEIR will mark the beginning of a 45-day public review and comment period. During this period, the Draft SEIR will be available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of this Draft SEIR will be sent directly to every agency, person, and organization that commented on the NOP. Written comments concerning the environmental review contained in this Draft SEIR during the 45-day public review period should be sent to:

Thai Chau-Le
City of San José – Department of Planning, Building, and Code Enforcement
200 E Santa Clara St., 3rd Floor
San Jose, CA 95113
Thai-Chau.Le@sanjoseca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft SEIR text, as necessary;
- List of individuals and agencies commenting on the Draft SEIR;
- Responses to comments received on the Draft SEIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft SEIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.3.1 Notice of Determination

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 15094(g)).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

1.4 PROJECT LOCATION

The approximately 0.20-acre project site is comprised of one parcel located at the corner of Almaden Boulevard and West Santa Clara Street in downtown San José (see Figures 2.0-1 – 2.0-3).

1.5 EXISTING CONDITIONS

Currently the site is developed as a parking lot. The site is designated Downtown under the City of San José's adopted General Plan and is located in the DC – Downtown Primary Commercial zoning district.

1.6 PROPOSED DEVELOPMENT

1.6.1 Hotel Building

The 0.20-acre project site is currently developed with a private surface parking lot. The project proposes to remove the parking lot and construct a 146,282 square foot, 272-room hotel.[2] The 19-story building would reach a maximum height of 225 feet. The project would have a Floor Area Ratio (FAR) of 16.7. Guest rooms would be located on floors three through 18. Restaurants and bars are proposed on both the ground floor and the 19th floor. A library, administration offices, and fitness area for hotel guests and administration is proposed for the second floor.

The hotel building would have one basement level for utilities, and maintenance related services (e.g. housekeeping, linen room). Additional mechanical equipment would be located on the roof.

1.6.2 Common Areas and Landscaping

The proposed hotel includes a lobby and lounge area for guests on the ground floor. Restaurants and bars are proposed on both the ground floor and 19th floor and would be available for outside patrons. The 19th floor bar would be enclosed and would provide access to an open-air patio. The bar would have a maximum occupancy of 135 people and is proposed to operate from 4:00 PM to midnight.

On-site landscaping would include planter boxes and street trees along the perimeter of the building along East Santa Clara Street.

1.6.3 Building Setbacks

The project footprint would be set back 2.5 feet from the northern property line, three feet from the eastern property line, and zero feet from the sidewalks on West Santa Clara Street and Almaden Boulevard.

[2] Please note that the technical reports prepared for this Initial Study analyzed a slightly larger project (153,275 square feet and 330 rooms), resulting in a conservative assessment of the project's impacts.

1.6.4 Site Access and Parking

The existing sidewalks along East Santa Clara Street and North Almaden Boulevard would provide hotel pedestrian access. Guests would have access from a main entrance on North Almaden Boulevard.

The project would provide parking for hotel patrons at an off-site City garage via a valet service and a parking agreement with the City of San Jose of up to 30 years. Off-site parking would be provided at the City owned San Pedro Market Garage. The garage would provide up to 41 parking permits for use by hotel guests. Guest drop-off/pick-up would be located on Santa Clara Street and Almaden Boulevard.

The project would include two valet parking spaces on Almaden Boulevard and three valet parking spaces on Santa Clara Street, for a total of five valet parking spaces. Valet staffing would be dependent on demand with up to 10 valet attendants during both the AM and PM Peak Hours at maximum hotel occupancy. Because all parking is off-site, the valet service would operate 24 hours a day, seven days a week. The proposed Valet Parking Operations plan is provided in Section 4.17 of Appendix A, and in Appendix G2.

The project proposes the following Transportation Demand Management measures:

- Free Santa Clara Valley Transportation Authority SmartPass for employees
- Employee parking incentives to avoid off-site parking
- On-site Transportation Demand Management Coordinator

1.6.5 Utility Improvements/Mechanical Systems

The existing utilities in the project area would serve the proposed hotel. The project would treat stormwater on-site utilizing planter boxes and mechanical filtration prior to discharge to the City's stormwater system.

The project would include installation of one 400-kilowatt (kW) emergency back-up diesel generator (approximately 600 horsepower) to provide emergency backup power to the building. The generator would be operated monthly for testing and maintenance purposes, up to a maximum of 50 hours per year total.[3] Consistent with permitting requirements, the generator would be required to meet U.S. Environmental Protection Agency (EPA) emission standards and consume commercially available California low sulfur diesel fuel. The generator would be located in the basement on the western end of the building.

The project would also include one fire pump with an approximately 200 horsepower engine. Similar to the emergency generator, the fire pump would have up to 50 hours of annual operation for testing and maintenance. The fire pump would be located in the basement on the northern end of the building.

[3] The annual maximum of 50 hours of testing accounts for non-emergency operations only and is separate from any required use of the generator in an emergency. Testing periods would run for less than one hour under light engine loads.

1.6.6 Green Building Measures

The project would comply with the Private Sector Green Building Policy. This could be met by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

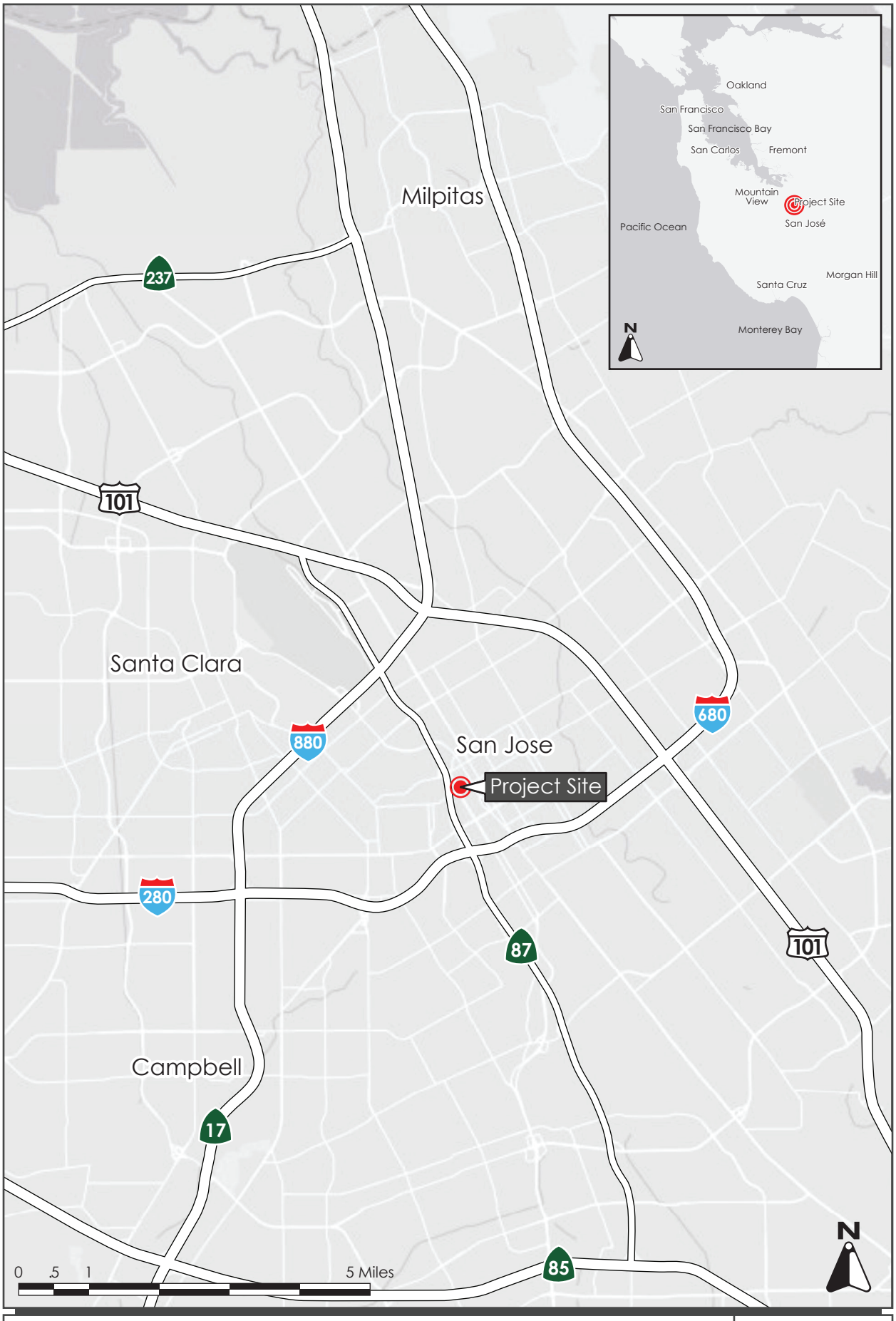
1.6.7 On-site and Off-site Improvements and Construction

Project construction is estimated to occur over 18 months, approximately 390 workdays. Within those 390 workdays, it is estimated that site preparation/grading would take approximately 30 days, trenching/foundation work would take approximately 10 days, building construction would take approximately 230 days, and paving and architectural coatings would take approximately 40 days.[4]

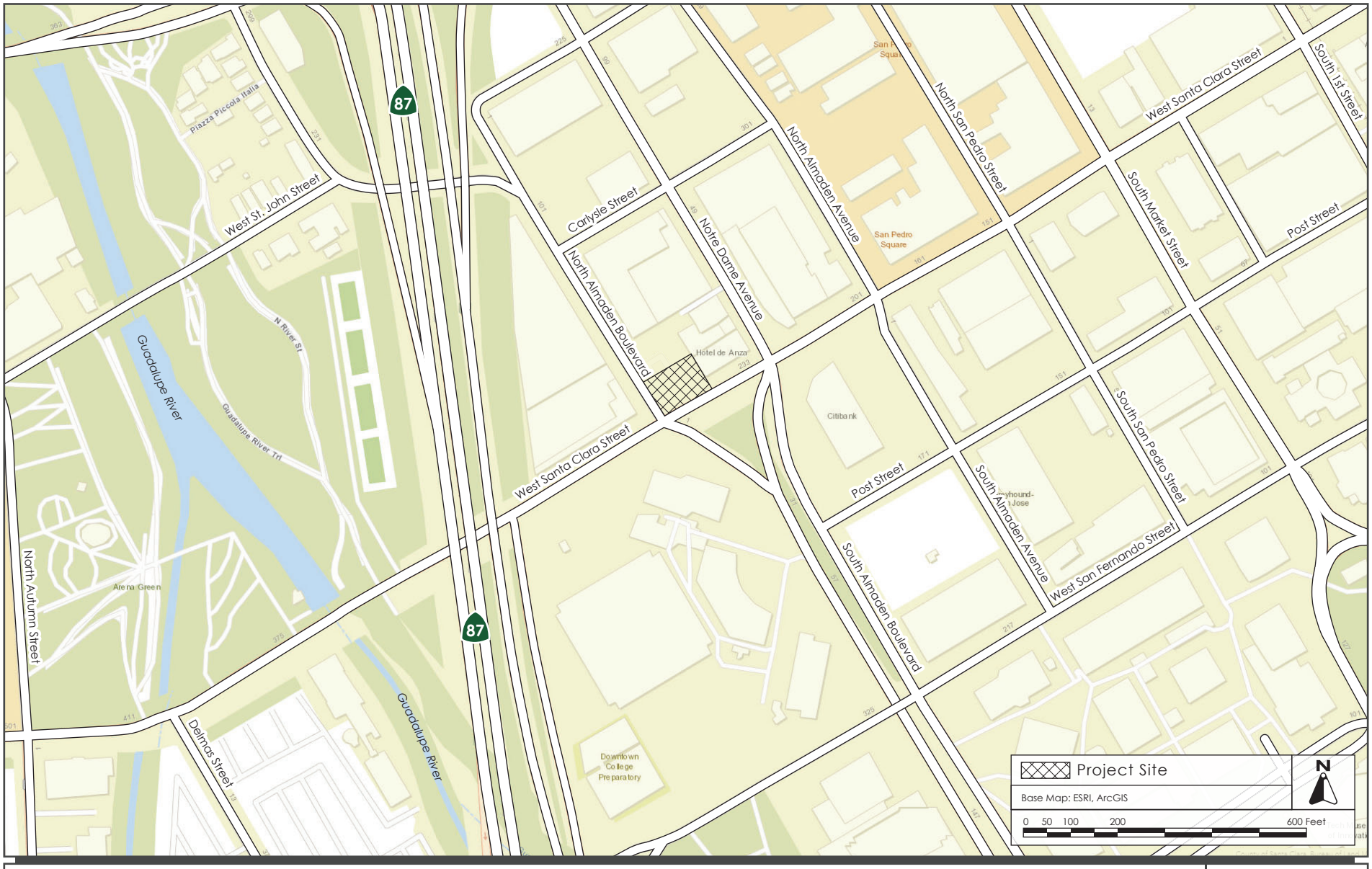
Construction activities associated with the proposed project include utility connections, building construction, and frontage improvements (e.g., sidewalk improvements, and street tree planting). The site would be excavated to a depth of approximately 10 feet for the basement level. Pile driving is not proposed for the hotel construction.

During construction, staging activities (e.g., equipment and material storage) would occur on and off the project site. The location of the off-site staging area has not been determined.

[4] Illingworth & Rodkin. Almaden Corner Hotel Construction Toxic Air Contaminant Assessment. August 2018.

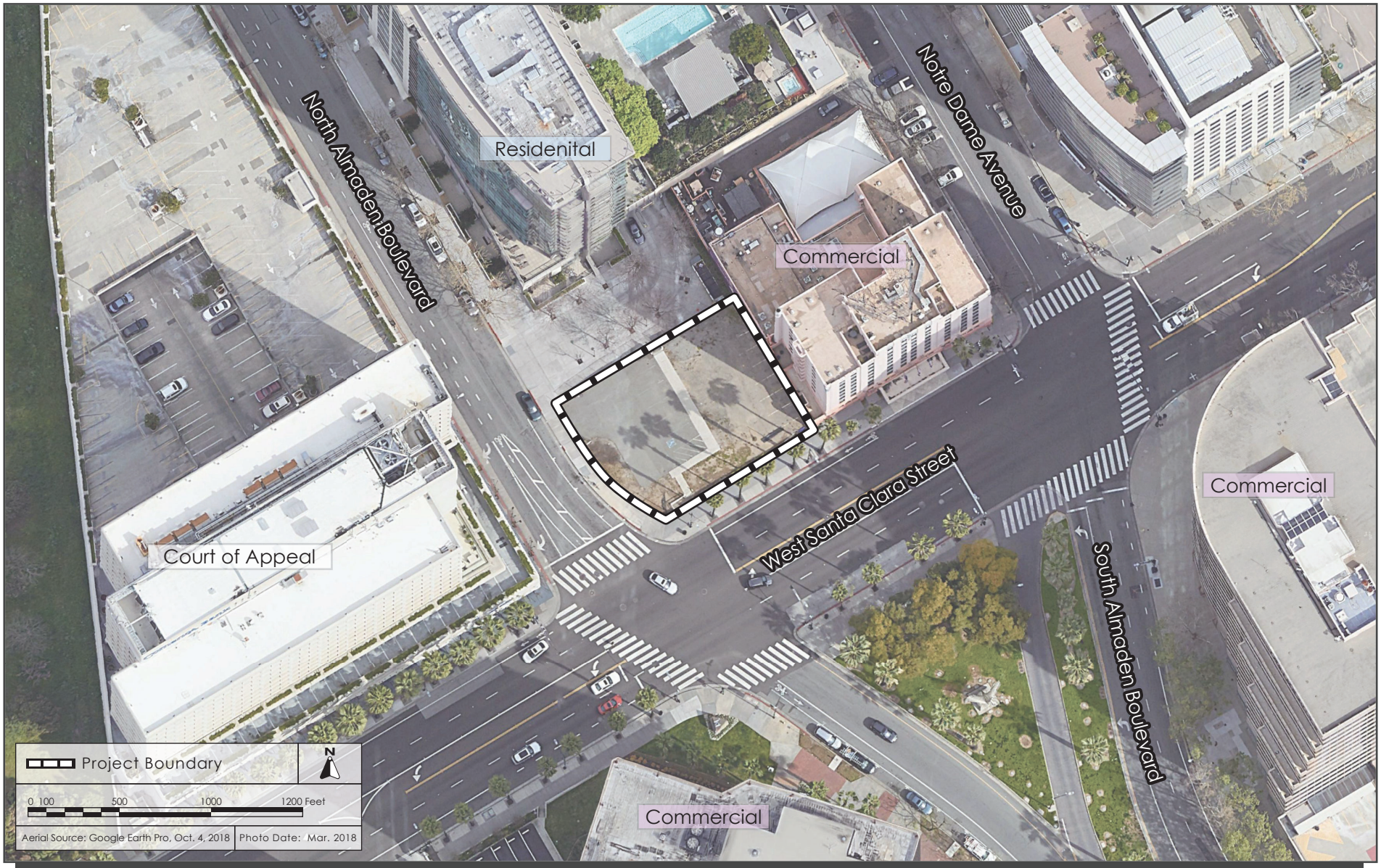


REGIONAL MAP | FIGURE 2.0-1

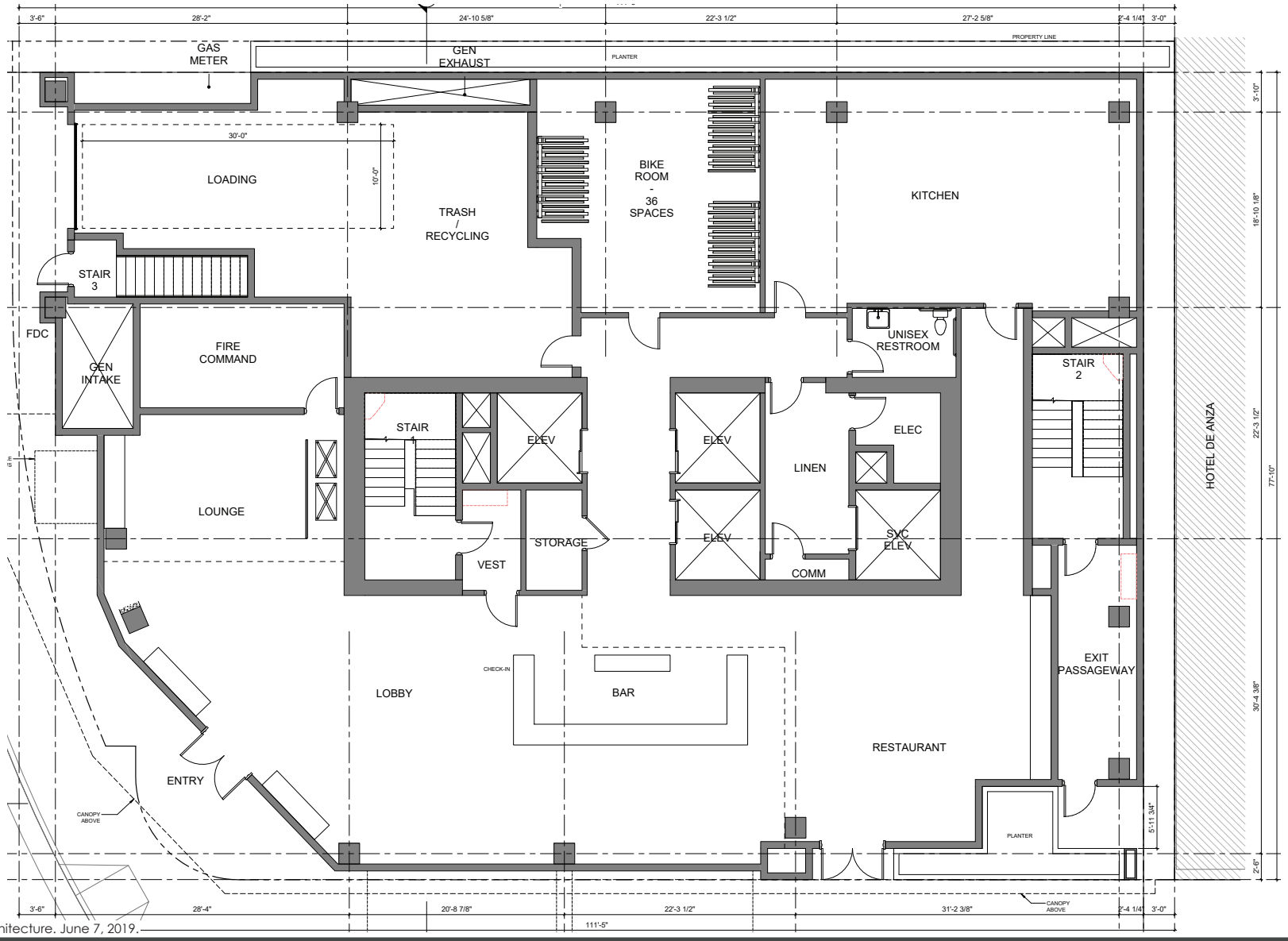


VICINITY MAP

FIGURE 2.0-2



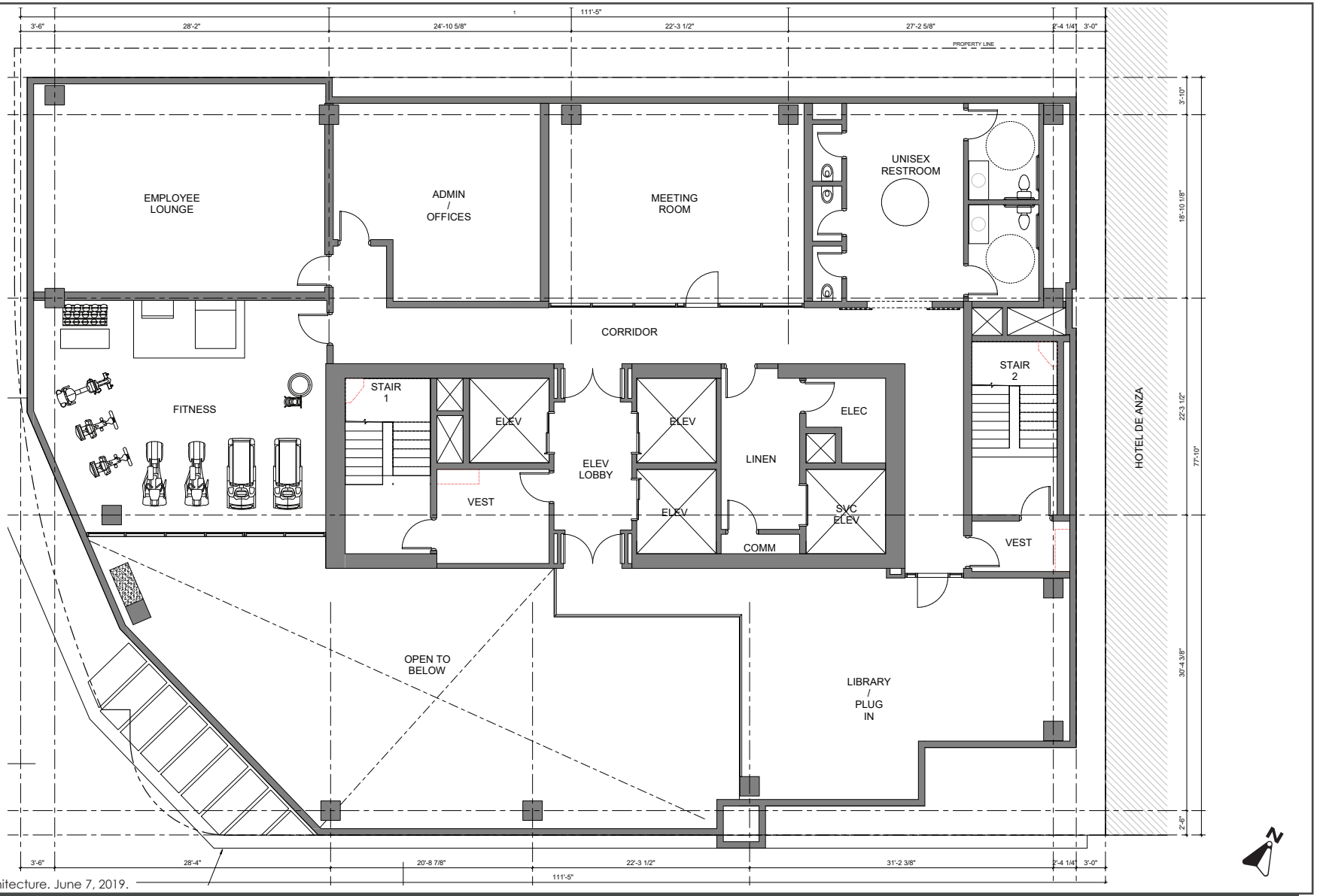
AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.0-3



Source: C2K Architecture. June 7, 2019.

SITE PLAN (FIRST FLOOR)

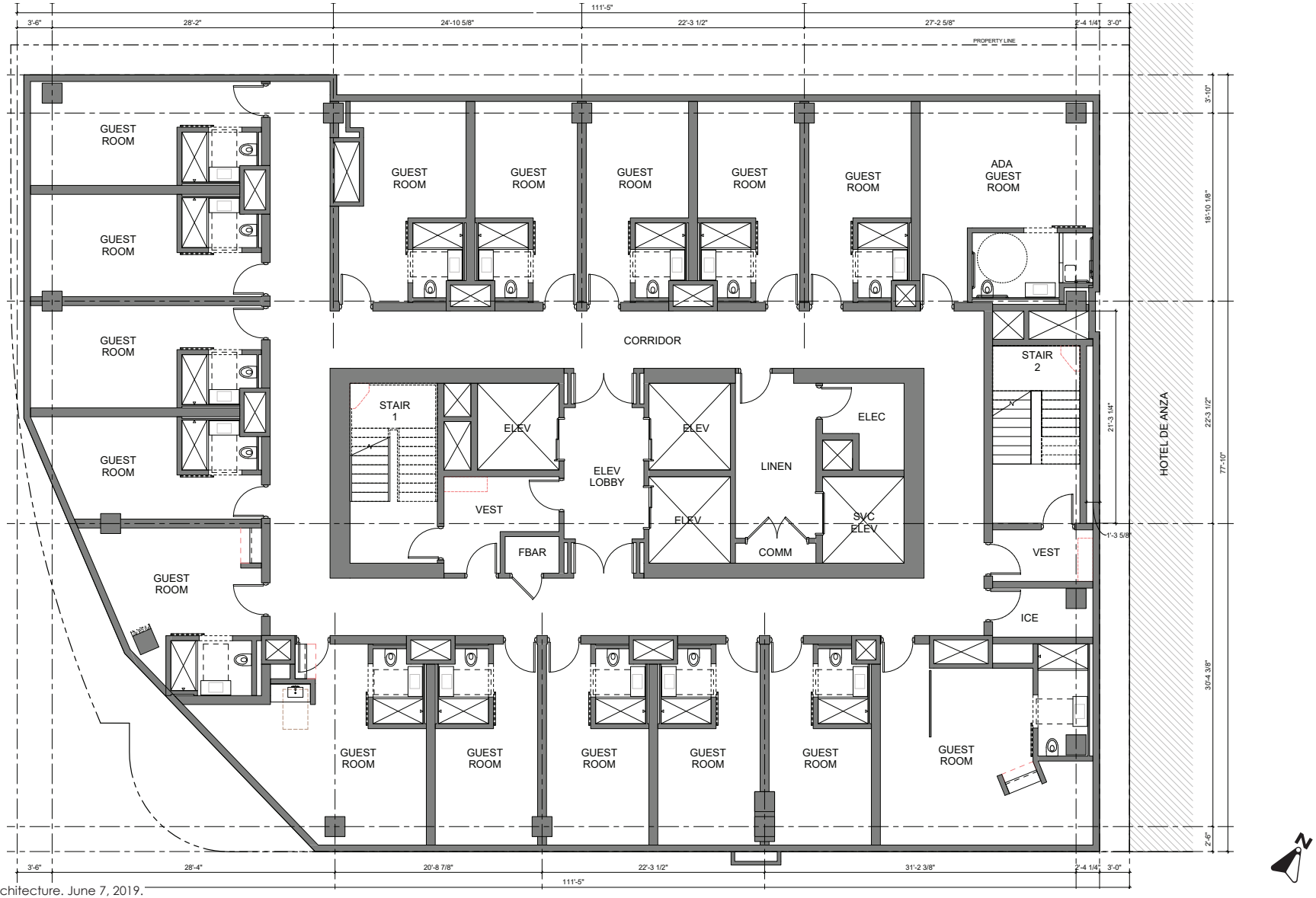
FIGURE 3.0-1



Source: C2K Architecture. June 7, 2019.

SITE PLAN (SECOND FLOOR)

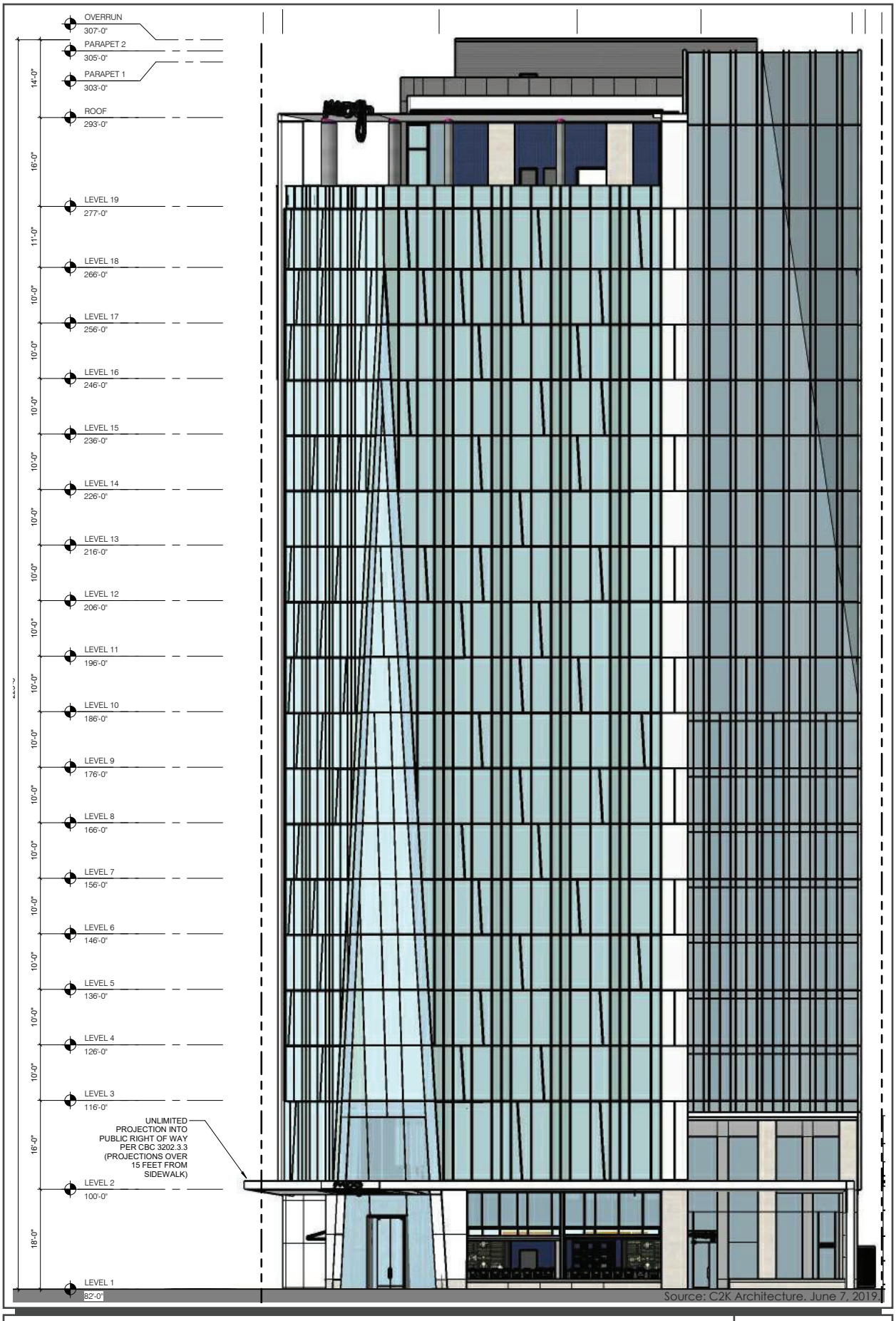
FIGURE 3.0-2



Source: C2K Architecture. June 7, 2019.

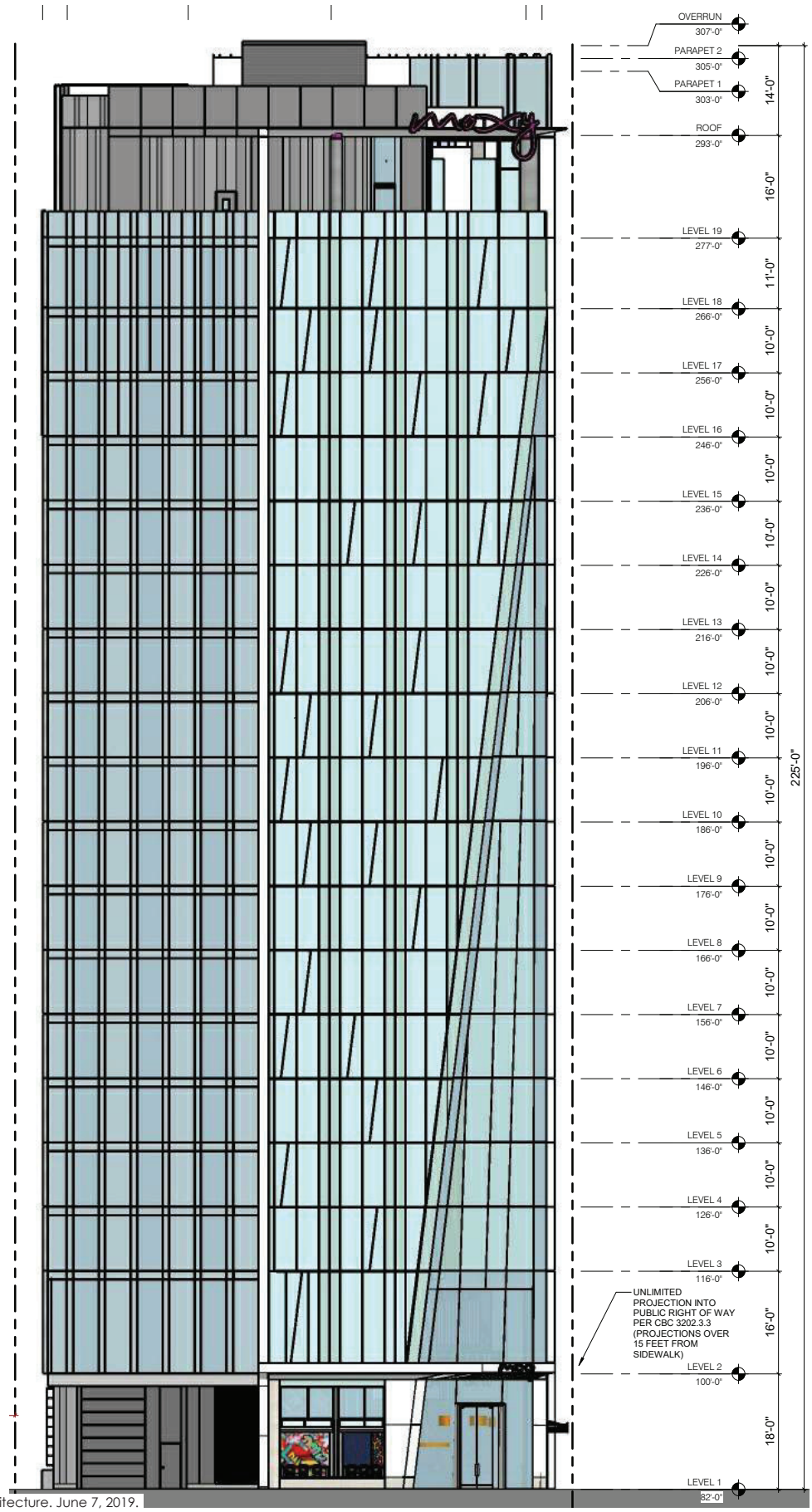
SITE PLAN (THIRD FLOOR)

FIGURE 3.0-3



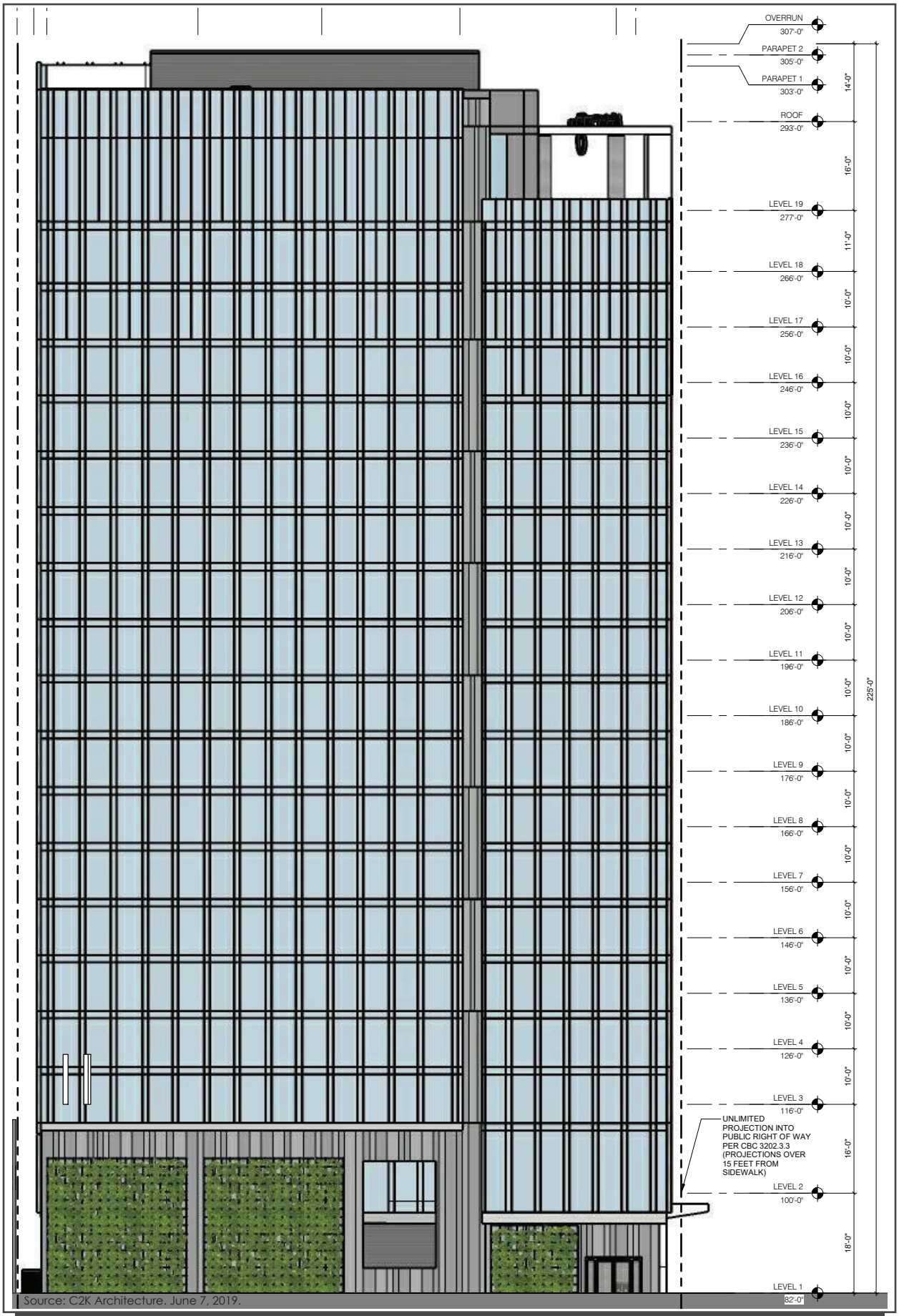
Source: C2K Architecture, June 7, 2019

BUILDING ELEVATIONS (SOUTH) | FIGURE 3.0-4



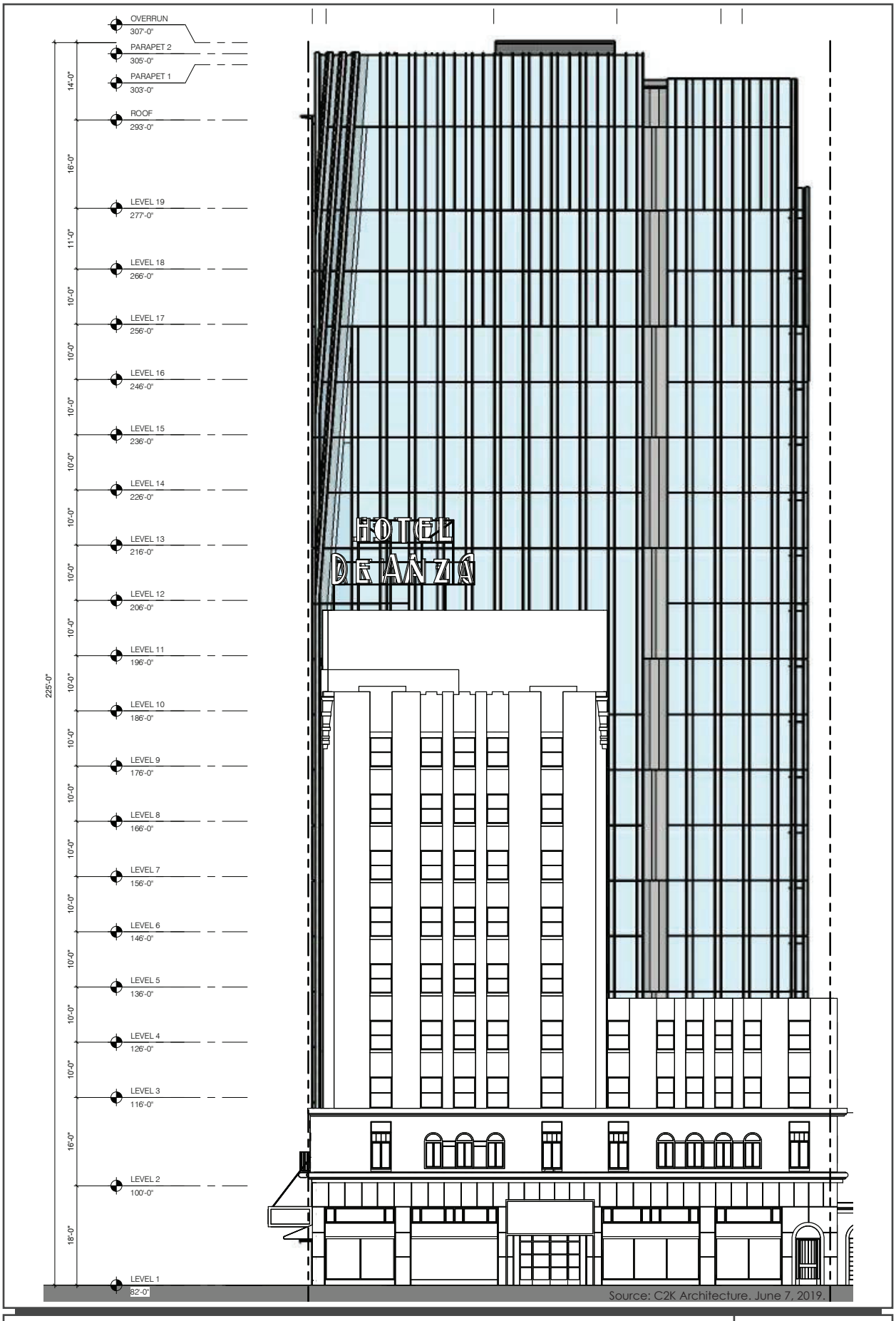
Source: C2K Architecture. June 7, 2019.

BUILDING ELEVATIONS (WEST) | FIGURE 3.0-5



Source: C2K Architecture, June 7, 2019.

BUILDING ELEVATIONS (NORTH) | FIGURE 3.0-6



Source: C2K Architecture. June 7, 2019.

BUILDING ELEVATIONS (EAST) | FIGURE 3.0-7

1.7 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The stated objectives of the project proponent are to:

1. Provide a high-density, high-rise hotel in the Downtown, accessible to Downtown jobs, Downtown retail and entertainment, and various modes of public transit.

2. Implement the strategies and goals of the Envision San Jose 2040 General Plan and Downtown Strategy 2040 by locating high density development on infill sites along transit corridors to foster transit use and the efficiency of urban services and thus strengthen Downtown as a regional job, entertainment, and cultural destination and as the as the symbolic heart of San José.

3. Support Growth Strategies to reduce overall amount of vehicle miles traveled by placing hotels in proximity to local entertainment, cultural and employment centers.

4. Advance the principles of "Smart Growth" by providing a new hotel in the Focused Growth area of Downtown.

5. Create a high-quality, well-designed, high-density, development project in the Downtown focus area to further the San Jose 2040 General Plans goal of creating a central identity for San Jose as well as adding a sense of permanency and stature to the downtown skyline.

6. Construct a high-quality, high-density development that is marketable and produces a reasonable return on investment for the Project Sponsor and its investors and is able to attract investment capital and construction financing.

7. Provide a development that provides a pedestrian oriented use that enlivens the streetscape.

1.8 CITY OF SAN JOSÉ OBJECTIVES

The City has identified the following goals and strategies for the General Plan which apply to the proposed project.

1. Major Strategy #3 - Focused Growth: Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods. The Plan focuses significant growth, particularly to increase employment capacity, in areas surrounding the City's regional Employment Center, achieve fiscal sustainability, and to maximize the use of transit systems within the region.

2. Major Strategy #9 - Destination Downtown: Support continued growth in the Downtown as the City's cultural center and as a unique and important employment and residential neighborhood. Focusing growth within the Downtown will support the Plan's economic, fiscal, environmental, and urban design/ placemaking goals.

3. Community Design Goal CD-6 – Downtown Urban Design: Promote and achieve the

Downtown's full potential as a regional destination and diverse cultural, recreational, civic, and employment center through distinctive and high-quality design.

4. Land Use Goal LU-3 – Downtown: Strengthen Downtown as a regional job, entertainment, and cultural destination and as the as the symbolic heart of San José.

5. Land Use Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

1.9 USES OF THE EIR

This SEIR is intended to provide the City of San José, other public agencies, and the general public with the relevant environmental information needed in considering the proposed project.

The City of San José anticipates that discretionary approvals by the City, including but not limited to the following, will be required to implement the project addressed in this SEIR:

1. Site Development Permit
2. Tentative Map
3. Grading, Building, and Occupancy Permits
4. Disposition and Development Agreement
5. Parking Agreements
6. Public Easement Vacation/Street Vacation
7. Other Public Works Clearances
8. Easements, Sale of Land
9. Architectural Review
10. FAA Part 77 Surfaces Approval

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

This section presents the discussion of impacts related to the following environmental subject in the respective subsection:

3.1 Cultural Resources

The Initial Study completed for the project, which is included as Appendix A to this SEIR, includes a discussion of impacts related to the following environmental subjects: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise and Vibration, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems.

The discussion for each environmental subject includes the following subsections:

ENVIRONMENTAL SETTING

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

IMPACTS

This subsection: 1) includes thresholds of significance for determining impacts, 2) discusses the project's consistency with those thresholds, and 3) discusses the project's consistency with applicable plans. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

CONCLUSION

This subsection provides a summary of the project's impacts on the resource.

1.10 CULTURAL RESOURCES

The following information is based on a Historic Resource Project Assessment prepared by *Archives & Architecture* in June 2019 and a subsurface reconnaissance survey prepared by *Holman & Associates* in October 2004 for the 47 Notre Dame Residential Project. The Historic Resource Project Assessment can be found in Appendix C of this SEIR. The subsurface reconnaissance report is on file in the Department of Planning, Building, and Code Enforcement.

1.10.1 Environmental Setting

1.10.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places

The National Register of Historic Places (NRHP) is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance at the national, state or local level. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR of Historic Resources (CRHR).[5]

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." The NRHP identifies four possible context types, of which at least one must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the NRHP Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

Second, for a property to qualify under the NRHP's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's

[5] Refer to Public Resources Code Section 5024.1(d)(1)

significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the physical characteristics corresponding to its historic context, the NRHP has identified seven aspects of integrity: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

State

California Register of Historical Resources

The guidelines for identifying historic resources during the project review process under CEQA are set forth in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a). These provisions of CEQA create three categories of historical resources: mandatory historical resources; presumptive historical resources; and resources that may be found historical at the discretion of the lead agency. These categories are described below.

- **Mandatory Historical Resources**. A resource the State Historical Resources Commission lists on the California Register of Historical Resources (CRHR), or the State Historical Resources Commission determines to be eligible for listing in the CRHR is defined by CEQA to be "an historical resource." Resources are formally listed or determined eligible for listing by the State Historical Resources Commission in accordance with the procedures set forth in the provisions of state law relating to listing of historical resources.[6] If a resource has been listed on the State Register, or formally determined to be eligible for listing by the State Historical Resources Commission under these procedures, it is conclusively presumed to be an "historical resource" under CEQA.
- **Presumptive Historical Resources**. A resource included in a local register of historic resources as defined by state law[7] or identified as significant in an historical resource survey meeting the requirements of state law,[8] shall be presumed to be historically or culturally significant. The lead agency must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- **Discretionary Historical Resources.** A resource that is not determined to be a significant historical resource under the criteria described above, may, in the discretion of the lead agency, be found to be a significant historical resource for purposes of CEQA, provided its determination is supported by substantial evidence in light of the whole record. The CEQA Guidelines further provide that generally, a lead agency should consider a resource historically significant if the resource is found to meet the criteria for listing on the CRHR, including the following:

[6] Set forth in Public Resources Code Section 5024.1 and 14 Cal. Code Regulations Section 4850, et. seq.
[7] Set forth in Public Resources Code section 5020.1(k), a local register of historical resources is a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
[8] Under section 5024.1(g), a resource can be identified as significant in an historical resources survey and found to be significant by the State Office of Historic Preservation (i.e., listed in the CRHR) if three criteria must be met: (1) the survey has or will be included in the State Historic Resources Inventory; (2) the survey and documentation were prepared in accordance with State Office of Historic Preservation procedures and requirements; and (3) State Office of Historic Preservation has determined the resource has a significance rating of Category 1 to 5 on Form 523.

- Criterion 1 (Events): The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States; or

- Criterion 2 (Persons): The resource is associated with the lives of persons important to local, California, or national history; or

- Criterion 3 (Architecture): The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or

- Criterion 4 (Information Potential): The resource has the potential to yield information important to the prehistory or history of the local area, California or the nation.[9]

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

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

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

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

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

City of San José

Criteria for Local Significance

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

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

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

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

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

Any potentially historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

A rating with numerical "points" is assigned by a qualified evaluator according to the extent to which each building meets the criteria listed above.

33 and above points – Possible historic resource (evaluation for possible status as a City Landmark)
1-32 points – Evaluated and found to be non-significant

The numerical rating system is not used to determine eligibility of a property for City Landmark designation.

General Plan Policies

The General Plan includes policies applicable to all development projects in San José. The following cultural resources policies are applicable to the proposed project.

Policy	**Description**
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[10] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
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

[10] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

	significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

1.10.1.2 *Existing Conditions*

Prehistoric Subsurface Resources

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

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

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. Based on a literature review of the project area, no prehistoric era archaeological sites have been recorded within the project area.

Historic Subsurface Resources

Mission Period

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

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

Post-Mission Period to Mid-20th Century

In the Early American Period in San José, the general project area was within the survey boundaries of what is now referred to as the original city. The American division of properties lead to land speculation and development in the vicinity over time. The boundaries of the campus of the College of Notre Dame de Namur and the Sacred Heart Convent, established in 1851, included the project site. Thomas Fallon built his house, still extant to the northeast of the project site, in the mid-1850s.

By the 1880s, Santa Clara Street to the east of the site was being developed as a major commercial and light-industrial area of the City. The general project vicinity was still a part of the Sacred Heart Covenant property, and a small shed building at the corner of West Santa Clara Street was built. The College of Notre Dame de Namur relocated to Belmont in 1923, and the high school and convent functions were also relocated. In 1929 the college buildings were razed, and the De Anza Hotel was built in 1931. The streets north of Santa Clara Street were cut through by the time the hotel was completed. The former residential area to the west had become a dense automobile-related business zone, and the project site was developed as a gas station. The gas station was on the project site until the mid-1950s when the site was cleared for use as a parking lot.

1.10.1.3 *Historic Structures in the Vicinity of the Project Site*

There are no structures on the project site. The project site is directly adjacent to the De Anza Hotel, a listed San José City Landmark (HL81-17). The hotel was listed on the NRHP on January 21, 1982. The De Anza Hotel is considered a historic resource under CEQA.

There are no other historic structures within 200 feet of the project perimeter.[11] There are four historic structures within a few blocks (from 400 to 800 feet) from the project site. There are a collection of four late-nineteenth-century buildings two blocks to the east, approximately 500 feet from the project site between Almaden Avenue and San Pedro Street. These four buildings 141 to 177 West Santa Clara Street, were identified as a grouping that have a "geographic relationship that would suggest local designation as a historic district in line with previously adopted inclinations within the Downtown Strategy Plan."

[11] The 200-foot dimension has been used by the City of San José in the recent past to assess potential project impacts on historic resources.

The Lyndon Building was designated a City Landmark (HL92-75) after the 1992 URM (unreinforced masonry) survey by Glory Anne Laffey. The Farmer's Union Building at the northwest corner of San Pedro street, and the Masson Building, between them, were listed as Landmark HL01-139 and LH01-138, respectively, after the Downtown Strategy 2000 survey. The Aconda Hotel (historically The LaMolle), at 141 West Santa Clara Street, is considered a part of the grouping and is listed on the Inventory for its significant historical associations and has recently been remodeled.

To the northeast, roughly 900 feet away from the project site, the Luis Maria Peralta Adobe and Fallon Residence have been preserved as museum properties by History San José. These are both San José Historic Landmarks, HL77-1 and HL77-9, respectively, and listed on the NRHP.

Architectural Context of the De Anza Hotel

Prominently built at the end of a street that has evolved over time into a wide boulevard with a landscaped median, the De Anza Hotel presents a generally symmetrical heavily vertical massing along West Santa Clara Street. The hotel was designed by the regionally significant William H. Weeks, a prominent institutional designer, and was constructed in 1931. The NRHP nomination identified the hotel as significant based on its architectural style, for its elaborate Spanish Colonial Revival interior design motifs, and for its historical association to the City since its construction was funded by the local business community.

1.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
3) Disturb any human remains, including those interred outside of dedicated cemeteries?

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

Compatibility of New Building Design and Scale with Historic Resources

The project is not an addition to or alteration of an existing historic resource. Therefore, the *Secretary of the Interior's Standards for the Treatment of Historic Properties* were not used to evaluate the project's impacts to historic resources.

The proposed building design was, however, analyzed, and amended, by *Archives & Architecture* for consistency with the 2004 *Draft San José Downtown Historic Design Guidelines* and to determine the project's potential to impact the historic integrity of the De Anza Hotel. The guidelines have been

used in the planning process to provide a framework for architectural analysis of proposed designs in the Downtown Core area. Furthermore, the guidelines inform the analysis of the seven aspects of historic integrity, as indicted by the National Register and State of California's definition of authenticity of a resource, in this section.

The compatibility of the proposed building and the adjacent historic landmark was evaluated based on eight contextual elements for new construction adjacent to historic resources. These elements are: lot patterns; massing; facades; corner elements; rear facades; entries; exterior materials, and vehicular and pedestrian access. The subarea considered for the analysis is only the De Anza Hotel, since the remaining borders of the project site are surrounded by recent high-rise construction.

1. Lot Patterns. The historic building-lot pattern on this block consists of relatively large building sites, rather than repetitive lots with narrow street frontages. The adjacent historic resource is a Moderne multi-story hotel building that spans half of the street frontage of the block between Notre Dame Avenue and Almaden Boulevard. The historic building is deeper than the proposed project site. Nearby non-historic buildings are built at the scale of full blocks, so the modern pattern of the area footprints is large as well.

   The proposed project would be constructed within a parcel that has been set in size for almost 90 years, though not previously developed. The pattern of historic development in the project area included buildings that were smaller in scale (compared to the De Anza Hotel) to the west located within larger open space areas. To the east were densely placed commercial buildings with no side setbacks and having a relatively uniform pattern of front façade widths. After construction of Highway 87, the scale of building sites and buildings in the project area changed and now consists of relatively large building sites. The project would span the remaining half of the block along West Santa Clara Street, similar in width to the De Anza Hotel, with a shallower footprint. The project site lot size is compatible with the urban development footprint of the immediate area, thus the proposed project size is compatible with the lot-pattern guideline.

   The proposed pattern of entrances and visible interior uses of the hotel are similar in size and proportion to the De Anza Hotel. In addition, the De Anza Hotel was not designed as a party-wall structure at its upper levels; instead, the historic hotel has a side-projecting one-story wing that establishes separation between the two properties. This one-story section provides approximately eight to 10 feet between the property line and the De Anza's upper floors. The proposed hotel is shown as set back from the property line an additional three feet, providing approximately 11 to 13 feet between the two building sat the upper levels. The diving-woman painting, the historic hotel windows, and the fire escapes would be preserved with this design. The relatively recent mural on the lower, property-line wall would not be easily viewed, but the proposed project would not be built immediately against it.

   The proposed revised design is compatible with the Lot Patterns Guideline in size, rhythm of entrances, and setbacks.

2. Massing. The southeast diagonal cut-away is designed so that the corner is square at the lower levels and is diagonally carved away at a point starting approximately at the height of the De Anza Hotel. The upper levels of the proposed new building would visually angle away from the historic property. According to the site plans, the "reverse corner slice at Almaden corner, spring[s] from De Anza roof datum." The renderings illustrate the corner cutaway starting at about the tenth floor, the height of the De Anza Hotel.

Rendering of the proposed hotel, looking north from S. Almaden Blvd.

While set on a corner, the De Anza Hotel is generally symmetrical along Santa Clara Street with a central raised parapet tower as its focal point; it has a relatively deep presence along Notre Dame Avenue at its lower levels, which creates a large three-dimensional mass although the high-rise portion is not full depth. The resource is clad in stucco, a material that adds visual heaviness to its design. The NRHP description of the De Anza Hotel indicates that a "major design element of the façade is Weeks's treatment of the massive vertical piers." A core concept of the resource design is its blocky form with vertical accents.

The proposed hotel mass is also visually balanced within its own site. The high-rise form is diagonally carved away above the height of the De Anza Hotel. The tapered cutaway element is visually balanced by a similar cutaway element at the corner entrance façade. The focal point of the proposed building is the southwest corner, located away from the historic building, and its perceived massing is lighter because of its Neomodern glass curtain-wall design. Although tall, the building is somewhat square in footprint and has cut-away volumes, so presents a more-slender vertical mass than the wider, built-up and visually heavier 1930s-Art Deco De Anza Hotel.

The proposed design does not portray the proposed building mass as leaning into, being visually supported by, or looming over the neighboring historic building. The property-line setbacks (see Lot Patterns (1), above) separate the two tall masses, and the buildings do not crowd each other visually.

The perceived overall massing of the neighboring buildings appears to be visually balanced. The wider, deeper, and shorter, visually heavier, symmetrical, stucco-façade De Anza Hotel would be visually balanced in massing with a narrower, shallower, taller, glass-curtainwall building that includes cutaway corners and an open-air penthouse.

Some massing details also provide compatibility between the historic and proposed building. The detailing meets the intent, but not the letter, of the guideline that a new building be "broken down" in scale to be compatible with nearby historic resources. Although the proposed hotel does not literally step down to the height of the De Anza Hotel, the southeast diagonal corner wedge is aligned with the height of the historic roof, providing a shared

reference point within their separate massing designs. The proposed building has a vertical element within its façade that is detailed to be heavy in material and dimensions, similar in width to the sculptural vertical elements of the adjacent Art Deco building; this stone or concrete element demarks the perceived massing in the center of the south façade, again providing an internally balanced composition. The proposed building has a recessed double-height lobby, visible in its massing, that aligns with the mezzanine wall of the De Anza Hotel. Expressed in massing as well as in materials and detailing, the ground-floor elements of the adjacent hotels provide a continuous pedestrian scale along Santa Clara Street. The roofline of the proposed building is divided into two heights that somewhat reflect the width and height of the stepped elements at the De Anza Hotel roofline. The proposed building has a raised roof on the east side, at the top of the vertically aligned section, and steps down to the penthouse dining area, a form compatible with the stepped building roofline next door. Finally, the sign of the De Anza Hotel is approximately 1-1/2 stories in height, centered in the Santa Clara Street façade, and it provides additional visual symmetry and adds perceived massing and height to the resource, although it is a relatively transparent element. The proposed building is generally compatible with the historic massing guideline in detail as well as overall form.

3. Façades. The scale of the proposed hotel main façade is shown to be compatible with the scale of materials and detailing of the De Anza Hotel. The proposed fixed, wrapped canopy is set at the height of the De Anza's ground floor cornice, continuing a compatible pedestrian-scale base along the whole block. The height of the two-story hotel lobby, near the De Anza façade, relates to the height of the mezzanine level of the historic hotel. The vertical mullion pattern (i.e., a vertical bar between panes of glass in a window), at the southeast corner of the front façade, is similar in size, scale and rhythm to the vertical upper bays of the De Anza Hotel. The proposed hotel ground floor includes a horizontal solid base material and a solid-material vertical element near the center of the design. These solid elements provide a visual connection to the stucco material of the historic structure, and they have similar dimensions which provide similar scale and detailing. As noted in the massing discussion above, the southeast and southwest corners of the building includes tapered cutaways. The dimensions of the diagonal elements are compatible with the De Anza Hotel vertical piers.

   The intent of the design is to be neo-modern, represented by a lack of overall masonry appearance, so the building would not create a false sense of historicism.

   The proposed building is compatible with the historic façade design guideline.

4. Corner Elements. Although on a corner, the De Anza Hotel faces South Almaden Boulevard prominently and does not feature a significant corner design element at Notre Dame Avenue.

   Per the façade discussion above, the front façade of the proposed building follows the sidewalk line along Santa Clara Street, in keeping with the adjacent historic design façade. The proposed building does, however, include a corner element. The main entrance is set at an angle at the corner. The upper angled wall of the corner is tapered to a point, highlighting the angled, tapered element on the eastern corner adjacent to the De Anza Hotel. With regard

to massing and design intent, the proposed building is compatible with the historic corner element guideline.

5. Rear Facades. The rear façade design of the historic building is preserved in this design. The significant historic rear façade of the De Anza Hotel is raised on the ground floor base of the building and the project hotel and the historic hotel are side by side.

   The west side façade is taken into consideration by the proposed project. The tapered corner of the new building exposes the symmetry of the historic building by exposing the outer corner of the hotel. The sightline of the 1950s Diving Woman sign is preserved by the project.

   This block does not feature a significant pattern of rear circulation; the De Anza Hotel has a rear loading and utility area at the back of the ground floor, but it is not connected to other existing or proposed buildings in a back-alley system in this block.

   The proposed project meets this Guideline.

6. Entries. The public entries of the proposed building include a restaurant lobby entrance on West Santa Clara, distinguished by a double-height glazed wall, aligned with the height of the De Anza Hotel intermediate cornice. At the angled corner of the building a main entrance area is proposed, with a wide opening between two massive piers. Facing North Almaden Boulevard is a very subtle hotel entrance. Each of these proposed entries is within the pedestrian-scaled dimensional parameters established by the neighboring historic building.

   The ground floor of the proposed building is shown with a wrapped fixed canopy at a mezzanine level, which is pedestrian in scale. The design also includes a series of awnings at doorway height, continuing the pattern of awnings below the transom windows at the De Anza Hotel ground floor. The awnings are at a height that provide visual relationship with the sidewalk and relate to the historic building next door.

   There is a minimum of blank walls adjacent to the main city sidewalks, as the service entrance is shown as being accessed from the side street, adjacent to the parking lot driveway of the Axis complex. The proposed building is compatible with the historic entries guideline.

7. Exterior Materials. Because the De Anza Hotel has a larger scale of materials, with expanses of smooth stucco in relatively large segments, the larger scale and apparently smooth texture of materials of the proposed project is considered compatible. The smoother textured materials are assumed to be the glazed curtain wall, divided into smaller bays, the fixed white-colored wrapping canopy that appears to be smooth-textured, the stone-colored vertical accent element and the stone-colored base are also rendered as smooth-textured, similar to a stucco finish in scale and texture. The dimensions of the more delicate ornamentation is reflected in the dimensions of the Modernist features of the historic building (e.g., the width of the mullions).

   The compatible and aligned massing elements, the pedestrian-scale ground floor design, the rhythm of the upper-level fenestration and mullions, and the use of varying building elements

throughout the design are the critical, driving design elements. The materials, although not called out explicitly in the site plans, appear to support the overall composition.

Based on the renderings and interpretations of the drawings, the proposed building is compatible with the historic exterior materials guideline.

8. Vehicular and Pedestrian Access. The historic vehicular and pedestrian access patterns are respected in the proposed design. Main vehicular access would continue to be on the perimeter of the block. Pedestrian access continues to be located along the sidewalks that ring the block. The proposed building is compatible with the historic vehicular and pedestrian access guideline.

Based on the above assessment of the project's consistency with the *Draft San José Downtown Historic Design Guidelines*, an analysis was completed to determine the project's potential to impact the historic integrity of the De Anza Hotel. The analysis utilizes the seven aspects of historic integrity indicated by the National Register and State of California's definition of authenticity of a resource. Some of the aspects of integrity cannot be applied to projects on parcels adjacent to historic resources, including the aspects of location, artisanship, and materials because these aspects are not proposed for alteration of separate properties. For the purposes of understanding the impacts of a proposed project on a neighboring property, the aspects of design, setting, feeling, and association have been assessed.

1. Design: The project would not result in a direct physical impact on the integrity of the design of the De Anza Hotel. Because the De Anza Hotel is adjacent to the project, rather than sharing the site, the design of the De Anza Hotel would remain physically untouched. With regard to the visual understanding of the design, the analysis using the City of San José *Draft Downtown Historic Design Guidelines* shows that the size, massing, patterns of entrances, materials, scale, detailing, and separation of the two buildings would be compatible. As a result, the De Anza's historic design would not be overwhelmed, diminished, or made out of scale. Therefore, the integrity of the design of the DE Anza Hotel would be preserved.

2. Setting: The historic intent of the De Anza Hotel in its setting can be understood from its design. The building includes a low party wall and upper-story west-side setback that imply that the developers of the De Anza Hotel expected construction to the west, although no large-scale construction has been built adjacent to the De Anza Hotel in its history. With the neighboring properties of the De Anza Hotel consisting of vacant land or low-height support structures, the setting would be altered if a new building is built adjacent on Santa Clara Street.

   While being the only building on the block along the Santa Clara Street frontage has provided the De Anza Hotel some level of prominence over time, the long-time open setting cannot be considered a character-defining feature of the historic hotel in a larger dense downtown setting. The neighborhood has undergone substantial changes since the early 20th century hotel was developed on a former convent site. At that time, the area to the west included low-rise local automobile uses and residential areas and the area to the east consisted of lower, dense turn-of-the-century urban commercial buildings and light-industrial uses. The area was altered with nearby large-scale high-rise buildings starting when Highway

87 was planned and built. This corner of San José's core has a more urban setting both historically to the east and more recently in the area. The open space on the project site is the anomaly in the setting. With no built historical context remaining, and the design of the De Anza indicating that the building was intended to be adjacent to another building, the proposed project would not have an impact on the integrity of the historic setting of the De Anza Hotel.

3. Feeling: The De Anza Hotel features vertical stucco piers, decorative bas-relief spandrel panels, an extensive fixed central awning, overall symmetry, a unique roof sign, vertical inset windows, and other historic design elements that provide a balanced and rich composition that embodies the feelings of an Art-Deco commercial high-rise building of the 1930s. Its feeling of heavy verticality would contrast with the proposed modern high-rise hotel, and the imposing visual presence of the De Anza Hotel would continue to be on display. Therefore, the integrity of feeling of the De Anza Hotel would be preserved.

4. Association: The associations of the De Anza Hotel would continue to be represented adjacent to the proposed new construction. The significance of the De Anza Hotel is embodied in the National Register nomination:

   The De Anza Hotel is significant for its architectural style, one of San Jose's few Zig-Zag Moderne (Art Deco) structures, for its elaborate Spanish Colonia Revival interior design motifs and for its historical association to the city since its construction was funded by the local business community.

   The architectural authenticity of the De Anza Hotel would be preserved with the proposed project and would continue to portray its associations with the local business community of the early twentieth century. It could be argued that the significance of the De Anza Hotel associated with the historical participation of the local business community would be enhanced by the construction of a larger-scale building in the vacant lot next door. The construction of the De Anza Hotel seems to have been intended as an investment in the area as a catalyst for future investment.

The proposed project design would be compatible with the De Anza Hotel per the analysis above and, while the setting would be altered, the historic setting of the De Anza Hotel is negligible with regard to the hotel's significance over time. Furthermore, the feeling and association of the De Anza Hotel would remain intact and the proposed project would not alter the character-defining features of the building. As a result, the project would have a less than significant indirect impact to historic resources.

Construction Impacts to Historic Structures

The proposed project would require below-grade excavation and foundation work, and new building framing. This may produce ground-borne vibration that would adversely impact the De Anza Hotel. All other historic buildings in the immediate vicinity of the project site are too far removed to be impacted by construction vibration. 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. Construction activities will occur adjacent to the De Anza Hotel.

Construction of the project would not include pile driving. Most construction activities would fall below the vibration limit of 0.08 in/sec PPV used to minimize the potential for cosmetic damage to sensitive historic structures. The use of rolling stock equipment such as tracked vehicles, compactors, etc., is estimated to be approximately 0.089 in/sec PPV at 25 feet, which is just over the City's threshold. Therefore, construction of the proposed project could result in cosmetic damage to the De Anza Hotel (a City Landmark).

Construction of the proposed project could significantly impact the De Anza Hotel.

Mitigation Measures:

The following mitigation measures would be implemented during all phases of construction to avoid significant impacts to historic structures.

MM CUL 1-1: Pre-Condition Survey: The project applicant shall prepare preconstruction documentation of the De Anza Hotel. Prior to construction, a qualified Historic Architect shall undertake an existing visual conditions study of the De Anza Hotel. The purpose of the study would be to establish the baseline conditions of the building prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City's Director of Planning or Designee and the City of San José's Historic Preservation Officer (HPO) prior to the issuance of any grading permits.

MM CUL 1-2: Prior to issuance of any grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the De Anza Hotel from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect who meets the Secretary of Interior's Professional Qualifications Standards and reviewed and approved by the City's Director of Planning or Designee and the HPO.

The project applicant shall ensure the contractor follows the HRRP throughout construction. At a minimum, the plan shall include, but is not limited to, the following:

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

- Development of a vibration monitoring and construction contingency plan to identify 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 phases as detailed by the MM NOI-1.1 through NOI-1.3. Construction contingencies would be identified for when vibration levels approach the limits.

MM CUL 1-3: The project applicant shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the De Anza Hotel property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month for the duration of the construction period. The City's Director of Planning or Designee and the HPO may request any additional number of site visits at their discretion.

If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, a representative of the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the City's Director of Planning or Designee and the HPO of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to the De Anza Hotel during construction, repair work is performed (with appropriate permits, as necessary) in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status.

The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the City's Director of Planning or Designee and the HPO no later than one week after each reporting period.

The Monitoring Report shall include, but is not limited to, the following:

- Summary of the demolition and construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources and adjacent buildings during construction activities;

- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.

In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the City's Director of Planning or Designee and the HPO prior to the issuance of any Certificate of Occupancy (temporary or final).

With implementation of the identified mitigation measures, the proposed project would have a less than significant construction impact on the De Anza Hotel.

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

The project includes excavation to a depth of approximately 10 feet below grade to accommodate one basement level.

Prehistoric Period

Native American sites in the area have been identified on valley terraces typically within a quarter mile of various historic channels of the Guadalupe River and Coyote Creek. Given the location of the project site, approximately 800 feet from the Guadalupe River, there is a low to moderate potential for undiscovered prehistoric-period resources on the site. Although unlikely, impacts to unknown prehistoric resources, including human remains, during construction would be a significant impact.

Historic Period

As described in Section 3.1.1.2 above, the project site is located within the former Notre Dame campus grounds. Based on the initial trench work that was done for the adjacent Axis residential project, it is known that artifacts pertaining to the Notre Dame School were present on the adjacent site. Testing and archival research has shown that two types of historic archaeological resources were present on the adjacent project site that retain integrity of location and setting, and were found to be eligible for the CRHR under Criterion 4. These resources include primary deposits (sheet refuse and the remains of walls and/or building foundations) and secondary deposits (hollow/filled refuse pits and privies). Based on the available records, it is reasonable that excavation of the project site for the proposed basement could encounter similar buried cultural resources.
Construction of the proposed development could impact as yet unrecorded subsurface archaeological resources, if present on-site. Therefore, the following mitigation measures are required.

Mitigation Measures:

MM CUL-2.1: Treatment Plan: Prior to the issuance of any grading permit, a project-specific Cultural Resources Treatment Plan shall be prepared by a qualified archaeologist. The Cultural Resources Treatment Plan shall be developed based on available records, including the subsurface archaeological investigation report completed for the adjacent Axis Residential Tower project which details specific artifacts recovered on the adjacent site.

The Cultural Resources Treatment Plan shall reflect permit-level detail pertaining to depths and locations of all ground disturbing activities. The Cultural Resources Treatment Plan shall be prepared and submitted to the City's Director of Planning or Designee and the Historic Preservation Officer prior to approval of any grading permit. 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).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy used to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

MM CUL-2.2: Evaluation and Data Recovery: The City's Director of Planning or Director's Designee and the City's Historic Preservation Officer shall be notified 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 grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources. 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 project-specific Cultural Resources Treatment Plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation.

MM CUL-2.3: Construction Monitoring and Protection Measures: Although the data recovery and treatment program is expected to recover potentially significant materials and information from the area impacted by the project prior to grading, it is possible that additional resources could remain on-site. Therefore, all ground-disturbing activities (e.g., grading and excavation) shall be completed under the observation of a qualified archaeologist, unless otherwise determined by the qualified archaeologist.

The qualified archaeologist shall have authority to halt construction activities temporarily in the immediate vicinity of an unanticipated find. If, for any reasons, the qualified archaeologist is not present but construction crews encounter a cultural resource, all work shall stop within 50 feet of the find, the City's Director of Planning or Director's Designee shall be notified, and a qualified archaeologist shall be contacted to determine the proper course of action. Any human remains encountered during construction shall be treated according to the protocol identified in MM CUL-2.4.

MM CUL-2.4: Human Remains: Native American coordination shall follow the protocols established under Assembly Bill 52, State of California Code, and applicable City of San José procedures.

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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Project Applicant shall immediately notify the City's Director of Planning or Director's Designee of the City of San José Department of Planning, Building and Code Enforcement and the qualified archaeologist, who will 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 Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent 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 descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Significant disturbance of any human remains, Native American or otherwise, would be avoided through a robust protection program designed to respond to an encounter with cultural resources and/or human remains in consultation with appropriate parties (e.g. the Most Likely Descendant).

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

It is unlikely, but not altogether impossible, that human remains are discovered during on-site demolition, grading, or excavation that is proposed by the project. As described in MM CUL-2.5 above, the project would be required to follow procedures according to the California Health and Safety Code and Public Resources Code upon the accidental discovery of human remains during project construction activities. By adhering to these procedures, timely identification of remains and notification of relevant agencies would follow any accidental discoveries, and significant impacts to human remains would be avoided.

1.10.2.2 *Consistency with Plans and Policies*

Downtown Historic Design Guidelines

As detailed above in the review of the 2004 *Draft San José Downtown Historic Design Guidelines*, the project would be consistent with all eight guidelines.

Envision San José 2040 General Plan

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[12] A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

> Consistency: A vibration assessment was prepared by *Illingworth & Rodkin, Inc.* to determine if the proposed project would have a significant vibration impact on nearby modern and historic structures as discussed in Section 3.12 of Appendix A. Measures have been included to ensure that project construction would not exceed the City's vibration thresholds. Therefore, the project is consistent with Policy EC-2.3.

[12] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

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.

> Consistency: The proposed project includes mitigation measures (described above) for the treatment of potential subsurface archaeological resources consistent with City policies and State law. Therefore, the project is consistent with Policy ER-10.1. Paleontological sensitivity and potential impacts are discussed in the Geology and Soil section of the Initial Study to this SEIR.

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.

> Consistency: The proposed project includes mitigation measures (described above) for the treatment of potential Native America human remains consistent with City policies and State law. Therefore, the project is consistent with Policy ER-10.2.

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.

> Consistency: The proposed project includes mitigation measures (described above) for the treatment of potential archaeological resources consistent with City policies and State law. Paleontological sensitivity and potential impacts are discussed in the Geology and Soil section of the Initial Study to this SEIR. Therefore, the project is consistent with Policy ER-10.3.

Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

> Consistency: As discussed in Section 3.1.2.1, the design of the proposed project would not impact the character or historic integrity of the De Anza Hotel. Therefore, the project is consistent with Policy LU-13.8.

Policy LU-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

> Consistency: As discussed above, the project will implement all identified mitigation measures above during construction to ensure adequate protection of the De Anza Hotel. Therefore, the project is consistent with Policy LU-13.15.

SECTION 4.0 CUMULATIVE IMPACTS

1.11 CUMULATIVE ANALYSIS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The analysis must then determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3).

The cumulative discussion for each environmental issue addresses two aspects of cumulative impacts: 1) would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? And, if that cumulative impact is likely to be significant, 2) would the contributions to that impact from the proposed project make a cumulatively considerable contribution to those cumulative impacts?

1.12 CUMULATIVE PROJECT IMPACTS

Based on the analysis in this SEIR (including the Initial Study in Appendix A), the proposed project would result in a less than significant impacts to aesthetics, agricultural/forestry resources, air quality, cultural resources, biological resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services, recreation, transportation, and utilities and service systems. The degree to which the proposed project would add to existing or probable future impacts on existing land uses and/or resources would be negligible. As a result, the project's contribution to a cumulatively significant impact in any of these resource areas would not be considerable, or in those areas where it could be cumulatively considerable (e.g., regional air quality impacts, long-term 2040 GHG impacts), has already been analyzed and disclosed as part of the cumulative impacts analysis completed for the Downtown Strategy 2040 FEIR (certified by City Council in 2018) and the Envision San Jose 2040 General Plan FEIR and SEIR (certified by City Council in 2011 and 2015, respectively).

SECTION 5.0 GROWTH-INDUCING IMPACTS

For the purposes of this project, a growth inducing impact is considered significant if the project would:

- Cumulatively exceed official regional or local population projections;
- Directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans; or
- Indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans).

The project is implementing a piece of a larger strategy plan for all of downtown and is consistent with planned growth in the Downtown Strategy 2040 and the General Plan 2040. The growth inducing effects of that planned development were already analyzed in the Final EIRs for those area and Citywide plans.

The project is proposed on an underutilized infill site in the downtown core of the City of San José. The site is surrounded by existing infrastructure and both existing and planned development. Development of the project will not require upgrades to the existing sanitary sewer and/or storm drain lines that directly serve the project site. In addition, the project does not include expansion of the existing infrastructure that would facilitate growth in the project area or other areas of the City.

Development of the project site would place a new hotel in the middle of a mixed-use area with surrounding retail, housing, and commercial/office development. The proposed project would be compatible with the neighboring land uses and would not pressure adjacent properties to redevelop with new or different land uses.

Development of this site under the proposed project would result in a small net increase in jobs Citywide. There is currently a shortage of available jobs relative to available housing within the City of San José. This jobs/housing imbalance (analyzed in Section 4.13 of Appendix A), it expected to reverse with full build out of the General Plan. The increase in jobs resulting from the project would have a small effect on the overall jobs/housing imbalance within the City.

The project would not have a significant growth inducing impact.

SECTION 6.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed project, should it be implemented." [§15126(c)]

If the proposed project is implemented, development of this site would involve the use of non-renewable resources both during the construction phase and future operations/use of the site. Construction would include the use of building materials, including materials such as petroleum-based products and metals that cannot reasonably be re-created. Construction also involves significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Once the new development is complete, the project would use some non-renewable fuels to heat and light the building. The project would also result in the increased consumption of water. There is currently no water consumption because the site is a parking lot.

The City of San José encourages the use of building materials that include recycled materials and requires new development to meet minimum green building design standards. The proposed project would be built to current codes, which require insulation and design to minimize wasteful energy consumption. The project would be constructed to minimum LEED standards and would, as a result, use less energy for heat and light and less water than a standard design building. In addition, the site is an infill location currently served by public transportation and within walking distance of jobs and services. The site also provides an expansion of job opportunities that are more reasonably proximate to existing housing and transportation networks in San José and neighboring cities than housing farther away in the south county and other counties to the north. The proposed project would, therefore, facilitate a more efficient use of resources over the lifetime of the project.

SECTION 7.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. The proposed project would not result in any significant unavoidable impacts. All significant impacts of the proposed project would be reduced to a less than significant level with the implementation of mitigation measures identified in this SEIR.

The project would contribute to the significant and unavoidable impacts associated with full build out of the Downtown Strategy 2040 that were previously disclosed in the Downtown Strategy 2040 FEIR certified in December 2018.

SECTION 8.0 ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or considerably reducing any of the significant impacts of the proposed project. In addition, the No Project Alternative must be analyzed in the document.

In order to comply with the purposes of CEQA, it is necessary to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented while trying to meet most of the basic objectives of the project. The Guidelines emphasize a common-sense approach. The alternatives shall be reasonable, shall "foster informed decision making and public participation," and shall focus on alternatives that avoid or substantially lessen the significant impacts.

The stated objectives of the project proponent are to:

1. Provide a high-density, high-rise hotel in the Downtown, accessible to Downtown jobs, Downtown retail and entertainment, and various modes of public transit.

2. Implement the strategies and goals of the Envision San Jose 2040 General Plan and Downtown Strategy 2040 by locating high density development on infill sites along transit corridors to foster transit use and the efficiency of urban services and thus strengthen Downtown as a regional job, entertainment, and cultural destination and as the as the symbolic heart of San José.

3. Support Growth Strategies to reduce overall amount of vehicle miles traveled by placing hotels in proximity to local entertainment, cultural and employment centers.

4. Advance the principles of "Smart Growth" by providing a new hotel in the Focused Growth area of Downtown.

5. Create a high-quality, well-designed, high-density, development project in the Downtown focus area to further the San Jose 2040 General Plans goal of creating a central identity for San Jose as well as adding a sense of permanency and stature to the downtown skyline.

6. Construct a high-quality, high-density development that is marketable and produces a reasonable return on investment for the Project Sponsor and its investors and is able to attract investment capital and construction financing.

7. Provide a development that provides a pedestrian oriented use that enlivens the streetscape.

The City also identified the following goals and strategies for the 2040 General Plan which apply to the proposed project.

1. Major Strategy #3 - Focused Growth: Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods. The Plan focuses significant growth, particularly to increase employment capacity, in areas surrounding the City's regional Employment Center, achieve fiscal sustainability, and to maximize the use of transit systems within the region.

2. Major Strategy #9 - Destination Downtown: Support continued growth in the Downtown as the City's cultural center and as a unique and important employment and residential neighborhood. Focusing growth within the Downtown will support the Plan's economic, fiscal, environmental, and urban design/ placemaking goals.

3. Community Design Goal CD-6 – Downtown Urban Design: Promote and achieve the Downtown's full potential as a regional destination and diverse cultural, recreational, civic, and employment center through distinctive and high-quality design.

4. Land Use Goal LU-3 – Downtown: Strengthen Downtown as a regional job, entertainment, and cultural destination and as the as the symbolic heart of San José.

5. Land Use Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

Significant impacts identified in this SEIR resulting from the proposed project are listed in Table 8.0-1 below. All significant impacts would be reduced to a less than significant level with implementation of identified mitigation measures.

Table 8.0-1: Summary of Impacts

Resource Area	Impact
Air Quality	Construction activities associated with the proposed project would expose residences near the project site to temporary TAC emissions in excess of acceptable risk thresholds. **(LTSWM)**
Biological Resources	Construction activities associated with the proposed project could result in an impact to nesting migratory birds due to the loss of fertile eggs or nest abandonment. **(LTSWM)**
Cultural Resources	Construction of the proposed project could significantly impact the DE Anza Hotel. **(LTSWM)** Construction of the proposed development could impact as yet unrecorded subsurface archaeological resources, if present on-site. **(LTSWM)**
Hazards and Hazardous Materials	Prior site history could expose people, including construction workers, to contaminated soils, soil vapors or groundwater with redevelopment of the site. **(LTSWM)**
Noise	Construction vibration levels at the De Anza Hotel would exceed applicable thresholds. **(LTSWM)**

LTSWM=Less Than Significant With Mitigation

1.13 ALTERNATIVES

There is no rule requiring an EIR to explore off-site project alternatives in every case. As stated in the Guidelines: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (Guidelines, § 15126.6, subd. (a), italics added.) As this implies, "an agency may evaluate on-site alternatives, off-site alternatives, or both." (*Mira Mar, supra*, 119 Cal.App.4th at p. 491.) The Guidelines thus do not require analysis of off-site alternatives in every case. Nor does any statutory provision in CEQA "expressly require a discussion of alternative project locations." (119 Cal.App.4th at p. 491 citing §§ 21001, subd. (g), 21002.1, subd. (a), 21061.)

1.13.1 Alternatives Considered and Rejected

1.13.1.1 *Location Alternative*

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location".[13] The proposed project is a high-density hotel building located within the downtown area, intended to facilitate the goals of the City, as described in the City's General Plan and Downtown Strategy 2040.

The construction-related impacts include hazardous air quality emission exposure to nearby sensitive receptors, biological resources related to nesting birds, noise impacts related to nearby sensitive receptors, vibration impacts related to the site's proximity to the De Anza Hotel, and exposure of construction workers to soil and/or groundwater contamination. Most construction impacts would be the same in any location, with the exception of Cultural Resources. An alternative location would avoid any potential vibration impact to the De Anza Hotel. An alternative location may not, however, reduce impacts to subsurface cultural resources as the downtown has a well-documented abundance of subsurface resources. The downtown core also has a significant history of soil and groundwater contamination from business practices throughout the 20th century, including gas stations, automotive repair, dry cleaners, early 20th century industrial, and R&D. It is unlikely that an alternative location could be found with no residual contamination.

Given the number of historic structures and potentially historic structures in the downtown area, and the number of parcels available for redevelopment, it is likely that an alternative location within this area of the City would also result in an impact to a historic structure(s). Furthermore, many of the available parcels in the downtown core are already under consideration for redevelopment and would likely be in proximity to sensitive receptors, resulting the comparable air quality and noise impacts from construction. For these reasons, an alternative location was not analyzed further.

1.13.1.2 *Building Materials Alternative*

Public comments on the Notice of Preparation indicated concerns with the original design of the proposed hotel with regards to exterior building materials. To address community/neighborhood

[13] CEQA Guidelines Section 15126.6(f)(2)(A)

concerns a materials alternative was considered. As shown in Figure 8.0-1, the building was conceptualized as a solid surface design with punched windows which replicate the design of the De Anza Hotel.

The design of the proposed building has been reviewed by a qualified historian pursuant to the City's Draft Historic Design Guidelines (see Section 3.1.2.1 of this SEIR), and by City staff and the City's third-party design review committee pursuant to the Downtown Design Guidelines. The proposed exterior materials of the building were found to be compatible with all applicable City design guidelines and were found to not impact the historic integrity of the adjacent historic De Anza Hotel. As a result, while considered, a materials alternative is not required under CEQA and was not analyzed further.

1.13.1.3 *Site Layout Alternative*

As proposed, the project would remove the existing surface parking lot and construct a 19-story, 272-room hotel with a maximum height of 226 feet. Under the Site Layout Alternative, the siting of the building would be set back at least 40 feet further from the property line abutting the De Anza Hotel, based on the expected vibratory levels presented in Table 4.12-3 of Appendix A. At this point, the vibratory levels would be less than the 0.08 (in/sec) threshold for historic buildings.

Given that the site is approximately 100 feet in length, a setback of 40 feet would limit construction potential of the site such that construction on-site would not be viable. Assuming a five-foot setback from the northern property line (consistent with the proposed project) the available development area would allow for a building footprint of approximately 4,800 square feet. Regardless of building height, the building footprint would be insufficient to support a hotel use. The building footprint could support a small retail building (such as a coffee shop or take-out restaurant), but would be inconsistent with the land use designation of the site. The Site Layout Alternative is therefore, not consistent with the project objectives, or the goals and objectives of the General Plan and the Downtown Strategy 2040 and was not analyzed further.

1.13.1.4 *Land Use Alternative - Office*

Public comments on the Notice of Preparation suggested that an office use may be a better alternative than a hotel on the project site, avoiding traffic and noise impacts. To address community/neighborhood concerns an office alternative was considered.

Traffic impacts are based on vehicle miles traveled (VMT) pursuant to the CEQA Guidelines and City Council Policy 5-1 (see Section 4.16 Transportation of Appendix A). Whether the site is developed with a hotel or an office would not change the findings of the Downtown Strategy 2040 FEIR that implementation of the Downtown Strategy Plan would have a less than significant VMT impact as discussed in Section 4.17 of Appendix A.

While the hotel proposes no on-site parking, an office building is unlikely to have all parking off-site because it could limit or preclude leasing of the building. It is possible, however, for an office building to have a combination of on-site and off-site parking. Therefore, office traffic could potentially have to queue on Almaden Boulevard to enter the garage and could also create queues on Almaden Boulevard while exiting the garage. Furthermore, while hotel trips

MATERIALS ALTERNATIVE

FIGURE 8.0-1

occur throughout the day, office trips occur primarily in the AM and PM Peak Hours (7 a.m. – 9 a.m. and 4 p.m. – 6 p.m.), when nearby residents and other office tenants would also be entering and exiting their properties. While it can reasonable be assumed that both land uses would take advantage of available transit options, the trip generation numbers provided below assume most building users (office workers or hotel guests) would drive to/from the project site. For the purposes of this discussion, the office is assumed to be the same size as the proposed hotel.

Land Use	Size	Daily Rate	Daily Trips	AM Peak Total	PM Peak Total
Office[14]	146,282 sf	9.74	1,424	170	168
Hotel (Proposed)[15]	272 rooms	8.36	2,274	128	163

As shown in the table above, while total daily trips for the hotel would exceed the daily trips of comparably sized office, the Peak Hour trips of an office would be more in the AM Peak Hour and comparable in the PM Peak Hour to the proposed project. As such, an office development on the project site would not avoid operational transportation issues in the immediate project area.

Given the size of the site, it is likely that on-site parking for an office project would need to include both below-grade and above-grade parking levels. Additional grading would be required to construct the underground parking levels, compared to the proposed project, resulting in more air pollutants, noise, and vibration during construction.

Operational noise levels would be comparable as both a hotel and an office would have to comply with the City's Municipal Code which requires noise from mechanical equipment be no more than 55 dBA at a shared residential property line.

For all the reasons stated above, it has been determined that an office development would have comparable impacts to the proposed hotel project. As a result, this alternative was rejected for not minimizing or avoiding the impacts of the proposed project. Furthermore, Land Use Alternative is not consistent with the project objectives.

1.13.2 PROJECT ALTERNATIVES

1.13.2.1 *No Project Alternative*

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services."

No Project – No Development Alternative

The No Project – No Development Alternative would retain the existing private parking lot on-site. If the project site were to remain as is there would be no new impacts. The No Project – No Development Alternative does not meet the objectives of the proposed project and would not allow the City to develop its downtown consistent with the General Plan and the Downtown Strategy 2040.

[14] Source: ITE Trip Generation Manual, 10th Edition 2017. Land Use General Office Building, Code 710.
[15] Source: 270 West Santa Clara Street Hotel Development Traffic Operations Analysis.

No Project – Downtown Redevelopment Alternative

It is reasonable to assume that if the project were not approved, an alternative development would be proposed in the future consistent with the land use designation on the site.

The project is within the Downtown Primary Commercial (DC) Zoning District and the Downtown General Plan land use designation. The Downtown General Plan designation allows development of up to 30 stories (a minimum of 300 feet assuming 10 feet per floor), with a floor area ratio of 30.0 and residential densities up to 800 dwelling units/acre. Allowable uses include office, retail, service, residential, and entertainment. Land uses permitted under the DC zoning are consistent with the Downtown General Plan designation. In addition, development is only subject to height limitations necessary for the safe operation of the Mineta San José International Airport.

Given the General Plan land use designation as well as the objectives of the City's General Plan, any alternative project proposed on this site, regardless of land use type (i.e., hotel, residential/mixed-use, or office) would likely be comparable in density and scale to what is currently proposed, assuming that any proposal would try to maximize development on-site consistent with the development anticipated in the Downtown area outlined in the Downtown Strategy 2040 FEIR. As a result, impacts would be comparable to the proposed project.

Conclusion: The No Project – No Development alternative would not allow for new high-density development to be constructed on the project site consistent with the General Plan. This alternative does not meet any of the objectives of the proposed project.

The "No Project" Downtown Redevelopment alternative would likely result in similar impacts to the proposed project.

1.13.2.2 *Reduced Height and Massing Alternative*

The design of the proposed building has been reviewed by a qualified historian pursuant to the City's Draft Historic Design Guidelines (see Section 3.1.2.1 of this SEIR), and by City staff and the City's third-party design review committee pursuant to the Downtown Design Guidelines. The proposed design was found to be compatible with all applicable City design guidelines and was found to not impact the historic integrity of the adjacent historic De Anza Hotel. As a result, a reduced height alternative is not required under CEQA for the purposes of reducing an impact to the De Anza Hotel.

Private views are not protected by the City or under CEQA. Only the loss of designed scenic views from public viewpoints are considered potential impacts under CEQA. As a result, a reduced height alternative is not required under CEQA for the purposes of reducing any impact to views.

In response to comments from the Historic Landmark Commission (April 3, 2019 meeting) and public comments on the Notice of Preparation, a reduced building height and massing alternative was considered. In addition, some commenters stated the new project should be consistent with the previous entitlement of the site which was a six-story building so as not to interfere with views from the adjacent residential building to the north of the project site. To address these concerns a reduced height alternative was considered, as shown in Figure 8.0-2 below, which would include a seven to

eight-story hotel with no roof top bar. Based on the floor plan of the proposed project, this would allow for up to 95 hotel rooms.

As previously mentioned, the SEIR and supporting historic report found the project would not result in a substantive adverse change in the significance of the adjacent De Anza Hotel. If the reduced height and massing alternative building were designed similarly to the currently proposed project, it is reasonable that this alternative would not result in a substantive adverse change to the historic resource. The SEIR identified significant impacts to historic resources during the construction of the site due to potential subsurface resources. This alternative would result in the same impact as the proposed project and, therefore, the reduced height and massing alternative would require the CUL mitigation measures identified in this SEIR.

The SEIR also identified significant air quality and noise impacts related to construction. These impacts were concluded to be less than significant with the implementation of identified mitigation measures and standard permit conditions. A reduced height alternative would likely have a shorter construction timeframe, resulting in a reduction in the total number of hours that heavy equipment would be used on-site. This would correlate into less overall emissions and a reduced timeframe for noise. While the reduced height and massing alternative would lessen the overall effects of construction, these impacts have already been found to be less than significant under the proposed project. This alternative would still require the same heavy equipment to be used as the proposed project, so maximum vibration levels on-site during construction would be comparable to the proposed project.

Conclusion: The Reduced Height and Massing Alternative would not allow for new high-density development to be constructed on the project site consistent with the General Plan but would result in a mid-rise structure that would not be the highest and best use of the site based on the General Plan land use designation. This alternative meets some of the objectives of the proposed project and is generally consistent with the General Plan policies.

1.14 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the No Project Alternative – No Development Alternative. However, this alternative would achieve none of the project objectives. Beyond the No Project – No Development Alternative, the Building Height Alternative could be the environmentally superior alternative if not located adjacent to a historic resource since it would not avoid the less than significant impacts to the De Anza Hotel. The Reduced Height and Massing Alternative would also have less construction impacts compared to the proposed project. This alternative would, however, likely result in similar impacts as the proposed project in all other impact areas. As noted above, the Reduced Height and Massing Alternative would need some of the objectives of the proposed project and is generally consistent with the General Plan policies.

HEIGHT AND MASSING ALTERNATIVE

FIGURE 8.0-2

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SECTION 10.0 LEAD AGENCY AND CONSULTANTS

1.15 LEAD AGENCY

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