

Draft Supplemental Environmental Impact Report

Almaden Corner Hotel Project

File No. H18-038

Prepared by the



In Consultation with



August 2019

TABLE OF CONTENTS

Summary	iv
Section 1.0 Introduction.....	1
Section 2.0 Project Information and Description.....	5
Section 3.0 Environmental Setting, Impacts, and Mitigation	20
1.10 Cultural Resources.....	21
Section 4.0 Cumulative Impacts	42
Section 5.0 Growth-Inducing Impacts	43
Section 6.0 Significant and Irreversible Environmental Changes	44
Section 7.0 Significant and Unavoidable Impacts	45
Section 8.0 Alternatives	46
Section 9.0 References.....	55
Section 10.0 Lead Agency and Consultants	57

Figures

Figure 2.0-1 Regional Map.....	8
Figure 2.0-2 Vicinity Map	9
Figure 2.0-3 Aerial Photograph	10
Figure 3.0-1 Site Plan (First Floor).....	11
Figure 3.0-2 Site Plan (Second Floor)	12
Figure 3.0-3 Site Plan (Third Floor)	13
Figure 3.0-4 Building Elevations (South).....	14
Figure 3.0-5 Building Elevations (West).....	15
Figure 3.0-6 Building Elevations (North).....	16
Figure 3.0-7 Building Elevations (East)	17
Figure 8.0-1: Materials Alternative	50
Figure 8.0-2: Height and Massing Alternative.....	54

Tables

Table 8.0-1: Summary of Impacts.....	47
--------------------------------------	----

Appendices

Appendix A	Initial Study
Appendix B	Air Quality Assessment
Appendix C	Historic Evaluation
Appendix D	Geotechnical Investigation
Appendix E	Phase I Environmental Site Assessment
Appendix F	Noise Report
Appendix G1	Local Transportation Assessment, Valet Area Analysis, Valet Area Analysis Peer Review, and City of San José Public Works Memo
Appendix G2	Valet Operations Memo
Appendix H1	NOP and Responses
Appendix H2	Summarized Comments and Concerns at Joint Community/Scoping Meeting

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	
<p>Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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 Protection 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 Filters¹ 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.</p> <p>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</p>

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	
<p>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.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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.</p> <p>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.</p>
Cultural Resources	
<p>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.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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</p>

	<p>San José’s Historic Preservation Officer (HPO) prior to the issuance of any grading permits.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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</p>
--	---

	<p>Director of Planning or Designee and the HPO may request any additional number of site visits at their discretion.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The Monitoring Report shall include, but is not limited to, the following:</p> <ul style="list-style-type: none">• 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.
--	---

<p>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.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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).</p> <p>MM CUL-2.1: <u>Treatment Plan:</u> 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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>MM CUL-2.2: <u>Evaluation and Data Recovery:</u> 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</p>
--	--

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

	<p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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

<p>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.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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.</p> <p>The Soil and Groundwater Management Plan shall include measures such as:</p> <ol style="list-style-type: none"> 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;
---	--

	<ol style="list-style-type: none"> 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. <p>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.</p>
--	--

Noise	
--------------	--

<p>Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels.</p> <p>Same Impact as Approved Project (Less than Significant Impact With Mitigation)</p>	<p>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.</p> <p>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</p>
---	---

	<p>methodologies and tasks to effort require for continuous vibration monitoring.</p> <p>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:</p> <ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ● 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,
--	---

	<p>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.</p> <ul style="list-style-type: none"> • 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