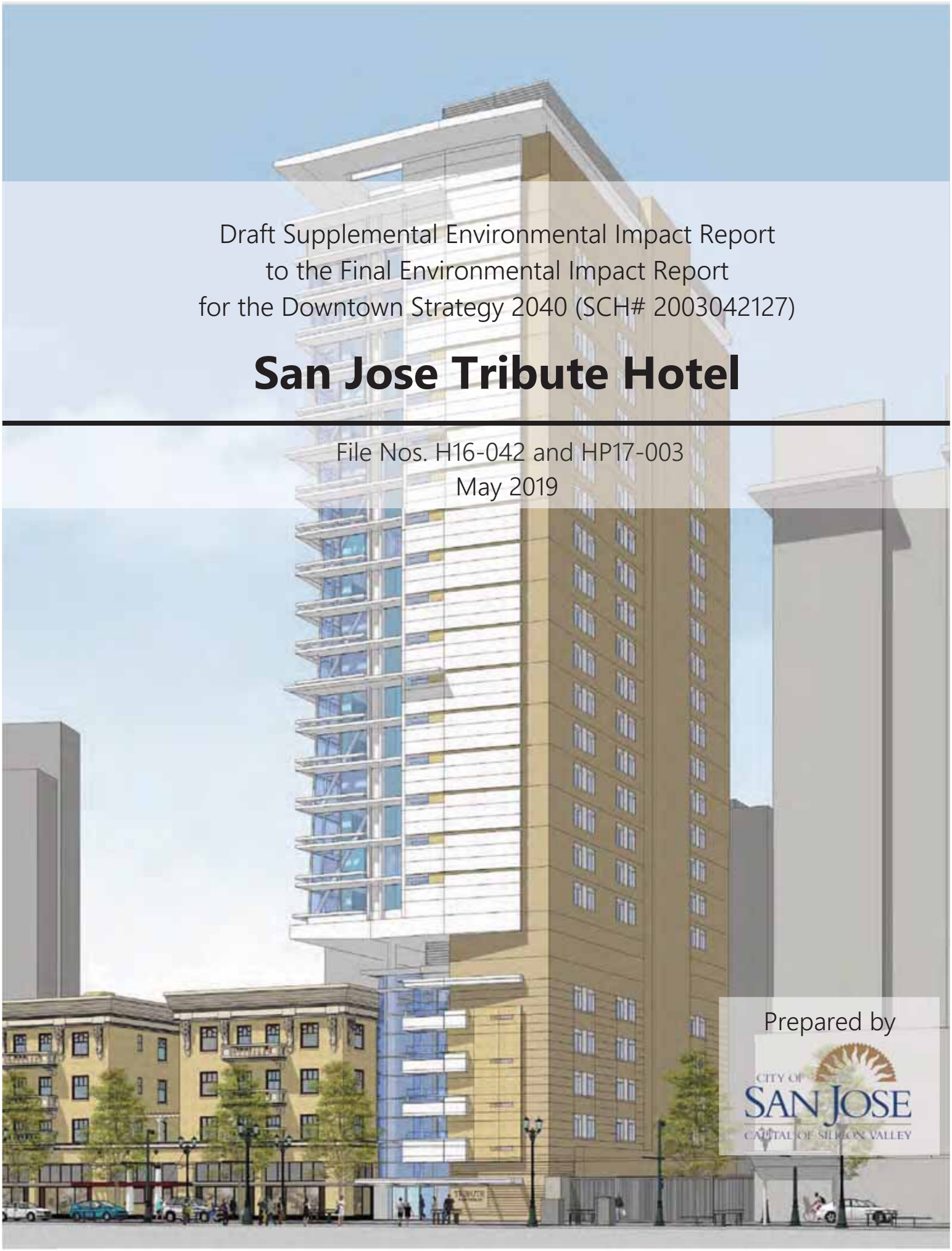
Draft Supplemental Environmental Impact Report
to the Final Environmental Impact Report
for the Downtown Strategy 2040 (SCH# 2003042127)

San Jose Tribute Hotel

File Nos. H16-042 and HP17-003
May 2019



Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Table of Contents

List of Tables

List of Figures

Appendices

Summary

PROJECT OVERVIEW

The project is a 274-room hotel addition to the existing Four Points by Sheraton, referred to as the proposed San José Tribute Hotel, on an approximately 25,000-square foot (0.57-acre) parcel at 211 South First Street. The Four Points by Sheraton is the former Montgomery Hotel, a designated City, State, and national landmark. The project site is in the City's historic Downtown area. The project site is on South First Street, a busy thoroughfare with a light rail transit (LRT) line and two lanes of traffic. The proposed addition is a new 24-story tower, 186,426gross square feet in size, located at the existing hotel courtyard. The main entry to the combined hotel structures would be located at the South First Street elevation. The proposed hotel addition includes an atrium style lobby with semi-public event space, guest rooms, support spaces, a new loading zone along the South First Street frontage, and roof-top amenities such as a swimming pool, fitness center, and events space. The proposed tower addition respects the historic landmark status of the former Montgomery Hotel and was designed in consultation with City staff, the City's Historic Landmarks Commission (HLC), and the HLC Design Review Subcommittee.

SUMMARY OF SIGNIFICANT IMPACTS

Table 1 summarizes the significant environmental effects of the proposed project on the environment and mitigation measures proposed to reduce these effects. A significant effect on the environment is a substantial, or potentially substantial, adverse change on the environment. Impacts that are less than significant are not described in this summary and can be found in the text of the Supplemental Environmental Impact Report (SEIR). A complete description of the project, its impacts, and proposed mitigation measures can be found in the text of the SEIR and Appendix A (Initial Study).

Table 1
Summary of Impacts and Mitigation Measures

Significant Impacts	Mitigation Measures	Significance After Mitigation
Air Quality		
The project would have a significant impact to community risk from construction emissions of toxic air pollutants, since the cancer risk is above the single-source threshold of 10.0 per million.	**MM AQ-1:** The project applicant or contractor shall select equipment during construction to minimize emissions. A construction management plan shall be submitted by the project applicant for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in $PM_{2.5}$ exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following: • All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.	**Less than Significant**

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	• Use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel). • Use of added exhaust devices.	
Cultural Resources		
Project construction has the potential to physically impact nearby historic materials and structures (i.e., Montgomery Hotel).	**MM CR-1.1:** Prior to any ground disturbing activities, a qualified Historic Architect shall undertake a visual conditions study of the existing hotel and shall identify nearby historic resources that have the potential to be impacted by construction of the project. The purpose of the study would be to establish the baseline condition of those buildings 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 resources that convey their historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer. **MM CR-1.2:** A qualified Historic Architect shall prepare a Historical Resources Protection Plan to protect the building fabric to remain of the City Landmark Hotel Montgomery and the nearby historic properties along North First Street. The purpose of this Plan would be to protect the buildings from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). At a minimum, the plan shall include: • guidelines for operation of construction equipment adjacent to historical 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. The plan shall be approved by the City's Historic Preservation Officer prior to any ground disturbing activities. The project sponsor shall ensure the contractor follows this plan while working near these historic resources. **MM CR-1.3:** The Historic Architect and/or his/her structural engineer shall make periodic site visits to monitor the condition of the existing historic fabric at the project site and provide detailed reports noting any concerns regarding the historic resource to remain as well as recommended corrective actions to the Historic	**Less than Significant**

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	Preservation Officer. Monitoring should include installing and monitoring any necessary instruments such as crack gauges, per approval of nearby property owners, or reviewing vibration monitoring required by other construction monitoring processes required by the approved City permits. The Historic Architect shall consult with a structural engineer if any physical impacts to character-defining features are discovered. If in the opinion of the Historic Architect, substantial adverse impacts related to construction activities are found during construction, the Historic Architect shall so inform the project sponsor or sponsor's designated representative responsible for monitoring construction activities. The project sponsor's monitor shall respond accordingly to the Historic Architect's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The monitoring team shall prepare site visit reports. **MM CR-1.4:** The Historic Architect shall document (e.g., with photographs and other appropriate means) the level of success in meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties. The project sponsor shall ensure that if repairs occur, in the event of damage to nearby historic resource during construction, repair work shall comply 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 their historic status.	
Construction of the proposed development could impact unknown buried archaeological resources and human remains, if present on-site.	**MM CR-2.1:** In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped and the Director of Planning, Building and Code Enforcement or the Director's designee and Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. Project personnel shall not collect or move any resources. **MM CR-2.2:** The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any occupancy permits. If	**Less than Significant**

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then project activities shall avoid it. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials. **MM CR-2.3:** If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and Historic Preservation Officer and the Northwest Information Center prior to issuance of occupancy permits. **MM CR-2.4:** 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 Director of Planning, Building and Code Enforcement or the Director's designee 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. **MM CR-2.5:** If the remains are believed to be Native American, the Coroner will contact the 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. **MM CR-2.6:** If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human	

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance: • The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC. • The MLD identified fails to make a recommendation; or • The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.	
Hazards and Hazardous Materials		
Development of the proposed project could potentially expose construction workers and the public to residual soil and groundwater contaminants during the construction phase of the project	**MM HAZ-1:** Prior to demolition or issuance of grading permits, the project applicant shall retain a qualified consultant to prepare a Phase II investigation to evaluate potential contamination issues. The Phase II investigation shall include a thorough investigation for potential shallow soil contamination from the historic foundry activity, including the wood and coal storage areas, in addition to the PCB and contaminated soil removal effort. Contaminants of concern include arsenic, lead, CAM 17 metals, VOCs, total petroleum hydrocarbons (TPHs), polynuclear aromatic hydrocarbons (PAHs), and PCBs. The potential for vapor intrusion shall be evaluated and investigated if necessary. The results shall be compared to established construction worker safety and residential environmental screening levels. The result of soil sampling and testing shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and City's Municipal Environmental Compliance Officer for review. If contaminated soils are found in concentrations above regulatory thresholds, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or Department of Toxic Substances Control (DTSC) under their Voluntary Cleanup Program. The SCCDEH or DTSC will determine which documents are required such as a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document that shall be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health and safety of future workers and residents. The Plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Municipal Environmental Compliance Officer.	**Less than Significant**

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
Noise and Vibration		
Given the proximity of noise-sensitive uses to the project site and lack of sufficient details about the mechanical equipment, mechanical rooms, and rooftop screen wall at this time, there is the potential for noise from mechanical equipment to exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity.	**MM NSE-1:** Prior to the issuance of building permits, the project applicant shall select mechanical equipment that is designed to reduce noise levels affecting surrounding uses to meet the City's noise standards. The project applicant shall retain a qualified acoustical consultant to review mechanical equipment noise to determine specific noise reduction measures necessary to comply with the City's 55 dBA DNL noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emit low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. The qualified acoustical consultant shall submit a report that lists the equipment selected and any necessary reduction measures to the Director of Planning, Building and Code Enforcement, or the Director's designee.	**Less than Significant**
Construction of the project would generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the historic Montgomery Hotel, and such vibration levels would be capable of cosmetically damaging the hotel building.	**MM NSE-2:** The project applicant shall implement the following measures prior to, and during construction: 1. Prohibit impact, sonic, or vibratory pile driving methods. Drilled piles cause lower vibration levels where geological conditions permit their use. 2. Limit other vibration-inducing equipment to the extent feasible. 3. 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.) shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. 4. A construction vibration monitoring plan shall be developed to document conditions at the historic Montgomery Hotel prior to, during, and after vibration generating construction activities. The plan shall be approved by the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to ground disturbance activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The vibration monitoring	**Less than Significant**

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Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	plan, including a vibration velocity limit (as determined based on a detailed review of the building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed. The vibration limits shall be reduced if movement or cracking is detected. The construction vibration monitoring plan shall be implemented to include the following tasks: a. Identification of sensitivity to ground-borne vibration of the Montgomery Hotel. A vibration survey (generally described below) would need to be performed by a qualified acoustical consultant, licensed historical architect, or licensed Professional Structural Engineer in the State of California. b. Performance of a photo survey, elevation survey, and crack monitoring survey for the historic Montgomery 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. c. 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. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, 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	

Table 1 Summary of Impacts and Mitigation Measures		
Significant Impacts	**Mitigation Measures**	**Significance After Mitigation**
	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 Director of Planning, Building and Code Enforcement or the Director's designee 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 in one or more locations at the construction site.	

SUMMARY OF ALTERNATIVES

The following is a summary of the alternatives evaluated in this EIR.

Alternatives Considered but Rejected

Location Alternative. There is no rule requiring an EIR to explore off-site project alternatives in every case. The proposed project is a hotel addition within the Downtown Core. The applicant does not own another hotel nor other property downtown that could be used for development of the project.

Increased Setback Alternative. In order to reduce construction vibrational levels to below the City's thresholds for historic buildings, the addition would need to be relocated 60 feet from the Montgomery Hotel. Relocating the tower 60 feet from the existing hotel would move the addition to within two feet of the property line. This would not provide adequate space to build the addition; therefore, this is not a feasible alternative and was not further considered.

Alternatives Selected for Further Analysis

The following section discusses the alternatives evaluated in this SEIR and the comparative environmental effects of each. The alternatives considered in this analysis are as follows:

1. No Project Alternative
2. Reduced Development Alternative

No Project Alternative

The No Project Alternative would most likely involve retaining the existing hotel building in the future, because the Montgomery Hotel is recognized at the federal, State, and local levels as a documented significant historic structure. The project site is located in a prime location in downtown San José and has been preserved as a hotel use because of its historical significance as the Montgomery Hotel; therefore, it is reasonable to assume that the property would remain in its current use.

Because the No Project Alternative would not result in any new development on the project site, as the courtyard and boutique hotel site would most likely remain as-is, this Alternative would avoid all of the environmental impacts from the project, assuming no physical changes are made to the site. However, this Alternative would not meet any of the project objectives, including the objective to provide additional hotel rooms consistent with the policies of the Downtown Strategy 2040 Plan.

It is possible that in the future, an alternative development may be proposed on at the location of the hotel addition. Based on the zoning district for the project site, DC – Downtown Primary Commercial Zoning District, other permitted uses include retail, art galleries, antique stores, service uses, personal service establishments, business and professional offices, medical and dental clinics, banks and other financial institutions, restaurants, bakeries, cafes, and similar uses. Any future use on the site would require review and approval by the City of San José, including CEQA evaluation.

Reduced Development Alternative

Under the Reduced Development Alternative, the proposed hotel addition would be reduced by 50 percent, from 274 rooms to 137 rooms, and reducing the building height to approximately 150 feet (approximately 12 floors). The modification to reduce the number of hotel rooms, would result in a decrease in hotel employees and visitors and would result in less traffic and air pollutant emissions than the proposed project. The reduced height of the building would also increase compatibility of the project with the surrounding buildings. However, because the footprint would be unchanged, this alternative would result in similar impacts to cultural resources and hazards and hazardous materials as the proposed project. Noise and vibration impacts during operation would remain the same as the proposed project, but construction noise and vibration impacts would be less than the project because a shorter construction period is assumed. The mitigation measures identified for the project would also apply to this alternative. Implementation of the mitigation measures would reduce all impacts to a less than significant level.

The Reduced Development Alternative would reduce the significant impacts of the project; and implementation of mitigation measures would reduce the impacts to less than significant levels. However, this alternative does not represent the best use of the site. The Downtown Strategy 2040 was developed to take advantage of infill parcels along transit corridors, to provide urban services, and to strengthen the downtown. The Downtown Strategy 2040 goal is to make Downtown a regional jobs,

entertainment, and cultural destination. The Reduced Development Alternative would not maximize this infill parcel and the prime location, particularly its proximity to transit. It would provide fewer rooms and fewer employment opportunities.

Environmentally Superior Alternative(s)

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives [Section 15126.69(e)(2)].

Based upon the previous discussion, the environmentally superior alternative would be the No Project Alternative, which would avoid the identified significant impacts. Therefore, the environmentally superior alternative is the Reduced Development Alternative. The Reduced Development Alternative would result in fewer impacts to traffic generation, air pollutant emissions, and vibrational impacts due to the reduction in size of the project, although it does not fully avoid these impacts. Implementation of the mitigation measures would reduce all impacts to a less than significant level. The Reduced Development Alternative does not fully meet the project objectives because it reduces the size of the project by 50 percent, resulting in fewer jobs and fewer visitor-accommodating uses in Downtown San José.

AREAS OF PUBLIC CONTROVERSY

The following areas of concern were identified during the EIR scoping process. These concerns are addressed in the SEIR in the sections presented below.

- Preservation of historic hotel – see *Section 3.2 Cultural Resources* of SEIR
- Visual effects of the new tower – see Appendix A of SEIR, *Section A. Aesthetics*
- Shade and shadow on adjacent buildings – see Appendix A of SEIR, *Section A. Aesthetics*
- Construction-related air and noise impacts on adjacent senior residential building – See *Section 3.1 Air Quality* and *3.5 Noise and Vibration* of SEIR
- Construction-related transit impacts on adjacent bus and VTA light rail – See Appendix A of SEIR, *Section Q. Transportation*

Section 1. Introduction

1.1 PURPOSE OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft SEIR for the Tribute Hotel Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

This SEIR is a Supplemental EIR to the Downtown Strategy 2040 Final Environmental Impact Report (Downtown Strategy 2040 FEIR) certified by the San José City Council in December 2018. 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 SEIR (the Draft SEIR and Final SEIR), along with any other available information in deciding whether to approve the proposed project. Section 1.2 below provides additional discussion of the EIR process. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth-inducing impacts, and cumulative impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

This SEIR is a "Project EIR," pursuant to CEQA Guidelines Section 15161. A Project EIR examines the environmental impacts of a specific development. This type of EIR focuses on the changes in the environment that would result from implementation of the project, including construction and operation of the proposed action. The environmental issues associated with the project are discussed in Chapter 3 of this SEIR, and the Initial Study prepared for the project (see Appendix A).

1.2 EIR PROCESS

On December 18, 2018, the City Council certified the Downtown Strategy 2040 FEIR (Resolution No. 78942) and adopted the Downtown Strategy 2040, which updated the Downtown Strategy 2000 to be consistent with the Envision San José 2040 General Plan (General Plan). This update included an increase in the amount of new commercial office and residential development capacity and revised development phasing to extend the horizon (buildout) year to 2040. The Downtown Strategy 2040 increased the amount of new commercial office by an additional three million square feet (approximately 10,000 jobs) to be transferred from other areas of the City, consistent with the General Plan Four-Year Review recommendations. The amount of commercial office development would be 14.2 million square feet by the year 2040. The residential capacity of Downtown would be increased to 14,360 units. The amount of new retail development of 1.4 million square feet, and 3,600 hotel rooms identified in the Downtown Strategy 2000 would be maintained. The 274 hotel rooms proposed by the project are included in the analyses of the Downtown Strategy 2000 and the Downtown Strategy 2040. In addition, the broad recommendations and guiding principles of Downtown Strategy 2000 remain generally pertinent to the overall vision for Downtown and were carried over to the Downtown Strategy 2040.

The Downtown Strategy 2040 FEIR evaluated the traffic and traffic-related air quality and noise impacts of Downtown development projects consistent with the General Plan land use designations and Downtown zoning districts up to the year 2040. The Downtown Strategy 2040 FEIR evaluated all

remaining resource areas at a program level for site-specific conditions, including construction-related impacts that could not be feasibly evaluated in the absence of specific development project details.

The Downtown Strategy 2040 FEIR identified measures to minimize impacts and adopted statements of overriding consideration for all identified impacts resulting from the maximum level of proposed development. All subsequent development that occurs as part of the Downtown Strategy 2040 are required to have project-level, site-specific environmental review.

This SEIR has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the Downtown Strategy 2040 and the General Plan.

1.2.1 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 an SEIR for the proposed project to disclose any new or more severe impacts than were identified in the San José Downtown Strategy 2040 EIR.

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

> **Section 15121(a) – Informational Document.** An EIR is an informational document, which will inform public agency decision makers, and the public generally of the significant environmental effect 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 which may be presented to the agency.
>
> **Section 15151 – Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision that intelligently takes account of 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 the 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.

1.2.2 Tiering from Previous EIRs

In accordance with CEQA, this SEIR will supplement and tier from the Downtown Strategy 2040 FEIR. The CEQA Guidelines contain the following information on tiering an environmental document:

> **Section 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 sequence 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.

1.2.3 Focusing the SEIR

The City of San José prepared an Initial Study that determined that preparation of an SEIR was needed for the proposed Tribute Hotel Project (see Appendix A). Based on the findings of the Initial Study, the City has focused this SEIR on air quality, cultural resources, hazards and hazardous materials, noise and vibration, and energy. The impacts of agricultural and forestry resources, biological resources, geology and soils, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, transportation, utilities, and wildfire are analyzed in the Initial Study (Appendix A). The project's impacts in these study areas were determined to be less than significant with standard permit conditions that would be 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 resource areas than those addressed in the Downtown Strategy 2040 FEIR and would be consistent with the General Plan. Therefore, these impact areas are not further addressed in this SEIR.

1.2.4 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 the public, including local and State agencies, on September 4, 2018. The 30-day comment period concluded on October 3, 2018. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. Appendix B of this SEIR includes the NOP and comments received in response to the NOP. The table below lists the commenters and a brief summary of their comments, in order of the date received.

Date	Commenter	Summary of Comments
8/31/18	California Office of Planning and Research	NOP circulation notice.
9/4/18	Amah Mutsun Tribal Band	Provided the contact information for the tribe representing these lands.
9/4/18	Lozeau Drury LLP	Requests all public noticing on the EIR and project.
9/7/18	Native American Heritage Commission (NAHC)	Requested compliance with Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) for tribal consultation.
9/7/18	Santa Clara County Parks	No comments.
9/17/18	Preservation Action Council of San Jose	Requested analysis of the impacts of the project on the historic Montgomery hotel building, including possible impacts affecting the building's designation as a landmark and proposed mitigation; requested the EIR include an evaluation of the "no project" alternative.
10/1/18	California Department of Transportation (Caltrans)	Requested a traffic study, including Vehicles Miles Traveled (VMT) analysis and a Transportation Demand Management (TDM) Program.
10/1/18	Santa Clara Valley Transportation Authority	Acknowledges City's coordination in relocating roadway space along South First Street related to the project.
10/2/18	Casa del Pueblo Residents	Concerns regarding construction impacts on adjacent residents, safety of new structure, noise impacts during construction, and project planning concerns.

1.2.5 Baseline Condition

Pursuant to CEQA Guidelines Section 15125, CEQA mandates that "an EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." The baseline conditions described and used for the impact analysis in this SEIR are the physical environmental conditions that existed when the Notice of Preparation (NOP) was published, in accordance with CEQA Section 15125(a)(1).

1.2.6 Draft SEIR 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 those agencies, persons, and organizations 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:

Reema Mahamood, Environmental Project Manager
City of San José, Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, San José, CA 95113
408.535.6872
reema.mahamood@sanjoseca.gov

1.2.7 Final SEIR/Responses to Comments

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

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

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 that 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.

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Section 2. Project Information and Description

2.1 PROJECT LOCATION

The project site is located on an approximately 25,000-square foot (0.57-acre) parcel at 211 South First Street in downtown San José (refer to Figure 1). The property is located on a portion of Assessor's Parcel Number (APN) 259-42-079, as presented in Figure 2. An aerial vicinity map showing the subject property and surrounding uses is presented in Figure 3.

2.2 BACKGROUND

The existing Four Points by Sheraton is the former Montgomery Hotel, a designated City, State, and National Landmark. The hotel building was originally constructed in 1911 on the corner of First and San Antonio Streets, now the pedestrian-only Paseo de San Antonio. In 2000, the building was moved approximately 187 feet south to the current parcel and restored in 2004. The current owner acquired the property in 2013. The historic building has a primary façade on South First Street and a secondary façade on the north side facing an existing hotel courtyard.

2.3 PROJECT DESCRIPTION

The project proposes a 274-room hotel addition to the Four Points by Sheraton, referred to as the San José Tribute Hotel. The proposed addition consists of a new, 24-story (260-foot high) tower on the northern portion of the site, at the location of an existing courtyard. The proposed tower design considers the historic landmark status of the former Montgomery Hotel and was designed in consultation with City staff and the City's Historic Landmarks Commission (HLC) and the HLC Design Review Subcommittee.

The project site is currently used as an open patio seating area for the Four Points by Sheraton hotel and restaurant. The proposed hotel addition is 186,426 gross square feet in size and includes guest rooms, an atrium-style lobby, and roof-top amenities such as a swimming pool, fitness center, and events space. The lower five floors would occupy the currently open portion of the site. The northern portion of the ground floor would be occupied with guest rooms, the entry lobby, check-in area, and support spaces. The southern portion of the ground floor addition would form the lobby and semi-public event space. The main entry to the combined hotel structures would be located at the South First Street elevation. The project also includes a new loading zone.

The project site is designated *Downtown* in the City of San José's General Plan and is in the *DC – Downtown Primary Commercial* zoning district.

The conceptual site plan is presented in Figure 4 and floor plans are provided in Figures 5a-5h. Elevations are shown in Figures 6a-6d. Project details are described below.

2.3.1 Building Construction

The proposed tower addition would be located on the northern half of the existing hotel parcel. The building is a modern design and extends to a height of approximately 70 feet, then cantilevers over the existing hotel building to provide adequate width for a standard double-loaded hotel floor plate. The tower then extends vertically for a total height of 24 floors. The space between the lower levels of the

proposed building and the existing hotel would be spanned with a glazed wall at both ends, enclosing a new lobby space, while admitting light into the existing building windows and enabling views of the historic façade of the existing hotel from First Street. The new tower addition design is intended to respect and maintain the historical significance of the existing Montgomery Hotel. Figure 7 shows an architectural rendering of the proposed project.

Photographic simulations of the project from various vantage points were prepared for the site. The viewpoints map for the simulations is presented in Figure 8. The photo simulations showing 1) existing conditions, and 2) future conditions with the proposed tower, are provided in Figures 9a – 9e.

2.3.2 Access and Parking

Service access would be provided via the existing easement to the south of the existing hotel and along the unbuilt western edge of the site. The existing project site has a northern driveway that provides access to a small parking lot used for the existing hotel check-in/check-out. The proposed project would remove the northern driveway and accompanying small parking lot and construct loading spaces for passenger loading along the project frontage on South First Street. The project proposes to construct five short-term passenger loading spaces for hotel registration purposes by cutting into the sidewalk along the hotel frontage. The passenger loading spaces would be paved with granite and would include a bevel with a one-inch rise to create separation between the parking spaces and the northbound travel lane on South First Street. The design would include bulb outs at the north and south ends of the loading area (see Figure 4). As proposed, the existing street trees and lighting would remain.

2.3.3 Lighting

Exterior lighting would be provided for the new tower for site recognition and security. All outdoor lighting plans would be subject to City review.

2.3.4 Grading

Development of the project would involve the excavation and export of approximately 8,000 cubic yards (CY) of material. The grading/drainage plan for the project is presented in Figure 10.

2.3.5 Utilities

The project includes the provision of services and utilities to serve the project hotel addition, including water, wastewater disposal, and solid waste disposal.

2.3.6 Construction Staging

A preliminary site utilization plan has been prepared for the project, which shows the location of construction equipment and safety structures, as shown in Figure 11. Storage of materials would be provided along the eastern property line and possibly on a portion of the adjacent parking lot upon agreement with the owner. A more detailed construction staging and construction haul route plan would be prepared as part of the Grading Permit process.

2.4 PROJECT SCHEDULE

The schedule for construction of the project is not known at this time. Construction activities are anticipated to take approximately 22 months.

2.5 PROJECT OBJECTIVES

The proposed project would contribute to the job growth and hotel development as envisioned in the Downtown Strategy 2040 and the General Plan by expanding the existing hotel by 274 guest rooms to accommodate the demand for visitor-accommodating uses in downtown San José. The proposed hotel tower is intended to add a modern element to the City's evolving skyline. The new tower addition is also designed to respect and maintain the historical significance of the adjacent historic Montgomery Hotel. The proposed hotel addition aligns with the following goals and objectives of the Downtown Strategy 2040 and the General Plan.

Downtown Strategy 2040

The Downtown Strategy 2040 implements the Downtown Strategy 2000 strategies and actions for the six main urban systems within Downtown: Public Realm, Urban Form and Buildings, Transportation and Access, Historic Resources, Economic Projections, and Human Services. Applicable strategies and actions from the Downtown Strategy 2040 to the project include the following:

- The Downtown Strategy 2040 Guiding Principles, as listed below:

    1. Make Downtown a memorable and creative metropolitan center where people live, work, learn, play, shop, dine, and engage in public life;

    2. Enhance the identity of Downtown San José as the urban and cultural center of Silicon Valley, and further enhance San José as an international city;

    3. Create an accessible, walkable, bike-friendly, and transit-rich Downtown; and

    4. Promote and prioritize development that serves the needs of the entire city, valley, and Bay Area region.

- General Strategy e: Design buildings with a distinctive form, keeping in mind that the assemblage of buildings on the city skyline contributes to the overall image of Downtown San José.

- General Strategy f: Design the exterior lighting and building signage with a conscious effort to create the nighttime cityscape of downtown. Respect historic buildings and districts in development and redevelopment projects, without resorting to stylistic imitation.

- Priority 12: Respect the many cultural and historic assets that add a unique scale and image that is distinctly San José by preserving cultural resources, established historic districts and historic landmarks with approval of development projects.

General Plan

The following strategies and policies in the General Plan apply to the proposed project.

- Land Use and Employment Policy IE-1.5: Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.

- Commercial Lands Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

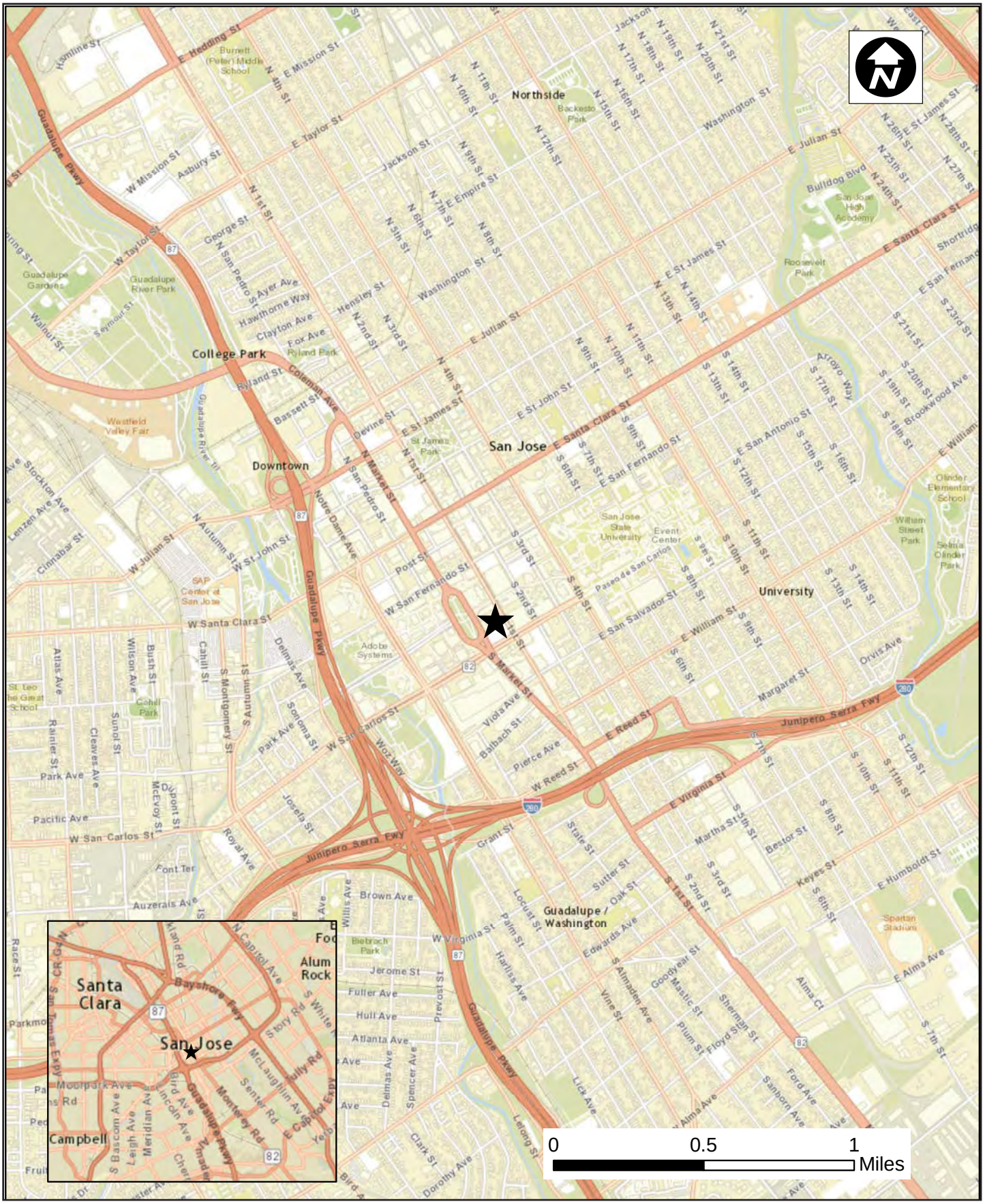
- Major Strategy #9: Support continued growth in the Downtown as the City's cultural center and as a unique and important employment and residential neighborhood. Focusing growth within Downtown will support the Plan's economic, fiscal, environmental, and urban design/placemaking goals.

- Community Design Policy CD-6: 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.

2.6 USES OF THE SEIR

The City of San José is the Lead Agency under CEQA. This SEIR will be relied upon for the following project-specific discretionary approvals necessary to implement the project as proposed:

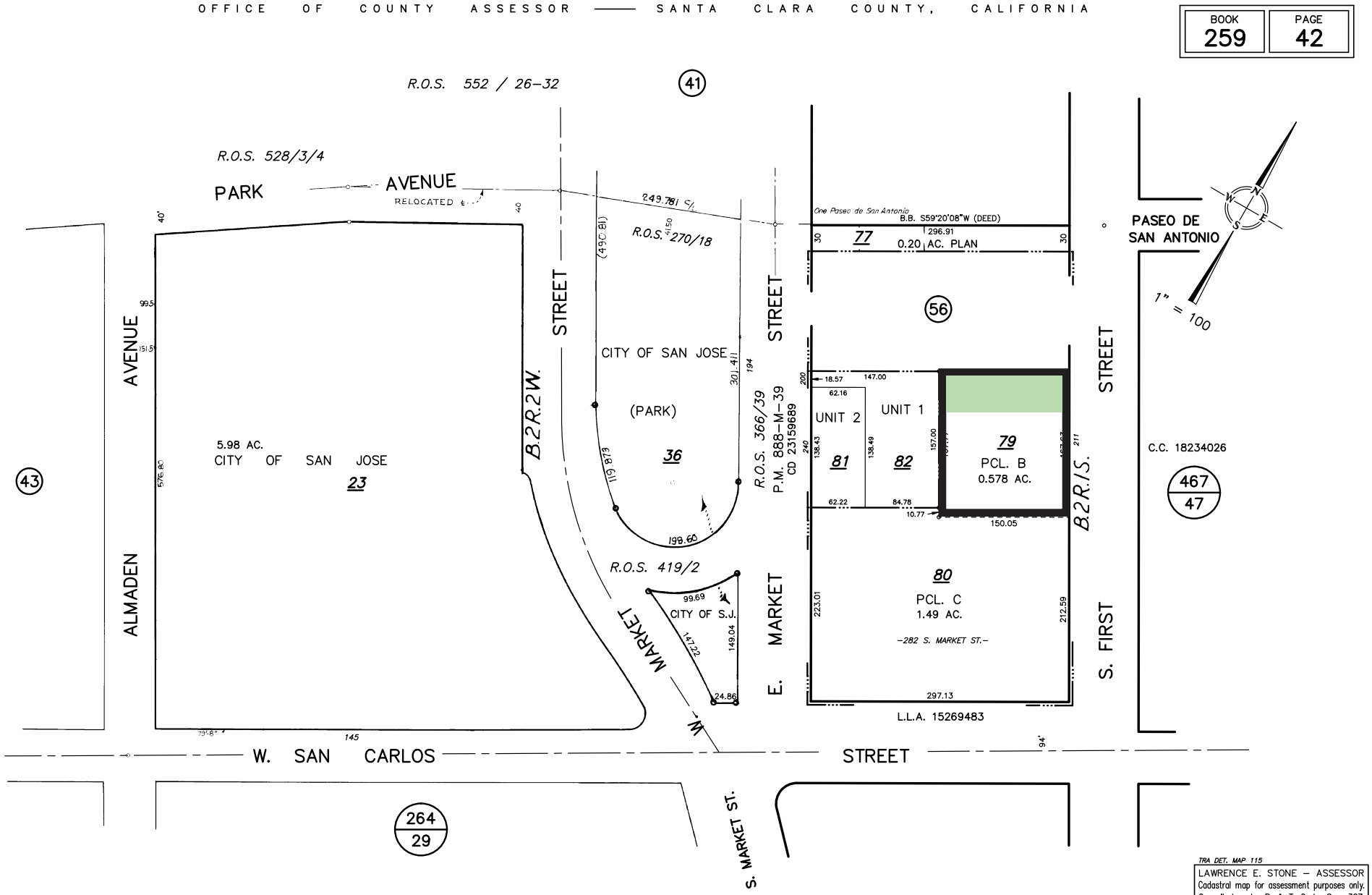
- Site Development Permit
- Historic Preservation Permit



Location Map

Figure 1

San José Tribute Hotel Supplemental EIR

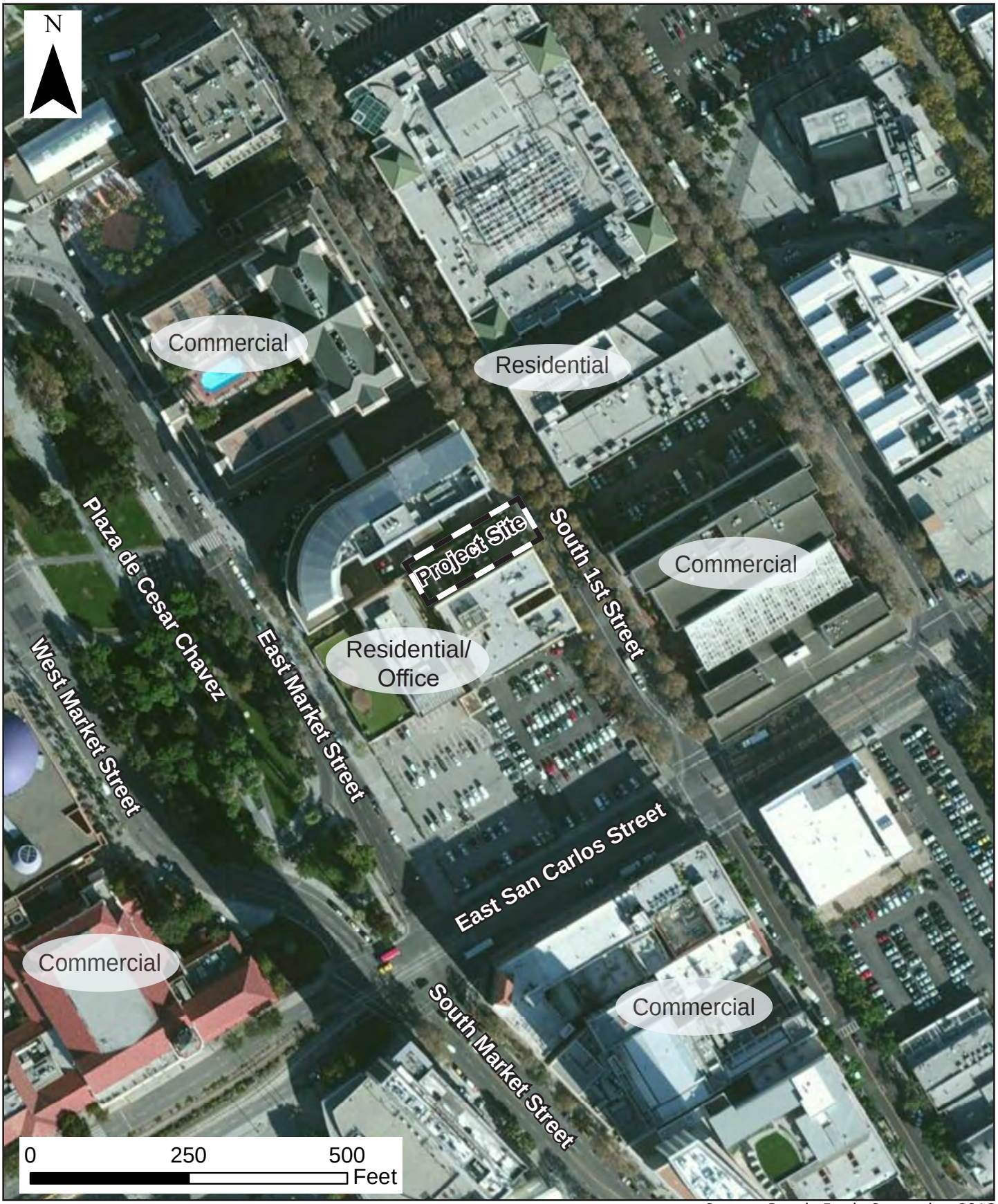


Project Parcel Project Site

Source: Office of the Assessor, County of Santa Clara, September 2016

Parcel Map

Figure 2

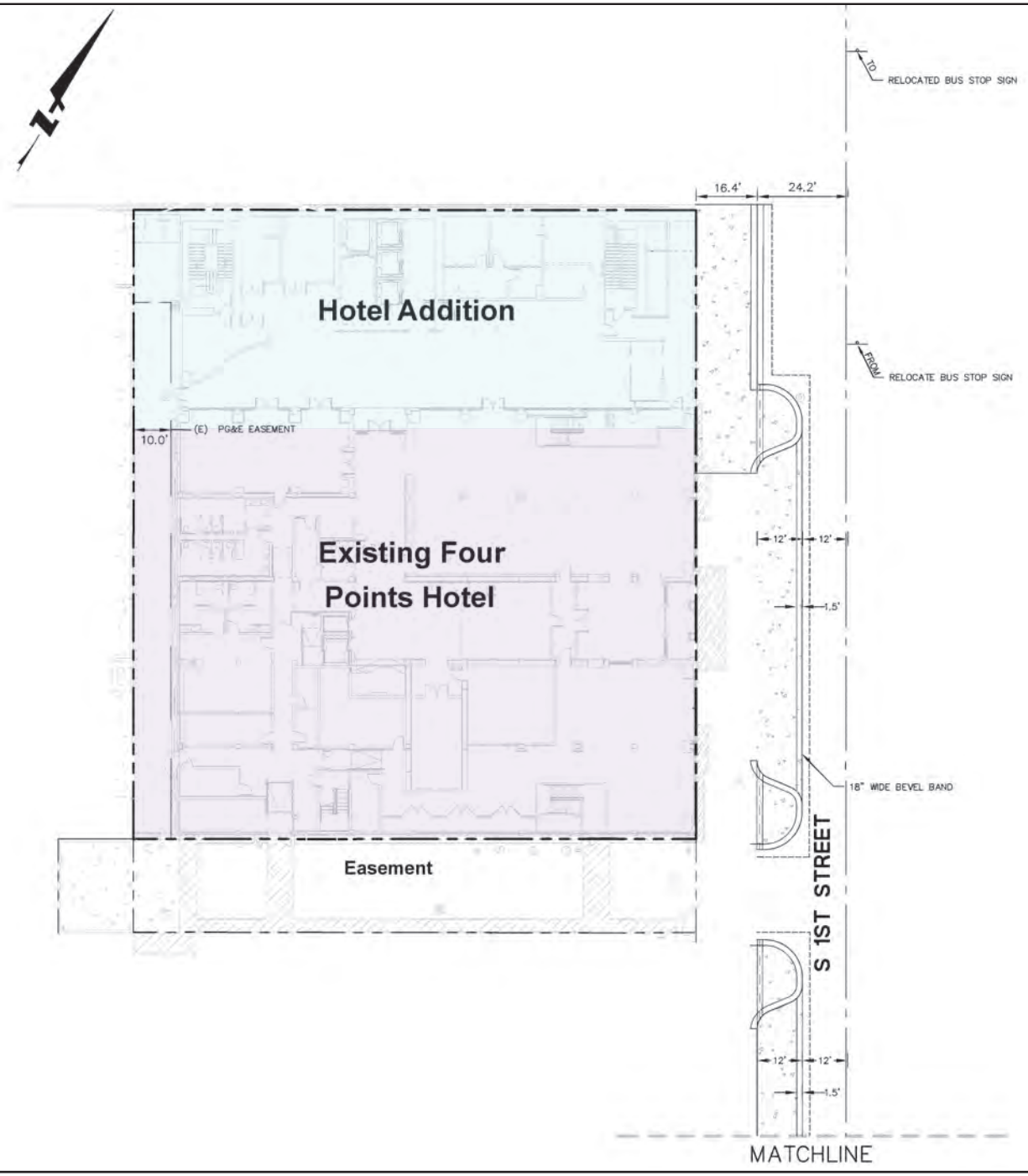


Source: Google Earth, September 2016

Aerial Vicinity Map

San José Tribute Hotel Supplemental EIR

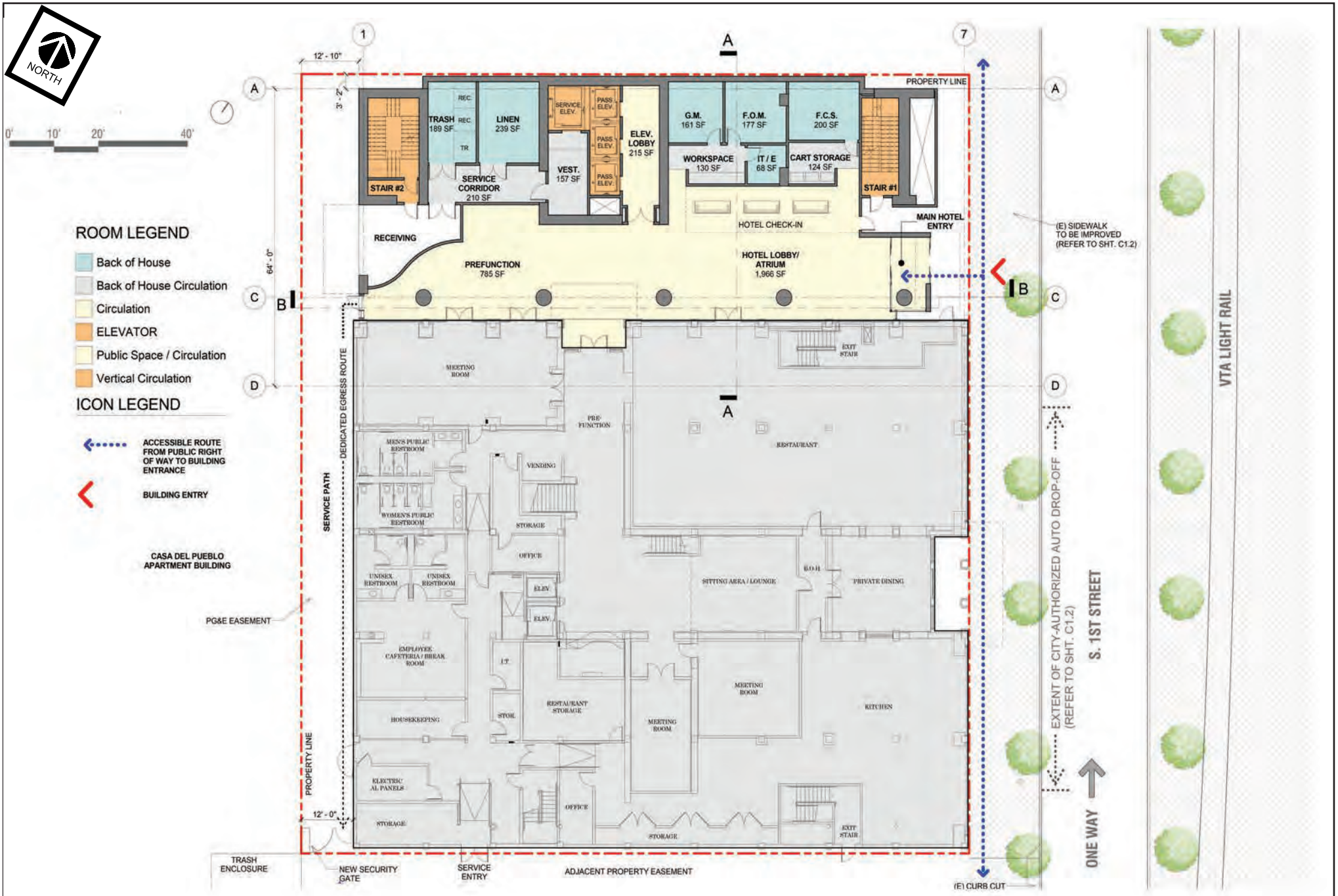
Figure 3



Source: TCA Architects, June 2018

Conceptual Site Plan

Figure 4

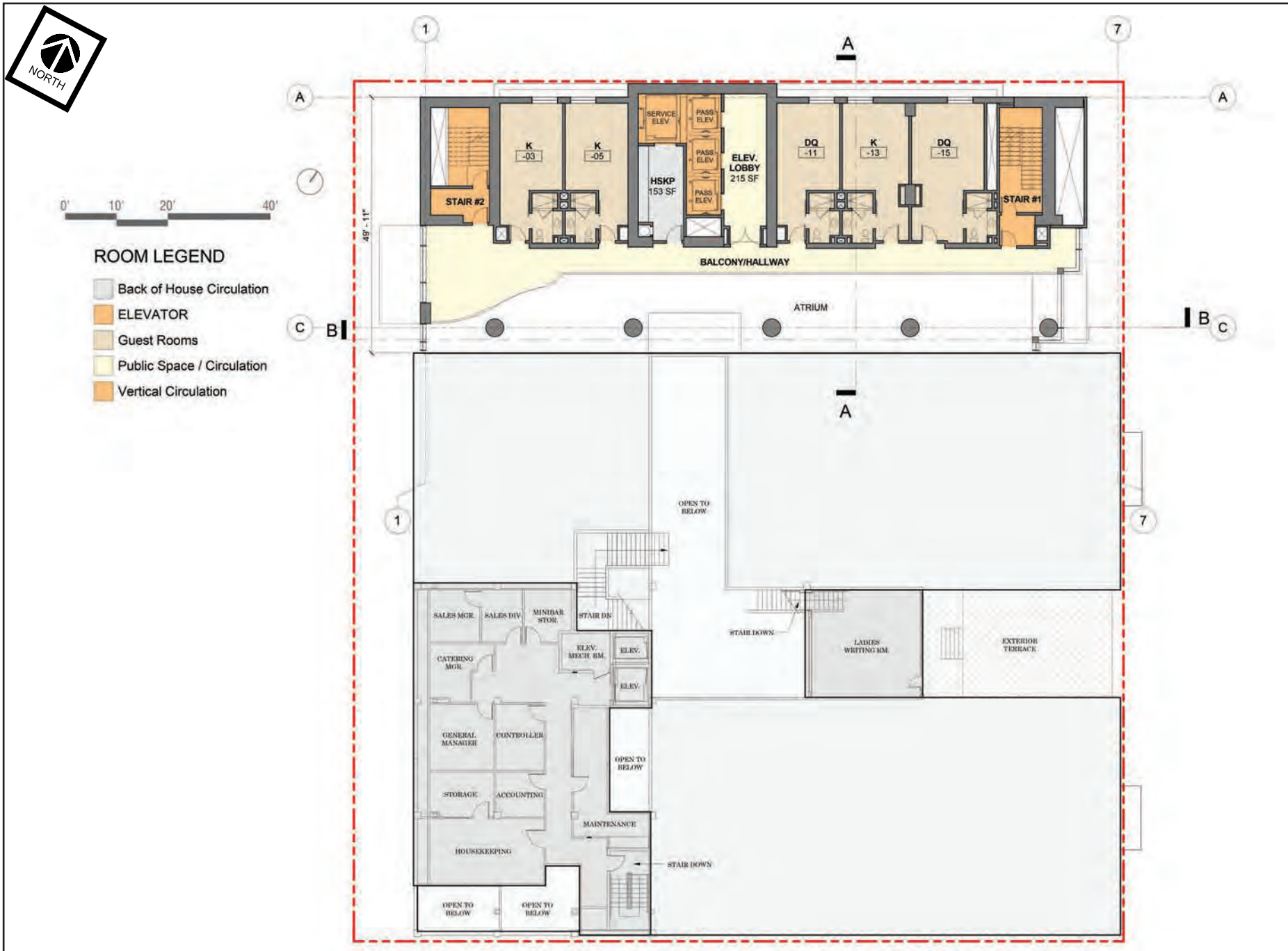


Source: TCA Architects, June 2018

Floor Plans - Ground Floor

Figure 5a

San José Tribute Hotel Supplemental EIR



Source: TCA Architects, June 2018

Floor Plans - Floor 2

Figure 5b

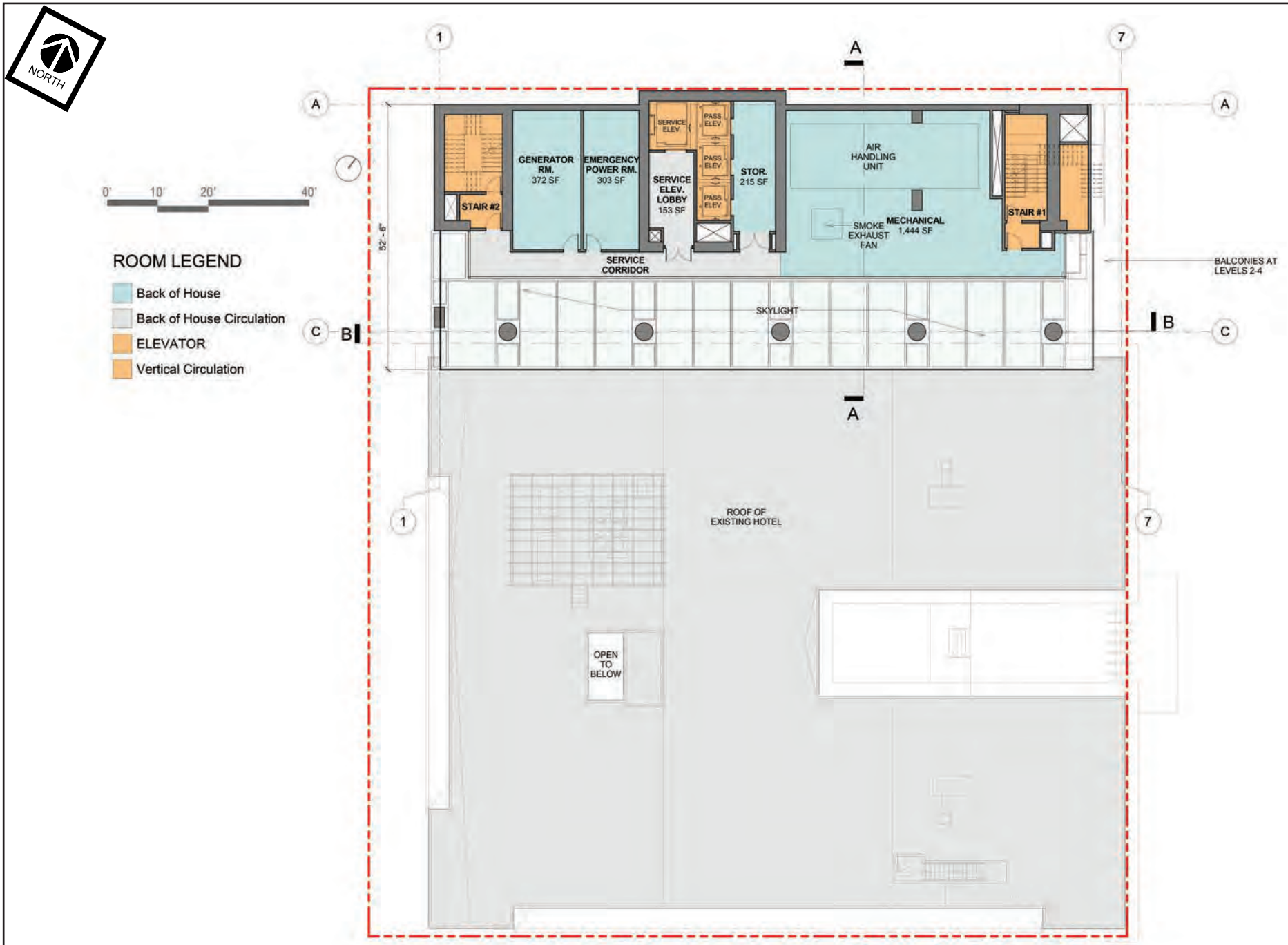
San José Tribute Hotel Supplemental EIR

Source: TCA Architects, June 2018

Floor Plans - Floors 3-5

Figure 5c

San José Tribute Hotel Supplemental EIR

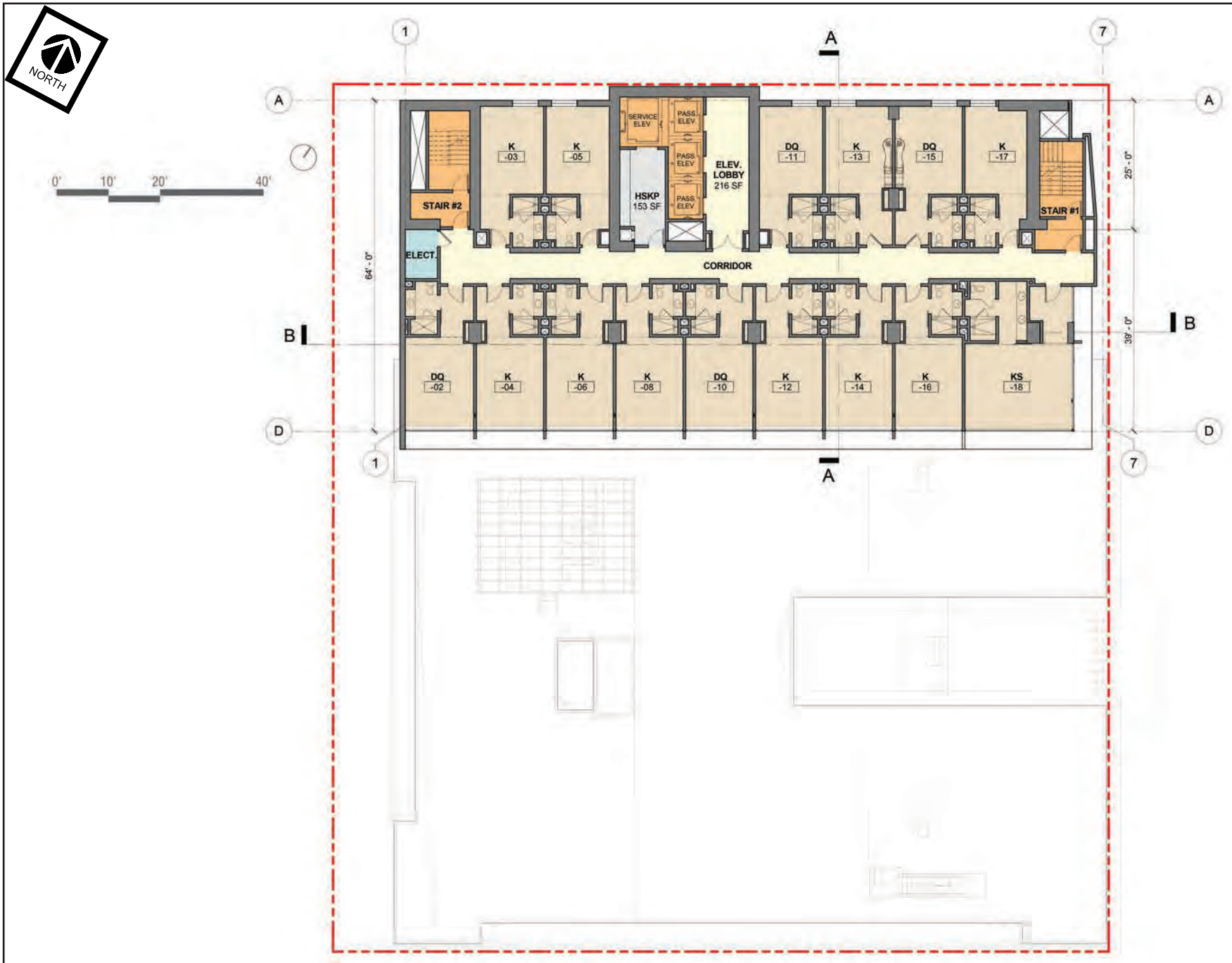


Source: TCA Architects, June 2018

Floor Plans - Floor 6

Figure 5d

San José Tribute Hotel Supplemental EIR

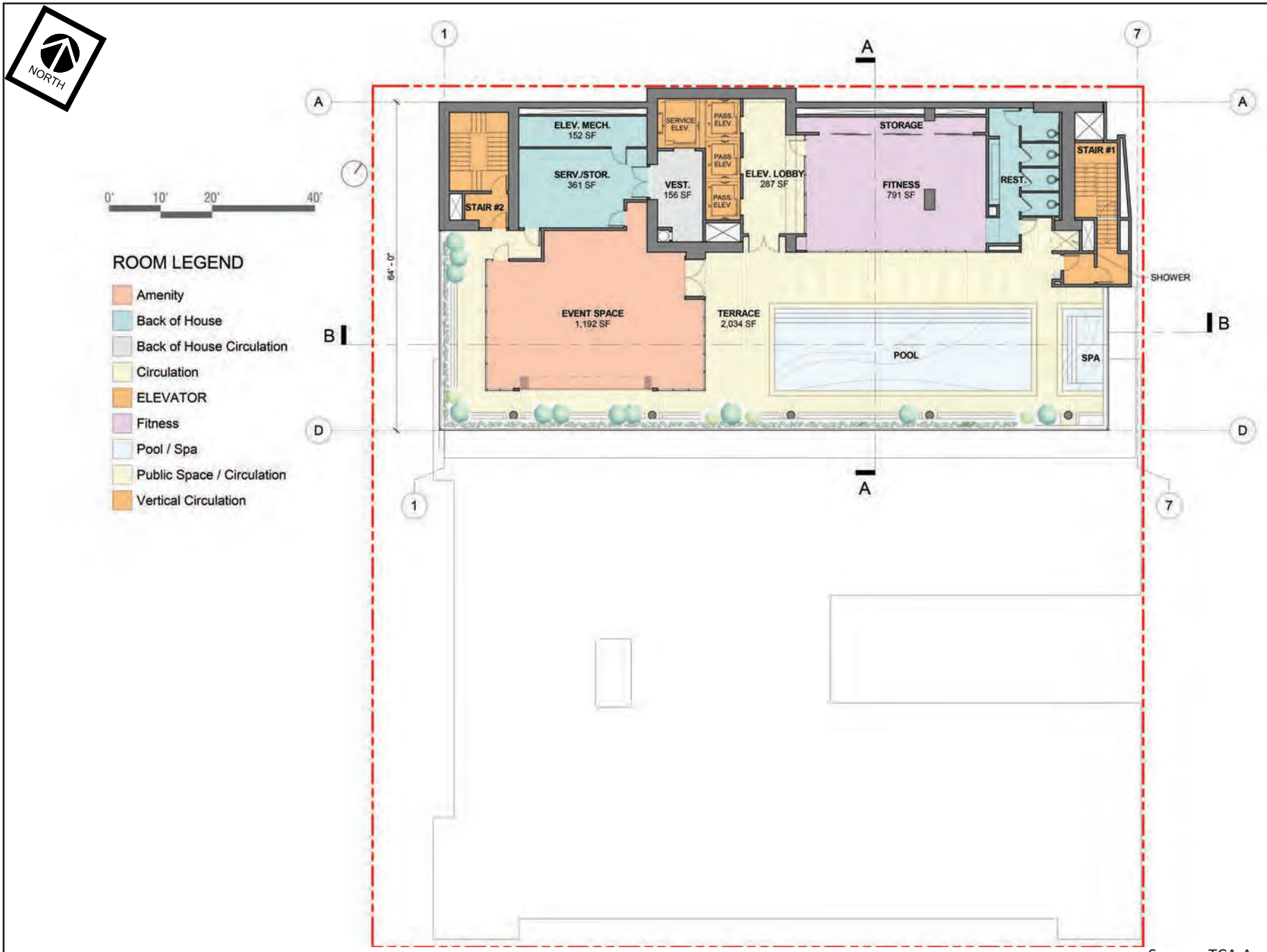


Source: TCA Architects, June 2018

Floor Plans - Floors 7-23

Figure 5e

San José Tribute Hotel Supplemental EIR

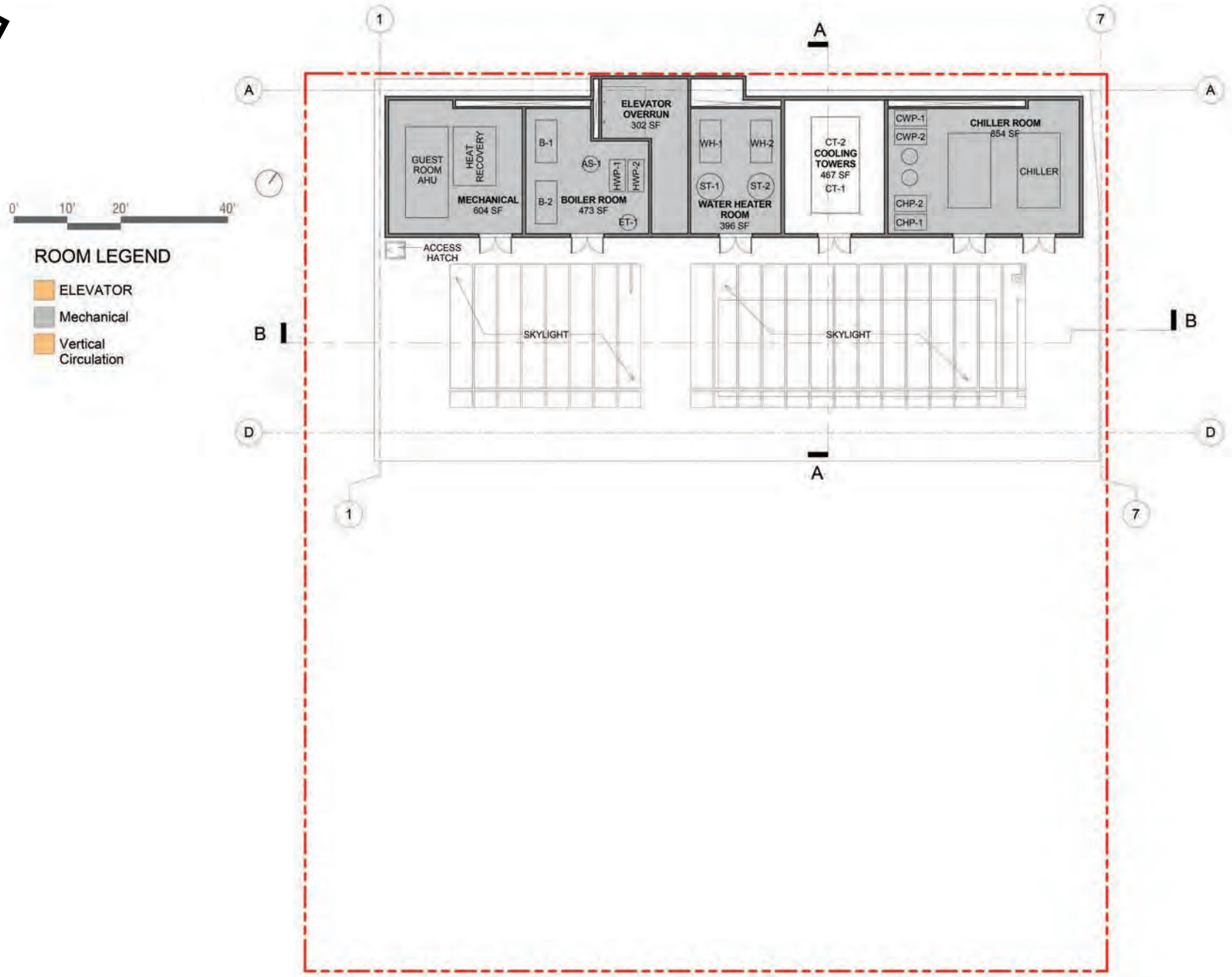


Source: TCA Architects, June 2018

Floor Plans - Floor 24

Figure 5f

San José Tribute Hotel Supplemental EIR

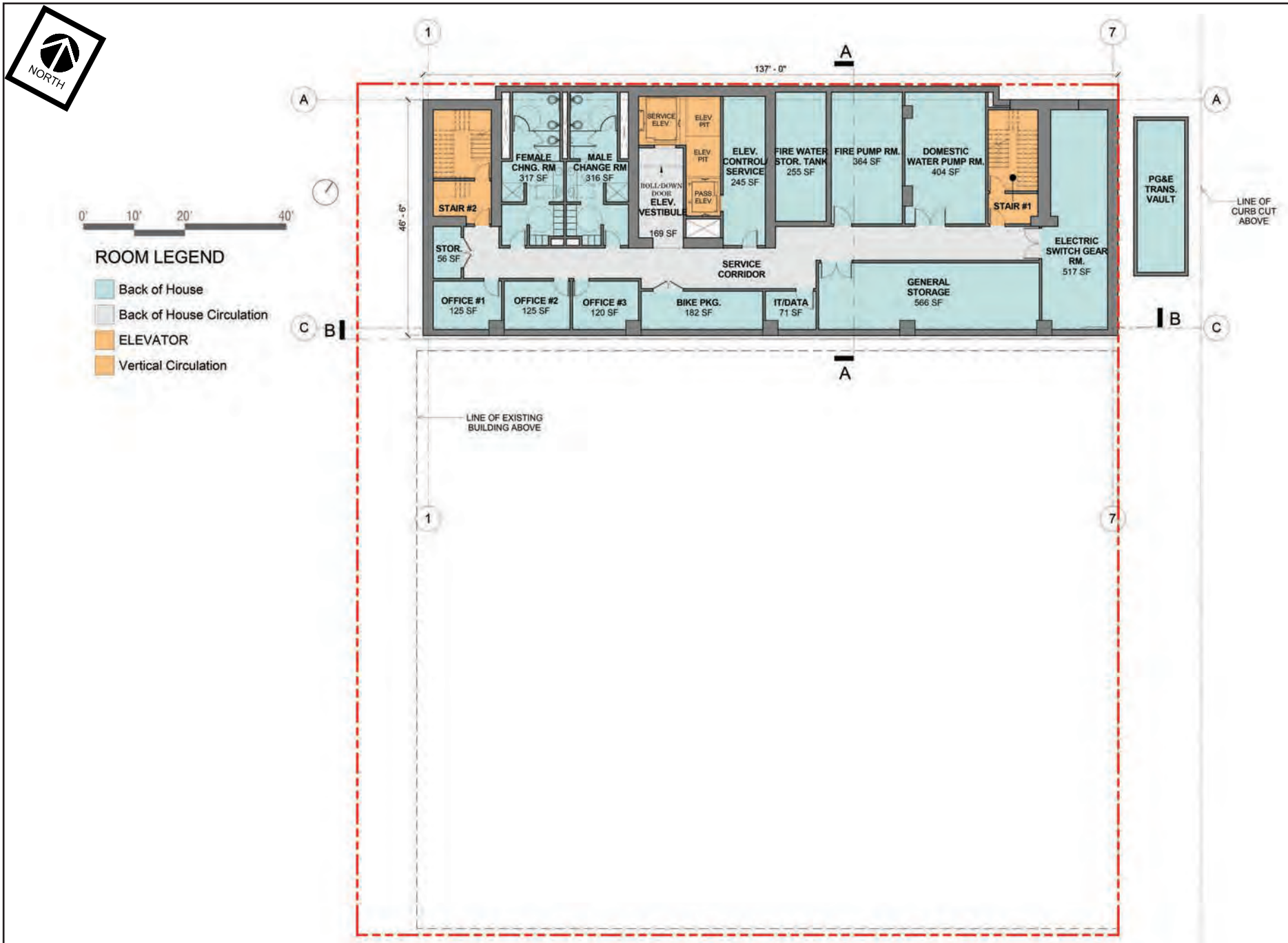


Source: TCA Architects, June 2018

Floor Plans - Roof

Figure 5g

San José Tribute Hotel Supplemental EIR

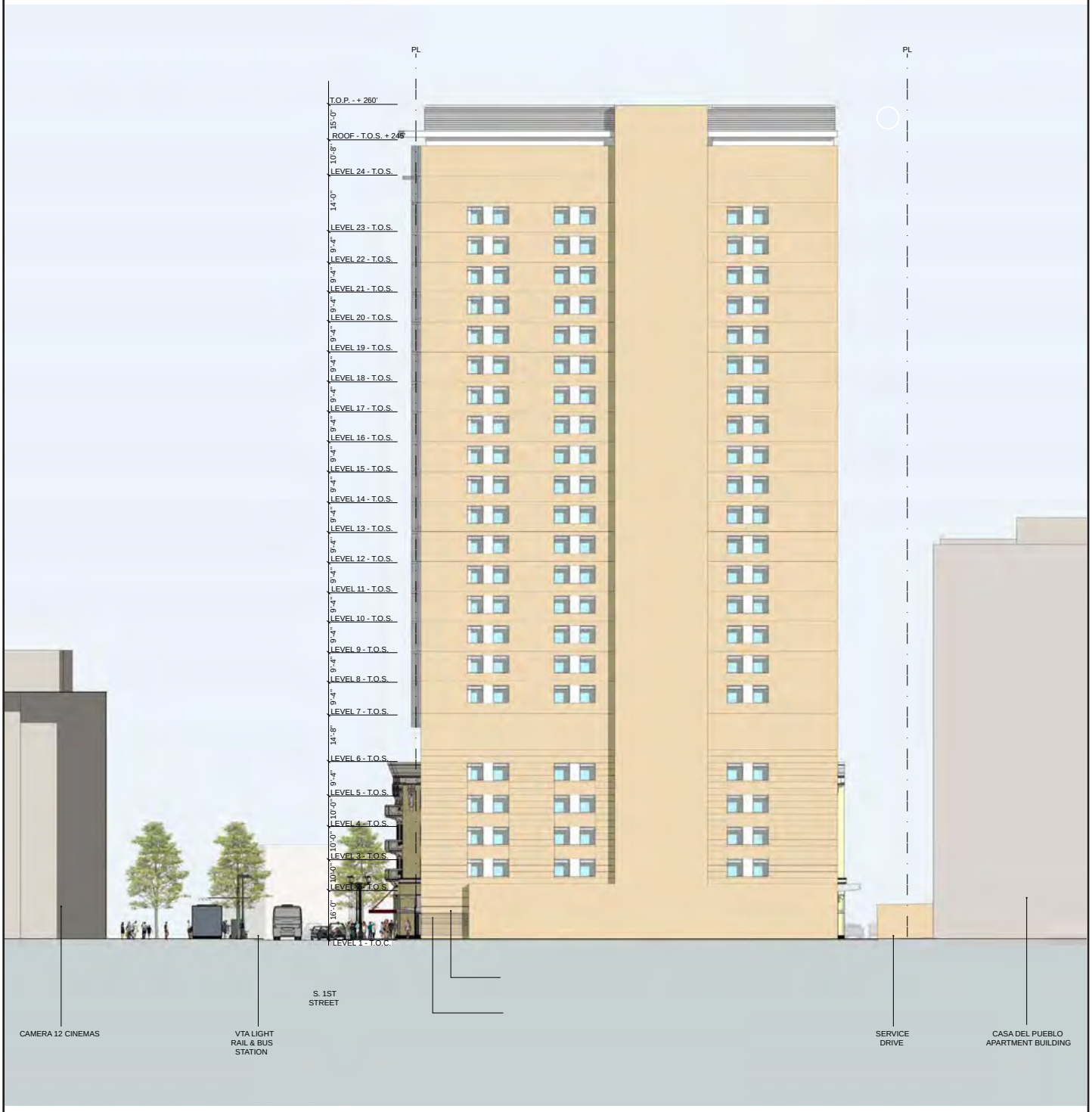


Source: TCA Architects, June 2018

Floor Plans - Basement

Figure 5h

San José Tribute Hotel Supplemental EIR



Source: TCA Architects, June 2018

Elevations - North

Figure 6a

San José Tribute Hotel Supplemental EIR

Source: TCA Architects, June 2018

Elevations - East

Figure 6b

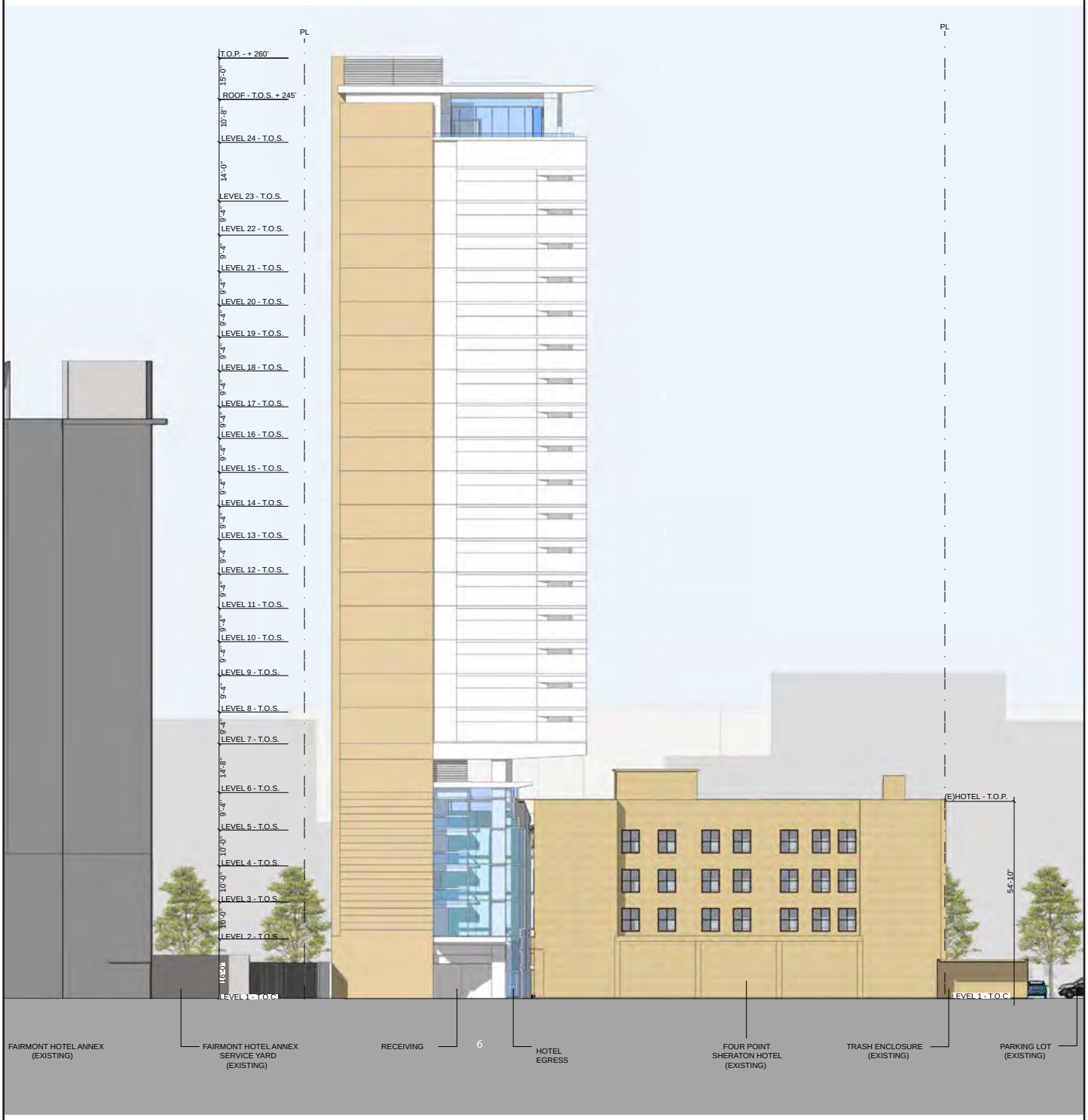
San José Tribute Hotel Supplemental EIR

Source: TCA Architects, June 2018

Elevations - South

Figure 6c

San José Tribute Hotel Supplemental EIR



Source: TCA Architects, June 2018

Elevations - West

Figure 6d

San José Tribute Hotel Supplemental EIR

STREET LEVEL VIEW LOOKING SOUTHWEST

Source: TCA Architects, June 2018

Rendering

Figure 7

San José Tribute Hotel Supplemental EIR

Source: Digital Imaging Studios, April 2019

Viewpoints Map

Figure 8

San José Tribute Hotel Supplemental EIR

Photo Simulation 1a: Existing view from S. 1st Street looking north-west toward the project site.

Photo Simulation 1b: Existing view from S. 1st Street looking north-west toward the project site with proposed project.

Source: Digital Imaging Studios, Updated January 2019

Photo Simulation - Viewpoint 1

San José Tribute Hotel Supplemental EIR

Figure 9a

Photo Simulation 2a: Existing view from Paseo de San Antonio looking south-west of the project site.

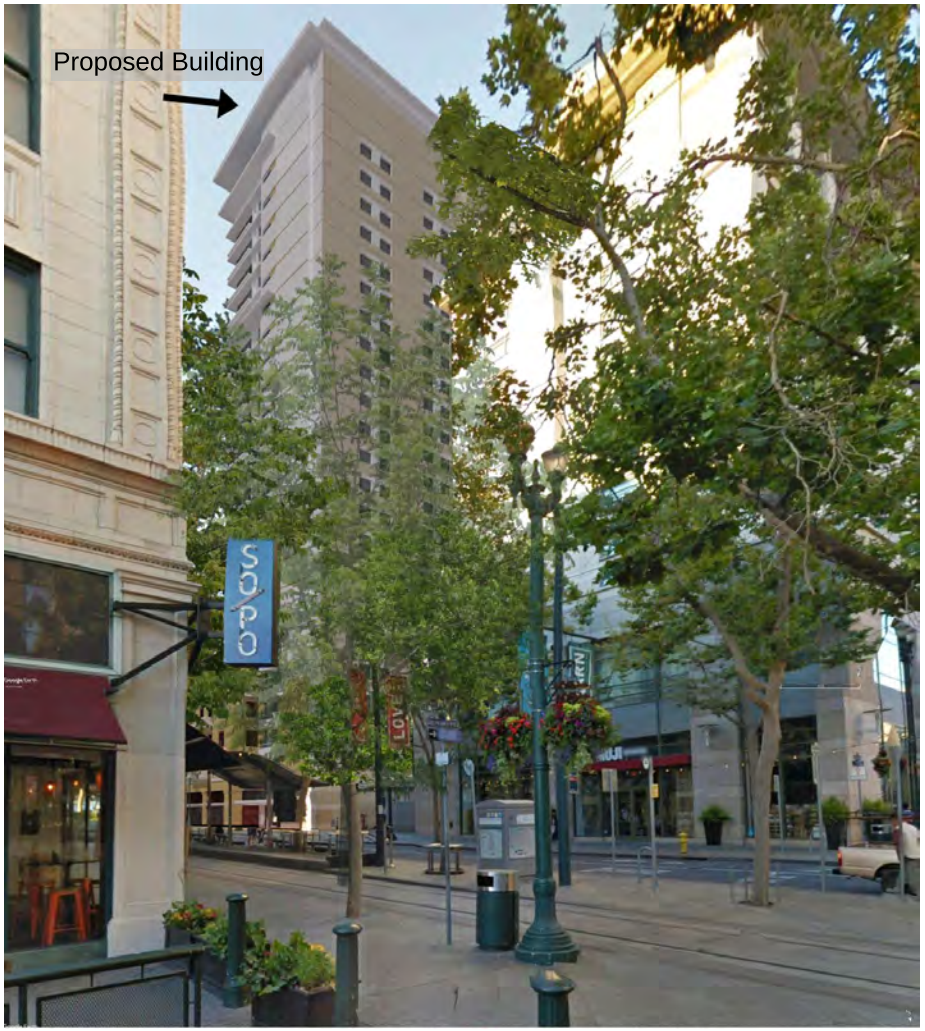


Photo Simulation 2b: View from Paseo de San Antonio looking south-west of the project site with proposed project.

Source: Digital Imaging Studios, Updated January 2019

Photo Simulation - Viewpoint 2

Figure 9b

San José Tribute Hotel Supplemental EIR

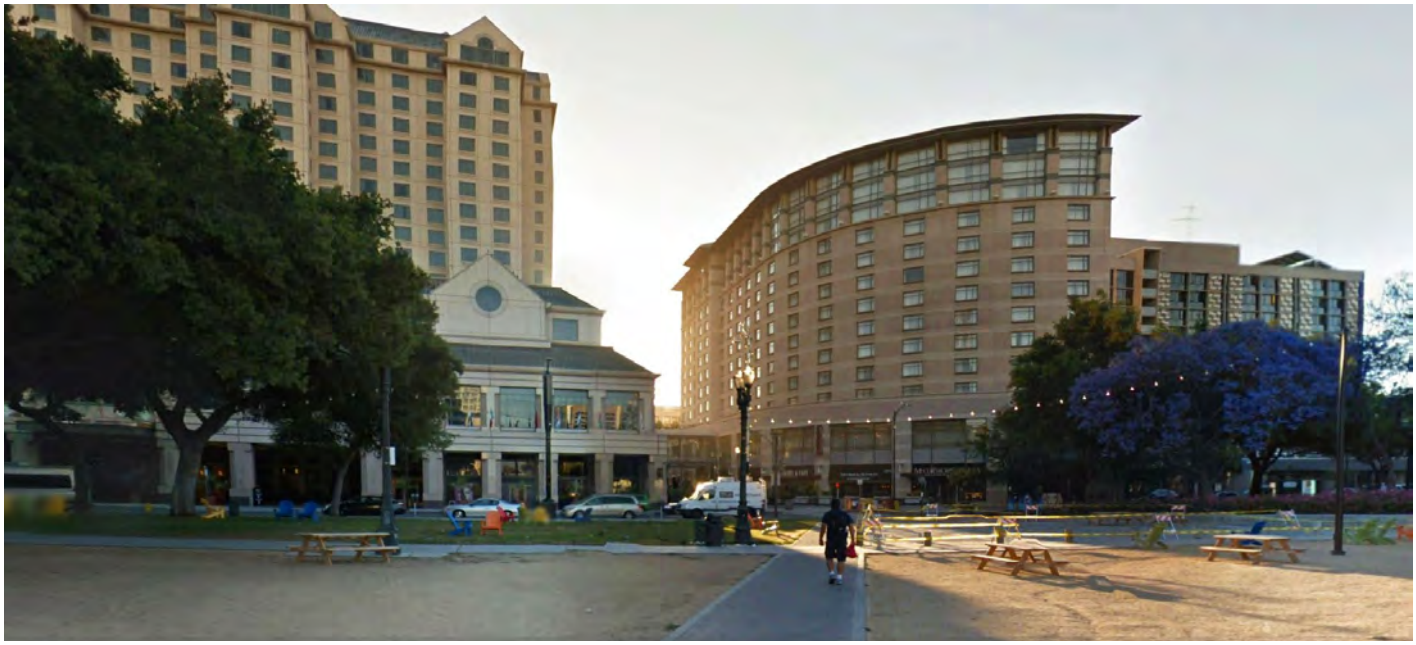


Photo Simulation 3a: Existing view from Plaza de Cesar Chavez looking east toward the project site.

Photo Simulation 3b: View from Plaza de Cesar Chavez looking east toward the project site with proposed project.

Source: Digital Imaging Studios, Updated January 2019

Photo Simulation - Viewpoint 3

San José Tribute Hotel Supplemental EIR

Figure 9c

Photo Simulation 4a: Existing view from State Route 87 looking east toward the project site.

Photo Simulation 4b: View from State Route 87 looking east toward the project site with proposed project.

Source: Digital Imaging Studios, Updated January 2019

Photo Simulation - Viewpoint 4

San José Tribute Hotel Supplemental EIR

Figure 9d

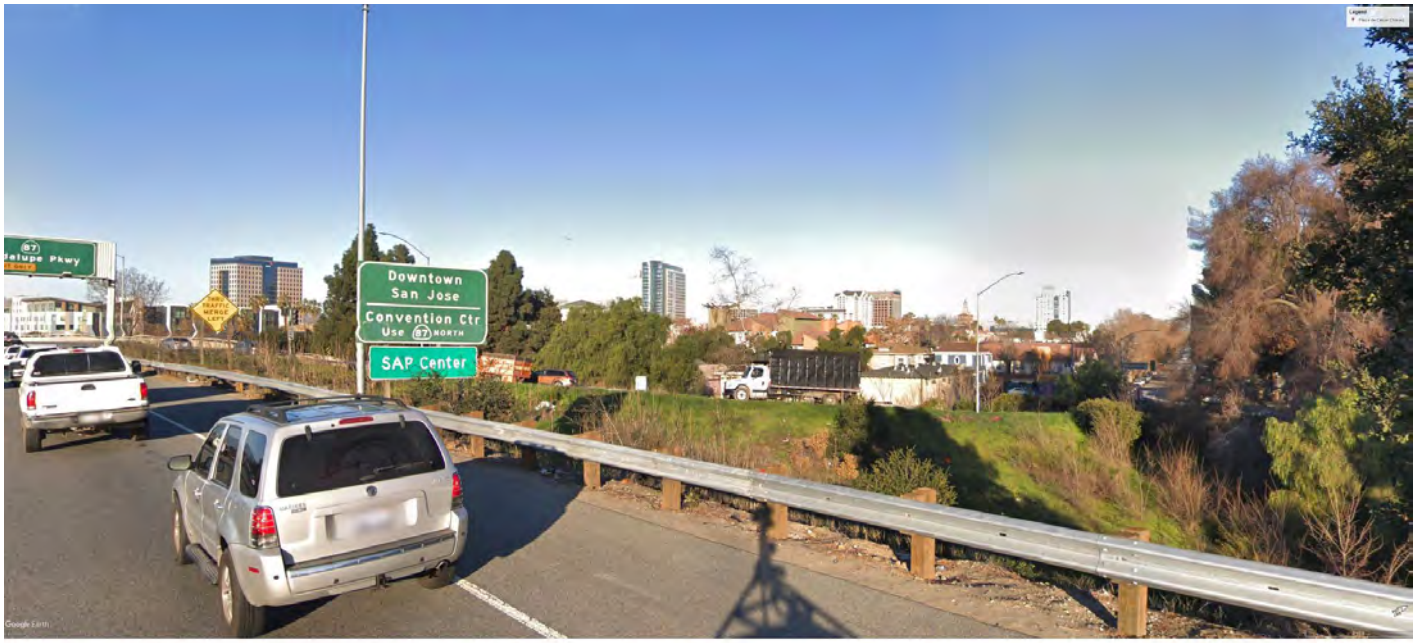


Photo Simulation 5a: Existing view from Interstate-280 looking north-west toward the project site.

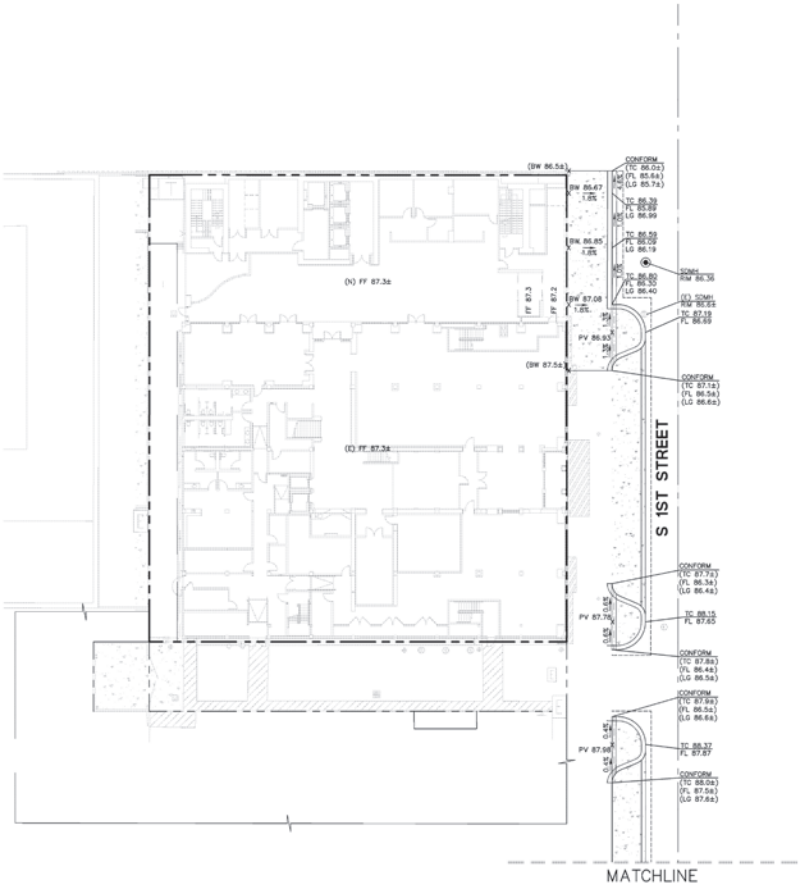
Photo Simulation 5b: View from Interstate-280 looking north-west toward the project site with proposed project.

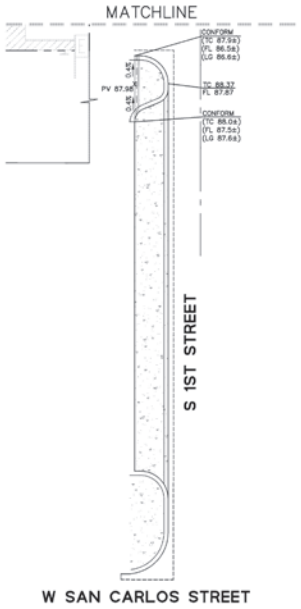
Source: Digital Imaging Studios, Updated January 2019

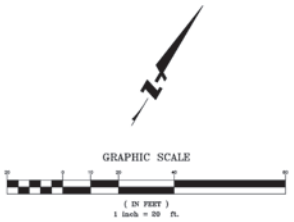
Photo Simulation - Viewpoint 5

San José Tribute Hotel Supplemental EIR

Figure
9e



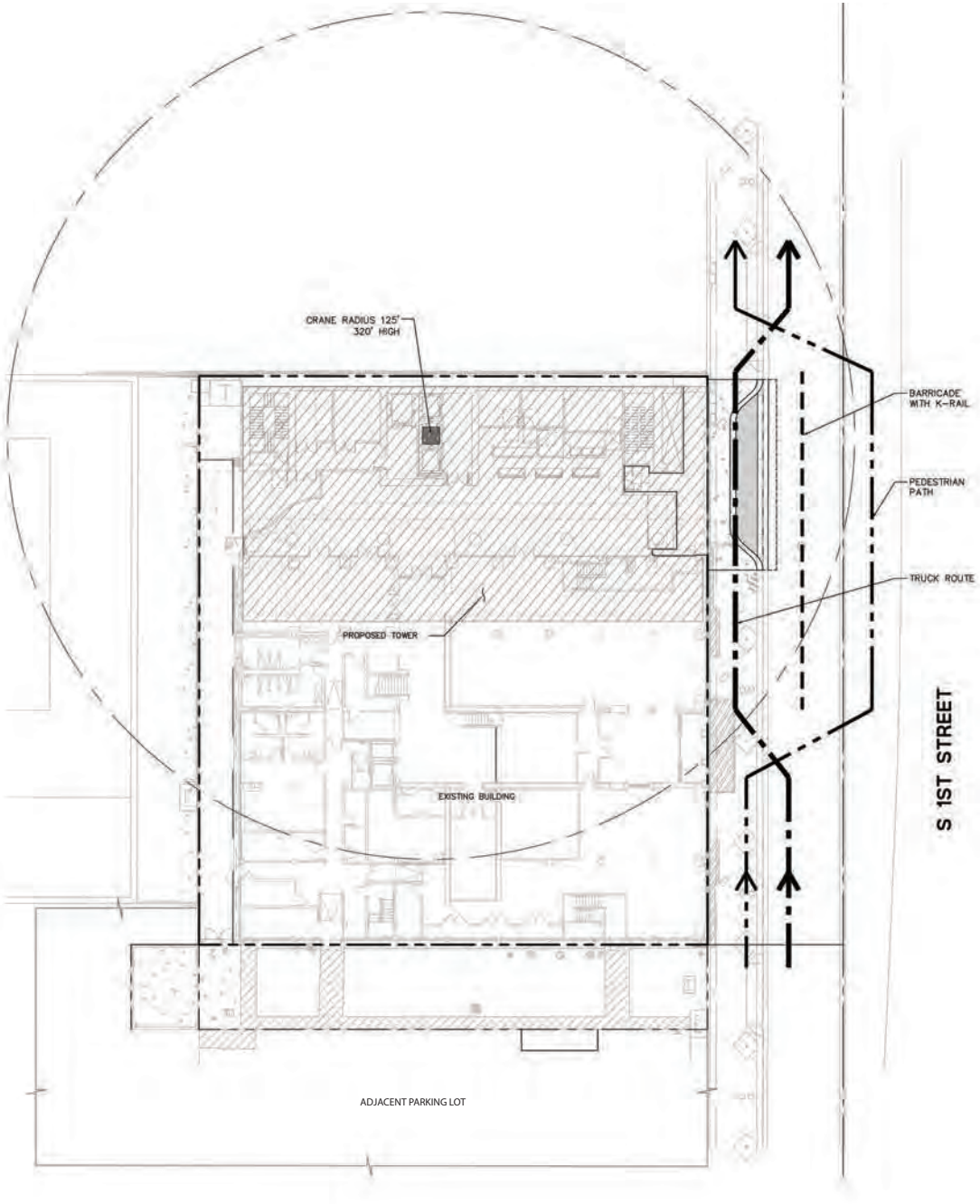


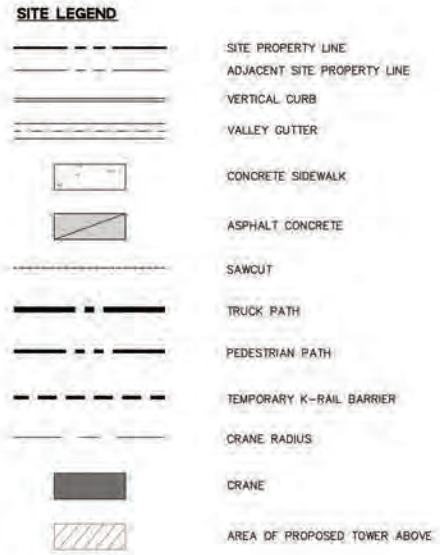


Source: TCA Architects, June 2018

Preliminary Grading and Drainage Plan

Figure 10





Source: TCA Architects, June 2018

Conceptual Site Utilization Plan

Figure 11

San José Tribute Hotel Supplemental EIR

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Section 3. Environmental Setting, Impacts, and Mitigation

In accordance with Section 15143 of the CEQA Guidelines, the discussion in this EIR is focused on the significant effects on the environment resulting from the proposed project. An Initial Study was prepared which identified the potential environmental impacts for this project. The Initial Study is presented in Appendix A of this SEIR.

As noted in Section 1.0, the issues of agricultural and forestry resources, air quality, biological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, and utilities are analyzed in the Initial Study. The project's impacts in these study areas were determined to be less than significant, with measures to minimize impacts that would 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 resource areas than those addressed in the Downtown Strategy 2040 FEIR. The following discussion addresses the following environmental issue areas; air quality; cultural resources, hazards and hazardous materials, noise/vibration, and energy.

This section includes descriptions of the physical setting of the project site and the surrounding area and identifies the environmental impacts resulting from the proposed San José Tribute Hotel. This section also identifies mitigation measures for the significant environmental impacts identified in this SEIR. "Mitigation Measures" include procedures that would minimize, avoid, rectify, reduce, or eliminate a significant impact (CEQA Guidelines Section 15370). Measures either required by law or City standard conditions of approval are also listed.

Important Note to the Reader:

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

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss issues that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances. This SEIR focuses on the issues of cultural resources, greenhouse gas emissions, noise/vibration, and energy. All other issues are addressed in the Initial Study in Appendix A.

3.1 AIR QUALITY

The following discussion of air quality is based, in part, on an air quality assessment prepared for the project by Illingworth & Rodkin, Inc. (January 2017). This study is contained in Appendix C. Comments received during the EIR scoping period included air quality impacts to the senior residential building adjacent to the project site.

3.1.1 Environmental Setting

The project site is in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Air quality in this region is affected by natural factors such as proximity to the Bay and ocean, topography, meteorology, and existing air pollution sources.

The Bay Area is characterized by a Mediterranean type climate with warm dry summers and cool wet winters. Inversions can be found during all seasons in the Bay Area, but are particularly prevalent in the summer months when they are present about 90 percent of the time in both morning and afternoon. Inversions are created by warm stable air aloft that severely limits the vertical dispersion of air pollutants.

3.1.2 Regulatory Framework

Federal

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

The National Ambient Air Quality Standards (NAAQS) have been established for seven major air pollutants: carbon monoxide (CO), nitrogen oxides (NO_x), ozone (O_3), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), sulfur oxides and lead. Table 2 identifies the characteristics, health effects and typical sources of these major air pollutants. The federal standards are presented in Table 3. These standards are designed to protect public health and welfare. The "primary" standards have been established to protect the public health. The "secondary" standards are intended to protect the nation's welfare and account for air pollutant effects on soils, water, visibility, materials, vegetation and other aspects of general welfare.

In addition to major pollutants, the U.S. EPA regulates Hazardous Air Pollutants (HAPs). One means by which the U.S. EPA addresses HAP exposure is through the National Emission Standards for Hazardous Air Pollutants (NESHAPS)[1], which include source-specific regulations that limit allowable emissions of such pollutants.

[1] The NESHAPS are promulgated under Title 40 of the Code of Federal Regulations (CFR), Parts 61 & 63.

State

The California Air Resources Board (CARB) coordinates and oversees both State and federal air pollution control programs in California. As part of this responsibility, CARB monitors existing air quality, establishes State air quality standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by Air Pollution Control and Management Districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The project is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD).

California has established its own set of ambient air quality standards (the California Ambient Air Quality Standards or CAAQS) for the seven pollutants with federal standards. In addition, California has standards for sulfates, hydrogen sulfide, vinyl chloride and visibility reducing particles. The State standards are also presented in Table 3. The California Clean Air Act, effective January 1, 1989, provides a planning framework for attaining the State standards. Nonattainment areas in the State were required to prepare plans for attaining these standards. Attainment plans are required to demonstrate a five-percent per year reduction in the emissions of nonattainment pollutants or their precursors, unless all feasible measures are being employed.

The State also regulates Toxic Air Contaminants (TACs) separately from those pollutants with CAAQS primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act institutes a formal procedure for designating substances as TACs. The procedure includes research, public participation, and scientific peer review before CARB designates a substance as a TAC. CARB adopts an Airborne Toxics Control Measure for sources that emit designated TACs. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below the threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology (BACT) to minimize emissions. For source categories under the regulatory jurisdiction of the individual air districts (as previously described), those air districts adopt and enforce the control measure locally.

Table 2 Criteria Pollutants			
Pollutant	**Characteristics**	**Health Effects**	**Major Sources**
Ozone (O_3)	A highly reactive photochemical pollutant created by the action of sunshine on ozone precursors (primarily reactive hydrocarbons and oxides of nitrogen). Often called photochemical smog. Highest concentrations of ozone are found downwind of urban areas.	▪ Respiratory function impairment.	Sources of ozone precursors (nitrogen oxides and reactive hydrocarbons) are combustion sources, such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide (CO)	Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels. CO concentrations are highest in the winter, when radiation inversions over large areas can limit vertical dispersion.	▪ Impairment of oxygen transport in the bloodstream. ▪ Aggravation of cardiovascular disease. ▪ Fatigue, headache, confusion, dizziness. ▪ Can be fatal in the case of very high concentrations.	Automobile exhaust, combustion of fuels, combustion of wood in woodstoves and fireplaces.
Nitrogen Dioxide (NO_2)	Reddish-brown gas that discolors the air, formed during combustion. Nitrogen dioxide levels in California have decreased in recent years due to improved automobile emissions.	▪ Increased risk of acute and chronic respiratory disease.	Automobile and diesel truck exhaust, industrial processes, fossil-fuel powered plants. Also formed via atmospheric reactions.
Sulfur Dioxide (SO_2)	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	▪ Aggravation of chronic obstruction lung disease. ▪ Increased risk of acute and chronic respiratory disease.	Diesel vehicle exhaust, oil-powered power plants, industrial processes.
PM_{10} & $PM_{2.5}$	Solid and liquid particles of dust, soot, aerosols and other matter which are small enough to remain suspended in the air for a long period of time. PM_{10} is particulate matter with diameter less than 10 microns. $PM_{2.5}$ is particulate matter with diameter less than 2.5 microns. $PM_{2.5}$ has been found to be more harmful to humans.	▪ Aggravation of chronic disease and heart/lung disease symptoms.	Combustion, automobiles, field burning, factories and unpaved roads. Also, formed secondarily by photochemical processes of combustion emissions. $PM_{2.5}$ is primarily a secondary pollutant.

Table 3 Federal and State Ambient Air Quality Standards				
Pollutant	**Averaging Time**	**State Standard**	**Federal Standard**	
			Primary	**Secondary**
Ozone	1-Hour 8-Hour	0.09 ppm (180 µg/m^3) 0.07 ppm (137 µg/m^3)	- - 0.075 ppm (147 µg/m^3)	- - 0.075 ppm (147 µg/m^3)
Carbon Monoxide	8-Hour 1-Hour	9.0 ppm (10 mg/m^3) 20 ppm (23 mg/m^3)	9.0 ppm (10 mg/m^3) 35.0 ppm (40 mg/m^3)	- - - -
Nitrogen Dioxide	Annual 1-Hour	0.030 ppm (57 µg/m^3) 0.18 ppm (339 µg/m^3)	0.053 ppm (100 µg/m^3) - -	0.053 ppm (100 µg/m^3) - -
Sulfur Dioxide	Annual 24-Hour 3-Hour 1-Hour	- - 0.04 ppm (105 µg/m^3) - - 0.25 ppm (655 µg/m^3)	0.03 ppm (80 µg/m^3) 0.14 ppm (365 µg/m^3) - - - -	- - - - 0.5 ppm (1,300 µg/m^3) - -
PM_{10}	Annual 24-Hour	20 µg/m^3 50 µg/m^3	- - 150 µg/m^3	- - 150 µg/m^3
$PM_{2.5}$	Annual 24-Hour	12 µg/m^3 no separate state standard	15 µg/m^3 35 µg/m^3	15 µg/m^3 35 µg/m^3
Lead	Calendar quarter	- -	1.5 µg/m^3	1.5 µg/m^3
	30-day	1.5 µg/m^3	- -	- -
Sulfate	24-Hour	25 µg/m^3	- -	- -
Hydrogen Sulfide	1-Hour	0.03 ppm (42 µg/m^3)	- -	- -
Vinyl Chloride	24-Hour	0.010 ppm (26 µg/m^3)	- -	- -
Visibility Reducing Particles	8-hours (10 am - 6 pm)	Extinction coefficient of 0.23 per km - visibility of ≥ 10 miles due to particles when relative humidity is < 70%.	- -	- -
mg/m^3 = milligrams per Cubic Meter µg/m^3 = micrograms per Cubic Meter		Annual = annual arithmetic mean ppm = parts per million		

Regional

BAAQMD is primarily responsible for assuring that the national and State ambient air quality standards are attained and maintained in the Bay Area. BAAQMD, along with other regional agencies (e.g., Association of Bay Area Governments [ABAG] and Metropolitan Transportation Commission [MTC]) develop plans to reduce air pollutant emissions. The U.S. EPA requires plans to address attainment of the NAAQS for O_3 and $PM_{2.5}$. State law requires a plan to show progress in reducing O_3 levels.

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

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

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

BAAQMD adopts and enforces rules to reduce particulate matter emissions and develops public outreach programs to educate the public to reduce PM_{10} and $PM_{2.5}$ emissions (e.g., Spare the Air Program). California Senate Bill 656 (SB 656) requires further action by CARB and air districts to reduce public exposure to PM_{10} and $PM_{2.5}$. Efforts identified by BAAQMD in response to SB 656 are primarily targeting reductions in wood smoke emissions and adoption of new rules to further reduce NOx and particulate matter from internal combustion engines and reduce particulate matter from commercial charbroiling activities. The Bay Area experiences the highest PM_{10} and $PM_{2.5}$ in winter when wood smoke and ammonium nitrate contributions to particulate matter are highest. BAAQMD rules restrict operation of any indoor or outdoor fireplace, fire pit, wood or pellet stove, masonry heater or fireplace insert on specific days during the winter when air quality conditions are forecasted to exceed the NAAQS for $PM_{2.5}$. When meteorological conditions are conducive to high levels of O_3 or $PM_{2.5}$, BAAQMD declares a Spare the Air day. Uncontrolled wood burning is prohibited in winter during Spare the Air days. The rule also limits excess visible emissions from wood burning devices and require clean burning technology for wood burning devices sold (or resold) or installed in the Bay Area. NOx emissions contribute to ammonium nitrate formation that resides in the atmosphere as particulate matter, so a reduction in NOx emissions reduces wintertime $PM_{2.5}$ levels.

Toxic Air Contaminants

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

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

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles.[2] The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

Attainment Status for State and Federal Ambient Air Quality Standards

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area does not meet either NAAQS or CAAQS for ground level O_3 and PM_{10}, or CAAQS for PM_{10}. For O_3, the entire Bay Area is designated as non-attainment at both the federal and State levels. The Bay Area designated as attainment for all other criteria pollutants.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are the Casa del Pueblo senior residences adjacent to the western boundary of the project site. Additional residences are located to the east, across South First Street.

3.1.3 Air Quality Impacts

Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact to air quality would be considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

[2] Available online: http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm. Accessed: June 9, 2015.

Consistency with Clean Air Plan

Impact: The project would not conflict with or obstruct implementation of the Bay Area Clean Air Plan. (Less than Significant Impact)

Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan; 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The project would not result in a substantial increase in vehicle miles traveled and would be consistent with the 2017 CAP. The consistency of the project with the applicable control measures is presented in Table 4 below.

Table 4
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City standards. The project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be required to comply with Building Energy Efficiency Standards (Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Ordinance, which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with the City's Green Building Ordinance and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water. Adherence to these policies would ensure that the project is consistent with this control measure.

As outlined in Table 4 above, the project would not conflict or obstruct the implementation of the Bay Area Clean Air Plan. The impact would be **less than significant**.

Air Quality Impacts

Impact: The project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard. (Less than Significant Impact)

The Bay Area is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$. The Downtown Strategy 2040 FEIR concluded that buildout would result in a significant cumulative increase in criteria pollutants in the Bay Area, contributing to existing violations of ozone standards. Transportation demand management (TDM) programs for future development were identified to minimize this significant impact. Although the Downtown Strategy 2040 could substantially reduce emissions of regional air pollutants over the long-term through implementation of 2040 General Plan policies and proposed measures, the policies and measures would not be capable of reducing the impact to a less than significant level given the magnitude of the impact is nearly 25 times the ROG threshold due to the amount of development to be built over the next 20 or more years in the Downtown. Therefore, the impact would remain significant and unavoidable. The City Council adopted a statement of overriding considerations for the impact. The project impacts on air quality are addressed below. The project would contribute to significant cumulative increases in criteria pollutants in the Bay Area. However, this cumulative impact has already been addressed in the Downtown Strategy 2040. As described below, the project would have a **less than significant impact** related to criteria pollutants.

Impact: The project would expose sensitive receptors to substantial pollutant concentrations. (Potentially Significant Impact)

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines updated in 2017 provide recommendations for evaluating air pollution emissions in the San Francisco Bay Area Air Basin. The BAAQMD screening levels are based on project size for air pollutant emissions. The applicable land use category from the BAAQMD's screening criteria tables for the project is "hotel." For operational impacts from criteria pollutants, the screening size is 489 rooms. For construction impacts, the screening size is 554 rooms. The project, which consists of 274 rooms, is below the BAAQMD significance thresholds for such uses and, therefore, the project would have a **less than significant impact** related to criteria pollutants.

Although the project is below the BAAQMD screening criteria for construction impacts, construction activities would generate dust on a temporary basis. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. The short-term air quality effects during project construction would be avoided with implementation of the BAAQMD measures, identified below as standard permit conditions, which are consistent with the measures to minimize impacts identified for the Downtown Strategy 2040 FEIR. The health risk effects from emission of TACs during project construction are discussed below.

Standard Permit Conditions

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

Community Health Risk from TACs

The air quality assessment evaluated the potential toxic air pollutants generated by the project during operations and construction, and the potential exposure of sensitive receptors to these pollutants. The nearest sensitive receptors to the project site are the Casa del Pueblo senior apartments located adjacent to the west boundary of the site, approximately 30 feet from the proposed hotel tower. Nearby residences are also located to the east across South First Street, approximately 125 feet from the proposed hotel tower. The results of the air quality assessment are summarized below.

Construction Emissions

A community health risk evaluation was conducted for the project (see Appendix C). This analysis evaluated the potential exposure of future site occupants to TACs based on applicable BAAQMD thresholds, shown in Table 5. Diesel exhaust generated by construction equipment and associated heavy-duty truck traffic is the predominant TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. However, construction exhaust emissions may still pose health risks for sensitive receptors that include adjacent and nearby residents. The primary community risk impacts associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby residents.

Table 5 Air Quality Significance Thresholds for TACs				
Pollutant	**Construction Thresholds**	**Operational Thresholds**		
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**	**Project Emissions Exceed Threshold?**
Health Risks and Hazards for New Sources				
Excess Cancer Risk	>10 per one million			Yes
Chronic or Acute Hazard Index	>1.0			No
Incremental Annual Average $PM_{2.5}$	>0.3 $\mu g/m^3$			No
Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources				
Excess Cancer Risk	>100 per one million			No
Chronic Hazard Index	>10.0			No
Annual Average $PM_{2.5}$	>0.8 $\mu g/m^3$			No

Construction activity for the project is anticipated to include grading and site preparation, building construction, architectural coating, and paving. Construction period emissions were modeled using the California Emissions Estimator Model, Version 2016.3.1 (CalEEMod). Equipment defaults from the model were used for a project of this type and size.

Results of the assessment for project construction indicate the maximum residential incremental infant/child cancer risk at the maximally exposed individual (MEI) receptor would be 30.5 in one million and the residential adult incremental cancer risk would be 0.5 in one million (see Figure 12). Increased adult cancer risk at Casa del Pueblo would be 0.9 in one million. Because the maximum residential infant cancer risk would exceed the BAAQMD significance threshold of 10 in one million for cancer risk, this is considered a significant impact.

The maximum-modeled annual $PM_{2.5}$ concentration at a residential receptor, which is based on combined exhaust and fugitive dust emissions, is 0.2 $\mu g/m^3$, would occur at the Casa del Pueblo apartments to the west of the project site, as shown in Figure 12. This maximum $PM_{2.5}$ concentration would not exceed the BAAQMD significance threshold for annual $PM_{2.5}$ concentration of 0.3 $\mu g/m^3$ and is considered a less than significant impact.

The maximum modeled annual DPM concentration (i.e., from construction exhaust) was determined to be 0.1538 $\mu g/m^3$. The maximum computed hazardous index (HI), based on this DPM concentration, was determined to be less than 0.1, which is below the BAAQMD significance criterion of greater than 1.0.

The project would have a significant impact to community risk from construction emissions of toxic air pollutants, since the cancer risk is above the single-source threshold of 10.0 per million.

Source: Illingworth & Rodkin, January 2017

Sensitive Offsite Receptors

Figure 12

San José Tribute Hotel Supplemental EIR

Mitigation Measure

MM AQ-1 The project applicant or contractor shall select equipment during construction to minimize emissions. A construction management plan shall be submitted by the project applicant for review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in $PM_{2.5}$ exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

- Use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel).

- Use of added exhaust devices.

Implementation of the Standard Permit Conditions and Mitigation Measure AQ-1 would reduce this impact to **less than significant**.

Impact: The project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Less than Significant Impact)

The proposed hotel addition would not create any permanent new sources of odor and would not be located in an area with an odor generating source. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The impact would be **less than significant**.

Operational Emissions

The operational emissions of criteria pollutants from the project would be less than significant since the hotel addition is smaller than the BAAQMD screening criteria size and the project would implement standard permit conditions as described above.

Generator Emissions

The project proposes the installation of one 600 kW emergency back-up diesel generator (approximately 900 horsepower) to provide emergency backup power. The generator would be operated for testing and maintenance purposes, with a maximum of 50 hours per year of non-emergency operation under normal conditions. During testing periods, the engine would typically be run for less than one hour under light engine loads. The generator engine would be required to meet U.S. EPA emission standards and consume commercially available California low sulfur diesel fuel. The emissions from the operation of the 600 KW generator were calculated using the CalEEMod model assuming 50 hours per year operation.

The maximum modeled annual DPM concentration (i.e., from construction exhaust) was determined to be 0.1538 $\mu g/m^3$. The maximum computed hazardous index (HI), based on this DPM concentration, was determined to be less than 0.1, which is lower than the BAAQMD significance criterion of greater than 1.0.

To estimate potential cancer risks and $PM_{2.5}$ impacts from operation of the generator, the AERMOD dispersion model was used to calculate the maximum annual DPM concentrations at the same off-site sensitive receptor locations used for evaluating construction health risk impacts. The generator would be located in a dedicated generator room with air intake louvers on the sixth floor of the hotel. The generator would exhaust through ductwork to the building's roof.

Based on the modeling, the locations where the maximally exposed individual (MEI) receptors occurred are shown on Figure 13. The maximum modeled DPM and $PM_{2.5}$ concentrations for off-site receptors occurred at a residence in Casa Del Pueblo, adjacent to the western boundary of the project site. The maximum off-site annual DPM and $PM_{2.5}$ concentration was 0.00069 $\mu g/m^3$. Based on the maximum DPM concentration, the maximum project residential cancer risk would be 0.4 in one million. The maximum health index at this location, and all other locations, would be less than 0.001. Modeling was also conducted to identify the maximum impact from the proposed generator at the location of the construction MEI. The maximum annual DPM and $PM_{2.5}$ concentration at the location of the construction MEI was 0.00029 $\mu g/m^3$. Based on the maximum construction MEI DPM concentration, the maximum cancer risk at the construction MEI receptor would be 0.2 in one million. The maximum HI at this location would be less than 0.001. Based on the above discussion, the impact from operational TACs from the project would be **less than significant.**

MEI = Maximally Exposed Individual

Source: Illingworth & Rodkin, April 2019

Location of Emergency Generator, Exhaust Stack, Off-Site Sensitive Receptors and MEIs

San José Tribute Hotel Supplemental EIR

Figure 13

3.2 CULTURAL RESOURCES

A Historic Evaluation was prepared for the project by Carey & Company (May 2017). Archives & Architecture prepared a Supplemental Historic Report to review the current iteration of the project and provide a peer review of the original Carey & Co. evaluation (May 2018). TreanorHL (formerly Carey & Co.) prepared an Addendum to the May 2017 Historic Evaluation to address design changes related to the peer review (January 2019). These reports are contained in Appendix D. Comments received during the EIR scoping period included the impact of the project on the historic Montgomery Hotel.

An Archaeological Literature Review was prepared by Holman & Associates for the project site (November 2016). This study is considered confidential and is on file with the City's Department of Planning, Building and Code Enforcement.

3.2.1 Environmental Setting

Archaeological Resources

In September 2016, a records search was conducted at the Northwest Information Center of the California Historical Resources Information System (CHRIS) by Holman & Associates. All records of identified cultural resources were reviewed within a quarter mile of the project site. Studies and information on file at Holman & Associates' library were also consulted for this search.

Based on the results of the archival search, the project area has been previously investigated by eight different archaeological studies. The cultural resources evaluation determined that the project site has a low sensitivity for Native American materials and deposits based on previous subsurface findings. There is a moderate to high potential for historic-era archaeological deposits and cultural materials in the project area dating to the 1820s and sometime before 1884, because vacant lots in urban areas were often used by neighboring households and businesses for many opportunistic activities, including outdoor laundries, play areas, and food preparation/cooking. Disturbance from previous development on the site, including the construction of a 14-foot deep basement, would have removed material from the site; thus, the current potential for historic-era deposits and features is low. The cultural resources study did not recommend any additional archaeological work for the site.

Previous Surveys and Historical Status

The San José Historic Landmark Hotel Montgomery was designated City Landmark HL00-120 on April 3, 2001. On April 20, 2006 the property was listed on the National Register of Historic Places; this action also resulted in the listing of the property on the California Register of Historical Resources. The building is considered a historic resource under CEQA.

Historical and Architectural Context

The California Office of Historic Preservation describes the significance of Hotel Montgomery as follows:

"The Hotel Montgomery is a four-story reinforced concrete building constructed in 1911. The building was designed by architect William Binder for developer Thomas S. Montgomery. It was listed at the local level of significance under Criterion C in the area of architecture as a good representative example of early 20th century commercial design. The building is characterized by an elaborate cornice,

balconies, and escutcheons. Classic design accents include modillions, dentils, scrolled brackets, and egg and dart molding. The building represents the type of commercial building commonly constructed during the early 1900s in downtowns throughout the country and is one of a handful remaining in downtown San José. The building's simple classicism belongs to Academic Classical revivalism, also called Beaux-Arts classicism. In 2000, the building was moved 186 feet south retaining its original orientation. The move included demolition of a 1917 addition and elimination of the basement. In 2001 a Part 1 – Evaluation of Significance was approved by the National Park Service (NPS) certifying the building appeared individually eligible for the National Register. After the move, the building was upgraded to current seismic, fire, and life safety codes. It was also rehabilitated as a federal historic preservation tax credit project using the Secretary of the Interior's Standards for Rehabilitation, with particular attention focused on renovation of the exterior, first floor public spaces, and upper floor corridor configuration. The Part 3 certifying the work was complete and in compliance with the Standards was approved by NPS in March 2005. The building continues today as a hotel. The property meets Criteria Consideration B: Moved Buildings because it was moved to prevent demolition, it is was [sic] listed under Criterion C."

3.2.2 Regulatory Framework

National Register of Historic Places

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

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

City of San José Policies and Historic Preservation Ordinance

Policies and regulations in the General Plan and the City's Historic Preservation Ordinance have been adopted for the purpose of avoiding or minimizing cultural resource impacts resulting from planned development. The project may be subject to the following cultural resources policies and regulations:

Envision San José 2040 Relevant Cultural Resource Policies	
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy LU-13.3	For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping and residential areas.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
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-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan. The designation of the Hotel Montgomery as City Landmark HL00-120 utilized these criteria.

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

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

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

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

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

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

Secretary of the Interior's Standards

A project that meets the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) is considered mitigated to a less than significant level under CEQA. The Standards state that, "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." The Rehabilitation Standards include language about additions and alterations to a property, which were applied for analyzing the proposed addition at the historic Hotel Montgomery.

Draft San José Downtown Historic Design Guidelines

The 2004 Draft San José Downtown Historic Design Guidelines (Guidelines) provide relevant criteria for addressing new construction adjacent to historic landmarks. The Guidelines are applicable to this property, as it is within the Downtown Core area and adjacent to and on the same property as the historic Montgomery Hotel. The Guidelines identify eight contextual elements for new construction adjacent to historic resources. These elements are: lot patterns; massing; façades; corner elements; rear façades; entries; exterior materials, and vehicular and pedestrian access. The introduction to Chapter 6 of the Guidelines outlines the general approach to infill construction in San José as follows:

"The success of new construction adjacent to historic resources in the Downtown Core does not depend on direct duplication of existing building forms, features, materials, and details. Rather, it relies on understanding the distinctive architectural character of the surrounding historic structures. Infill architecture should consider the historic context of each block and/or sub-area to ensure that projects' height and bulk do not negatively impact the character-defining features of the area's historic structures. The building heights, lot patterns, massing, facades and site setbacks should be compatible with those features. Contemporary designs that respect the size, scale, proportion, color and materials of the historic fabric meet the intent of compatibility without creating false historicism and can enrich the architectural continuity and richness of the downtown."

3.2.3 Cultural Resource Impacts

Thresholds of Significance

For the purposes of this EIR, a cultural resources impact is considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- Disturb any human remains, including those interred outside of dedicated cemeteries; or
- Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Impacts to Historic Resources

Impact: The project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (Potentially Significant Impact)

The project architect worked to satisfy concerns identified in the historic evaluations conducted for this project. Under the current design, the project is considered compatible with the Downtown Historic Design Guidelines as discussed below.

Summary of Rehabilitation Standards Review

The project's conformance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties per the historic evaluations is summarized below.

Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The continued use of the property as a hotel, as well as the intensification of the hotel in the addition, are consistent with the historic use and historic qualities of the hotel.

Standard 2: *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The current project design preserves the spatial understanding of the Hotel Montgomery as a former corner building. No historic massing or features are proposed for removal or concealment.

Standard 3: *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken*

The proposed project design does not promote a false sense of historicism.

Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The project does not propose to alter newer parts of the building that have attained historic significance in their own right, because no elements have been so identified.

Standard 5: *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The current project design is consistent with regards to creating a fire wall at the north wall of the historic building and concealing fire shutters. The project would preserve the distinctive materials, features, finishes, and construction techniques or examples of craftsmanship of the Montgomery Hotel.

Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The project meets the requirements for a Site Development Permit level review. It is recommended that, prior to building permit approvals, all deteriorated elements shall be identified, and appropriate and safe treatments be specified. This would assure that deteriorated historic features will be repaired rather than replaced.

Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

The project meets the requirements for a Site Development Permit level. It is recommended that, prior to building permit approvals, all chemical treatments (including, cleaning, paint, wood consolidating treatments, and the new connectors) would be specified at a level that indicates preservation of the historic fabric, as set forth below in the mitigation.

Standard 8: *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

As described previously, archeological resources will be protected and preserved in accordance with mitigation identified herein.

Standard 9: *New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

The project plans illustrate the preservation of the bulk of the historic building, and the proposed new addition is designed to be compatible with the materials, features, size, scale, proportion, and massing of the historic hotel, per this standard. The currently proposed project preserves historic spatial relationships that characterize the property, and the project protects the historic integrity of the hotel property and its environment as detailed below.

The historic building is an example of early 20th century commercial design with classical details; the proposed addition is an example of neo-modernism with layered detailing that brings a complementary scale and materials palette to the addition. The design materials are differentiated while the overall composition integrates the side-by-side building elements. The height and detailing of the lobby layering, along with the intermediate cornice-like horizontal band creates a framed lower façade area

that is compatible in overall size and scale with the historic building. The glazing interlocks with the solid wall segments and provides the quality of a line adjacent to the historic building. In the proposed design, the connection point is set back from the face of the historic building, with the lobby glazing representing a visually bridging element between the solids. Modern elements carry across the façade from the heights of the historic building elements. The lobby and proposed limestone ribbing include panels and patterns that relate to the historic hotel dimensions. The modern elements include a relatively planar, textured-stone façade backdrop with layered horizontal building elements of a size and form that accentuate the side-by-side composition. These horizontal elements are entirely modern in material and design, while also referring to the width, depth and detailing of the character-defining historic cornices. The size and seam patterns are proportionate in size and scale to the historic windows. The line of the first-floor marquis is carried across above street level, and the panels that overlay the glazing are the size or configuration that relate to the double-height historic transoms and traditional pedestrian storefront entrances at the historic hotel and nearby historic resources.

Of particular importance in the analysis of Standard 9 is the perceived size and massing of the cantilevered portion of the proposed addition. The face of the paneled, cantilevered mass is similar in width to the main forward upper stories of the historic hotel, and the hotel floors are accentuated with intermediate horizontal levels that visually divide the cantilevered wing into modern elements that emulate the size and massing of the historic hotel wings.

To further break down the massing and scale of this cantilevered element, the intermediate detailing extends into the south elevation, creating a more three-dimensional design, relating to the blockiness of the original building. The property depth of the upper level is patterned with human-scaled openings. The face of the cantilevered mass wraps onto the face of the vertical support mass. This layered feature provides visual equilibrium to the design, as the cantilever is visually supported above and to the side of the historic hotel. This creates a sense of balance within the new addition structure that is harmonious with the significant character of the historic structure. The cantilever does not present a visual “danger” to the area below.

The solid historic hotel is offset with a balanced addition. The proposed design cantilevers over the historic building. In two of the plan sheets, the main body of the high-rises are visually articulated to represent strong, vertical structural elements, and the cantilevered elements are detailed to represent subordinate, narrow overhanging elements. Each of these examples also includes a glazing system with patterns and repetitions that are similar in scale to the adjacent historic building. A third example illustrates a narrow high rise addition with an overlarge hanging element. This example has a much deeper overhang, lacking a visual expression of the support of the cantilever and creating a sense of discomfort; this example, additionally, has a wider, modern façade grid that is not compatible with the scale of the much smaller historic buildings next door. The proposed project relates to the two more “comfortable” and compatible designs. Overall, massing and scale of the proposed addition are in keeping with the primary historic structure on the same parcel.

The proposed addition materials are differentiated from those of the historic resource; however, the layered design, the seam and texture patterns, and the sizes and locations of the new exterior elements are compatible in size, massing, materials, scale, and design. The proposed construction materials consist of glass curtain walls, stone veneer, structural steel, and other modern materials. These are detailed so as not to appear as flat planes. The materials are differentiated from the historic punctured concrete walls that have a physical heaviness and structural purpose, but the texture and layering of the materials palette relates to the depth of the historic walls, windows, and decorative elements. The scale of the proposed new materials is compatible with the metal and wood detailed trim pieces, multi-

lite transoms, wood-framed display windows, and small-scale ornamentation of the historic façades. The stone veneer is similar in color and texture to the treatment of the historic concrete façade, and the proportions of the wall area and panels with respect to fenestration or trim are in scale. The height of the textured limestone area on the addition tower wall relates to height of the historic hotel.

In summary, the project is compatible yet differentiated from the historic Montgomery Hotel building, creating an addition that preserves the essential integrity of the historic building on the property. The new addition is considered compatible with the massing, materials, scale, and features of the historic building.

Standard 10: *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The essential form and functional integrity of the landmark hotel would be maintained in this project. Future structural removals would not impair the form, authenticity, and integrity of this historic building if the design were reversed in the future.

City of San José Downtown Historic Design Guidelines

The following is a summary of the project's consistency with the San José Downtown Historic Design Guidelines based on the results of the historic evaluation (Appendix D).

Lot Patterns: The proposed building pattern, represented by a side addition to the historic footprint, does not interrupt the rhythm of the development pattern in the immediate area. The narrowness of the new frontage is an extension of the historic building, detailed to have the appearance of a proportionately low and wide main podium area, and the project provides a more complete lot coverage, in keeping with the surrounding area. The proposed design is compatible with the historic neighboring lot patterns.

Massing: Because of its rhythmic detailing and overlapping forms, the proposed tall building mass is visually balanced with the historic hotel building and other historic building masses in the Downtown Core. The historic building is a relatively compact, symmetrical mass; in design terms it could be referred as "static." The skyscraper addition, including a narrow and tall solid form with an overlapping, cantilevered element, presents a visually balanced, asymmetrical mass. The proposed new building includes an airy, modern pedestal that mediates between the upper proposed massing and the surrounding historic and non-historic retail massing. This proposed "larger building" is broken down into visually smaller masses that are in the scale of the historic massing (existing 3-part building massing) and relate to the area's historic building heights. The proposed building is compatible with the historic massing guideline.

Façades: The horizontal elements and façade seams of the proposed addition create a rhythmic façade that complements the repetitive historic window patterns of the hotel building and nearby historic buildings. The proposed addition design is compatible with the historic façade design guideline.

Corner Elements: The historic hotel building was relocated in the recent past, and the building was formerly on a corner. Although the building has a pair of significant façades on the east and north, it does not have a "corner element."

Rear Façades: The south façade of the proposed addition is compatible with the historic Rear Façade guideline because the wall area is designed to have patterns and blocks of rooms that are in scale with the historic massing, detailing, and materials of the larger Downtown Core. The north side of the historic hotel includes many character-defining features. This façade is proposed to be incorporated into the lobby of the new addition. The north side elevation of the addition would face another high-rise, across a narrow alley. The design of this façade includes paired smaller windows in a repetitive pattern that is consistent with the repetitive window proportions of the surrounding area.

Entries: The ground floor of the proposed addition indicates the preservation of the existing retail entrances at the historic hotel building. Although proposing to close these entrances for primary public use and use them for outdoor-seating access, the entrances are proposed to stay intact and provide pedestrian-scale interest along the street frontage. The project proposes to add an additional hotel entrance (the proposed primary entrance) at the new addition. The entrance design currently includes a canopy at the first-floor door-header height. The historic pedestrian orientation and scale of this subarea of the Downtown Core is maintained with the preservation of the historic entrances and with the proposed design of the new entrance area.

Exterior Materials: The proposed exterior materials do not match the exact historic materials in the surrounding downtown area, but are compatible with the historic materials in scale, proportions, design, color, finish, and level of texture. The materials are reminiscent of the texture and scale of the historic materials and level of detail in materials in the historic buildings nearby. The new materials are of a high quality, reflecting the intent of this guideline.

Vehicular and Pedestrian Access: The historic vehicular and pedestrian access patterns are respected in the proposed project design. Main pedestrian and vehicular access would continue to flow on S. First Street and within the full width of the sidewalk areas, respecting the city grid. The proposed building can be considered compatible with this historic vehicular and pedestrian access guideline.

Based on the discussion above, the proposed project design meets the Secretary of the Interior's Standards and the City's Downtown Historic Design Guidelines, as well as other City goals and policies regarding design, which represents a less than significant impact. However, construction of the proposed project may result in significant impacts to the Montgomery Hotel. The following mitigation measures have been identified to reduce impacts during construction.

Mitigation Measures

MM CR-1.1 Prior to any ground disturbing activities, a qualified Historic Architect shall undertake a visual conditions study of the existing hotel and shall identify nearby historic resources that have the potential to be impacted by construction of the project. The purpose of the study would be to establish the baseline condition of those buildings 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 resources that convey their historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer.

MM CR-1.2 A qualified Historic Architect shall prepare a Historical Resources Protection Plan to protect the building fabric to remain of the City Landmark Hotel Montgomery and the nearby historic properties along North First Street. The

purpose of this Plan would be to protect the buildings from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). At a minimum, the plan shall include:

- guidelines for operation of construction equipment adjacent to historical 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.

The plan shall be approved by the City's Historic Preservation Officer prior to any ground disturbing activities.

The project sponsor shall ensure the contractor follows this plan while working near these historic resources.

MM CR-1.3 The Historic Architect and/or his/her structural engineer shall make periodic site visits to monitor the condition of the existing historic fabric at the project site and provide detailed reports noting any concerns regarding the historic resource to remain as well as recommended corrective actions to the Historic Preservation Officer. Monitoring should include installing and monitoring any necessary instruments such as crack gauges, per approval of nearby property owners, or reviewing vibration monitoring required by other construction monitoring processes required by the approved City permits.

The Historic Architect shall consult with a structural engineer if any physical impacts to character-defining features are discovered. If in the opinion of the Historic Architect, substantial adverse impacts related to construction activities are found during construction, the Historic Architect shall so inform the project sponsor or sponsor's designated representative responsible for monitoring construction activities. The project sponsor's monitor shall respond accordingly to the Historic Architect's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The monitoring team shall prepare site visit reports.

MM CR-1.4 The Historic Architect shall document (e.g., with photographs and other appropriate means) the level of success in meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties.

The project sponsor shall ensure that if repairs occur, in the event of damage to nearby historic resource during construction, repair work shall comply 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 their historic status.

Implementation of MM CR-1.1 through CR-1.4 would reduce construction impacts to nearby historic materials and structures to a **less than significant level**.

Impact: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. (Potentially Significant Impact)

The proposed project includes excavation north of the existing building to accommodate a basement and foundation for the proposed tower; it is possible that excavation may reveal archaeological resources. As described previously, there was at one time a moderate to high potential for historic-era archaeological deposits and cultural materials dating to use of this area beginning in the 1820s and sometime before 1884; however, disturbance from previous development on the site that included the construction of a 14-foot deep basement, would have removed material from the site; thus, the current potential for historic-era deposits and features is low. The archeological report prepared for the proposed project did not identify any further recommendations (Holman & Associates, 2016). Although unlikely, impacts to unknown prehistoric resources during construction of the project would represent a significant impact.

Mitigation Measures

MM CR-2.1 In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped and the Director of Planning, Building and Code Enforcement or the Director's designee and Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. Project personnel shall not collect or move any resources.

MM CR-2.2 The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of any occupancy permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then project activities shall avoid it. Project personnel shall not collect or move any cultural material. Fill soils that may be used for construction purposes shall not contain archaeological materials.

MM CR-2.3 If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. Data recovery shall include excavation and exposure of features, field documentation, and recordation. A report of findings documenting any data recovery shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and Historic

Preservation Officer and the Northwest Information Center prior to issuance of occupancy permits.

Impact: The project would disturb human remains, including those interred outside of dedicated cemeteries. (Potentially Significant Impact)

Although unlikely, construction of the project could uncover human remains including those interred outside of dedicated cemeteries, which represent a significant impact.

Mitigation Measures

MM CR-2.4 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 Director of Planning, Building and Code Enforcement or the Director's designee 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.

MM CR-2.5 If the remains are believed to be Native American, the Coroner will contact the 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.

MM CR-2.6 If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of MM CR-2.1 through 2.6 would reduce construction impacts to unknown prehistoric resources, including human remains, to a **less than significant level**.

Impact: The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (No Impact)

Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact.

On behalf of the City, Holman & Associates conducted initial Native American consultation for the proposed project. Holman & Associates contacted the NAHC in October 2018 to request a review of the Sacred Lands File (SLF) for any evidence of cultural resources or traditional properties of potential concern to Native Americans within or adjacent to the project site. A NAHC search of the SLF did not identify any sacred sites within the project area. NAHC's letter also included a list of six individuals/groups to contact that may have knowledge of the area. These tribes were contacted and either did not respond or did not have concerns regarding the project and its potential impacts on tribal resources.

3.3 HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (ESA) update was prepared for the project by Priority One Environmental (October 2016) and is contained in Appendix E. This assessment included a site reconnaissance, review of site history, review of historic aerial photos, review of selected local, State, and federal regulatory records, and interviews with persons and agencies familiar with the environmental history of the site.

3.3.1 Environmental Setting

The project site was part of industrial yard from 1884 to 1891, with the north portions of the site used as wood and coal storage. In 1915, a hotel, furniture shop, and cleaning/dye shop were mapped on the property. From 1915 to 1974, the property was used as a hotel and shops. By 1982, the property was redeveloped into an asphalt parking lot. In 2000, the building was moved approximately 187 feet south to the current parcel and restored in 2004. In 2013, the Montgomery Hotel was bought by Khanna Enterprises and renamed Four Points by Sheraton.

Onsite Contamination

The site inspection did not observe any recognized environmental conditions. However, the project site was listed in the environmental records search under the following databases: Certified Unified Program Agencies (CUPA) Listings, San Jose Fire Department Hazardous Materials Database (SAN JOSE HAZMAT), Hazardous Waste Information System (HAZNET), Resource Conservation and Recovery Act Small Quantity Generators (RCRASQG), Facility Index System (FINDS), and Enforcement and Compliance History Online (ECHO). According to the HAZNET database, approximately 15 tons of contaminated soil and 0.35 tons of polychlorinated biphenyls (PCBs) were removed from the site in 1999-2000. The work was conducted under the oversight of the San José Redevelopment Agency, which was dismantled in 2011 and replaced with the San José Redevelopment Successor Agency. No records were found that document the removal of the contaminated soil or materials containing PCBs.

The Phase I ESA concluded that the project site contains two recognized environmental concerns: 1) the removal of 15 tons of contaminated soil and 0.35 tons of material containing PCBs, and 2) use of the north portion of the project site to store coal in the 1890's. The Phase I ESA was unable to find information on the contaminated soils and PCB soil contamination such as the cause of the contamination, and whether the work was performed under regulatory oversight and completed to the satisfaction of the regulatory agency. Furthermore, the nature of soil contamination is unknown other than the PCBs. The property was part of an industrial yard (foundry) from 1884 to 1891. The portion of the site where development is proposed is adjacent to the previous foundry location, and within the wood and coal storage area. In 1915, various commercial businesses were developed on the property including a cleaning and dye shop. Various metals and volatile organic compounds (VOCs) may be present due to these previous activities.

Offsite Contamination

Based on the Phase I ESA, the cases listed in the regulatory database search for the surrounding properties are not anticipated to impact the project site, based on the type of listings, distance to the subject property, and additional information located in database.

3.3.2 Regulatory Framework

Comprehensive Environmental Response, Compensation, and Liability Act

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

Resource Conservation and Recovery Act

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

California Department of Toxic Substances

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

California State Water Resources Control Board

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

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

General Plan Policies

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

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

3.3.3 Hazards and Hazardous Materials Impacts

Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact would be considered significant if the project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

- 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;

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school;

- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;

- Result in a safety hazard or excessive noise for people residing or working in the project area, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport;

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Routine Hazardous Materials Use

Impact: The project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant Impact)

The proposed hotel use would not require routine transport, use, or disposal of hazardous materials. The hotel expansion would use relatively small quantities of miscellaneous household cleaning supplies and other chemicals, which would be used, stored and disposed of according to federal and State regulations and guidelines, including those of DTSC, and the California Division of Occupational Safety and Health (Cal/OSHA), and other agencies with jurisdiction over hazardous materials. Compliance with existing regulations is mandatory, therefore, the impact would be **less than significant**.

Hazardous Materials Contamination

Impact: The project could 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. (Potentially Significant Impact)

The Phase I ESA concluded that the project site contains two recognized environmental concerns: 1) the removal of 15 tons of contaminated soil and 0.35 tons of material containing PCBs, and 2) use of the north portion of the project site to store coal in the 1890's. The Phase I ESA was unable to find information on the contaminated soils and PCB soil contamination such as the cause of the contamination, and whether the work was performed under regulatory oversight and completed to the satisfaction of the regulatory agency. Furthermore, the nature of soil contamination is unknown other than the PCBs. The property was part of an industrial yard (foundry) from 1884 to 1891. The portion of the site where development is proposed, is adjacent to the previous foundry location and within the wood and coal storage area. In 1915, various commercial businesses were developed on the property including a cleaning and dye shop. Various metals and volatile organic compounds (VOCs) may be present due to these previous activities. The extent and type of contamination in the soil on this site is unknown and would be addressed in proposed mitigation

Development of the proposed project could potentially expose construction workers and the public to residual soil and groundwater contaminants during the construction phase of the project. The following mitigation measure would be required to reduce the impact:

Mitigation Measure

MM HAZ-1: Prior to demolition or issuance of grading permits, the project applicant shall retain a qualified consultant to prepare a Phase II investigation to evaluate potential contamination issues. The Phase II investigation shall include a thorough investigation for potential shallow soil contamination from the historic foundry activity, including the wood and coal storage areas, in addition to the PCB and contaminated soil removal effort. Contaminants of concern include arsenic, lead, CAM 17 metals, VOCs, total petroleum hydrocarbons (TPHs), polynuclear aromatic hydrocarbons (PAHs), and PCBs. The potential for vapor intrusion shall be evaluated and investigated if necessary. The results shall be compared to established construction worker safety and residential environmental screening levels. The result of soil sampling and testing shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and City's Municipal Environmental Compliance Officer for review.

If contaminated soils are found in concentrations above regulatory thresholds, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) or Department of Toxic Substances Control (DTSC) under their Voluntary Cleanup Program. The SCCDEH or DTSC will determine which documents are required such as a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document that shall be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health and safety of future workers and residents. The Plan and evidence of regulatory oversight shall be

provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and the City's Municipal Environmental Compliance Officer.

Implementation of Mitigation HAZ-1 would reduce the potential for release of hazardous materials to a **less than significant impact**.

Impact: The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. (Less than Significant Impact)

The project is not located within ¼ mile of an existing or proposed school. The nearest school is Notre Dame High, located over half a mile from the project site. Mitigation Measure HAZ-1 identified above would minimize potential contamination from being disturbed or released into the environment. This is a less than significant impact.

Impact: The project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. (No Impact)

The project site is not located on a site included on a list of hazardous materials sites complied pursuant to Government Code Section 65062.5 (Cortese List). There would be **no impact**.

Airport Hazards

Impact: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project could result in a safety hazard or excessive noise for people residing or working in the project area. (Less than Significant Impact)

The Mineta San José International Airport is located approximately two miles northwest of the project site. The project site is located within the "Airport Influence Area" established by the Santa Clara County Airport Land Use Commission (ALUC). Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. Since the proposed hotel tower addition is 260 feet above ground, FAA notification and airspace safety review are required. In compliance with ALUC and City General Plan policy, the project would be required to obtain an FAA issued "Determination of No Hazard" for each of the proposed structure high points and comply with any conditions set forth by the FAA in its determinations. This process would ensure that project development would not be a potential aviation hazard. Additionally, the project would be required to grant an Avigation Easement to the City accepting elevation restrictions on the property as well as aircraft noise impacts. This is a **less than significant impact**.

Emergency Access

Impact: The project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant Impact)

The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all applicable Fire Code requirements. As part of the Grading Permit process, the project applicant would be required to provide a detailed haul route and construction traffic plan to the City's Department of Public Works for approval. This process would ensure that no impediments to the City's emergency response plan would occur during construction activities. This is a **less than significant impact**.

Wildland Fire Hazards

Impact: The project could expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. (No Impact)

The project would not expose people or structures to risk from wildland fires as it is located in a dense urban area that is not prone to such events. See *Section R. Wildfire,* of the Initial Study in Appendix A for additional discussion. There would be **no impact**.

3.4 NOISE AND VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (March 7, 2019) and is contained in Appendix F.

3.4.1 Environmental Setting

Noise is measured in decibels (dB) and typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to those frequencies that the human ear is most sensitive. The City's General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB. Ground vibration is generally correlated with the velocity of the ground, which is expressed in peak particle velocity (PPV).

Existing Noise Environment

The existing Casa del Pueblo senior apartment building is located adjacent to the project site to the west, with the United Food and Commercial Workers Union offices on South Market Street just west of the apartments. The existing Fairmont Hotel south tower, with first floor commercial units, is located adjacent to the project site to the north. To the east, opposite South First Street are two multi-level commercial buildings; the U.S. Courthouse and the Camera 12 Cinemas. Adjacent to the proposed tower addition to the south is the existing Four Points by Sheraton Hotel. The multi-story Westin Hotel with first floor commercial units lies south of the project site and adjacent parking lot (opposite West San Carlos Street).

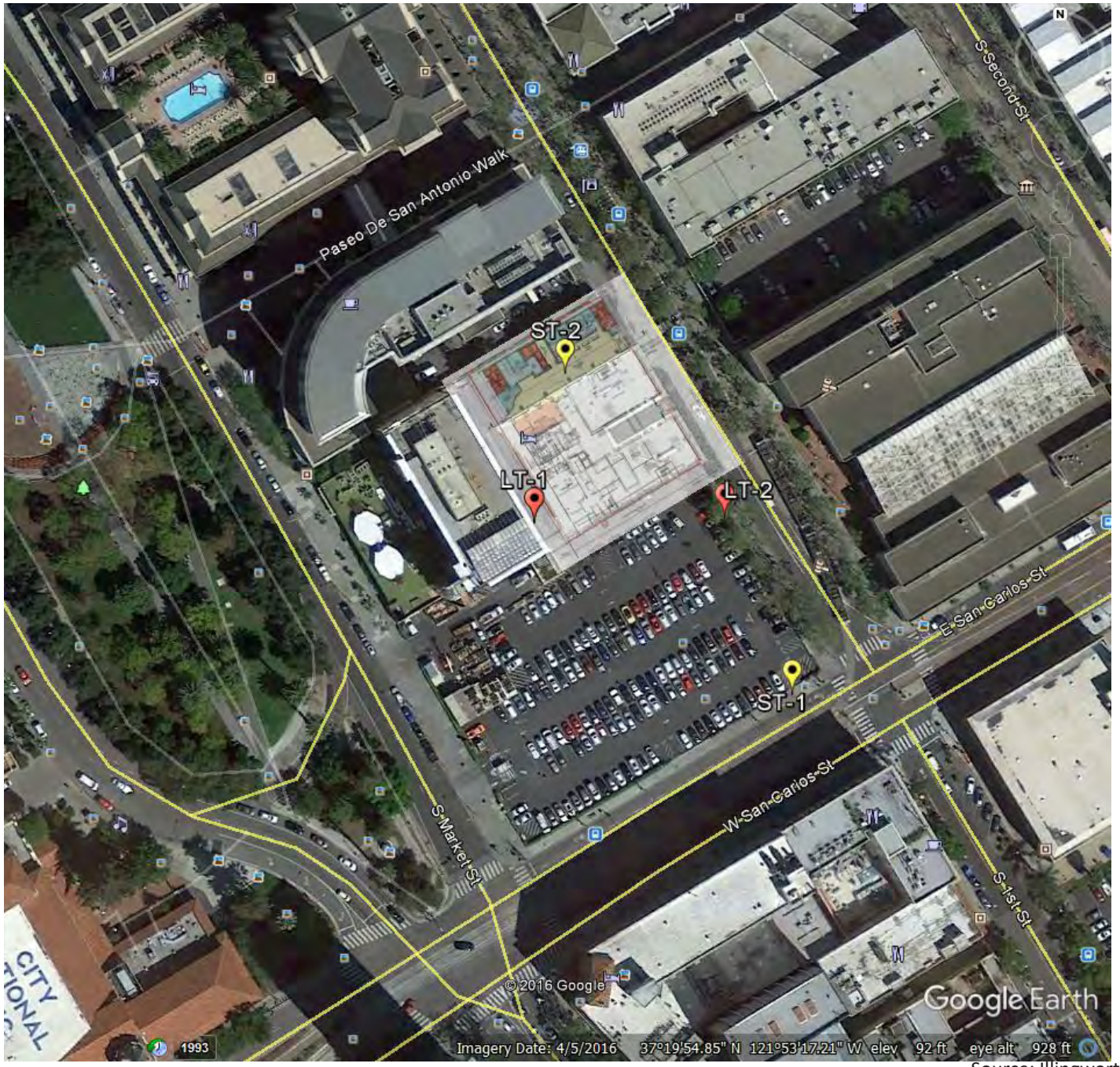
A noise monitoring survey performed for the project included two long-term noise measurements (LT-1 and LT-2) and two short-term measurements (ST-1 and ST-2), as shown in Figure 14. The noise environment at the site and at the nearby land uses is primarily from vehicular traffic along South First Street and West San Carlos Street, as well as the Valley Transportation Authority (VTA) light-rail trains running along South First Street and West San Carlos Street. Occasional overhead aircraft associated with the Mineta San José International Airport also affects the noise environment at the site.

Long-term noise measurement LT-1 was made in the alleyway west of the existing Four Points by Sheraton Hotel, approximately 280 feet north of the West San Carlos Street centerline. The average noise level was 68 dBA DNL. Consistent daytime and nighttime noise levels are due to the constant operation of mechanical equipment near the alleyway between the Four Points by Sheraton Hotel and Casa del Pueblo apartments.

Long-term noise measurement LT-2 was made on South First Street south of the existing Four Points by Sheraton Hotel, approximately 35 feet west of the South First Street centerline. The average noise level on Tuesday, December 20, 2016 was 70 dBA DNL.

Future Noise Environment

The ambient noise environment at the proposed project site ranges from 68 to 70 dBA DNL. The future noise environment at the project site would continue to result primarily from traffic along the surrounding roadways and downtown activities. Existing noise sources, including aircraft, bus and light rail movements, vehicular traffic, and other downtown activities, generate noise levels of 68 to 70 dBA DNL at the ground level façades of the proposed building. The noise level increase for the



Source: Illingworth & Rodkin, January 2017

Noise Measurement Locations

Figure 14

San José Tribute Hotel Supplemental EIR

Central/Downtown section of the City estimated in the noise assessment conducted for the General Plan Comprehensive Update and Diridon Station Area Plan was up to 2 dBA in the future. Transit activities are assumed to remain similar in the future and aircraft noise levels are anticipated to be about 60 dBA CNEL at the site in the future. All of these factors would result in future noise exposures of 70 to 72 dBA DNL at ground level facades for the proposed hotel.

Noise levels are anticipated to be 1 to 2 dBA higher at 2nd through 4th floor exposures than at ground level due to the reduction in shielding provided by the surrounding buildings, resulting in noise levels of about 72 to 74 dBA DNL. Above the 4th floor, noise levels drop off as the distance from the ground level noise source increases. From 5th through 12th floor exposures, noise levels would gradually decrease back to ground-floor levels of 70 to 72 dBA DNL. Above the 12th floor, noise levels would range from 69 down to 65 dBA DNL at top floors of the proposed buildings. Future exterior noise levels at the project site would exceed the exterior noise thresholds (60 dBA DNL) established in the General Plan.

3.4.2 Regulatory Background

San José General Plan Noise Compatibility Guidelines

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

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA)
FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise impacts from development projects. All future development allowed by the proposed land use designation would be subject to the noise policies in the General Plan presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if

Envision San José 2040 Relevant Noise and Vibration Policies	
	a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-1.11	Require safe and compatible uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
Policy EC-2.1	Requires that light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
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 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. 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.

San José Municipal Code

Chapter 20.80.2030 of the Municipal Code establishes maximum noise level limits, operational limits, and allowable testing hours for generators (7:00 am and 7:00 pm Monday through Friday).

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

3.4.3 Noise and Vibration Impacts

Thresholds of Significance

For the purposes of this analysis and in accordance with CEQA Guidelines, a project impact would be considered significant if the project would result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

- Generation of excessive groundborne vibration or groundborne noise levels;

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

Impact: The project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Potentially Significant Impact)

Noise Impacts from Project Operations

Mechanical Equipment. High-rise structures typically include various mechanical equipment for heating, ventilation, and air-conditioning needs. At the time of this analysis, the specific mechanical equipment has not been selected, nor were specific details such as manufacturer's noise data for such equipment available. A review of project site plans show electrical and maintenance rooms located inside the building on the basement level and generator, air and exhaust rooms located inside the building on the 6th floor. The plans also show various mechanical equipment surrounded by screen walls on the rooftop. Due to the number of variables inherent in the mechanical equipment needs of the project (number and types of units, locations, size, housing, specs, etc.), the impacts of mechanical equipment noise on nearby noise-sensitive uses should be assessed upon final design. The most substantial noise-generating equipment would likely be the cooling towers and chillers. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening.

The nearest noise sensitive uses to the project site include the attached (less than 5 feet) Four Points by Sheraton Hotel to the south, the Casa del Pueblo Residential Tower approximately 30 feet west, and the Fairmont Hotel Tower approximately 40 feet north. There is also the Camera 12 Cinemas approximately 80 feet east and the U.S. Courthouse approximately 95 feet east of the project site. Under the City's Noise Element, noise levels produced by the operation of the mechanical equipment would be limited to 55 dBA DNL at receiving noise-sensitive land uses.

Given the proximity of noise-sensitive uses to the project site and lack of sufficient details about the mechanical equipment, mechanical rooms, and rooftop screen wall at this time, there is the potential for noise from mechanical equipment to exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity. Implementation of mitigation identified below would reduce this impact to a less than significant level.

Mitigation Measure

MM NSE-1 Prior to the issuance of building permits, the project applicant shall select mechanical equipment that is designed to reduce noise levels affecting surrounding uses to meet the City's noise standards. The project applicant shall retain a qualified acoustical consultant to review mechanical equipment noise to determine specific noise reduction measures necessary to comply with the City's 55 dBA DNL noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emit low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the

nearest receptors. The qualified acoustical consultant shall submit a report that lists the equipment selected and any necessary reduction measures to the Director of Planning, Building and Code Enforcement, or the Director's designee.

Truck Deliveries. Truck deliveries for the proposed hotel would also have the potential to generate noise. A loading dock is proposed in the western portion of the site, adjacent to the Casa del Pueblo Residential Tower. Typical noise levels generated by loading and unloading of truck deliveries would be similar to noise levels generated by truck movements in the existing alleyway, on local roadways, and by similar activities at surrounding uses. Peak noise levels from truck activities would therefore not increase the day-night average noise level. These infrequent deliveries are not anticipated to substantially increase ambient noise levels at the nearby noise-sensitive land uses.

Traffic. A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Residences surrounding the project site have existing noise levels of 68 dBA DNL or greater; therefore, a significant impact would occur if project-generated traffic would permanently increase noise levels by 3 dBA DNL. For reference, a 3 dBA DNL noise increase would be expected if the project would double existing traffic volumes along a roadway.

Traffic noise levels from South First Street and West San Carlos Street dominate the noise environment in the immediate project vicinity. The project traffic study provided AM and PM project trip assignments at the South First Street and West San Carlos Street intersection next to the project site. Traffic volume information was reviewed to calculate the permanent noise increase attributable to project-generated traffic. Traffic volumes under the Existing Plus Project scenario were compared to the Existing scenario to calculate the relative increase in the hourly average traffic noise level (Leq) attributable to the proposed project. The change in the DNL would be the same as the change in the peak hour Leq. After analyzing the traffic volumes, traffic noise levels due to the hotel addition would increase less than 1 dBA DNL. This increase is not considered substantial and would result in **a less than significant impact**.

Noise Impacts from Project Construction

Construction of the project would temporarily elevate noise levels in the immediate project area from the use of construction equipment. The highest noise levels would be generated during grading, excavation, and foundation construction. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well. The erection of large buildings from steel structures could also cause considerable noise for long durations. The construction of the proposed project would involve grading and excavating to lay foundations, trenching, building erection, and paving. No pile driving is proposed, the piles would be drilled instead.

Noise sensitive uses bordering the site include the attached (less than 5 feet) Four Points by Sheraton Hotel to the south, the Casa del Pueblo Residential Tower approximately 30 feet west, and the Fairmont Hotel Tower approximately 40 feet north. There is also the Camera 12 Cinemas approximately 80 feet east and the U.S. Courthouse approximately 95 feet east of the project site. At the nearest receptors, noise levels due to construction activities would well exceed ambient noise levels for greater than 12 months. Senior residents at the Casa del Pueblo Residential Tower would likely be home during

daytime construction hours and exposed to noise levels exceeding 90 dBA L_{eq} at the exterior façade of the building requiring mitigation (see discussion and mitigation below).

Policy EC-1.7 of the City's General Plan states that for large or complex projects within 500 feet of residential land uses or within 200 feet of commercial land uses or offices involving substantial noise-generating activities lasting more than 12 months, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Modification, placement, and operation of construction equipment are possible means for minimizing the impact on sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices as standard permit conditions to reduce noise from construction activities near sensitive land uses.

Standard Permit Conditions

- Limit construction activities to the hours between 7:00 am and 7:00 pm, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Construct solid plywood fences around construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

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

- Strictly prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers should reduce construction noise levels by 5 dBA.

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

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

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

- Offer to relocate residents of the Casa del Pueblo Residential Tower having direct line of sight to the construction site for the duration of construction. Develop and release a Relocation Plan to the existing residents prior to initiating construction. This plan would describe the process

to temporarily relocate residents, describe the alternative housing options, and describe the proposed timing of relocation.

- Erect a temporary noise control blanket barrier, if necessary, along building facades facing construction sites. This condition shall only be necessary if conflicts occur which are irresolvable by proper scheduling or temporary relocation. Noise control blanket barriers shall be rented and quickly erected once the need is determined.

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

Implementation of Mitigation Measure NSE-1 together with implementation of the Standard Permit Conditions would ensure that the project would not result in substantial increases of noise in the project vicinity during construction. This impact would be **less than significant**.

Impact: The project would generate excessive groundborne vibration or groundborne noise levels. (Potentially Significant Impact)

Vibration Impacts During Construction

Construction of the project would generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the historic Montgomery Hotel when heavy equipment or impact tools are used at the site. As discussed below, such vibration levels would be capable of cosmetically damaging the adjacent historic hotel. Project-generated vibration levels would fall below the General Plan threshold of 0.2 in/sec PPV at other surrounding conventional buildings located 30 feet or more from the project site. Neither cosmetic, minor, or major damage would occur at conventional buildings in the project vicinity. Cosmetic damage (also known as threshold damage) is defined as hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage is defined as hairline cracking in masonry or the loosening of plaster. Major structural damage is defined as wide cracking or the shifting of foundation or bearing walls (see Appendix F).[3]

Construction activities associated with the project would include demolition of existing site improvements, site preparation, foundation work, and new building framing and finishing. According to construction information provided by the project design team, due to the density in the immediate area and proximity to other structures, piles would not be driven, but would be drilled instead. The drilled systems available for the shoring system (i.e., soldier pile and lagging using drilled holes and grouting) and the foundations (i.e., auger cast piles) would minimize vibration to the extent feasible for the historic hotel as drilled foundations produce substantially lower vibration levels as compared to foundations constructed using impact or vibratory hammers. The use of other high vibration generating equipment would be avoided.

[3] Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980; and Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

Policy EC-2.3 of the General Plan establishes a vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. According to the City of San José Historic Resources Inventory, the Montgomery Hotel is the only historic building within 60 feet of the project site. This historic hotel was moved approximately 187 feet south of its original location in 2000 by the San José Redevelopment Agency and restored in 2004. The current owner, Four Points by Sheraton, acquired the property in 2013. The proposed project would expand the existing historic hotel by attaching the proposed hotel tower. Heavy vibration generating construction equipment, such as vibratory rollers or clam shovel drops, would have the potential to produce vibration levels of 0.08 in/sec PPV or more that could impact the Montgomery Hotel. This same equipment would have the potential to produce vibration levels of 0.2 in/sec PPV or more at buildings of normal conventional construction located within 25 feet of the project site.

Table 6 presents typical vibration levels from construction equipment at 25 feet. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 6 also presents construction vibration levels at various distances from the construction equipment. Calculations were made to estimate vibration levels at distances of 5 feet from the hotel, as well as distances of 30, 40, and 60 feet from the site to represent other nearby buildings. Vibration levels are highest close to the source, and then attenuate with increasing distance at the rate (Dref/D)1.1, where D is the distance from the source in feet and Dref is the reference distance of 25 feet.

Table 6
Vibration Levels for Construction Equipment at Various Distances

Equipment		PPV at 5 ft. (in/sec)	PPV at 25 ft. (in/sec)	PPV at 30 ft. (in/sec)	PPV at 40 ft. (in/sec)	PPV at 60 ft. (in/sec)
Clam shovel drop		1.186	0.202	0.165	0.120	0.077
Hydromill (slurry wall)	in soil	0.047	0.008	0.007	0.005	0.003
	in rock	0.100	0.017	0.014	0.010	0.006
Vibratory Roller		1.233	0.210	0.172	0.125	0.080
Hoe Ram		0.523	0.089	0.073	0.053	0.034
Large bulldozer		0.523	0.089	0.073	0.053	0.034
Caisson drilling		0.523	0.089	0.073	0.053	0.034
Loaded trucks		0.446	0.076	0.062	0.045	0.029
Jackhammer		0.206	0.035	0.029	0.021	0.013
Small bulldozer		0.018	0.003	0.002	0.002	0.001

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006 as modified by Illingworth & Rodkin, Inc., May 2018.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the historic Montgomery Hotel. Some activities would occur at distances of about 5 feet from the hotel, and at this distance, vibration levels due to construction are conservatively calculated to reach up to 1.2 in/sec PPV, which would exceed the 0.08 in/sec PPV threshold for historic buildings.

The US Bureau of Mines has analyzed the effects of blast-induced vibration on buildings in USBM RI 8507, and these findings have been applied to vibrations emanating from construction equipment on

buildings. These studies indicate an approximate 20 percent probability of "threshold damage" (referred to as cosmetic damage elsewhere in this report) at vibration levels of 1.2 in/sec PPV or less and no observations of "minor damage" or "major damage" at vibration levels of 1.2 in/sec PPV or less. Based on these data, cosmetic or threshold damage would be manifested in the form of hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. However, minor damage (e.g., hairline cracking in masonry or the loosening of plaster) or major structural damage (e.g., wide cracking or shifting of foundation or bearing walls) to the Montgomery Hotel would not occur assuming a maximum vibration level of 1.2 in/sec PPV.

The buildings of normal conventional construction adjacent the project site include the Casa del Pueblo Residential Tower approximately 30 feet west of the site and the Fairmont Hotel Tower approximately 40 feet north of the site. At these distances, vibration levels would be up to 0.17 in/sec PPV, which is below the 0.2 in/sec PPV threshold for normal buildings. The commercial land uses surrounding the project site include the Camera 12 Cinemas approximately 80 feet east and the U.S. Courthouse approximately 95 feet east of the project site. At these distances, vibration levels would be up to 0.06 in/sec PPV, which is below the 0.2 in/sec PPV threshold for conventional buildings.

At these locations, and in other surrounding areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

In summary, the construction of the project would generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the historic Montgomery Hotel, and such vibration levels would be capable of cosmetically damaging the hotel building. Project-generated vibration levels would fall below the General Plan threshold of 0.2 in/sec PPV at other surrounding buildings of normal conventional construction located 30 feet or more from the project site, and no damage would occur at these buildings as a result of the project.

Mitigation Measure

MM NSE-2 The project applicant shall implement the following measures prior to, and during construction:

1. Prohibit impact, sonic, or vibratory pile driving methods. Drilled piles cause lower vibration levels where geological conditions permit their use.

2. Limit other vibration-inducing equipment to the extent feasible.

3. 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.) shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee by the contractor. This list shall be used to identify equipment and activities that would potentially generate

substantial vibration and to define the level of effort required for continuous vibration monitoring.

4. A construction vibration monitoring plan shall be developed to document conditions at the historic Montgomery Hotel prior to, during, and after vibration generating construction activities. The plan shall be approved by the Director of Planning, Building and Code Enforcement, or the Director's designee, prior to ground disturbance activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The vibration monitoring plan, including a vibration velocity limit (as determined based on a detailed review of the building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed. The vibration limits shall be reduced if movement or cracking is detected.

   The construction vibration monitoring plan shall be implemented to include the following tasks:

   a. Identification of sensitivity to ground-borne vibration of the Montgomery Hotel. A vibration survey (generally described below) would need to be performed by a qualified acoustical consultant, licensed historical architect, or licensed Professional Structural Engineer in the State of California.

   b. Performance of a photo survey, elevation survey, and crack monitoring survey for the historic Montgomery 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.

   c. 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. Construction contingencies would be identified for when vibration levels approach the limits.

      If vibration levels approach limits, 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 Director of Planning, Building and Code Enforcement or the Director's designee 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 in one or more locations at the construction site.

With implementation of Mitigation Measure NSE-2 the project would have a **less than significant impact** on groundborne vibration or groundborne noise levels.

Compliance with General Plan Policies Regarding Noise Exposure to Future Hotel Occupants (Less than Significant)

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

Based on a review of the proposed site plan, there appear to be no sensitive outdoor spaces proposed as part of the project. The General Plan requires that noise levels be maintained at 45 dBA DNL or less within hotels. Hotel rooms would be located at the 2nd through 5th floors, and then at the 7th through 23rd floors. The exterior traffic noise exposure at the hotel façades would range from 65 to 74 dBA DNL. Mechanical equipment is located on the rooftops of the buildings adjoining the western, northern, and southern boundaries of the project. The hotel units along these building façades located above the elevation of the adjoining buildings would be exposed to noise from the mechanical equipment that could elevate the overall noise level and be potentially disturbing to hotel guests due to tonal characteristics.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Preliminary building plans indicate that the exterior of the building would consist primarily of cement plaster and aluminum clad window walls. Standard hotel construction with the windows and doors closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods

are normally required. Such methods or materials may include a combination of sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion. For the proposed project, the interior noise levels would range from 45 to 54 dBA DNL with windows and doors closed. This would exceed the City's threshold for interior noise.

For consistency with the General Plan the project shall implement the following standard permit conditions:

Standard Permit Conditions

- Provide sound rated windows to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC[4] Ratings of 34 to 36 would be satisfactory for rooms facing S. First Street and W. San Carlos Street to achieve acceptable interior noise levels.

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all hotel rooms, so that windows can be kept closed to control noise.

- Retain a qualified acoustical specialist to prepare a detailed analysis of interior residential noise levels resulting from all exterior sources (transportation and non-transportation) during the final design phase of the project pursuant to requirements set forth in the General Plan and California Building Codes. The analysis shall include a review of the final site plan, building elevations, and floor plans prior to construction and confirm building treatments necessary to reduce interior noise levels to 45 dBA DNL or lower and address and adequately control the noise from rooftop equipment on the adjacent buildings. Treatments would include, but are not limited to, sound-rated windows and doors as specified above, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City's Building Department, along with the building plans and approved design, prior to issuance of a building permit.

Adherence to these standard permit conditions would ensure that noise exposure to future hotel users would be **less than significant**.

Impact: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels in compliance with General Plan Policy EC-1.11. (Less than Significant Impact)

Mineta San José International Airport is a public-use airport located approximately two miles northwest of the project site. Noise levels resulting from aircraft would be less than 65 dBA CNEL at the project site and compatible with the proposed land use. The project is not located near any private airstrips. The proposed hotel addition would not expose people residing or working in the project area to excessive noise levels. The impact would be **less than significant**.

[4] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

3.5 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126.4 (a)(1)(C) and Appendix F, which requires that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. The information in this section is based largely on data and reports produced by the California Energy Commission (CEC), Bay Area Air Quality Management District (BAAQMD), and the United States Department of Energy Information Administration (EIA). The analysis of project impacts is also based in part on a GHG evaluation prepared by Illingworth & Rodkin, Inc. in September 2018 (Appendix A-1 of the IS).

3.5.1 Environmental Setting

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases of energy use.

Energy usage is typically quantified using the British thermal unit (Btu).[5] As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas and a kilowatt hour (kWh) of electricity are 123,000 Btus, 1,000 Btus, and 3,400 Btus, respectively. Utility providers measure natural gas usage in therms. One therm is approximately equal to 100,000 Btus.

Electrical energy is expressed in units of kilowatts (kW) and kilowatt-hours (kWh). One kilowatt, a measurement of power (energy used over time), equals one thousand joules[6] per second. A kilowatt-hour is a measurement of energy. If run for one hour, a 1,000 watt (one kW) hair dryer would use one kilowatt-hour of electrical energy. Other measurements of electrical energy include the megawatt (1,000 kW) and the gigawatt (1,000,000 kW).

Total energy usage in California was approximately 7,830 trillion Btus in the year 2016 (the most recent year for which this specific data was available). The breakdown by sector was approximately 17.7 percent for residential uses, 18.9 percent for commercial uses, 23.7 percent for industrial uses, and 39.8 percent for transportation.[7]

Existing energy use associated with operation of the structures and uses at the project site primarily consists of fuel for vehicle trips to and from the site, electricity for lighting and cooling, and natural gas for operations within the existing buildings. Given the nature of land uses proposed as part of the project, the remainder of this discussion will focus on the three most relevant sources of energy: electricity, natural gas, and gasoline for vehicle trips.

Electricity supply in California involves a complex grid of power plants and transmission lines. In 2014, California produced approximately 75 percent of the electricity it consumed; it imported the remaining 25 percent from 11 western states, Canada, and Mexico. Decreases in hydroelectric generation resulting from lower precipitation in California and the northwest was made up for by an

[5] A Btu is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.
[6] As defined by the International Bureau of Weights and Measures, the joule is a unit of energy or work. One joule equals the work done when one unit of force (a Newton) moves through a distance of one meter in the direction of the force.
[7] EIA, California Energy Consumption Estimates, 2016. Accessed September 19, 2018. http://www.eia.gov/state/?sid=CA#tabs-2.

increase in renewable energy generation, specifically utility-scale solar photovoltaic, solar thermal, and wind generation.

Electricity

In 2017, 34 percent the State's electricity was generated by natural gas, nine percent by nuclear, 15 percent by large hydroelectric, and four percent by coal. Renewable sources such as photovoltaic systems, biomass power plants, and wind turbines, accounted for 29 percent of California's electricity. Nine percent of California's power comes from unspecified sources.[8]

In 2017, total system electric generation for California was 292,039 gigawatt-hours (GWh), up 0.5 percent from 2016's total generation of 290,567 GWh. California's non-CO_2 emitting electric generation categories (nuclear, large hydroelectric, and renewable generation) accounted for more than 56 percent of total in-State generation for 2017, compared to 50 percent in 2016. California's in-State electric generation was up by four percent to 206,336 GWh compared to 198,227 GWh in 2016 while net imports were down by seven percent or 6,638 GWh to 85,703 GWh. The overall modest increase observed in California's total system electric generation for 2017 is consistent with the recently published California Energy Demand 2018 – 2030 Revised Forecast.

"Annual growth from 2016 – 2027 for the CED 2017 Revised forecast averages 1.64 percent, 1.32 percent, and 1.02 percent in the high, mid, and low cases, respectively, compared to 1.02 percent in the CEDU 2016 mid case."[9]

Factors contributing to the increase in total system electric generation include growth in the number of light duty electric vehicles registered in the State, increased manufacturing electricity consumption, and reductions in savings from energy efficiency programs, this last point suggesting that population growth is the primary driver of increased electricity consumption.[10]

Pacific Gas and Electric Company (PG&E) is San José's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.[11]

Electricity usage for differing land uses varies substantially by the type of uses in a building, the type of construction materials used, and the efficiency of the electricity-consuming devices used. Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), the

[8] CEC, Energy Almanac, Total Electricity System Power. Accessed September 19, 2018. Available at: https://www.energy.ca.gov/almanac/electricity_data/total_system_power.html

[9] CEC, California Energy Demand 2018-2030 Revised Forecast, Page 12, January 2018 CEC-200-2018-002-SD, https://efiling.energy.ca.gov/URLRedirectPage.aspx?TN=TN222287_20180120T141708_The_California_Energy_Demand_201 82030_Revised_Forecast.pdf.

[10] CEC, California Energy Demand 2018-2030 Revised Forecast, Page 35, January 2018 CEC-200-2018-002-SD https://efiling.energy.ca.gov/URLRedirectPage.aspx?TN=TN222287_20180120T141708_The_California_Energy_Demand_201 82030_Revised_Forecast.pdf

[11] PG&E, Delivering low-emission energy. Accessed September 19, 2018. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

residential sector consuming 23 percent. In 2016, approximately 16,776 GWh of electricity were consumed in Santa Clara County.[12]

Natural Gas

California continues to depend upon out-of-State imports for nearly 90 percent of its natural gas supply, approximately 10 percent of California's natural gas supply came from in-State production.[13] In 2015, approximately 36 percent of the natural gas delivered for consumption in California was for electricity generation, 35 percent for industrial uses, 18 percent for residential uses, 10 percent for commercial uses, and less than one percent for transportation. As with electricity usage, natural gas usage depends on the type of uses in a building, the type of construction materials used, and the efficiency of natural gas-consuming devices. In 2015, the State of California consumed approximately 2.3 trillion cubic feet of natural gas, or 2.36 quads (1015 Btu).[14, 15]

Overall demand for direct-service natural gas in the commercial residential sectors of California is expected to flatten or decrease as a result of overall energy efficiency. Demand for natural gas at power plants for electricity generation is also expected to decrease by one percent by 2025 (as compared to 2013 demand rates). This decrease is a result of increases in renewable power generation.[16]

Gasoline for Motor Vehicles

Excluding federal offshore areas, California was the third-largest producer of petroleum among the 50 states in 2016, after Texas and North Dakota, and, as of January 2017, third in oil refining capacity, with a combined capacity of almost 2 million barrels per calendar day at the State's 18 operable refineries. In 2015, California accounted for one-fifth of the nation's jet fuel consumption.[17]

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the U.S. has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970s to 23.9 mpg in 2015.[18] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That 2007 standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks of Model Years 2011 through 2020. [19] In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.

[12] CEC, Electricity Consumption by County. Accessed September 19, 2018. Available at: http://www.ecdms.energy.ca.gov/elecbycounty.aspx
[13] CEC. Supply and Demand of Natural Gas in California. 2018. Accessed September 19, 2018. Available at: https://www.energy.ca.gov/almanac/naturalgas_data/overview.html
[14] EIA. Natural Gas Summary. September 2018. Accessed September 19, 2018. http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[15] EIA. Natural Gas Conversion Calculator. Accessed September 19, 2018. https://www.eia.gov/kids/energy.cfm?page=about_energy_conversion_calculator-basics#natgascalc.
[16] CEC. *2013 Natural Gas Issues Trends, and Outlook.* Accessed September 19, 2018. Available at: http://www.energy.ca.gov/2014publications/CEC-200-2014-001/CEC-200-2014-001-SF.pdf.
[17] CEC, Energy Almanac, Total Electricity System Power. Accessed September 19, 2018. Available at: https://www.energy.ca.gov/almanac/electricity_data/total_system_power.html
[18] U.S. BTS. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed May 9, 2016. https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23
[19] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed September 19, 2018. Available at: http://www.afdc.energy.gov/laws/eisa

3.5.2 Regulatory Framework

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

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

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

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2013 standards became effective July 1, 2014. The 2016 Title 24 updates will be published on or before July 1, 2016 and will go into effect on January 1, 2017.[20] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[21]

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

[20] California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). Accessed September 20, 2018. http:/www.bsc.ca.gov/Codes.aspx.
[21] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.

City Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[22] GreenPoint,[23] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San Jose. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown below in Table 7.

Table 7
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. https://www.sanjoseca.gov/DocumentCenter/Home/View/363	

General Plan Policies

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

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to

[22] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[23] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

Envision San José 2040 Relevant Energy Policies	
	maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

3.5.3 Energy Impacts

Thresholds of Significance

While no quantitative thresholds related to energy are included in the CEQA Guidelines, Appendix G, Part I of Appendix F of the CEQA Guidelines, states as follows: "The goal of conserving energy implies the wise and efficient use of energy. The meaning of achieving this goal include:

- Decrease per capita energy consumption;
- Decrease reliance on fossil fuels such as coal, natural gas, and oil; or
- Increase reliance on renewable energy.

Appendix F states that an EIR should discuss the general energy impacts of a project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. For the purpose of this analysis, impacts to energy resources are considered to be significant if the project would result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operations.

Impact: The project would decrease per capita energy consumption, or decrease reliance on fossil fuels such as coal, natural gas, and oil, or increase reliance on renewable energy. (Less than Significant Impact)

Estimated Energy Use of the Proposed Project

Energy use consumed by the proposed hotel was estimated in the Tribute Hotel Greenhouse Gas Emission Memorandum prepared by Illingworth & Rodkin (September 2018).[24] This included natural gas and electricity consumption for the proposed 274-room hotel addition.

The anticipated construction schedule assumes that the project would be built out over a period of approximately 20 months. The project would require demolition, grading, excavation, and site preparation for construction of the proposed building. Based on data provided by the project applicant, the proposed project would require up to 8,000 cubic yards of soil export. The construction phase

[24] Refer to Appendix A, Attachment 1, Sections 5.2 and 5.3, pgs 28-29.

would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition, excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

Operation of the proposed building would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, cooking, and water heating. Table 8 summarizes the estimated energy use of the proposed project.

Table 8
Estimated Annual Energy Use of Proposed Project

Proposed Project	Electricity Use (kWh)	Natural Gas Use (kBtu)
Hotel Addition	1,341,120	7,798,560

Source: Illingworth & Rodkin, GHG Evaluation Memo, Attachment 1, Sections 5.2 and 5.3, pgs 28-29, September 14, 2018.

The energy use increase is likely overstated; however, because the estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2016 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the two-year construction term), and CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. Though the proposed project does not include on-site renewable energy resources, the proposed project also is required to be built to LEED Checklist standards consistent with Council Policy 6-32.

The proposed project would result in an increase of approximately 1,204 total daily traffic trips.[25] The total annual VMT for the project is approximately 313,040 miles, assuming that the average trip length in Santa Clara County is 11 miles. Using U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 148,424 gallons of gasoline per year. [26]

The project is in close proximity to major transit services located along the surrounding roadways and one mile from Diridon Station. The Convention Center light rail transit (LRT) station is located less than a quarter mile south of the project site on San Carlos Street and is directly accessible via the Almaden Paseo located along the project's western boundary (refer to *Section P. Transportation* in the Initial Study in Appendix A). As a result, implementation of the proposed project would not result in a substantial increase on transportation-related energy use.

Energy Efficiency

The project would not cause inefficient, wasteful, or unnecessary consumption of energy. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project does, however, include several measures that would improve the efficiency of the construction process.

[25] Hexagon Transportation Consultants, pers. comm., September 2018.
[26] 1,204 daily trips (260 weekdays) = 313,040 yearly trips (11 miles) = 3,443,440 annual VMT/23.2 mpg = 148,424

Implementation of the BAAQMD BMPs detailed in *Section 3.1 Air Quality* of this SEIR would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. The project would also recycle or salvage at least 30 percent of construction waste as part of its LEED certification (discussed further below).

With implementation of the air quality-related BMPs, the energy impacts of construction and unavoidable effects of development would be **less than significant**.

Operational Impacts

The proposed project would be required to build to the State's CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Though the proposed project does not include on-site renewable energy resources, the proposed hotel addition would also be built to achieve LEED certification consistent with San José Council Policy 6-32. The project proponent anticipates that LEED certification would be achieved in part by conforming to the City's Green Building Measures.

The proposed project is required to provide a total of 37 bike parking stalls, consistent with the requirements of the City of San José Municipal Code. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Based on the measures required for LEED Certification, the proposed project would comply with existing State energy standards. By reducing single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards.

Because the project would incorporate the energy saving measures required for conformance with CALGreen and the City's Green Building Policy and Ordinance as outlined above, no mitigation is required or proposed.

The project proposes a hotel addition, which would place new jobs at a site near bus and light rail transit in downtown San José. With the inclusion of green building design features, the project would not result in the wasteful use of fuel or energy. The project would not result in a substantial increase in demand upon energy resources in relation to projected supplies. The impact would be **less than significant**.

Section 4. Cumulative Impacts

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 Guidelines 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 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.

Section 15130(B) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. The project would primarily contribute to the cumulative effects of development in the area surrounding the Downtown core; therefore, the cumulative discussion is focused on the area defined within the Downtown Strategy 2040, except where otherwise indicated.

4.1 CUMULATIVE PROJECT IMPACTS

Based on the analysis in this EIR, including the Initial Study in Appendix A, the proposed project would result in less than significant impacts to aesthetics, agricultural/forestry resources, biological resources, geology and soils, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, transportation, utilities, and wildfire with implementation of standard permit conditions. As a result, the project's contribution to a cumulatively significant impact in any of these resource areas would not be considerable.

Cumulative impacts were addressed in the Downtown Strategy 2040 FEIR, which included the development proposed by the project. The Downtown Strategy 2040 FEIR identified significant, unavoidable cumulative impacts from buildout of the Strategy from an increase in criteria air pollutants and global GHG emissions. The City Council adopted statements of overriding considerations for these cumulative impacts.

This SEIR focused on air quality, cultural resources, hazards and hazardous materials, noise/vibration, and energy. The project would not have a significant impact on energy. The project would result in significant impacts related to air quality, cultural resources, hazards and hazardous materials, and noise and vibration. Mitigation is identified to reduce the project impacts to these resources to a less than significant level.

Air Quality: The project would contribute to significant cumulative increases in criteria pollutants in the Bay Area, which represents a significant impact. The Downtown Strategy 2040 concluded that even with the implementation of General Plan Policy MS-13.1 and project specific measures (see MM AQ-1 for this project), these impacts from buildout of the plan area would be unavoidable and the City Council adopted a statement of overriding condition for this impact. Because the project is included in the buildout scenario for Downtown Strategy 2040, this cumulative impact has already been addressed in the Downtown Strategy 2040 FEIR.

Cultural Resources: The project would result in significant impacts to cultural resources, including archaeologic and historic resources. Mitigation is identified to reduce the project impacts to cultural resources to a less than significant level. Specific mitigation measures were identified in this SEIR to protect archaeological artifacts if encountered during project construction (see MM CR-2.1 and 2.2). The project may also contribute to cumulative visual impacts on the historic character of Downtown. Specific mitigation measures are identified in this SEIR to assure that the proposed integrity of the historic Montgomery Hotel is maintained (see MM CR-1.1 through 1.4). The project, therefore, would not result in significant cumulative impacts to cultural resources with mitigation.

Hazardous and Hazardous Materials: Grading and construction of the proposed project could potentially expose construction workers and the public to residual soil and groundwater contaminants on the site. Specific mitigation was identified in this SEIR to sample for potential contaminants and provide remediation measures for any materials that exceed regulatory thresholds (see MM HAZ-1). The project, therefore, would not result in significant cumulative impacts related to hazardous materials.

Noise and Vibration: The project would result in significant impacts related to noise and vibration. Specifically, the project would result in noise impacts from outdoor mechanical equipment on nearby sensitive receptors. Specific mitigation was identified in this SEIR to select mechanical equipment that meets the City's noise standards (see MM NSE-1). The project would also result in potential vibration effects on historic resources during project construction. Specific mitigation was identified in this SEIR to minimize and repair any effects from vibration impacts (see MM NSE-2). The project, therefore, would not result in significant cumulative impacts related to noise and vibration.

Section 5. 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 part of a larger strategy plan for Downtown and is consistent with planned downtown growth in the Downtown Strategy 2040 and the General Plan. The growth-inducing effects of that planned development were analyzed in the EIRs for these aforementioned plans.

The project is proposed on an infill site in the downtown San José. The site is surrounded by existing infrastructure and existing development. The project would 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 introduce a 186,426 gross square foot, 24-story high rise hotel addition in a mixed-use area with surrounding hotel, commercial structures, and residential buildings. The proposed project would generally 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 consistent with the proposed project would result in a net increase in jobs and housing Citywide. There is currently a shortage of available jobs relative to available housing within the City of San José. This jobs/housing imbalance is expected to reverse with full build out of the General Plan. The increase in jobs and housing resulting from the project (125 jobs) would have a small effect on the overall jobs/housing imbalance within the City.

Based on the above discussion, the project would not result in a growth inducing impact.

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Section 6. 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." [Section 15126(d)]

If the proposed project is implemented, development of this site would involve the use of nonrenewable 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 could not reasonably be re-created. Construction also involves significant consumption of energy, typically petroleum-based fuels, that deplete supplies of nonrenewable resources. After the project is constructed, hotel occupants would use some nonrenewable fuels to heat and light the buildings. The proposed project would also result in the increased consumption of water.

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 proposed hotel addition would be constructed to minimum LEED standards and would, therefore, use less energy for heat and light and less water than a standard design hotel. In addition, the site is an infill location currently served by public transportation and within walking distance of businesses and services. The proposed project would, therefore, facilitate a more efficient use of resources over the lifetime of the project.

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Section 7. Significant and Unavoidable Impacts

As defined in the CEQA Guidelines, a significant impact on the environment is "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project…" Final determination of the significant impacts is made by the decision-making body of the Lead Agency with final approval authority over the project.

All significant impacts of the proposed project associated with the specific project site would be reduced to a less than significant level with the implementation of mitigation measures identified in this SEIR (see also Appendix A, Initial Study). The project would contribute to the significant and unavoidable impacts associated with full buildout of the Downtown Strategy 2040 that were previously disclosed in the Downtown Strategy 2040 FEIR certified in December 2018. The Downtown Strategy 2040 FEIR identified significant, unavoidable cumulative impacts from buildout of the Strategy from an increase in criteria air pollutants and global GHG emissions. The City Council adopted statements of overriding considerations for these cumulative impacts.

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Section 8. Alternatives

8.1 INTRODUCTION

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed project that could feasibly attain most of the objectives of the project. The Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less than significant level. The key provisions of the CEQA Guidelines regarding analysis of alternatives are presented below:

- The analysis should focus on alternatives to the project, including alternative locations, that are capable of avoiding or substantially lessening the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

- The No Project alternative shall be evaluated along with its impact. The No Project analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved based on current plans.

- The range of alternatives required in an EIR is governed by a "rule of reason" that considers only those alternatives necessary to permit a reasoned choice. The alternatives are limited to those that would avoid or substantially lessen the significant environmental effects of the project. The CEQA Guidelines do not specify a precise number of alternatives to be evaluated in an EIR.

- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

The range of feasible alternatives analysis is intended to foster meaningful public participation and informed decision making. Among the factors that may be taken into account when addressing the feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the proponent could reasonably acquire, control, or otherwise have access to an alternative site, per CEQA Guidelines Section 15126.6(f)(1).

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination of which alternatives are feasible and merit in-depth consideration, and which are infeasible (see CEQA Guidelines Section 15126.6(f)(3)). Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet project objectives, are infeasible, or do not avoid any significant environmental effects.

Significant Impacts of the Project

The SEIR identified impacts of the project that would be significant but have mitigation available to reduce the impacts to less than significant levels. These resource sections are as follows:

- Air Quality: construction toxic air contaminant emissions
- Cultural Resources: potential disturbance of archaeological resources, construction effects on historic resources
- Noise/Vibration: mechanical equipment noise, vibration impacts on historic resources

Project Objectives

The proposed project would contribute to the job growth and hotel development as envisioned in the Downtown Strategy 2040 and the General Plan by expanding the existing hotel by 274 guest rooms to accommodate the demand for visitor-accommodating uses in downtown San José. The proposed hotel tower is intended to add a modern element to the City's evolving skyline. The new tower addition is also designed to respect and maintain the historical significance of the adjacent historic Montgomery Hotel. The proposed hotel addition aligns with the following goals and objectives of the Downtown Strategy 2040 and the General Plan.

Downtown Strategy 2040

The Downtown Strategy 2040 implements the Downtown Strategy 2000 strategies and actions for the six main urban systems within Downtown: Public Realm, Urban Form and Buildings, Transportation and Access, Historic Resources, Economic Projections, and Human Services. Applicable strategies and actions from the Downtown Strategy 2040 to the project include the following:

- The Downtown Strategy 2040 Guiding Principles, as listed below:

    1. Make Downtown a memorable and creative metropolitan center where people live, work, learn, play, shop, dine, and engage in public life;

    2. Enhance the identity of Downtown San Jose as the urban and cultural center of Silicon Valley, and further enhance San Jose as an international city;

    3. Create an accessible, walkable, bike-friendly, and transit-rich Downtown; and

    4. Promote and prioritize development that serves the needs of the entire city, valley, and Bay Area region.

- General Strategy e: Design buildings with a distinctive form, keeping in mind that the assemblage of buildings on the city skyline contributes to the overall image of Downtown San Jose.

- General Strategy f: Design the exterior lighting and building signage with a conscious effort to create the nighttime cityscape of downtown. Respect historic buildings and districts in development and redevelopment projects, without resorting to stylistic imitation.

- Priority 12: Respect the many cultural and historic assets that add a unique scale and image that is distinctly San Jose by preserving cultural resources, established historic districts and historic landmarks with approval of development projects.

General Plan

The following strategies and policies in the General Plan apply to the proposed project.

- Land Use and Employment Policy IE-1.5: Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.

- Commercial Lands Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

- Major Strategy #9: 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 Downtown will support the Plan's economic, fiscal, environmental, and urban design/placemaking goals.

- Community Design Policy CD-6: 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.

8.2 PROJECT ALTERNATIVES

8.2.1 Alternatives Considered but Rejected

Location Alternative. 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." (CEQA Guidelines, Section 15126.6(a)). 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 always require analysis of off-site alternatives.

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."[27] The proposed project is a hotel addition within the downtown core near transit, major roadways, and jobs and services.

The proposed project is a hotel addition within the downtown core. The applicant does not own another hotel or other property downtown that could be used for development of the project. For these reasons, an alternative location was not analyzed.

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

Increased Setback Alternative. In order to reduce construction vibration levels to below the City's thresholds for historic buildings, the addition would need to be relocated 60 feet from the Montgomery Hotel. Relocating the tower 60 feet from the existing hotel would move the addition to within two feet of the property line. This would not provide adequate space to build the addition; therefore, this is not a feasible alternative and was not further considered.

8.2.2 Alternatives Selected for Further Analysis

The following section discusses the alternatives evaluated in this SEIR and the comparative environmental effects of each. The alternatives considered in this analysis are as follows:

1. No Project Alternative
2. Reduced Development Alternative

8.2.3 No Project Alternative

The CEQA Guidelines [Section 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."

The No Project Alternative would most likely involve retaining the existing hotel building in the future, because the Montgomery Hotel is recognized at the federal, State, and local levels as a documented significant historic structure. The project site is located in a prime location in Downtown San José and has been preserved as a hotel use because of its historical significance as the Montgomery Hotel; therefore, it is reasonable to assume that the property would remain in its current use.

Because the No Project Alternative would not result in any new development on the project site, the courtyard and boutique hotel site would most likely remain as-is, and this Alternative would avoid all of the environmental impacts from the project, assuming no physical changes are made to the site. However, this Alternative would not meet any of the project objectives to provide additional hotel rooms that is consistent with the policies of the Downtown Strategy 2040 and the General Plan.

It is possible that in the future, an alternative development may be proposed at the location of the hotel addition. Based on the zoning district for the project site, *DC – Downtown Commercial District*, other permitted uses include retail, art galleries, antique stores, service uses, personal service establishments, business and professional offices, medical and dental clinics, banks and other financial institutions, restaurants, bakeries, cafes, and similar uses. Any future use on the site would require review and approval by the City of San José, including CEQA evaluation.

Conclusion: Implementation of the No Project – No Development Alternative would avoid the significant impacts identified in this SEIR. This alternative would not, however, accommodate the demand for additional visitor-accommodating uses in downtown San José, consistent with the General Plan. This alternative does not meet the objectives of the proposed project. Any future proposal to convert the hotel into another use would be subject to review by the City of San José.

8.2.4 Reduced Development Alternative

The purpose of a Reduced Development alternative is to feasibly attain the basic objectives of the project while avoiding or lessening the significant impacts of the project. This Reduced Development Alternative was developed to reduce overall environmental impacts of the project.

Under this Reduced Development Alternative, hotel rooms would be reduced by 50 percent, from 274 rooms to 137 rooms, thus reducing the building height to approximately 150 feet (or approximately 12 floors). The modification to reduce the number of hotel rooms would result in a decrease in hotel employees and visitors and would result in less traffic and air pollutant emissions than the proposed project. The reduced height of the building would also increase compatibility of the project with the surrounding buildings. However, because the footprint would be unchanged, this alternative would result in similar impacts to cultural resources and hazards and hazardous materials as the proposed project. Noise and vibration impacts during operation would remain the same as the proposed project, but construction noise and vibration impacts would be less than the project because a shorter construction period is assumed. The mitigation measures identified for the project would also apply to this alternative, which would reduce all impacts to a less than significant level.

The Downtown Strategy 2040 was developed to take advantage of infill parcels along transit corridors, to provide urban services, and to strengthen the downtown. Further, the Downtown Strategy 2040 goal is to make the Downtown a regional jobs, entertainment, and cultural destination. The proposed project meets these objectives by providing infill development near public transit and proposing additional visitor-serving uses (hotel rooms) in Downtown. The Reduced Development Alternative would not maximize this infill parcel and the prime location, particularly its proximity to transit. The Reduced Development Alternative would not meet the Downtown Strategy 2040 goal of making the downtown a vibrant destination to the same extent as the project because there would be fewer rooms available, as well as fewer employees and visitors who would be able to take advantage of the transit options, urban services, and local entertainment.

Conclusion: The Reduced Development Alternative would reduce the significant impacts of the project; and implementation of mitigation measures would reduce the impacts to less than significant levels. However, this alternative does not represent the best use of the site. The Reduced Development Alternative would not achieve to the same extent as the project the Downtown Strategy 2040 and General Plan goals of making the downtown a vibrant destination because there would be 137 fewer rooms and fewer visitors and employees who would be able to take advantage of the transit options, urban services, and local entertainment. The Reduced Development Alternative is otherwise consistent with the most basic project objectives.

8.3 COMPARISON OF ENVIRONMENTAL IMPACTS FOR ALTERNATIVES

A comparison of alternatives based upon whether they avoid or substantially lessen the significant environmental effects outlined of the project are provided in Table 9. The location and increased setback alternatives are not included in the comparison analysis in Table 9 as they have been deemed infeasible (see Section 8.2.1 above).

Table 9 Comparison of Environmental Impacts for Alternatives to the Project			
Significant Impacts of the Project	**Alternatives**		
	Proposed Project	**No Project Alternative**	**Reduced Development Alternative**
Air Quality			
Community risk from construction emissions of TACs.	LSM	No Impact	Less
Cultural Resources			
Construction impacts to nearby historic materials and structures.	LSM	No Impact	Same
Construction impacts to unknown buried archaeological resources and/or human remains.	LSM	No Impact	Same
Hazards and Hazardous Materials			
Potential release on hazardous materials during construction if present on site.	LSM	No Impact	Same
Noise and Vibration			
Impacts on noise-sensitive land uses in the immediate project vicinity due to mechanical equipment.	LSM	No Impact	Same or Less
Impacts due to construction-related vibration levels.	LSM	No Impact	Same or Less
Meets Project Objectives?	Yes	No	Partially
Environmentally Superior Alternative	No	Yes	No
LTS = Less Than Significant Impact LSM = Less than Significant with Mitigation Applied. Less = Substantial impact reduction compared to the project, but not necessarily to a less than significant level			

8.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines specify that an EIR must identify the environmentally superior alternative among those alternatives discussed. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives [Section 15126.69(e)(2)].

Based upon the previous discussion, the environmentally superior alternative would be the No Project Alternative, which would avoid the identified significant impacts. Therefore, the environmentally superior alternative is the Reduced Development Alternative.

The Reduced Development Alternative would result in fewer impacts to traffic generation, air pollutant emissions, and vibrational impacts due to the reduction in size of the project, although it does not fully avoid these impacts. Implementation of the mitigation measures would reduce all impacts to a less than significant level.

The Reduced Development Alternative does not fully meet the project objectives because it reduces the size of the project by 50 percent, resulting in fewer jobs and fewer visitor accommodating uses in Downtown San José (see discussion of Reduced Development Alternative above).

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Section 10. Lead Agency and Consultants

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