

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
ALMADEN CORNER HOTEL PROJECT**

FILE NO: H18-038  
PROJECT APPLICANT: KT URBAN  
APN: 259-35-055

**Project Description:** The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard.

**Location:** 8 North Almaden Boulevard, San Jose; Northeast corner of North Almaden Boulevard and West Santa Clara Street.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:


**When:** Monday, February 4, 2019 from 6:00 p.m.


**Where:** City of San Jose Council Chamber, 200 East Santa Clara Street, San Jose, CA 95113

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

  
Deputy

  
Date

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**January 2019**

***Introduction***

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of the proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

A Supplemental EIR (SEIR) is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare a SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of the proposed Almaden Corner Hotel Project.

The SEIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. An Initial Study has been prepared (which will be incorporated in the SEIR as an appendix) to focus the SEIR on potentially significant issues pursuant to CEQA Guidelines Section 15178. In accordance with the requirements of CEQA, the SEIR will include the following:

- A summary of the project, project impacts, and alternatives;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts

***Project Location***

The approximately 0.39-acre project site is comprised of one parcel located at the northeast corner of Almaden Boulevard and West Santa Clara Street in downtown San José. Regional, vicinity, and aerial maps of the project site are shown in Figure 1-3.

### ***Project Description***

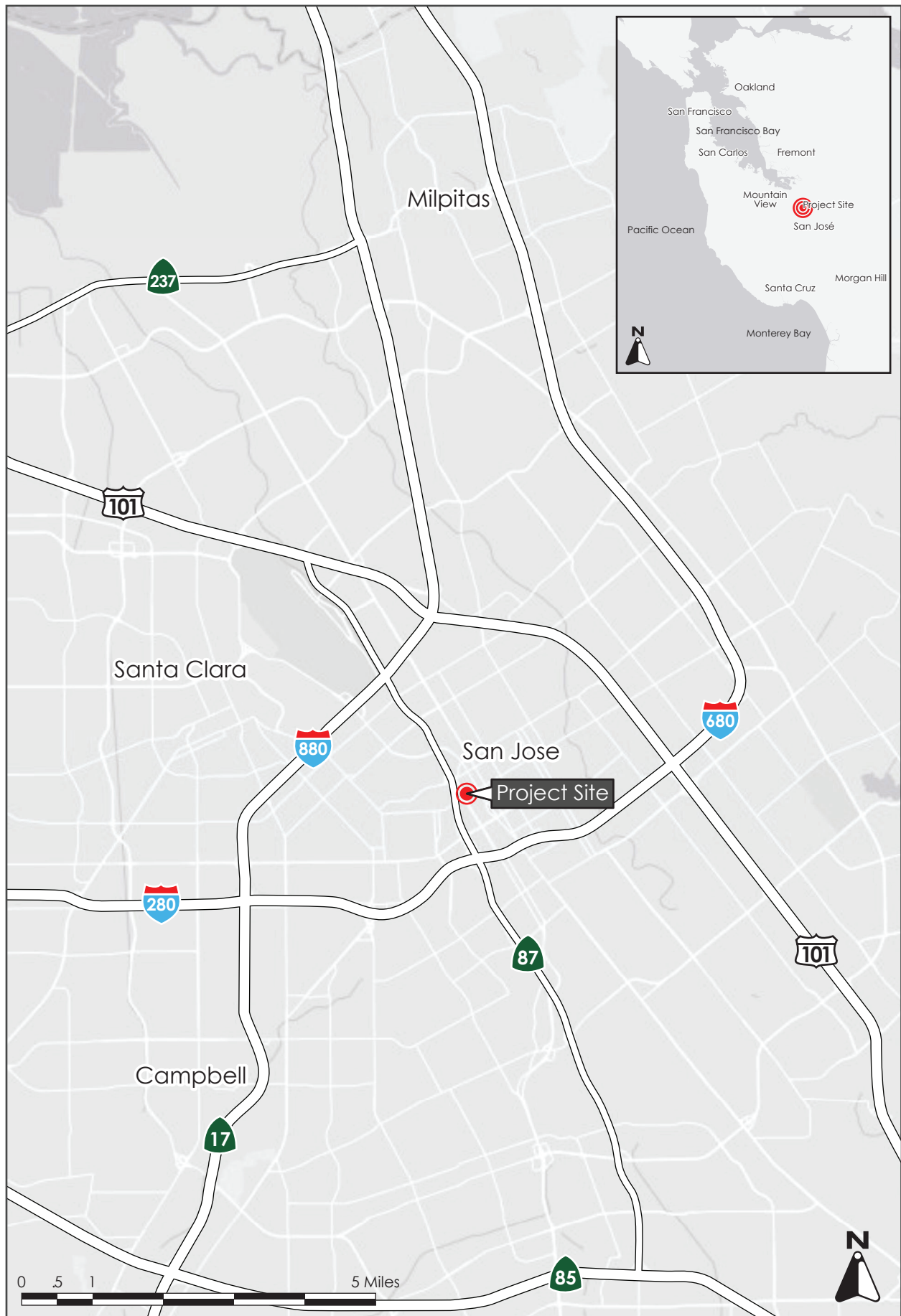
The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to remove the parking lot and construct an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. The project would have a Floor Area Ratio (FAR) of 16.6. Guest rooms would be located on floors three through 18. A restaurant and bar are proposed on both the ground floor and the 19th floor. Guest amenities and hotel administration space is proposed for the second floor. The hotel building would have one basement level for utilities, and maintenance related services (e.g. housekeeping, linen room). Additional mechanical equipment would be located on the roof. The project would provide parking for hotel patrons at an off-site location via a valet service. Valet parking would be provided at the San Pedro Market Garage. Guest drop-off/pick-up would be located on Almaden Boulevard.

No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard.

The project site is designated *Downtown* under the City of San José's adopted General Plan and has a zoning designation of *DC – Downtown Primary Commercial*.

### ***Possible Required Project Approvals:***

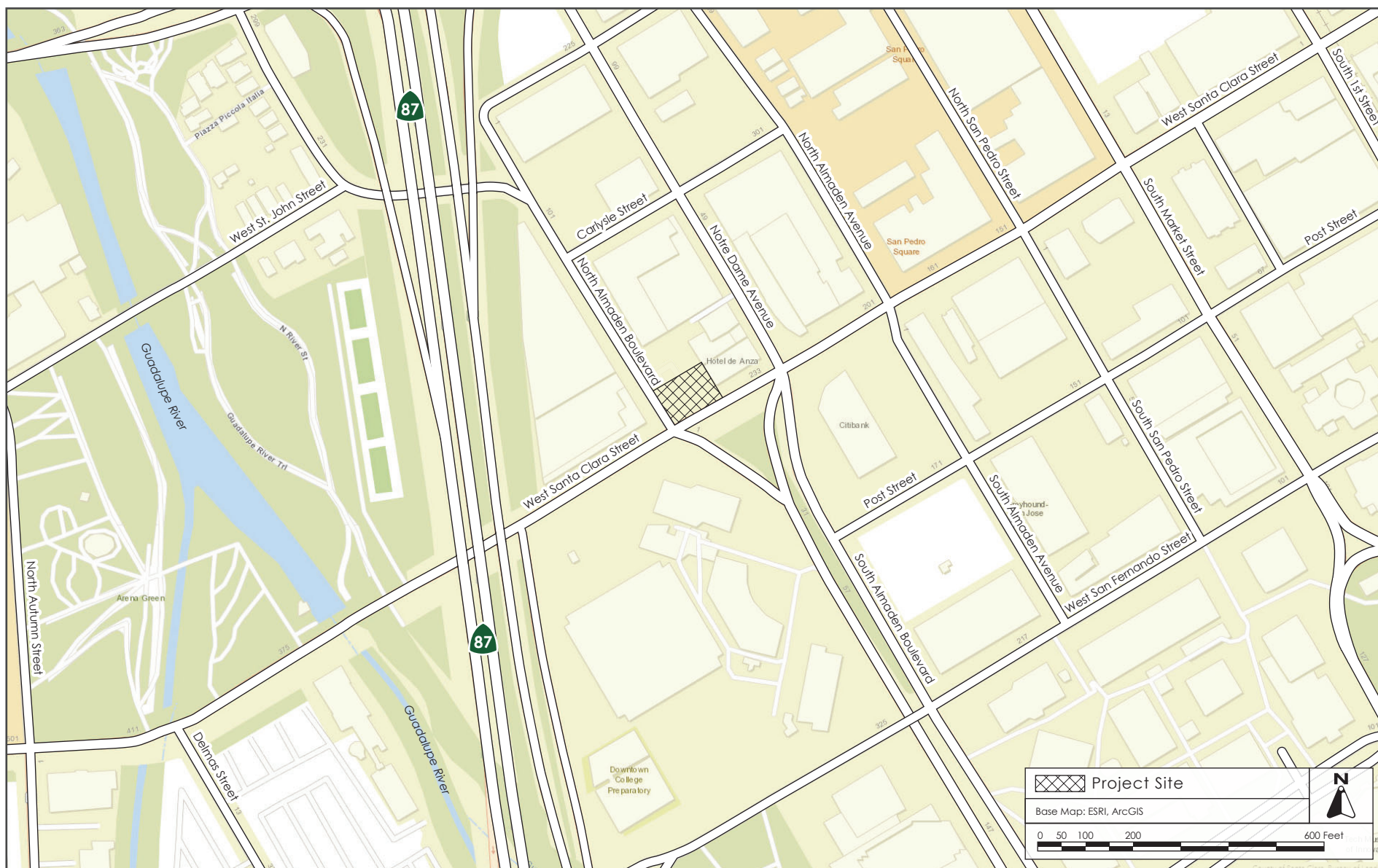
1. Site Development Permit
2. Tentative Map
3. Building Permit
4. Grading Permit
5. Public Works Clearances



REGIONAL MAP

FIGURE 2.0-1

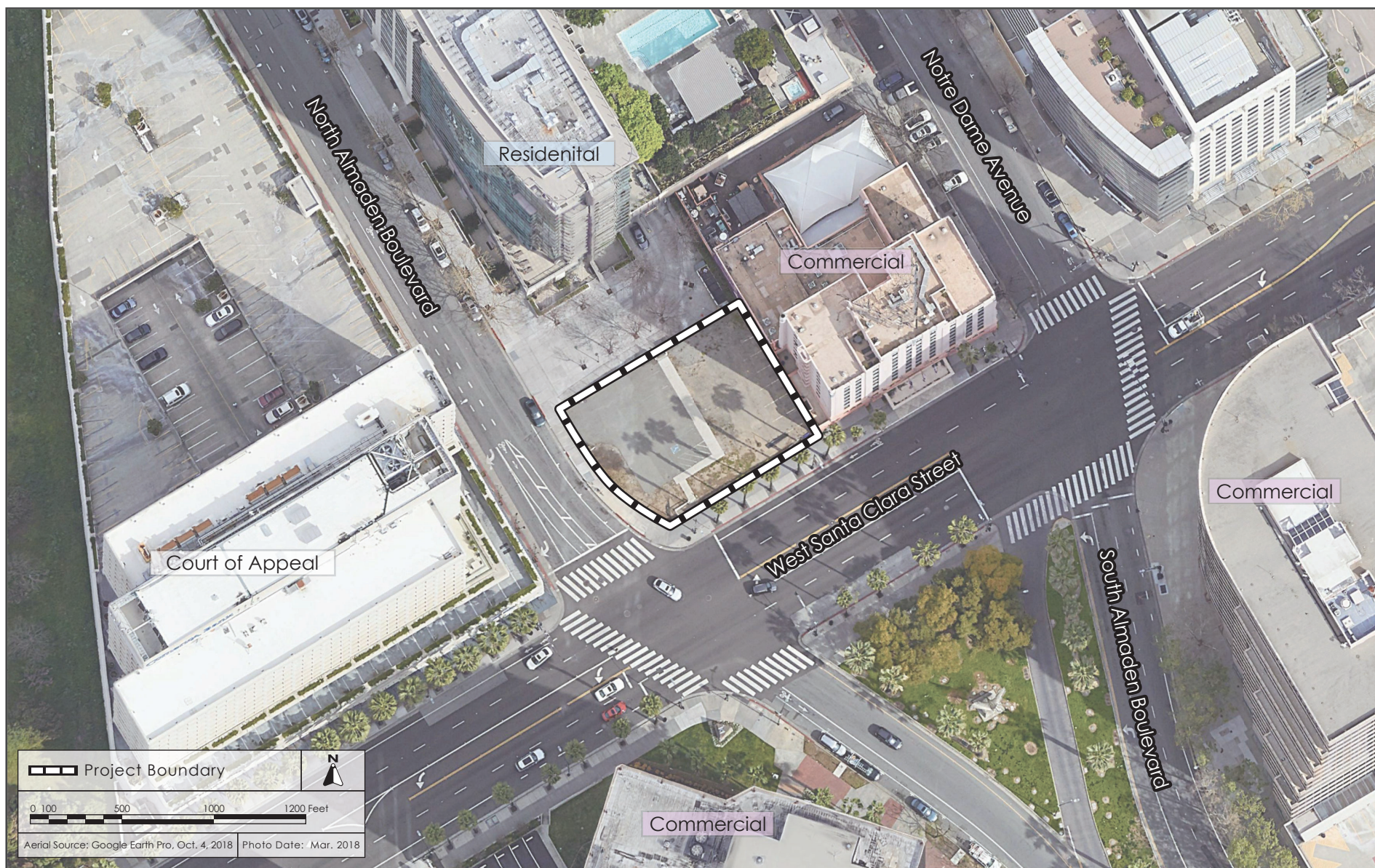




VICINITY MAP

FIGURE 2.0-2





AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.0-3



## ***Potential Environmental Impacts of the Project***

The SEIR will describe the existing environmental conditions on the project site and will identify the potentially significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The SEIR will include the following specific environmental categories as related to the proposed project:

### **1. Aesthetics**

The proposed project will replace an existing private parking lot with a 19-story hotel building in the downtown area of San José. The SEIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project.

### **2. Air Quality**

The SEIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality according to the 2017 Bay Area Air Quality Management District (BAAQMD) guidelines and thresholds.

The SEIR will describe the existing air quality conditions in the Bay Area and will evaluate the operational and construction air quality impacts on nearby sensitive receptors of the proposed project in accordance with current BAAQMD CEQA Guidelines and thresholds.

### **3. Biological Resources**

The project site is currently developed with a private surface parking lot. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. There are no trees or landscaping on-site. The SEIR will describe the project's impacts to biological resources during project construction and operation and the project's consistency with the Santa Clara County Habitat Conservation Plan.

### **4. Cultural Resources**

The project area has been occupied since the late 1700's. Because of the early development on-site and in the project vicinity, there is the potential for subsurface resources associated with this early development to still be located on-site. Because of the proposed basement level, the entire site would need to be excavated.

Additionally, the project site is adjacent to the De Anza Hotel, a San José City Landmark building.

The SEIR will address the impacts to known and unknown buried historic and archeological resources on the project site, as well as potential impacts to the De Anza Hotel adjacent to the project site.

## 5. Energy

Implementation of the proposed project will result in an increased demand for energy on-site. The SEIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption.

## 6. Geology & Soils

The project site is located in a seismically active region in the United States. The SEIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

## 7. Greenhouse Gas Emissions

The SEIR will address the project's consistency with the City's Greenhouse Gas (GHG) Reduction Strategy and the State's GHG reduction goals. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

## 8. Hazards and Hazardous Materials

Development in the project area is a mix of residential, retail, hotel, and office land uses. The SEIR will summarize known hazardous materials conditions on the project site and within the area will address the potential for hazardous materials impacts to result from implementation of the proposed project.

## 9. Hydrology and Water Quality

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the SEIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the project's effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board.

## 10. Land Use

The project site is located in a developed urbanized area surrounded by a mix of residential, commercial, hotel, and office land uses. The SEIR will describe the existing land uses adjacent to and within the project area. Land use impacts that will occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan and zoning code and compatibility of the proposed and existing land uses in the project area. Shade and shadow will also be discussed.

## 11. Noise and Vibration

The SEIR will discuss noise that will result from operation of the proposed project, as well as temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José.

Due to the size of the proposed building, it is reasonable to assume that construction of the project would require the use of heavy equipment. The SEIR will evaluate the effects of vibration during project construction on nearby structures, including the historic De Anza Hotel.

## 12. Public Services

Implementation of the proposed project would introduce more commercial development in the downtown area, resulting in an increased demand on public services, including police and fire protection, and recreational facilities. The SEIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

## 13. Transportation

The project site is located within the Downtown Core. Transportation impacts in the project area were previously evaluated in the Downtown Strategy 2000 and Downtown Strategy 2040 Final EIRs. A traffic operations analysis will be completed to evaluate the proposed site access/circulation and intersections in the project area to identify any necessary improvements.

## 14. Utilities

Implementation of the proposed project would result in an increased demand on utilities and public facilities compared to existing conditions. The SEIR will examine the impacts of the project on public services, including utilities such as sanitary systems and storm drains, water supply/demand, and solid waste management.

## 15. Alternatives

The SEIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include design alternative, and/or alternative locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

## 16. Significant Unavoidable Impacts

The SEIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

## 17. Cumulative Impacts

The SEIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project (particularly the cumulative traffic impacts) when considered with other past, present, and reasonably foreseeable future projects in the development area.



In conformance with the CEQA Guidelines, the SEIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

An Initial Study has been prepared and will be provided as an appendix to the SEIR. The Initial Study will include an analysis of the resource areas that have no new significant impacts or no increase in previously identified impacts as the approved EIR.

## **RESPONSES TO NOTICE OF PREPARATION COMMENT LETTERS**

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The City of San Jose received 16 comment letters in response to the Notice of Preparation (NOP). The commenters are noted below, and copies of the letters are provided in Appendix H of this SEIR. Responses to the letters are provided below to provide information to readers regarding where or how particular issues are addressed in this Draft SEIR. A summary of the comments received at the public scoping meeting is also provided as an attachment to this Appendix.

### **State and Local Agencies**

A	California Department of Transportation	February 13, 2019
B	Santa Clara Valley Water District	February 13, 2019
C	Santa Clara County Roads and Airports	February 13, 2019
D	Santa Clara Valley Transportation Authority	February 19, 2019

### **Organizations and Individuals**

E	Hoge Fenton – De Anza Hotel	October 31, 2018
F	Amah Mutsun Tribal Band	January 18, 2019
G	Santa Clara County Airport Land Use Commission	January 22, 2019
H	Axis Homeowners Association	January 25, 2019
I	Nathera Mawla	February 4, 2019
J	Deanna Libert	February 5, 2019
K	Jeanie Verbeckmoes	February 6, 2019
L	Linda Dahlberg	February 6, 2019
M	Philip Castaneda	February 8, 2019
N	Andrew Cheng	February 13, 2019
O	Axis Homeowners Association	February 14, 2019
P	Sharks Sports & Entertainment	February 18, 2019

**A. California Department of Transportation (dated February 13, 2019)**

**Comment A.1:** Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Out comments are based on the Notice of Preparation (NOP).

***Project Understanding***

The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19<sup>th</sup> floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard. The project is located about 500 feet from the State Route (ST) 87/ W Santa Clara Street on- and off-ramps.

Please clarify the vehicle capacity for the valet service and its location.

**Response A.1:** A total of five valet spaces (two on Almaden Boulevard and three on Santa Clara Street) are proposed. Please refer to Section 4.17 Transportation of Appendix A (Initial Study) for more discussion on parking.

**Comment A.2: Transportation Impact Fees**

The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified and incorporated in the Conditions of Approval. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cultural impacts to regional transportation. For example, applying fair share impact fees toward replacing free-merging on- and off-ramps with stop controlled ramps to improve bicycle and pedestrian access (see *Caltrans District 4 Bike Plan's* Appendix A) would improve connectivity in the proposed project area and encourage active transportation. [http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan\\_ProjectList.pdf](http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan_ProjectList.pdf)

**Response A.2:** The proposed project is located within the San José Downtown Strategy 2040 plan area. The VMT impacts of the development approved within the plan area was addressed in the Downtown Strategy 2040 FEIR. As such, no VMT analysis has been prepared, as explained in Section 4.17 Transportation of the Appendix A (Initial Study) within this SEIR. Per the City of San José's Transportation Policy (Council Policy 5-1), a Local Transportation Assessment (LTA) must be completed to address the operational issues of a project, as well as impacts on transit and bicycle and pedestrian facilities. That analysis is provided in

Section 4.17 Transportation of Appendix A (Initial Study) and in Appendix G (LTA). The analysis concluded that the project would not impact transit or other alternative modes of transportation and would have no operational effects on the local roadway network. As a result, no impact fees would be required.

**Comment A.3: Vehicle Trip Reduction**

Caltrans compliments the Lead Agency on the Transportation Demand Management (TDM) Program incorporated in the project and suggests adopting more TDM measures to further reduce VMT. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and convenient transit access;
- Secured bicycle storage facilities located conveniently near entrances to minimize detriment of bicycle use due to weather conditions;
- Bicycle parking;
- Shuttle service for employees as well as guests to the VTA Light Rail Convention Center Station and Caltrain's Diridon Station;
- Fix-it bicycle repair station(s);
- Charging stations and designed parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces conveniently located to encourage carpooling and clean-fuel vehicles;
- Lower parking ratios;
- Transportation and commute information kiosk;
- Showers, changing rooms and clothing lockers for bike commuters;
- Bicycle route mapping resources and bicycle parking incentives;
- Emergency Ride Home program;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035.pdf>.

**Response A.3:** The project shall incorporate TDM as required for the parking reduction requested as discussed in Section 4.17 Transportation of the Appendix A (Initial Study) within this SEIR.

**Comment A.4: Travel Demand Analysis**

Please analyze VMT resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way. Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped. This included the proposed off-site valet services.
- A VMT analysis pursuant to the Lead Agency's guidelines or, if the Lead Agency has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

**Response A.4:** The proposed project is located within the San José Downtown Strategy 2040 plan area. The VMT impacts of the development approved within the plan area was addressed in the Downtown Strategy 2040 FEIR. As such, no VMT analysis has been prepared, as explained in Section 4.17 Transportation of the Appendix A (Initial Study) in this SEIR. Per the City of San José's Transportation Policy (Council Policy 5-1), a Local Transportation Assessment (LTA) must be completed to address the operational issues of a project, as well as impacts on transit and bicycle and pedestrian facilities. That analysis is provided in Section 4.17 Transportation of Appendix A (Initial Study) and in Appendix G1 (LTA).

**Comment A.5: Lead Agency**

As the Lead Agency, the City of San José is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Response A.5:** This comment is noted. Please refer to Response A.4.



**B. Santa Clara Valley Water District (dated February 13, 2019)**

**Comment B.1:** The Santa Clara Valley Water District (District) has reviewed the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the proposed Almaden Corner Hotel, located at the northeast corner of West Santa Clara Street and North Almaden Boulevard, received on January 22, 2019.

District records don't show any wells located on the project site. To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by redevelopment of the site need to be identified and properly registered with the District and either be maintained or destroyed in accordance with the District's standards. Destruction of any existing wells and the construction of any new wells proposed, including monitoring wells, requires a permit from the District prior to the start of work. Property owners or their representative should contact the District Wells and Water Measurement Unit at (408) 630-2660, for more information.

**Response B.1:** As noted by the District there are no recorded wells on-site and no new wells are proposed on-site.

**Comment B.2:** According to the Federal Emergency Management Agency's current Flood Insurance Rate Map NO. 06085C0234H dated May 18, 2009, the site is located in Zone X, which is areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and area protected by levees from 1% annual chance flood.

**Response B.2:** Please see Section 4.10 Hydrology and Water Quality of Appendix A (Initial Study) for a discussion of flooding impacts.

**Comment B.3:** The District does not have any facilities or right of way within and adjacent to the project site; therefore, in accordance with the District's Water Resources Protection Ordinance, a District permit is not required for the project. The District has no other comments regarding the project.

**Response B.3:** This comment is acknowledged. No response pursuant to CEQA is required.

**C. Santa Clara County Roads and Airports (dated February 13, 2019)**

**Comment C.1:** The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038) and has no comments.

**Response C.1:** This comment is acknowledged.

**D. Santa Clara Valley Transportation Authority (dated February 19, 2019)**

**Comment D.1:** Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a 330-room hotel on a 0.4-acre site at 8 North Almaden Boulevard. We have the following comments.

**BART Silicon Valley Phase II Extension Corridor**

On April 5, 2018 the VTA Board of Directors approved the VTA's BART Silicon Valley (BSV) Phase II Extension Project and certified the project's Subsequent Environmental Impact Report (SEIR). On June 4, 2018, VTA received a Record of Decision (ROD) from the Federal Transit Administrative (FTA) on the BSV Phase II Project. The BART system will operate in a tunnel, to be constructed as part of the BSV Phase II Project, generally under Santa Clara Street through downtown San José.

As currently planned the BART tunnel at the location adjacent to the proposed project (Almaden Corner Hotel) would be approximately fifty feet below surface level (for more information see page 40 at [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/VolumeIII\\_Appendix%20B\\_Project%20Plans%20and%20Profiles\\_feb20\\_2018.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VolumeIII_Appendix%20B_Project%20Plans%20and%20Profiles_feb20_2018.pdf)). Because of the proximity between the proposed project and the BSV Phase II project, specifically underground facilities, the development's design including but not limited to the building's foundation system, shoring and support of excavation plans shall be shared with VTA to ensure there are no potential impacts on either project. Additionally, as both projects may be built concurrently, it is recommended that construction activities such as haul routes, times, logistics, etc. be further discussed as design progresses. Continued coordination (meetings, plan review, sharing of design information) between the VTA's BSV Phase II Project Team, the City of San José, and Developer from the initial planning stages through preliminary design and construction phases will be required to successful delivery of both projects.

**Response D.1:** This comment is acknowledged. If the proposed hotel project is approved and a building permit application is filed prior to or during construction of the BSV Phase II Project, the City will coordinate with VTA and provide the necessary information.

## **E. Hoge Fenton – De Anza Hotel (dated October 31, 2018)**

**Comment E.1:** We represent ML San José Holding, LLC, the owner of the Hotel De Anza. The De Anza recognizes and appreciates infill development's contribution towards building a denser, more vibrant downtown. We, however, have several concerns about the proposed hotel (H18-038) ("Project") at 8 N. Almaden Boulevard submitted by KT Urban. We ask that the City staff respond to our comments substantively. We have comments regarding the Project's design and the review process, the need for a project-level EIR, the need for an off-site parking and circulation study and operational issues created by the Project.

### **Design**

The Project is in the Downtown Zoning District and, therefore, subject to the Downtown Design Guidelines. The Downtown Design Guidelines work in conjunction with and by reference to the additional expectations of the Specific Overlay Area Guidelines. The project fails to comply with both the Downtown Design Guideline and the Downtown Historic Design Guidelines, the Specific Overlay Area Guidelines for this site.

### **Downtown Design Guideline**

The Downtown Design Guidelines' first principal objective is "to enhance the character of the City and ensure that new development sensitively fits the City's expectations for the context, character and quality that will define San José." (p. 7) Since 1931, the De Anza has played a prominent role in helping define the context, character, and quality of San José and her skyline. The National Registry confirms that De Anza is "significant for its architectural style" as "one of San José's few Zig Zag Moderne (Art Deco) buildings." In recognition of the Downtown Design Guidelines' first principal, the Project does not sensitively fit the City's expectations by ignoring the De Anza's existence and historical significance.

According to the Downtown Design Guidelines, "when a project is proposed adjacent to or across the street from a designated landmark site or District, a sympathetic treatment of the massing, overall design, facades, and streetscape should be required to ensure compatibility of the proposed project with the designed landmark." (p. 22) The project's mass, overall design, and façade are grievously incompatible with the De Anza. The Project's mass is imposing and lacks set-backs respecting the De Anza's western edifice. Similarly, the Project's east elevation's façade is stridently incongruent with the De Anza's design and the westward view corridor. Additionally, the base of the Project is too narrow and inconsistent with the De Anza.

### **Historic Design Guidelines**

The Project's disregard for the Historic Design Guidelines is particularly egregious. The project flouts the detailed approaches the Historic Guidelines provides to architecturally respect the De Anza. The Project defies each sentence of the Massing and Façade guidelines. We believe the project must be reviewed by the Historic Landmarks Commission.

### **Massing**

Projects are to "**retain and respect** the massing of historic buildings on a street...Building masses should not dwarf immediately adjacent historic buildings." (p.73) The Project dwarfs the De Anza, nearly doubling its height. The Project's height and massing are incompatible with the De Anza. The Guidelines are clear: "new building masses adjacent to lower historic resources should step down in

height and street facades should turn the corner to provide articulated visible side facade in order to reduce the impact on historic buildings." The Project's height and street facade stand in sharp contrast to the De Anza, and no attempt is made to provide articulated visible side facades to reduce the impact on the De Anza.

Sensitivity to the creation of an unsightly height disparity between infill development and historic resources is echoed throughout the Guideline. "Larger buildings should be broken down into smaller masses that fit into the streetscape without overwhelming historic structures." (p. 73) The juxtaposition of a 19-story ice sculpture next to a historic 10-story Art Deco building is jarring. The Project is a case study representing the monstrous results the Guideline explicitly seeks to prevent.

### **Façade**

New construction must "retain and respect the historic patterns and proportions of historic facades on a street." (p. 73) The proposed design's facade neither retains nor respects the historical patterns and proportions of the De Anza's facade. The Project introduces a new facade that includes features that are incompatible in scale, material, detail and massing with the De Anza. The Project makes no attempt to reflect the De Anza's tiered stepped back facade. Additionally, the Project's street facing facade is an unvarying glass wall that makes no reference to the De Anza's design.

The Project fails in spirit and execution to comply with both the Downtown Design Guidelines and the Historic Design Guidelines.

### **Review by Commission**

We believe that the Project must be reviewed by the Historic Landmarks Commission. Section 20.70.110C of the City's municipal code states that new structures exceeding one hundred fifty feet and a floor area ratio of 6: 1 which are constructed within one hundred feet of a city landmark or contributing structure in a designated landmark district shall be reviewed by the historic landmarks commission prior to consideration or approval of a development permit for new construction. The comments of the Historic Landmarks Commission shall be included in any development permit staff report subsequently presented to the executive director of the redevelopment agency, director of planning, planning commission or city council.

**Response E.1:** Pursuant to City requirements, the Project was reviewed by the Historic Landmarks Commission. In addition, an analysis of the project design was completed by a qualified historic consultant in consultation with City staff prior to any recommendations. An additional integrity analysis was also completed for the SEIR which concluded that the proposed project would have no impact on the historic significance of the De Anza Hotel. Lastly, the building design went through both internal City review and review by the City's outside architectural consultants. The findings of the historic assessment can be found in Section 3.1 of this SEIR and Appendix C (historic Evaluation).



### **Comment E.2: New EIR**

A 19-story, 272 room hotel constructed on less than 1/5<sup>th</sup> on an acre (8,000 square foot lot) with no on-site parking requires a project-level Environmental Review Report (EIR) to adequately evaluate the Project's impact. A program-level review characteristic of the Draft Supplemental Program Environmental Impact Report (DSPEIR) to the Envision San Jose 2040 General Plan Environmental Impact Report (GP 2040 PEIR) is woefully inadequate. A site specific, project-level EIR is required to assess and disclose the significant impacts of:

- The massive scale of the hotel given the size of the lot (19 stories on a compact 8,000 square feet)
- Valet overflow from no on-site parking onto traffic and neighbors (circulation patterns)
- 19-story structure's intrusion on the historic character and business operations of the De Anza
- View of historic Diving Diva mural referenced in the National Registry virtually erased
- Shadow cast upon the De Anza and resulting reduction of natural light
- Obstruction of the view of the De Anza's iconic neon sign from northbound direction and Guadalupe Park
- Substantial degradation of the existing visual character resulting from a lack of compatibility with surrounding development
- Air quality, noise, and traffic operations while construction is underway
- Toxic air contaminant (TAC) from construction on the Axis residential community and the staff and guests of the De Anza
- Site-specific construction noise and vibrations associated with pile-driving on Axis and the De Anza - The De Anza's stucco façade and Mayan-influenced parapet are very susceptible to irreparable damage. Pipe-related water leaks and flood damage on the De Anza will create long-term damage to the older subterranean infrastructure
- Construction staging of materials and equipment on a tiny 8,000 square foot parcel surrounded by congested roadways
- Location of crane[s] for the duration of a multi-year project
- Operational impacts specific to the site: delivery/service equipment and garbage trucks accessing the site will invariably halt access to surrounding streets and driveways

The DSPEIR recognizes and supports the need for a project-level EIR: "To reiterate, the Downtown Strategy 2040 is a planning document to guide development; it does not propose specific development projects at this time. Therefore, the following discussions provide program-level review of the potential aesthetic impacts that may result from implementation of the Downtown Strategy 2040. Future projects under the Downtown Strategy 2040 will be subject to subsequent environmental review and assessment of project-specific aesthetic impacts." (p.40).

A project-level EIR for the Project must address the inconsistency with the 47 Notre Dame Supplemental EIR ("Axis SEIR"). The Axis SEIR discussed the current 329-unit Axis residential condominium tower adjacent to the De Anza. The project description in the Axis SEIR states: "The southwest corner of the site, adjacent to the Hotel De Anza, will be developed with a six-story residential/retail building (referred to a Phase II) with two levels of below grade parking that are open to and accessed through the Phase I underground parking area." The Axis SEIR continues: "To minimize the overall visual impact of the residential tower on the Hotel De Anza, the tower is

proposed to be located with the greatest possible setback from the hotel on the project site at the northwest corner of the block."

Accordingly, a project-level EIR is required to disclose the significant and site-specific aesthetic, historic, and environmental impacts.

**Response E.2:** As explained in Section 1.1 and 1.2 of this SEIR, the SEIR tiers from the Downtown Strategy 2040 FEIR. In addition, an SEIR is a site-specific, project-level analysis of a proposed project. It is classified as a supplement EIR because the land use/density of development proposed was previously addressed in a program EIR for the Downtown Strategy Plan Area and the project site is located within the plan area. Furthermore, the analysis may contain information necessary to make the previous EIR adequate for the project as revised, pursuant to CEQA Guideline Section 15163. Please refer to all sections of this SEIR and Appendix A for a complete discussion of all required resources areas under CEQA.

**Comment E.3: Off-Site Parking Arrangement and Circulation Study**

Off-site parking is an exception to the General Parking and Loading requirements. As such, off-site parking for the Project requires a special use permit subject to Section 20.90.200 findings. A 19-story hotel with 272 rooms and no on-site parking will assuredly strain circulation on W. Santa Clara Street, N. Almaden Boulevard, and adjacent parking facilities with the potential to have a devastating impact on the neighboring residents and businesses. Furthermore, neither the Project nor the City has addressed the additional parking required for the hotel employees. All things considered, the Project's valet operation is certain to overflow into the public rights of way, trespass onto Axis' driveway, and disrupt the De Anza's business.

The Project's valet operation with a functioning off-site parking arrangement is problematic. An off-site parking arrangement that fails to comport with any aspect of 20.90.200 will produce calamitous results for the De Anza, Axis, and all modes of transportation attempting to negotiate through clogged streets and sidewalks. Accordingly, due to the hazardous results sure to follow a flawed off-site parking arrangement, an independent study confirming full compliance with 20.90.200 is of critical importance. Undergrounding the construction of BART in W. Santa Clara Street in the near future can only exacerbate circulation.

**Response E.3:** The proposed valet parking plan is described in the Section 2.0 Project Information and Description of this SEIR and was assessed as part of the LTA required under Council Policy 5-1. Please see Section 4.17 Transportation of Appendix A (Initial Study) and in Appendix G1 (LTA) of this SEIR for analysis of the proposed parking.

**Comment E.4: Operational Issues**

The Project presents operational issues for the De Anza both during and after construction. During construction, the De Anza's Palm Court Terrace, which seats up to 200 for wedding receptions and other private events, will invariably accumulate dust and construction-related debris. Noise and

traffic produced by a multi-year construction project will have a severe negative impact on guest satisfaction and deter visitation. The attached photos (Exhibits A1-A3) of construction projects in the immediate area offer a glimpse into the constraints imposed upon movement through associated streets. Some of the streets surrounding the site are "permanent one lanes" that will be effectively inoperable due to heavy construction and the parking issues contractors and construction crews create.

**Response E.4:** Sections 4.3 Air Quality of Appendix A (Initial Study) and Appendix B (Construction Toxic Air Contaminant Analysis) in this SEIR address construction dust and air quality and construction noise. The analysis found that with the standard permit conditions and mitigation measures, the project would have a less than significant impact. Construction schedules and plans shall be reviewed and coordinate with the City during the temporary construction periods to ensure reasonable accommodations and detour are accounted for.

**Comment E.5:** Once construction is complete, the Project will cast shadows and leering eyes into each of the De Anza's west-facing guestrooms. The De Anza's penthouse's western balcony will lose its unobstructed view of the Silicon Valley. The Project will perpetually gaze down on and into the private penthouse frequented by high-profile guests. The ever-looming shadow and loss of privacy will surely result in customer discontent and consequential reduction in revenue.

**Response E.5:** There is no CEQA threshold or City policy which addresses shadows cast onto private property by tall buildings. Furthermore, private views are not protected by the City or under CEQA. As discussed in Section 4.1 Aesthetics of Appendix A (Initial Study), only the loss of designed scenic views from public viewpoints are considered potential impacts under CEQA. The proximity of the building to the De Anza hotel and the potential for views into the De Anza from the project site and vice versa is not an impact under CEQA as it is not a physical effect on the environment, is a common result of dense urban development, and is easily rectified with window-coverings.

**Comment E.6:** The Project will cause post-construction transportation disruptions, as well. The proposed curb frontage along Almaden Boulevard is approximately 71 feet. This amount of space is inadequate for queuing of vehicles. The inconvenience will push transportation providers to alternative locations along W. Santa Clara Street or Notre Dame Avenue, infringing upon the De Anza's modest 154 feet of dedicated parking and drop-off space. The inevitable burden upon the De Anza's limited space will disrupt operations.

Operational issues will not cease once the Project is complete. An ill-conceived development will lead to irreparable results that will ultimately devalue the De Anza as a business.

**Response E.6:** The traffic operations of the project are addressed in Section 4.17 Transportation of Appendix A (Initial Study) and in Appendix G.

**Comment E.7: Conclusion**

- The Project does not comply with both the Downtown Design Guideline and the Historic Design Guideline, and must be reviewed by the Historic Landmarks Commission
- Cramming a 19-story, 272 room hotel onto a postage stamp-sized lot with no on-site parking will cause significant impacts that require a project-level EIR.
- An independent study confirming absolute compliance with 20.90 .200 is required to prevent disastrous results from the Project's valet parking.
- Operational issues during and after construction are certain to plague the De Anza and negatively impact revenue and result in a devaluation of the business.

**Response E.7:** Please refer to Responses E.1 through E.6 above.

**F. Amah Mutsun Tribal Band (dated January 18, 2019)**

**Comment F.1:** The lands of the subject project are located within the lands once controlled by Tamien dialect speakers. These people were taken primarily to Mission Santa Clara. Per agreement these lands are now represented by Muwekma Tribal Band. It is suggested that you speak with their representative, Alan Leventhal.

**Response F.1:** The City sent the Notice of Preparation to Alan Leventhal of the Muwekma Tribal Band and no response was received with regards to the proposed project. Please see Section 4.18 Tribal Cultural Resources of Appendix A.



**G. Santa Clara County Airport Land Use Commission (dated January 22, 2019)**

**Comment G.1:** Comment from the County of Santa Clara County ALUC is that the height is a significant issue and close to the path of Runway 30R. Would suggest referring this to the ALUC and prepare the FAA No Hazard Determination paperwork.

**Response G.1:** The project has been reviewed by the Airport Department and as discussed in Section 2.8 and 4.9.3 of Appendix A this SEIR, the project is required to obtain a determination of no hazards from the FAA consistent with General Plan Policy TR-14.2, TR-14.4 and this is a permit condition.

**H. Axis Homeowners Association (dated January 25, 2019)**

**Comment H.1:** The Axis Residential Tower at 38 N. Almaden Blvd. comprises 329 condominium units and is home to over 700 people. Axis is adjacent to the site of the proposed Hotel Project, an 8,000 square foot lot at 8 N. Almaden Blvd.

Axis residents value downtown living and enjoy the ever-growing number of restaurants, entertainment, and community events that it affords. We strongly support further development of the downtown core, but that support is predicated on a given project's consideration of and compatibility with surrounding existing structures and uses.

Unfortunately the proposed Hotel Project fails to meet this critical standard, and as such we strongly oppose it in its current form. Our concerns have been described in detail through previous correspondence with the City (copies of which are attached hereto):

- Email from Carol Tosaya, dated July 23, 2018
- Letter from San Jose Downtown Association, dated October 15, 2018
- Letter from Axis HOA, dated October 18, 2018
- Letter from attorneys for Hotel de Anza, dated October 31, 2018
- Letter from Axis HOA, dated December 4, 2018

We look forward to the upcoming February 4 community meeting (6:00 p.m. in Council Chambers) to hear how the project's developer intends to address concerns, both raised in our communications and those outlined in your own comment letter dated October 1, 2018.

To help our community best prepare for this important meeting, we ask for your help to ensure that the following requests are completed as soon as possible:

1. Please supply copies of the most recent plans for the Hotel Project, along with any letters, memos, or emails in your files regarding comments on the project so that we may review them prior to the community meeting. These documents may be delivered via email to [tommy.cusick@axishoa.org](mailto:tommy.cusick@axishoa.org). Please consider this as a request under the California Public Records Act.
2. Please have the developer's surveyor install poles or other markings to clearly delineate the physical location of the property line and the proposed building setback line along the northern boundary of the Hotel Lot, so that our residents can see "on the ground" exactly where these lie in relation to the Axis property.

**Response H.1:** On January 31, 2019, the City's Planning, Building and Code Enforcement Department Staff Specialist responded to the California Public Record Request providing the commenter with an e-mail link to One Note to access all letters, memos, and e-mails pertaining to the project.

**Comment H.2:** To help the City and Developer better prepare for the community meeting, we have outlined some of our concerns and questions below. Please consider this a formal request to include the following issues in the scope of the Environmental Impact Report for the Hotel Project:

1. Construction Impacts:

a. Traffic and safety issues

- Where will the crane be located, and for how long? For the sake of safety, it is critical that no crane swing occur over any portion of the Axis property.
- What size will the crane be, and how far will it intrude into the street?
- Will there be scaffolding on the north side of the Hotel Project?
- Where will the construction lay-down area be located?
- Where will construction vehicles park?
- How will vehicular, bicycle, scooter and pedestrian traffic be diverted?
- How will an accessible path of travel be preserved for residents and visitors with disabilities?
- How will construction affect the frequent community events that already close our access roads on a regular basis?
- How can we guarantee that construction workers and suppliers will not trespass onto the Axis driveway or block the driveway? No shared use of the driveway is feasible, as the entire width of the Axis driveway is needed by Axis for its own operations.
- Where will we be able to put our trash bins during construction? Where will the Comerica building put its trash bins?
- Will construction workers use the constrained on-street metered parking?

**Response H.2:**

The City has incorporated these NOP comments as part of the SEIR process. Similar to many development projects, construction schedules and plans are not fully known at the Development Permit stage. Construction plans are developed along with grading and building permits and no construction plans are available at this time. However, the project is subject to further review and permits prior to full construction and demolition stages with the City for haul routes, equipment utilization, public space encroachments.

**Comment H.3:** b. Other environmental issues

- What will construction hours be?
- What noise and vibration limitations will be imposed on the project?
- Will pile-driving cause structural concerns on the Axis Property?
- Where will diesel equipment be located, and how will fumes be controlled and/or vented away from Axis?
- How will dust/dirt/mud be controlled?
- What arrangements will be made for extra window cleaning/general cleaning of the Axis property due to construction-related debris?

c. Utility interruptions

- How often is utility service to the Axis expected to be interrupted?
- What is the recourse in the event that Axis utilities are inadvertently interrupted?

**Response H.3:** As discussed in Section 4.12 Noise and Vibration of Appendix A, the project must conform to the construction hours defined in the Municipal Code. There is no proposal to extend construction hours. Noise and vibration impacts from the project are also addressed in Section 4.13 Noise and Vibration of Appendix A (Initial Study). Pile driving is not proposed for this project and will be further conditioned into the permit.

Air quality impacts from construction are addressed in Section 4.3 Air Quality of Appendix A (Initial Study).

Extra window cleaning/general cleaning of adjacent properties during construction is not a CEQA issue and is not addressed in this SEIR. In addition, there is no way of knowing at this time what, if any, utility service disruptions would occur as a result of construction and is not a consideration under CEQA. CEQA requires a project to address utilities in relation to capacity and supply. Furthermore, the project is required to be reviewed by City staff and any upsizing in utility equipment to accommodate services would be required. This discussion is provided in Section 4.19 Utilities and Service System of Appendix A.

**Comment H.4:** 2. Permanent Impacts

a. Traffic and safety issues

- How will the project's valet parking be operated?
- Where will the queue of cars waiting for passenger drop-off and pick-up be located?
- How much will valet parking operations intrude into lanes of traffic?
- If N. Almaden Blvd. is converted from a one-way street to a two-way street, what will the line of sight be for cars pulling out into traffic?
- What will be done to help prevent traffic accidents from occurring?
- Where will loading and unloading occur for hotel deliveries?
- Where will hotel service vehicles park?
- Where will hotel employees park?
- Where will the trash bins be placed for Axis, the Comerica building, and the Hotel Project?
- How many metered parking spaces around Axis will be impacted?
- What will be done to prevent the Axis driveway from being blocked, or from being used by hotel guests or delivery vehicles? What recourse is there in the event that these mitigations are insufficient?
- Where will the off-site parking spaces be located?
  - If these are too far away, guest and employees will be more tempted to

- use the metered spaces around the Axis.
  - Although your October 1, 2018 comment letter suggests that a ten-year term would be acceptable, we disagree. Such a limited term would violate the City's own ordinance. Muni Code Section 20.90.200(B)(2) requires that the off-site parking be available during the life of the building or use.
  - Satisfaction of parking requirements must be based on the current status of the laws and regulations, not what is anticipated to occur in the future.
- Where will bicycle parking be located?

**Response H.4:** The proposed valet parking plan is described in the Project Information and Description of this SEIR and was assessed as part of the LTA required under Council Policy 5-1. Please see Section 4.17 Transportation of Appendix A (Initial Study) and Appendix G of this SEIR for analysis of the proposed parking.

**Comment H.5:** b. Views, privacy, light intrusion and shadowing

- Why was the height of the project increased from the 6 stories committed to in the original Phase II plans for the Axis project?
- What is the distance between the south side of the Axis tower and the north side of the hotel tower at the closest point?
- What will be done to help protect the privacy of residents whose windows face to the south?
- What type of glazing will be used on the windows of the Hotel Project, to help prevent reflection/glare from the afternoon sun?
- What type of lighting will be used on the exterior of the building, and what hours will the lighting operate?
- How much will the Hotel Project cause shadowing on the Axis, especially the pool area?

**Response H.5:** While the project site has a previous entitlement, the property is privately owned and by right, the property owner may propose any development that is consistent with the General Plan and zoning designations of the site. An approved previous entitlement does not preclude the proposal of a new development.

There is no CEQA threshold or City policy which addresses shadows cast onto private property by tall buildings. The project is proposed consistent with the General Plan and zoning for the site as discussed in Section 4.11 Land Use and Planning of Appendix A. The proximity of the building to the Axis Tower and the potential for views into the Axis Tower from the project site and vice versa is not an impact under CEQA as it is not a physical effect on the environment, is a common result of dense urban development, and is easily rectified with window-coverings. The buildings would be more than 65 feet apart, which is comparable to the width of a standard roadway.

**Comment H.6:** c. Noise, odors and other impacts

- Will there be live music or other sources of noise on the rooftop deck?
  - What will the hours of operation be?
- Where will delivery and loading activities occur? What are the hours of operation for these activities?
  - Note that the Design Guidelines specify that delivery and loading areas should not be located near any adjacent residential uses.
- Where will the back-up generator be located, and how loud will it be?
- Where will rooftop vents be located? How will odor-producing vents be directed?
- Will smoking be allowed in the building or on the property?
- Where will rooftop compressors or other noise-generating equipment be located and buffered?
  - Note that the Design Guidelines specify that mechanical equipment should be located to assure that it cannot be heard at any residential property line.
- Where will trash collection areas be located? How will odors/pests be controlled in these areas?

Although we continue to have strong reservations about the Hotel Project as currently proposed, we look forward to a productive discussion with City staff and the developer at the February 4 community meeting. Thank you in advance for your consideration and assistance.

**Response H.6:** The rooftop bar is described in the project description of the SEIR and Appendix A. Refer to Section 4.13 of Appendix A for an analysis of the noise associated with the rooftop bar.

Operation of the hotel, including deliveries and loading activities are not know at this time and will be reviewed by City staff during the development permit stage. The hotel would be required to comply with the City's smoking regulations.

The General Plan requires all mechanical equipment to be designed and oriented so as not to exceed 55 dBA DNL at any property line shared by a residential land use. As discussed in Section 4.13 Noise and Vibration of Appendix A (Initial Study), the project will be required to comply with this policy and have further disclosed potential noise impacts from rooftop operations.

**I. Nathera Mawla (dated February 4, 2019)**

**Comment I.1:** I prepared this note thinking I will read it the city council meeting. I am emailing to you to help stop the hotel project. Thanks.

I am Nathera Mawla and own 1200 at the Axis History; I bought my property unit 1200 at Axis, and paid prime price, mainly because, of the views. I was told before I bought the property that if a building would be constructed at that very small open space, it would be an 8 story condominium. The owner/developer himself assured my Son Gary that will be the case.

If an 8 story condo will be build, I will have four story of open space, where I can enjoy the air, the light, the sun and the moon.

By building 18-19 story wall of a Hotel in front of my home, I will be deprived of all. In addition, I will be deprived of beautiful Almaden Blvd views. If a building must be erected, ideally it should be condominium per the initial plan and expectation. Also it should have same set back as the De Anza Hotel from Santa Clara street, and same set back from the back of the building, away from Axis. Also, On De Anza Hotel side, Ideally a set back that would create a view corridor between the new building and DecAnza Hotel.

**Response I.1:** The property owner of the project site is not the owner/operator of the Axis Tower. The City acknowledges the commenter's assertion that the owner/operator stated that an eight-story building would be located on the project site. Nevertheless, while the project site has a previous entitlement, the property is privately owned and by right the property owner may propose any development that is consistent with the General Plan and zoning designations of the site. Any understanding between the owner/operator of the Axis Tower and the residents is not within the purview of CEQA and is not relevant to the current project proposal.

Private views are not protected by the City or under CEQA. As discussed in Section 4.1 Aesthetic of Appendix A, only the loss of designed scenic views from public viewpoints are considered potential impacts under CEQA. Lastly, the project is proposed consistent with the General Plan and zoning for the site as discussed in Section 4.11 Lane Use and Planning of Appendix A. The project is subject to the setback requirements per the City's Municipal Code.

**Comment I.2:** I trust any new construction would be a glass building and the roof artistically finished.

**Response I.2:** The building is proposed as a primary glass structure and has gone through architectural review with City staff and the City's outside architecture consultants as part of the development review process to ensure the project is consistent with the City's design guidelines.

**Comment I.3:** I like to add that the developer/owner of Axis charged a premium, for the units with the views and at the same time he is here now with a project where in effect he is profiting again

from blocking the same views. This is classic bait and switch. The council should not support this, and instead honor the reasonable expectation of the buyers.

Buyers need be confident to buy in down town. The developer should not be allowed to proceed with the hotel concept and should stick to the original plan. We need to keep the our sunlight, air, and our views. The Axis building, is the Jewel of down town SJ, and should not be hidden behind another building. Please do not support the construction of a hotel nor the size of the building. Thanks for your considerations.

**Response I.3:** Please refer to Response I.1.



**J. Deanna Libert (dated February 5, 2019)**

**Comment J.1:** I addressed the Department of Planning last night regarding the 8 Almaden project, File No. H18-038. For your records, the text below is a copy of my comments from the meeting.

After last night's large turnout and largely negative feedback, I hope the Planning Department will decide/recommend that the hotel is not appropriate for the location proposed. The lot is too prominent and too small. Traffic, noise, and trash collection will be unmanageable with the current design. Its looming height and presence dishonors the historic De Anza Hotel.

**Response J.1:** Traffic operations is addressed in Section 4.17 Transportation of Appendix A (Initial Study) and in Appendix G of this SEIR. Noise is addressed in Section 4.13 Noise and Vibration of Appendix A and in Appendix F of this SEIR. Trash collection in and of itself is a code issue which is not the purview of CEQA.

**Comment J.2:** My name is Deanna Libert, and I live at the Axis. I believe the quality of life for all Axis residents, and all people who work and travel to the area, will be greatly diminished if the 8 Almaden project moves forward as planned.

This area of Santa Clara Street will not be able to accommodate the overcrowding, and the gateway to downtown San José, will become a traffic nightmare. The area will be gridlocked during SAP Center events. Fun Runs, parades, and other events down Santa Clara Street may have to be relocated or rerouted due to congestion and hotel activity. Driveways and access to our building may be blocked or improperly used by hotel guests.

**Response J.2:** The rerouting of City events is not an impact to the environment and is not under the purview of CEQA. As previously mentioned, the proposed project is located within the San José Downtown Strategy 2040 plan area. The VMT impacts of the development approved within the plan area was addressed in the Downtown Strategy 2040 FEIR. As such, no VMT analysis has been prepared, as explained in Section 4.17 Transportation/Traffic of Appendix A (Initial Study) in this SEIR. Per the City of San José's Transportation Policy (Council Policy 5-1), a Local Transportation Assessment (LTA) must be completed to address the operational issues of a project, as well as impacts on transit and bicycle and pedestrian facilities. That analysis is provided in Section 4.17 Transportation/Traffic of Appendix A (Initial Study) and in Appendix G (LTA).

**Comment J.3:** The noise from events and usual business practices on the rooftop of 8 Almaden, will be a further nuisance to neighbors.

**Response J.3:** The proposed roof top bar/restaurant is assessed in Section 4.13 Noise and Vibration of Appendix A. The analysis found that operation of the roof top bar/restaurant would have no measurable impact on adjacent and nearby land uses.

**Comment J.4:** In addition, privacy, construction impacts, trash collection, the development challenging DeAnza hotel's beauty, and the permanent shadow that the building will cast on our homes are all major concerns of mine.

**Response J.4:** Construction impacts are addressed in Appendix A. Please refer to Response H.1 with regards to trash collection. The project's effect on the De Anza Hotel as it relates to the hotel's historic significance is addressed in Section 3.1 Cultural Resources and Appendix C of this SEIR. There is no CEQA threshold or City policy which addresses shadows cast onto private property by tall buildings.

**Comment J.5:** The developers have changed their intentions with this property. They misrepresented to Axis owners that the small lot would be used to build condos, not to exceed six stories. The impact of this project should be scaled back to its original design.

**Response J.5:** The property owner of the project site is not the owner/operator of the Axis Tower. The City acknowledges the commenter's assertion that the owner/operator stated that a six-story building would be located on the project site. Nevertheless, while the project site has a previous entitlement, the property is privately owned and by right the property owner may propose any development that is consistent with the General Plan and zoning designations of the site. Any agreements between the owner/operator of the Axis Tower and the residents is not within the purview of CEQA and is not relevant to the current project proposal.

**K. Jeanie Verbeckmoes (dated February 6, 2019)**

**Comment K.1:** I was at the community meeting this evening and have a request and a question.

Request: We forgot to bring up the question of having a wind study done. There may be a considerable change in the wind patterns as a result of such a tall building and we request that a wind study be done as part of the EIR.

Question: You mentioned that there is only a 3 day period for us to appeal the EIR. Is that 3 business days or 3 calendar days? Given that there is so little time, how can we be assured of being notified in time to appeal? Do I have to keep checking your city website each day or will you be notifying me since you said I am on the noticing list. What happens if you forget to notify me? Will I be able to appeal beyond the 3 day period?

**Response K.1:** Staff has provided direct responded to the inquiry about appeal dates. Since staff response on February 5, 2019, additional information has been presented that changed the public hearing process.

Originally, assuming the conclusions of the SEIR of no significant unavoidable impacts in the Final EIR, the project and the SEIR would go to Director's Hearing for approval. Assuming the SEIR is certified at the Director's Hearing, the environmental appeal period would end at the end of the business day on the third day following the hearing. If the Final EIR concludes that the project would have a significant unavoidable impact, the project and SEIR would need to go to Planning Commission and then the City Council. As the City Council is the final decision-making body within the City, there is no appeal process.

Since the project now needs a Parking Agreement with the City for off-site parking, it has to be adopted by City Council. Therefore, the Site Development Permit, Parking Agreement, and Final SEIR will be heard at City Council. If the City Council is the final decision maker, there will be no appeal period as that would be the highest hearing body. In all scenarios, City will notify individuals who are on the mailing list, those who have requested for notification for environmental or project specific information, and those who have signed up at the Scoping and Community Meeting of the public hearing and of the posting of the Final EIR. Furthermore, pursuant to City Council policy, hearing notice postcards will be mailed to adjacent and nearby residents and owners within a certain radius from the project site.

**Comment K.2:** I am sorry to keep bothering you about this project, but I am becoming more and more concerned about it. I have learned some new information.

The name of the hotel, Moxy, appears on the updated proposed rendering. Moxy is Marriott's newest brand focused on the rapidly growing 3-star tier segment and focuses on the millennial traveler. It seems the hotel is tailored towards partying clients. If you click on the following link, the very first picture you see is partying people.

<http://moxy-hotels.marriot.com/en>

Here are a couple of review from trip advisor about this hotel:

Review 1: "The rooms are very small, which I could deal with but it was extremely loud in the room because of the club on the rooftop (I was floor 11 and the club is 16). I could hear the music and even the DJ hyping the crowd. When I asked for a new room at 8:30pm after having been on a red eye and at a conference all day, I was told that there was a room but the noise level would still be bad. ..."

Review 2: "Okay, you're in the centre of New York, obviously you're going to hear the traffic, however the booming, kidney massage thudding noise from the hotel nightclub is horrendous. Finishes at 4.00am..... the rooms aren't small, they're minute! Bathroom is something out of a 1930s utility advertisement. "

I am assuming this is going to be the same situation at 8 N Almaden and hope the EIR considers this in detail. Will the EIR include alternatives like building an office instead of a hotel?

**Response K.2:** Refer to Response J.3 regarding noise from the roof top bar/restaurant.

This SEIR includes alternatives to the proposed project, consistent with CEQA Guidelines Section 15126.6, that could reduce or avoid the significant impacts of the project. The project alternatives are addressed in Section 8.1 of the SEIR.

**Comment K.3:** Could an alternative be building an office building instead of a hotel? Can we ask them to consider that? This developer actually submitted an office project for building review that included three levels of above ground parking and 16 stories of offices and some retail (2017 043804 CIO). An office building would avoid the terrible traffic problems and avoid the noise issues although the De Anza would still be ruined because of the mammoth size.

The EIR you send is very interesting. I don't think a "no project" would ever be selected. But since you need a second choice how could they pick another location. The developer doesn't own the other location so I guess he would need to change the project significantly. I tried looking this up on sjpermits and it says the development permit was approved but nothing has happened since 2016 and Google maps doesn't show anything new there. What ever happened to this project? Was it turned down by the city council?

**Response K.3:** Project alternatives do not typically look at a change in land use unless the project requires a rezoning or a general plan amendment. Section 8.1 Alternatives of this SEIR addresses the alternatives to the proposed project as well as alternatives which were considered but rejected.

**L. Linda Dahlberg (dated February 6, 2019)**

**Comment L.1:** The DeAnza is a lovely old hotel with gracious appointments inside and attractive architectural features on its exterior. The “abundant life” mural is a colorful welcome to drivers who emerge from the 87 underpass coming into town.

To plug a high rise of any kind next to the De Anza hotel would be an artistic faux pas, bringing derision down upon the heads of the city officials who allowed it to come to pass.

To allow a new hotel to be built there would be a special sort of way to thumb your nose at the DeAnza specifically, a gesture unbecoming the city’s intermittent attempts to be historically sensitive.

On top of all those site-specific observations, observe that downtown has become a canyon. Too many high rises and not nearly enough mitigating green spaces. The trees on our City streets are imperiled by steel, glass, and concrete barriers blocking the sun.

It might seem as if having tall buildings is a sign of a successful big city. Throw in some murals and the occasional light show and, boom! – We’ve arrived. In general I support all of this. I am also a fan of the new Google campus. Bring it on. Office space and housing near transportation hubs plus tax base –all good.

However all good things in moderation, right? We are in danger of going overboard, making us look like a big city wannabee run amok.

If the empty parking lot offends, do an open-to-the-public study to find out what people would like to see there. Others many have a more creative solution, a more appropriately human-sized use for the space. To pick up a pen and sign the hotel permit would be one stroke over the line, sweet Jesus. Don’t do it!

**Response L.1:** The project was found to have a less than significant impact on the De Anza Hotel, as discussed in Section 3.1 of this SEIR and Appendix C. The commenter’s opinions on development in the downtown area of San José are noted, but do not speak to the scope of study in this SEIR.

**M. Philip Castaneda (dated February 8, 2019)**

**Comment M.1:** I am an Axis resident who spoke for a few minutes on Monday. This is a follow up email summarizing my concerns to the proposed building.

The future trash situation will worsen tremendously just from the activity of a very active hotel. The increase of trash will cause more trouble with just it's removal. Trucks and traffic will become a bottle neck before pickup and after pick up.

Many of my fellow residents will agree with congestion of us residents coming or leaving for work every day. Many stop in the drive just to finish up with a phone conversation. Hotel guests will do the same as they wait for a valet. A hotel that offers a two-spot parking drop off for a valet will overflow while waiting to have a car parked or retrieved. The AC across the street is a smaller hotel and often backs up during peak hours. When San José has activities that take place at SAP or just the downtown runs traffic flow becomes a problem.

Noise is another problem that will surface when the roof top bar opens. We have a noise problem with the De Anza Hotel usually on the weekends when various celebrations occur. A roof top bar will have noise seven days a week not just on weekends.

The historic hotel will be hidden from view that is now currently being used as a icon when a visitor looks up the city of San José on Google. The presentation of the new building next to the De Anza shows how the De Anza will be over run and both will look out of place. More thought must be used when designing the area between Diridon Station and the De Anza Hotel. This area may become the central view for the world to see San José. It is a very important area being developed with Google coming in. Google will attract a lot of attention for a world view of San José.

With Google moving into downtown San José more people will consider moving to this new vibrant city. I have lived in and around San José for most of my life. I can remember saying who would go downtown in the late 70's and 80's. Please do not rush to build a hotel quickly. Everything must be considered from traffic flow, noise creation, to preserving a historic hotel that has a pleasing look that adds character to the city.

**Response M.1:** This SEIR addressed transportation (including the proposed valet operations), noise, and the compatibility of the proposed project with the De Anza Hotel. The project was found to have a less than significant impact on all these resources as discussed in Appendix A and Section 3.1 of this SEIR.

**N. Andrew Cheng (dated February 13, 2019)**

**Comment N.1:** I found another issue. I hear years ago De Anza hotel had to fix some structural problems with their foundation. Has a study been done to assess the impact and possible damage due to new building construction on the deAnza hotel, which is a historic building?

**Response N.1:** The proposed project would not result in any construction on the De Anza Hotel. The project would construct a hotel tower adjacent to the De Anza Hotel. Section 4.13 Noise and Vibration Section of Appendix A (Initial Study) and 3.1 Cultural Resources of this SEIR addresses the potential for construction activities to physically impact adjacent buildings.

**O. Axis Homeowners Association (dated February 14, 2019)**

**Comment O.1:** On behalf of the Axis Homeowners Association and the more than 700 residents of the Axis tower, I am writing to supplement the concerns previously raised in a letter to Nizar Slim, the City's Project Manager for the project, in response to the Notice of Preparation (NOP) for the EIR. That original letter was prepared prior to the community meeting held on February 4, 2019, and we feel compelled to augment those concerns due to additional information that has come to light since the original letter was sent. As such, please consider this letter as part of our official response to the NOP.

1. The NOP does not state that the Hotel De Anza is listed on the National Register of Historic Resources. This is vital information that the responsible and trustee agencies (in particular, the State Office of Historic Resources and National Park Service) should have been notified of in order to provide specific comments related to potential impacts to this highly sensitive resource.

As stated in CEQA Guidelines Section 15082(a)(1), "The notice of preparation shall provide the responsible and trustee agencies and the Office of Planning and Research with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response (emphasis added). At a minimum, the information shall include:

- a. Description of the project;
- b. Location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name); and
- c. Probable environmental effects of the project"

**Response O.1:** The NOP identified the De Anza as City Landmark structure. While it is also listed on the National Register, this is easily verifiable information. The NOP included all information noted above, consistent with CEQA Guidelines Section 15082(a)(1). The analysis of potential impact on the De Anza Hotel considered all historic criteria as applicant from the federal to local level.

**Comment O.2:** 2. The proposed project, which would have up to 272 hotel rooms along with restaurants and bars, includes only two parking spaces, which is severely insufficient for the hotel's need of a valet staging area, hotel patron drop off and pick up zone, and truck loading. Such limited parking and loading facilities will absolutely result in unreasonable and unfair burdens on adjacent public streets as well as neighboring properties. It is evident that the entire block of N. Almaden Blvd. from Santa Clara Street to Carlyle Street will be adversely affected, impeding access to the Axis Tower pedestrian and vehicle entrances as well as the Comerica building entrances. This will be exacerbated if N. Almaden Blvd. is converted to a two-way street. An operational study of safety and access impacts, covering both one-way and two-way street scenarios, must be completed to fully understand the nature of this proposal. A comparison should be made of other area hotels with valet operations to see how many cars stack up during peak hours.



Section 20.90.420 of Title 20 of the Municipal Code states that off-street loading spaces “must be not less than 10 feet wide, 30 feet long, and 15 feet high exclusive of driveways for ingress and egress and maneuvering areas”. The areas shown on the most recent plans do not appear to meet these important requirements. In addition, a casual inspection of the area makes it clear that there will not be sufficient on-street loading space to accommodate circulation and manipulation of freight and there is not available loading space within the public right-of-way on N. Almaden Blvd., as shown in the photo below. The proposal is untenable in this respect.

**Response O.2:** Refer to Response A.2.

**Comment O.3:** Further, construction details must be included in the EIR to determine the potential impacts due to construction on such a tight space. Where will the crane be located? Where will construction materials be staged? What will the encroachment permit allow? How will pedestrian, bicycle, and vehicle access to the Axis building and Hotel De Anza be maintained? Axis residents already know what it is like to have their access disrupted, due to the many parades, fun runs and other events that result in the blockage of the Axis driveways. To have access blocked for any significant period of time would be a substantial and unfair burden affecting the 700 people in our vertical neighborhood. Further, it is not good planning to approve of a project that is certain to result in daily aggravation, tension and potential disputes between neighbors due to the fact that hotel guests, employees and vendors will be tempted to encroach onto the Axis premises and sidewalk areas just so they don’t block traffic in the busy intersection.

We have been told in the past that now is not the time for this information to be divulged and we must wait until final construction drawings are prepared. We submit that this is deferred mitigation and not allowed under CEQA. Our residents will be significantly affected by construction and most likely in the long-term due to inadequate space on N. Almaden Blvd. for stacking cars waiting for valet service and the delivery of hotel supplies. All specific mitigation measures need to be included in the EIR so that the City and the public can be assured that the project actually works before it is approved. The photo above shows the tight space we are describing. It is not at all clear how this short frontage on N. Almaden Blvd. will support all of the operations of a hotel with only two parking spots. An operations study must be completed to prove this is reasonably possible, and mitigation measures must be included to reduce impacts, including blocked traffic, to an insignificant level.

**Response O.3:** There are two issues raised by this comment, construction activities and traffic operations. Similar to many development projects, construction schedules and plans are not fully known at the Development Permit stage.. Construction plans are developed along with grading and building permits and construction plans are not available at this time. However, the project is subject to further review and permits prior to full construction and demolition stages with the City for haul routes, equipment utilization, public space encroachments.

Please refer to Response O.2 with regard to traffic operations.

**Comment O.4:** 3. We request that a wind analysis be completed for the proposed 19-story building. As anyone who has traveled to cities with dense Downtown development knows, these areas can be quite windy. Trash and construction debris could result in significant short- and long-term air quality impacts. The community wishes to see mitigation measures called out up front in order to build confidence that the impact can be mitigated.

**Response O.4:** Neither the CEQA Guidelines nor the City of San José has specific thresholds or policies that regulate wind or increased wind due to construction. There is no known specific physical effect on the environment resulting from a change in wind patterns.

Air quality issues resulting from construction have been addressed in this SEIR in Section 4.3 of Appendix A (Initial Study) and in Appendix B.

**Comment O.5:** 4. At the February 4th public meeting, Mr. Nizar Slim, the City's Project Manager for the hotel project stated that the current Downtown Design Guidelines and Historic Guidelines are dated and need to be revised. We must point out to Mr. Slim that CEQA impacts and consistency with plans and policies are determined based on the "existing condition", which is the situation that exists at the time the NOP is circulated. Because the Downtown Design Guidelines and Historic Guidelines were not revised at the time the NOP circulated, the EIR must evaluate the project based on the existing guidelines – not guidelines that may someday be changed.

5. The discussion of historic impacts in the EIR must evaluate the project's proposed exterior building materials for the hotel structure. We also request that the final historic report be specifically/separately sent to the State Office of Historic Preservation for their agreement and approval.
6. The City's October 1, 2018 letter also mentions that a peer design review be completed because "the proposed design does not fully address" the Downtown Design and Historic Design Guidelines. Further, the letter states that "the new hotel should not dwarf the historic structure in presence" and "the general height and massing of the building needs to be more compatible with the adjacent historic resource." The peer review by Skidmore, Owings & Merrill (SOM) dated November 16, 2018 suggests a number of significant design revisions. It appears from the latest plan set that the applicant has not addressed these comments. The City must be sure that the project conforms to its own design requirements and incorporates the design recommendations from the peer review.

For example, the City's letter states that the building masses should better reflect the De Anza's tiered, "stepped back" façade, and the vertical Art Deco elements should have some reference in the design of the hotel, as opposed to undifferentiated glass curtain walls. The design presented at the community meeting does not reflect these staff requests or the recommendations from the peer review. Has the applicant not received these requests and recommendations, or were they willfully ignored in the presented design? Without the changes, the project does not conform to City design standards.

The project applicant is no stranger to the concept of protecting historic structures. The One South Market Residential Tower was required to similarly “step back” from the adjacent Alcantara Building/Hotel Metropole and Sunol Building, placing its similarly massed parking adjacent to these historic structures. These structures are eligible for the California and National Registers as well and they were treated as such. Why is the De Anza Hotel not being treated the same way? The City must apply their regulations consistently. In the picture included below, the One South Market Residential Tower is the blue building in the foreground. Its parking is approximately two stories tall, set behind the tower and adjacent to the brick historic structures farther down the street.

**Response O.5:** Pursuant to City requirements, the Project was reviewed by the Historic Landmarks Commission. In addition, an analysis of the project design was completed by a qualified historic consultant in consultation with City staff and the City concluded that the proposed design of the building is consistent with the City’s applicable design guidelines. An additional integrity analysis was also completed for the SEIR which concluded that the proposed project would have no impact on the historic significance of the De Anza Hotel. Lastly, the building design went through extensive internal City review and by the City’s outside architectural consultants. The findings of the historic assessment can be found in Section 3.1 Cultural Resources of this SEIR.

**Comment O.6:** 7. The 22-story Axis Tower was constructed in 2008 with 329 units, most of which are owner-occupied. The original environmental document for the Axis Tower project was the 47 Notre Dame Supplemental EIR (Axis SEIR), which tiered off the original Downtown Strategy 2000 Program EIR. Page 1 of the Axis SEIR described the Axis Tower project as the construction of “a 22-story (approximately 228 feet above grade), L-shaped 350-unit residential condominium on the northwest corner of the property (referred to as Phase I).”

The project description continues on page 4 of the Axis SEIR and includes the following: “The southwest corner of the site, adjacent to the De Anza Hotel, will be developed with a six-story residential/retail building (referred to as Phase II) with two levels of below grade parking that are open to and accessed through the Phase I underground parking area. The Phase II building will be comprised of approximately 35 condominium units and 8,000 square feet of retail.”

As stated on page 18 of the Axis SEIR, “To minimize the overall visual impact of the residential tower on the De Anza Hotel, the tower is proposed to be located with the greatest possible setback from the hotel on the project site at the northwest corner of the block.” In fact, the Axis Tower building itself is also stepped back from the hotel as shown in the attached photo. The construction of the 6-story Phase II building was not evaluated in great detail as it would not have been taller than the De Anza Hotel and would not block views of the hotel’s iconic rooftop neon sign. In other words, it would not have contributed significantly to the impact of the Axis Tower Structure, as described in the Axis SEIR.

Based on this information in the previous EIR for the site, we request that the alternatives section of the EIR include an analysis of construction of a 6-story building on the site. This alternative met the objectives of the original project and has the potential to reduce the impacts of the project, especially in terms of impacts to the De Anza Hotel and aesthetic impacts to the Axis Tower. We also ask that the EIR include an alternative of office uses at a height and design more site appropriate and respectful of the De Anza Hotel. Office uses are consistent with the Downtown and Downtown Commercial General Plan and zoning designations and would not impede as much on the privacy of the Axis residents. Further, it would not require valet parking which we feel will result in significant operation and safety impacts on N. Almaden Blvd.

**Response O.6:** This SEIR includes alternatives to the proposed project, consistent with CEQA Guidelines Section 15126.6, that could reduce or avoid the significant impacts of the project. The project alternatives are addressed in Section 8.1 Alternatives of the SEIR.

**Comment O.7:** 8. Axis residents are also extremely concerned about the noise that would likely be generated by the hotel's restaurant and bar activities, particularly the rooftop bar. We have researched the hotel brand shown on the preliminary review submittal set (Moxy), which is known for being a "party hotel." Many Moxy guests have noted in reviews that noise from the hotel bar is so loud that it penetrates through the rooms, making it difficult to sleep. Such severe noise would be a nuisance to our residents, and the nebulous promise of incorporating sound mitigation measures in a future revision of the project is insufficient. Please specifically describe all mitigations up front; do not defer this crucial detail.

**Response O.7:** Refer to Response J.3 and discussion in Section 4.13 Noise and Vibration of Appendix A (Initial Study).

**Comment O.8:** 9. It is apparent that the proposed project will eliminate the existing sunshine on the Axis swimming pool level (third floor) and along our main driveway/garage access. All of the trees and vegetation will not withstand the loss of sunshine. Therefore, an evaluation of impacts to these biological resources and nesting birds must be included in the EIR.

**Response O.8:** There is no CEQA threshold or City policy which addresses shadows cast onto private property by tall buildings. Furthermore, private views are not protected under CEQA.

It is speculative to assume that shadows cast from the proposed building would result in a substantial loss of trees on the Axis Tower property. In addition, the pool deck is already shaded at different points during the year by the De Anza Hotel, the office building to the east, and the Axis Tower itself.

**Comment O.9:** 10. A letter from the applicant's engineer dated August 28, 2018 (attached) seems to suggest that the flow-through planters along the north side of the hotel will be successful because there will be sunshine on that side of the building, and there will be maneuvering room for maintenance activities, even though the 3-foot wide planters abut against the Axis property line. But

there will in fact be no significant amount of sunshine in that 3-foot strip due to the shadows caused by the hotel building and the Comerica building. Further, the only way there would be any room for maintenance activities is if the maintenance crew encroaches onto Axis private property, presumably between the current location of the retaining wall/fence and the property line (see attached site plans). Because the Axis residents have not granted an easement to the developer and have not otherwise relinquished their property rights to that strip of land (and may fence it off and use that area for other purposes), no mitigation can be based on the assumption that such land is available for hotel use.

**Response O.9:** As shown by the project plans, the flow through planter to the north side of the project property is of approximately 178 square feet. The project is proposing a lot line adjustment to extend the property line to the chain link fence to the northern property, giving more area between the planter and the northern (proposed) property line. The project is currently under review by the City for stormwater compliance, including access for maintenance by way of vehicles and/or pedestrian access for vegetated areas. Without the lot line adjustment, the plans show areas for foot access to the planter area. Furthermore, the maintenance of the planters would not result in a significant impact under the EIR as the project is proposed.

**Comment O.10:** 11. The project plans do not appear to address the significant grade differential between the Axis driveway area and the hotel parcel, which are currently separated by a retaining wall/fence and a strip of asphalt pavement/crushed rock. We have attached the stormwater discussion from Charles Davidson, Engineers that shows the project intends to put the stormwater quality mechanisms on the north side of the building. This discussion does not address how the pattern of surface water drainage will be affected by the project? This must be addressed to prevent a stream of stormwater from flowing onto the right of way or over the retaining wall onto the Axis driveway.

12. In the City's letter to the applicant dated October 1, 2018, it is stated that the project may be in conflict with the future underground BART station planned to be installed in proximity to the hotel building. This could be a fatal flaw of the hotel project. Has the City notified VTA that the proposed BART Subway may affect the project? We will be including the VTA in all of our future correspondence to be sure that they are aware of this critical issue.

**Response O.10:** The VTA has been informed of the project and provided a comment letter on the NOP. Please refer to responses to Letter D.

**Comment O.11:** The list of required project approvals in the NOP omits tree permits and potential street vacation/land safe discretionary actions. These and all other related discretionary actions should be fully described in the EIR.

**Response O.11:** All required approvals are listed in Section 2.6 of this SEIR. There are no trees on-site and no trees would be removed for construction of the project.

**P. Sharks Sports & Entertainment (dated February 19, 2019)**

**Comment P.1:** Sharks Sports & Entertainment (SSE) is fully supportive of San José's vision for the development of Downtown. However, we are very concerned about development proposals that do not adequately describe and mitigate potential impacts on (i) the supply of parking spaces needed for SAP Center customers, and (ii) the vehicular and pedestrian traffic routes utilized by SAP Center customers.

**Consistency Issues:**

Development projects within the vicinity of SAP Center must be consistent with the Arena Management Agreement (AMA) between SSE and the City. They must also be consistent with one of the primary objectives of the Diridon Station Area Plan, which is stated as follows:

“to ensure the continued vitality of the San José Arena, recognizing that the Arena is a major anchor for both Downtown and the Diridon Station area, and that sufficient parking and efficient access for Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the Arena's ongoing success.”

The Environmental Impact Report (EIR) for the Almaden Corner Hotel Project (Project) must address the above consistency requirements, as well as the Project's impacts on parking and traffic that could have an adverse effect on the successful operation of the SAP Center.

**Response P.1:** It should be noted that the site is not located within the Diridon Station Area Plan. Traffic operations are addressed in Section 4.17 of Appendix A and in Appendix G of this SEIR.

While parking is not addressed under CEQA, the proposed valet parking and off-site parking are disclosed in Section 2.0, in Section 4.11 and Section 4.17 of Appendix A, and in Appendix G of this SEIR to the extent they affect traffic operations.

**Comment P.2: Project Description and Context:**

We believe that the project description provided in the Notice of Preparation (NOP) is inadequate (and incorrect in certain respects). The project description should be modified to include essential elements of the Project and to correct any inaccuracies.

According to publicly-available plans and documents, the proposed Project is a 19 story, 272-room hotel with a restaurant and bar on both the ground floor and the 19<sup>th</sup> floor. It would be situated on a tiny parcel located at the northeast corner of Santa Clara Street and N. Almaden Blvd. The NOP states that the project site is 0.39 acres, but according to the assessor's parcel map, the site is approximately 0.185 acres (a little over 8,000 square feet).

**Response P.2:** Pursuant to Section 15082 of the CEQA Guidelines, the purpose of an NOP is to provide sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response on the scope of the EIR. The project description provided was sufficient to

allow for a meaningful response to the NOP. A more detailed project description is provided in Section 2.0 of this SEIR.

The commenter is correct that the size of the project parcel is incorrectly stated in the NOP. Per the project plans, the lot size is 8,756 square feet or 0.20 acres. The size of the parcel is correctly stated in this SEIR and is analyzed as such. The discrepancy did not preclude meaningful response to the NOP or to the project itself.

**Comment P.3:** The Project site is only 1,500 feet east of SAP Center, and is located along a major traffic route used for vehicular and pedestrian ingress and egress to and from SAP Center. Peak check-in times for the hotel would coincide with peak traffic on weekday evenings, as well as peak times for customers arriving for SAP Center events.

**Response P.3:** As measured along Santa Clara Street from the northwest corner of Santa Clara Street and Autumn Street to the northeast corner of Santa Clara Street and Almaden Boulevard, the project site is approximately 1,614 feet from the SAP Center, or 1,500 feet as the crow flies. The City agrees that Santa Clara Street is a primary roadway in downtown and provides direct access to the SAP Center. It is speculative, however, to assume what peak check-in times would be for the hotel.

**Comment P.4:** As stated in the NOP, the Project would have no on-site parking. Rather, parking for hotel patrons would be provided via valet service at the San Pedro Market Garage owned by the City of San José, located approximately four blocks away from the Project site. Both valet service and guest drop-off/pick-up would be located on N. Almaden Blvd., apparently using two on-street parking spaces just north of the crosswalk at the intersection of Santa Clara Street.

Immediately north of the two on-street parking spaces along N. Almaden Blvd. from its current one-way direction (heading south) to a two-way street. Such proposed change should be included in the project description, as it would fundamentally affect material traffic patterns associated with the Project. (It would also have significant impacts on ingress and egress to the Comerica Bank building and the Axis condominium project.)

**Response P.4:** Refer to Public Works Memorandum within Appendix G1 . The project is not proposing conversion of the N. Almaden Blvd from its current on-way direction to a two-way street.

**Comment P.5:** Assuming N. Almaden Blvd. is converted to a two-way street, vehicles wishing to access the two drop-off/pick-up parking spaces in front of the hotel would need to turn north onto N. Almaden Blvd. from Santa Clara Street. Vehicles wishing to access the hotel's loading bay would either turn north onto N. Almaden Blvd. (from Santa Clara Street) and then turn right into the driveway just past the valet operations, or if they are traveling south on N. Almaden Blvd., they would make a left turn into the loading bay driveway.

**Response P.5:** The project does not propose to modify N. Almaden Boulevard and the City does not currently have a project to convert N. Almaden Boulevard. to a two-

way roadway. CEQA requires the analysis to address impacts based on the existing conditions at the time the NOP is released. As the City has no specific plan to modify the traffic operations on N. Almaden Boulevard, the traffic operations assessment is based on the current roadway configuration.

**Comment P.6:** As far as we can tell from the plans, there is no space allotted for vehicle queuing/stacking for either cars or delivery vehicles, other than the two on-street spaces located between the crosswalk at the intersection and the driveway leading to the loading bay. Also, there is no place on the street identified as a location where service or maintenance vehicles could park, although we assume that such vehicles would often park in the driveway to the loading bay.

**Response P.6:** Refer to Response P.4.

**Comment P.7:** Parking Impacts:

As mentioned above, the NOP states that valet service will be provided at the hotel on N. Almaden Blvd., with car parking to be located at the San Pedro Market Garage. SAP Center customers currently utilize this garage for Sharks games, concerts, and other events. We are concerned that the proposed parking arrangement for the Project may adversely affect the availability of parking for Arena customers.

Under the City's parking ordinance, each new development project must provide sufficient new parking spaces to meet the parking demand created by such project. In special circumstances, a new project may be allowed under a Special Use Permit (not just a Site Development Permit as described in the NOP) to utilize existing parking spaces located near the project to meet the project's parking demand, in accordance with the following provisions (underlining added):

20.90.200 - Off-site, alternating use and alternative parking arrangements - Vehicle or bicycle.

A. The following off-street parking arrangements may be permitted with a special use permit in accordance with Chapter 20.100:

1. Parking facilities on a lot other than the lot occupied by the building or use which they are required to serve where the lots are not contiguous or there is no recordation of a cross-access easement with reciprocal parking.
2. Alternating use of common parking facilities where certain uses generate parking demands during hours when the remaining uses are not in operation (for example, if one use operates during the day time or on weekends and the other use operates at night or on weekdays).
3. Parking facilities which accommodate the required number of spaces in an alternative parking design.

B. In addition to any other findings required for a special use permit, the director, or planning commission on appeal, may approve such off-street parking facilities arrangements only upon making the following findings:



1. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this Chapter 20.90 of this title;
2. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use; and
3. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

SSE's position is that the required findings allowing for off-street parking may be made only if (i) such existing parking spaces are determined to be surplus (not needed to meet parking requirements for existing or future uses); (ii) such parking arrangement is legally enforceable for the life of the project; and (iii) the location of the off-site parking facility is such that the project's employees, guests, vendors and others needing to park at the project will actually use the identified off-site parking facility, without impacting other parking facilities (including on-street metered parking spaces) that may be located closer to the project and/or be more convenient. The traffic operations study included in the EIR must provide a detailed analysis of how each of these criteria will be satisfied.

**Response P.7:** As noted by the commenter, the San Pedro Market Garage is a City owned garage, meaning that it is open and available to the public. Any new commercial development downtown has the potential to increase usage of the garage whether or not there are spaces specifically reserved for a particular business, which in turn could reduce available parking for other commercial businesses in the area. Nevertheless, there is other parking available in proximity to the SAP Center (in this case being defined as north of San Carlos Street), including 34 privately operated parking lots/garages (not including the six parking lots adjacent or directly across Santa Clara Street from the Arena or lots under construction), six City operated parking lots/garages (not including the San Pedro Market garage which has 1,393 parking spaces) and street parking. Six additional private parking lots/garages and six additional City operated parking facilities are located south of San Carlos Street. In addition, the SAP Center and by extension the project site, is well served by transit, both VTA buses and the Diridon Transit Station.

Pursuant to Table 20-190, hotels are required to park at 0.35 spaces per guest room. The project is providing a 50 percent reduction with a Transportation Demand Management plan to reduce the required parking spaces to 48 spaces. Further. The project proposed an additional 15 percent reduction per Downtown parking reduction allowance, bringing the total proposal to 41 spaces required. Due to the project location within the downtown, the project would qualify for a 20 percent reduction on the standard hotel parking requirement. Based on 272 hotel rooms, this equates to 41 spaces. Given the availability of parking downtown, the exclusive use of 77 parking spaces within the San Pedro Market garage for the project would not materially impair the ability of persons to park downtown.

As part of this project, a parking agreement with the City shall be implemented to provide off-site parking alternative. The parking agreement will be part of the project approval and with the approval of the parking agreement, the project would have adequate parking per the municipal code requirement. Furthermore, the project is implementing TDMs as part of the parking reduction requirements. Refer to Sections 4.11 Land Use and Planning and 4.17 Transportation.

**Comment P.8:** In terms of the adequacy requirement, there is currently no indication in any of the Project documents that the San Pedro Market Garage can accommodate this additional parking given existing and future parking demand. For example, the De Anza Hotel currently utilizes the San Pedro Garage for its off-site parking. This garage is also used for the San Pedro Market and San Pedro Street restaurants as well as by persons attending events at SAP Center. There may be other commercial and/or residential developments that utilize this parking as well. We request copies of any and all agreements whereby the City has granted use of this garage for private uses, and that this information be included in the EIR.

To our knowledge, there has been no comprehensive study of Downtown parking facilities to determine if they have adequate capacity for all of the projects currently using them as well as for future projects. If the City allows new projects to utilize existing off-site parking facilities, at what point will the current parking supply be insufficient to meet current and future parking demands? How does this relate to the code requirement for a finding that there is adequate capacity? It is essential that an analysis of all Downtown parking facilities be completed to determine the extent to which adequate parking exists for all current and future needs.

**Response P.8:** As part of this project, a parking agreement with the City shall be implemented to provide off-site parking alternative. Parking Agreement will be part of the project approval and with the approval of the parking agreement, the project would have adequate parking per the municipal code requirement. Lack of parking is not considered an environmental impact under CEQA, but for the purpose of disclosure, the project has provided a Local Transportation Analysis to review operations of the project in Section 4.17 Transportation of Appendix A and Appendix G1 of the SEIR. The full parking agreement is still under review by the City and a description of the terms of this agreement (i.e. number of parking permits, location of garage, and duration) is in the SEIR (Section 2.3.4) and will be provided as a supplement to the future FEIR per this request.

**Comment P.9:** The EIR for this Project must also evaluate the cumulative direct and indirect environmental impacts of not enough parking in the Downtown. For example, if all of the parking structures downtown do not have sufficient capacity to serve existing and future on-site as well as off-site buildings/uses, what are the safety impacts at the driveways and sidewalks in the area? How will pedestrians and bicyclists be affected by vehicles circling the blocks looking for parking? Who will monitor these impacts and keep track of the capacity of each structure?

**Response P.9:** Refer to Response P.1.

**Comment P.10:** To the extent that the findings can be made that the San Pedro Market Garage has adequate capacity for the new parking demand created by this Project, then according to the City code it must also be shown that the City's parking facility will legally be available for use by the hotel for the life of the project. This means not only that adequate capacity will be available for the life of the hotel Project, but that a legally enforceable agreement will allow the hotel to utilize this City-owned parking facility of the life of the hotel Project (i.e., for at least 50+ years). This means, among other things, that the San Pedro Market Garage will not be demolished to construct a high rise project during that period of time, or if it is demolished, then the City will be required to provide alternative parking for the hotel to meet its obligations under the parking agreement.

**Response P.10:** Refer to Response P.8 and Section 4.11 Land Use and Planning and 4.17 Transportation of Appendix A.

**Comment P.11:** Notwithstanding the provisions of the City's code, in a comment letter dated October 1, 2018, the City's Project Manager, Nizar Slim, suggested that an arrangement for a ten-year term would be acceptable – a clear violation of the code requirements. We are perplexed as to why City staff would suggest that a project could somehow circumvent current code requirements. All such inconsistencies with the Municipal Code must be identified in the EIR as a significant impact, and mitigation must be included in the Project to reduce this impact to a less than significant level.

**Response P.11:** As noted above, lack of parking is not considered an environmental impact under CEQA. Furthermore, inconsistency with the Municipal Code is not in and of itself an environmental impact. Refer to Response P.1.

**Comment P.12: Traffic Impacts:**

The AMA states the following in Section 21.2.3, Streets and Intersections:

“City and Manager shall also coordinate regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena...”

We believe that converting N. Almaden Blvd. from a one-way street to a two-way street could have significant direct impacts on ingress and egress to and from the Arena, and therefore any plans for such change must be reviewed and discussed with representatives of SAP Center before they are implemented.

If N. Almaden Blvd. is converted to a two-way street as proposed by the City, we believe there is a potential for eastbound traffic making left-turns onto N. Almaden Blvd. from Santa Clara Street to back up during peak periods when numerous hotel check-ins will also occur. These peak hour operations at the hotel that coincide with SAP Center events could foreseeably back traffic up past the SR-87 overpass on Santa Clara Street, blocking the off-ramp at Santa Clara Street. This would affect our customers attempting to access existing Downtown parking, including the parking facilities at the Almaden Financial Plaza, the Comerica Bank building, the San Pedro Market Garage, and numerous other parking facilities that are served by Santa Clara Street. As the City knows, SSE

employs a very pro-active and complex transportation and parking management plan for our events and to add this potential back-up of traffic onto City streets would jeopardize its success.

Even if N. Almaden Blvd. is not converted to a two-way street, the hotel could cause significant impacts to traffic. It appears from the Project plans that the frontage on N. Almaden Blvd. is less than 70 feet in length. This space does not provide enough area for valet operations, hotel guest drop-off and pick-up, loading/delivery services, and parking for maintenance vehicles that will all need to access the site at this location. Because hotel patrons do not have the ability to park themselves at the hotel, serious congestion will ensue, resulting in adverse impacts to vehicular and pedestrian traffic.

Traffic impacts of the Project must be analyzed in a complete traffic operations report to ensure that SAP Center customers traveling to and from events do not find themselves in an unsafe situation in proximity to the hotel due to the above-described circumstances. Such report must take into consideration that Santa Clara Street is the Arena's most important vehicular and pedestrian thoroughfare.

We anticipate that the corner of N. Almaden Avenue and Santa Clara Street will be extraordinarily busy with hotel check-in, valet parking, vehicle staging, and ride-share drop-offs and pick-ups, especially in the evening hours when our customers are traveling to Arena events. Add to this the throngs of pedestrians, scooters, pedi-cabs, and other vehicles, and dangerous traffic congestion is likely to occur. An analysis of this condition must be completed as part of the traffic report for the EIR, and mitigation measures must be identified to reduce all impacts to a less than significant level.

Any mitigation measures that rely on an agreement by the hotel operator to provide adequate staffing for valet operations would be difficult if not impossible to enforce, and therefore should not be considered adequate to address potential congestion issues. For example, suppose that a total of six valet attendants would be needed during peak operations to ensure that cars do not encroach into traffic lanes and/or clog the intersections, but the hotel employs only two valet attendants. The City would have not adequate remedy in that situation, and therefore this type of mitigation measure cannot be used.

**Response P.12:** As stated above, there is no proposal to convert N. Almaden Boulevard from a one-way road to a two-way road.

This SEIR includes a transportation assessment which is consistent with City Council Policy 5-1 and the adopted methodology of the City. Refer to Response P.1.

**Comment P.13: Construction Impacts**

Impacts to vehicular and pedestrian traffic during construction, including safety issues, must also be analyzed. It is our understanding that construction cranes likely will be parked on N. Almaden Blvd. It is unknown where construction materials and equipment will be staged or where construction workers will park. This information is important for an adequate evaluation of how our customers and others traveling in the area will be adversely affected during construction.

**Response P.13:** Refer to Responses E.4 and H.2

**Comment P.14: Project Alternatives:**

We appreciate that the City would like to see more hotels developed in the Downtown area, and in theory a hotel located along Santa Clara Street or Almaden Boulevard could be a good location. However, in this case, the parcel size is too small, and the curb management challenges are too great. Thus, even if this corner theoretically could be considered a good location for a hotel, the site itself is not adequate for a project of this size. The EIR should evaluate other properties where this type of hotel could be located without causing such significant impacts.

**Response P.14:** Section 8.0 of this SEIR addresses alternatives to the proposed project.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

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*Making Conservation  
a California Way of Life*

February 13, 2019

GTS # 04-SCL-2019-00527

GTS I.D. 14143

SCL - 87 – 5.889

Thai-Chau Le, Planner  
Environmental Planning  
City of San Jose  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113

**Almaden Corner Hotel Project – Notice of Preparation**

Dear Thai-Chau Le:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' Strategic Management Plan 2015-2020 aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Notice of Preparation (NOP).

***Project Understanding***

The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard. The project is located about 500 feet from the State Route (SR) 87 / W Santa Clara Street on- and off-ramps.

Please clarify the vehicle capacity for the valet service and its location.

***Transportation Impact Fees***

The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified

and incorporated in the Conditions of Approval. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. For example, applying fair share impact fees toward replacing free-merging on- and off-ramps with stop-controlled ramps to improve bicycle and pedestrian access (see *Caltrans District 4 Bike Plan's* Appendix A) would improve connectivity in the proposed project area and encourage active transportation.  
[http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan\\_ProjectList.pdf](http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan_ProjectList.pdf)

### ***Vehicle Trip Reduction***

Caltrans compliments the Lead Agency on the Transportation Demand Management (TDM) Program incorporated in the project and suggests adopting more TDM measures to further reduce VMT. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and convenient transit access;
- Secured bicycle storage facilities located conveniently near entrances to minimize deterrent of bicycle use due to weather conditions;
- Bicycle parking;
- Shuttle service for employees as well as guests to the VTA Light Rail Convention Center Station and Caltrain's Diridon Station;
- Fix-it bicycle repair station(s);
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces conveniently located to encourage carpooling and clean-fuel vehicles;
- Lower parking ratios;
- Transportation and commute information kiosk;
- Showers, changing rooms and clothing lockers for bike commuters;
- Bicycle route mapping resources and bicycle parking incentives;
- Emergency Ride Home program;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at:  
<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### ***Travel Demand Analysis***

Please analyze VMT resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way. Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped. This includes the proposed off-site valet services.
- A VMT analysis pursuant to the Lead Agency's guidelines or, if the Lead Agency has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

### ***Lead Agency***

As the Lead Agency, the City of San Jose is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.



Thai-Chau Le, City of San Jose  
February 13, 2019  
Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Patricia Maurice at (510) 286-5528 or [patricia.maurice@dot.ca.gov](mailto:patricia.maurice@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

File: 33479  
Guadalupe River

February 13, 2019

Ms. Thai-Chau Le  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113

Subject: Notice of Preparation for Environmental Impact Report –Almaden Corner Hotel Project

Dear Ms. Le:

The Santa Clara Valley Water District (District) has reviewed the Notice of Preparation of a Draft Supplemental Environmental Impact Report for the proposed Almaden Corner Hotel, located at the northeast corner of West Santa Clara Street and North Almaden Boulevard, received on January 22, 2019.

District records don't show any wells located on the project site. To protect groundwater quality and in accordance with District Ordinance 90-1, all existing wells affected by redevelopment of the site need to be identified and properly registered with the District and either be maintained or destroyed in accordance with the District's standards. Destruction of any existing wells and the construction of any new wells proposed, including monitoring wells, requires a permit from the District prior to the start of work. Property owners or their representative should contact the District Wells and Water Measurement Unit at (408) 630-2660, for more information.

According to the Federal Emergency Management Agency's current Flood Insurance Rate Map No. 06085C0234H dated May 18, 2009, the site is located in Zone X, which is areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and area protected by levees from 1% annual chance flood.

The District does not have any facilities or right of way within and adjacent to the project site; therefore, in accordance with the District's Water Resources Protection Ordinance, a District permit is not required for the project. The District has no other comments regarding the project.

If you have any questions, or need further information, you can reach me at (408) 630-2479, or by e-mail at [LBrancatelli@valleywater.org](mailto:LBrancatelli@valleywater.org). Please reference District File No. 33479 on future correspondence regarding this project.

Sincerely,



Lisa Brancatelli  
Assistant Engineer II  
Community Projects Review Unit

Page 2  
Ms. Thai-Chau Le  
February 13, 2019

cc: U. Chatwani, C. Haggarty, L. Brancatelli, T. Hemmeter, M. Richert, File

**From:** [Aghegnehu, Ben](#)  
**To:** [Le, Thai-Chau](#)  
**Cc:** [Talbo, Ellen](#)  
**Subject:** RE: Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)  
**Date:** Wednesday, February 13, 2019 4:06:46 PM

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February 13, 2019

**Thai-Chau Le**

Environmental Planning  
Planning, Building & Code Enforcement  
200 E. Santa Clara St.  
City of San José, CA 95113

**SUBJECT: Notice of Preparation for the Almaden Corner Hotel Project Draft Supplemental Environmental Impact Report (H18-038)**

Dear Thai-Chau Le,

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038) and has no comments.

Thank you,

**Ben Aghegnehu**

Associate Transportation Planner  
County of Santa Clara | Roads & Airports  
101 Skyport Rd | San Jose, CA, 95110  
408-573-2462 (o)

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**From:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Sent:** Friday, January 18, 2019 10:14 AM  
**Subject:** Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
ALMADEN CORNER HOTEL PROJECT**

FILE NO:	H18-038
PROJECT APPLICANT:	KT URBAN
APN:	259-35-055

**Project Description:** The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site

location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard.

**Location:** 8 North Almaden Boulevard, San Jose; Northeast corner of North Almaden Boulevard and West Santa Clara Street.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Monday, February 4, 2019 from 6:00 p.m.

**Where:** City of San Jose Council Chamber, 200 East Santa Clara Street, San Jose, CA 95113

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)



February 19, 2019

City of San Jose  
Department of Planning and Building  
200 East Santa Clara Street  
San Jose, CA 95113

Attention: Thai-Chau Le

Subject: City File No. H18-038 / Almaden Corner Hotel

Dear Mr. Le:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a 330-room hotel on a 0.4-acre site at 8 North Almaden Boulevard. We have the following comments.

BART Silicon Valley Phase II Extension Coordination

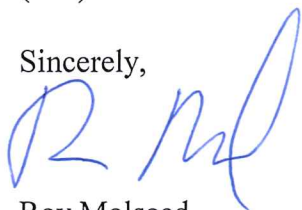
On April 5, 2018 the VTA Board of Directors approved the VTA's BART Silicon Valley (BSV) Phase II Extension Project and certified the project's Subsequent Environmental Impact Report (SEIR). On June 4, 2018, VTA received a Record of Decision (ROD) from the Federal Transit Administration (FTA) on the BSV Phase II Project. The BART system will operate in a tunnel, to be constructed as part of the BSV Phase II Project, generally under Santa Clara Street through downtown San Jose.

As currently planned the BART tunnel at the location adjacent to the proposed project (Almaden Corner Hotel) would be approximately fifty feet below surface level (for more information see page 40 at [http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/VolumeIII\\_Appendix%20B\\_Project%20Plans%20and%20Profiles\\_feb20\\_2018.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/VolumeIII_Appendix%20B_Project%20Plans%20and%20Profiles_feb20_2018.pdf)). Because of the proximity between the proposed project and the BSV Phase II project, specifically underground facilities, the development's design including but not limited to the building's foundation system, shoring, and support of excavation plans shall be shared with VTA to ensure there are no potential impacts on either project. Additionally, as both projects may be built concurrently, it is recommended that construction activities such as haul routes, times, logistics, etc. be further discussed as design progresses. Continued coordination (meetings, plan reviews, sharing of design information) between the VTA's BSV Phase II Project Team, the City of San Jose, and developer from the initial planning stages through preliminary design and construction phases will be required for successful delivery of both projects.

City of San Jose  
February 19, 2019  
Page 2

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R Molseed', is written over the word 'Sincerely,'.

Roy Molseed  
Senior Environmental Planner

cc: Ryan Do, San Jose Development Services  
Patricia Maurice, Caltrans  
Brian Ashurst, Caltrans

SJ1823



October 31, 2018

Nizar Slim  
Planner II/Project Manager  
Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Re: Proposed Hotel (H18-038) located at 8 N. Almaden Blvd.

Dear Mr. Slim:

We represent ML San Jose Holding, LLC, the owner of the Hotel De Anza. The De Anza recognizes and appreciates infill development's contribution towards building a denser, more vibrant downtown. We, however, have several concerns about the proposed hotel (H18-038) ("Project") at 8 N. Almaden Boulevard submitted by KT Urban. We ask that the City staff respond to our comments substantively. We have comments regarding the Project's design and the review process, the need for a project-level EIR, the need for an off-site parking and circulation study and operational issues created by the Project.

### **Design**

The Project is in the Downtown Zoning District and, therefore, subject to the Downtown Design Guidelines. The Downtown Design Guidelines work in conjunction with and by reference to the additional expectations of the Specific Overlay Area Guidelines. The Project fails to comply with both the Downtown Design Guideline and the Downtown Historic Design Guidelines, the Specific Overlay Area Guidelines for this site.

### **Downtown Design Guideline**

The Downtown Design Guidelines' first principle objective is "to enhance the character of the City and ensure that new development sensitively fits the City's expectations for the context, character and quality that will define San Jose." (p.7) Since 1931, the De Anza has played a prominent role in helping define the context, character, and quality of San Jose and her skyline. The National Registry confirms the De Anza is "significant for its architectural style" as "one of San Jose's few Zig Zag Moderne (Art Deco) buildings." In recognition of the Downtown Design Guidelines' first principle, the Project does not sensitively fit the City's expectations by ignoring the De Anza's existence and historical significance.

According to the Downtown Design Guidelines, "when a project is proposed adjacent to or across the street from a designated landmark site or District, a sympathetic treatment of the massing, overall design, façades, and streetscape should be required to ensure compatibility of the proposed project with the designated landmark." (p. 22) The Project's mass, overall design, and façade are grievously incompatible with the De Anza. The Project's mass is imposing and lacks set-backs respecting the De Anza's western edifice. Similarly, the Project's east elevation's façade is stridently incongruent with the



De Anza's design and the westward view corridor. Additionally, the base of the Project is too narrow and inconsistent with the De Anza.

### **Historic Design Guidelines**

The Project's disregard for the Historic Design Guidelines is particularly egregious. The project flouts the detailed approaches the Historic Design Guidelines provides to architecturally respect the De Anza. The Project defies each sentence of the Massing and Façade guidelines. We believe the Project must be reviewed by the Historic Landmarks Commission.

### **Massing**

Projects are to "**retain and respect** the massing of historic buildings on a street...Building masses should not dwarf immediately adjacent historic buildings." (p.73) The Project dwarfs the De Anza, nearly doubling its height. The Project's height and massing are incompatible with the De Anza. The Guidelines are clear: "new building masses adjacent to lower historic resources should step down in height and street facades should turn the corner to provide articulated visible side façade in order to reduce the impact on historic buildings." The Project's height and street façade stand in sharp contrast to the De Anza, and no attempt is made to provide articulated visible side façades to reduce the impact on the De Anza.

Sensitivity to the creation of an unsightly height disparity between infill development and historic resources is echoed throughout the Guideline. "Larger buildings should be broken down into smaller masses that fit into the streetscape without overwhelming historic structures." (p. 73) The juxtaposition of a 19-story ice sculpture next to a historic 10-story Art Deco building is jarring. The Project is a case study representing the monstrous results the Guideline explicitly seeks to prevent.

### **Façade**

New construction must "**retain and respect** the historic patterns and proportions of historic facades on a street." (p. 73) The proposed design's façade neither retains nor respects the historical patterns and proportions of the De Anza's façade. The Project introduces a new façade that includes features that are incompatible in scale, material, detail and massing with the De Anza. The Project makes no attempt to reflect the De Anza's tiered stepped back façade. Additionally, the Project's street facing façade is an unvarying glass wall that makes no reference to the De Anza's design.

The Project fails in spirit and execution to comply with both the Downtown Design Guidelines and the Historic Design Guidelines.

### **Review by Commission**

We believe that the Project must be reviewed by the Historic Landmarks Commission. Section 20.70.110C of the City's municipal code states that new structures exceeding one hundred fifty feet and a floor area ratio of 6:1 which are constructed within one hundred feet of a city landmark or contributing structure in a designated landmark district shall be reviewed by the historic landmarks commission prior to consideration or approval of a development permit for new construction. The comments of the Historic Landmarks

Commission shall be included in any development permit staff report subsequently presented to the executive director of the redevelopment agency, director of planning, planning commission or city council.

### **New EIR**

A 19-story, 272 room hotel constructed on less than 1/5<sup>th</sup> on an acre (8,000 square foot lot) with no on-site parking requires a project-level Environmental Review Report (EIR) to adequately evaluate the Project's impact. A program-level review characteristic of the Draft Supplemental Program Environmental Impact Report (DSPEIR) to the Envision San Jose 2040 General Plan Environmental Impact Report (GP 2040 PEIR) is woefully inadequate. A site specific, project-level EIR is required to assess and disclose the significant impacts of:

- The massive scale of the hotel given the size of the lot (19 stories on a compact 8,000 square feet)
- Valet overflow from no on-site parking onto traffic and neighbors (circulation patterns)
- 19-story structure's intrusion on the historic character and business operations of the De Anza
- View of historic Diving Diva mural referenced in the National Registry virtually erased
- Shadow cast upon the De Anza and resulting reduction of natural light
- Obstruction of the view of the De Anza's iconic neon sign from northbound direction and Guadalupe Park
- Substantial degradation of the existing visual character resulting from a lack of compatibility with surrounding development
- Air quality, noise, and traffic operations while construction is underway
- Toxic air contaminant (TAC) from construction on the Axis residential community and the staff and guests of the De Anza
- Site-specific construction noise and vibrations associated with pile-driving on Axis and the De Anza – The De Anza's stucco façade and Mayan-influenced parapet are very susceptible to irreparable damage. Pipe-related water leaks and flood damage on the De Anza will create long-term damage to the older subterranean infrastructure
- Construction staging of materials and equipment on a tiny 8,000 square foot parcel surrounded by congested roadways
- Location of crane[s] for the duration of a multi-year project
- Operational impacts specific to the site: delivery/service equipment and garbage trucks accessing the site will invariably halt access to surrounding streets and driveways

The DSPEIR recognizes and supports the need for a project-level EIR: "To reiterate, the Downtown Strategy 2040 is a planning document to guide development; it does not propose specific development projects at this time. Therefore, the following discussions provide program-level review of the potential aesthetic impacts that may result from implementation of the Downtown Strategy 2040. Future projects under the Downtown Strategy 2040 will be subject to subsequent environmental review and assessment of project-specific aesthetic impacts." (p.40).

A project-level EIR for the Project must address the inconsistency with the 47 Notre Dame Supplemental EIR ("Axis SEIR"). The Axis SEIR discussed the current 329-unit Axis residential condominium tower adjacent to the De Anza. The project description in the Axis SEIR states: "The southwest corner of the site, adjacent to the Hotel De Anza, will be developed with a **six-story** residential/retail building (referred to a Phase II) with two levels of below grade parking that are open to and accessed through the Phase I underground parking area." The Axis SEIR continues: "To minimize the overall visual

impact of the residential tower on the Hotel De Anza, the tower is proposed to be located with the greatest possible setback from the hotel on the project site at the northwest corner of the block."

Accordingly, a project-level EIR is required to disclose the significant and site-specific aesthetic, historic, and environmental impacts.

### **Off-Site Parking Arrangement and Circulation Study**

Off-site parking is an exception to the General Parking and Loading requirements. As such, off-site parking for the Project requires a special use permit subject to Section 20.90.200 findings. A 19-story hotel with 272 rooms and no on-site parking will assuredly strain circulation on W. Santa Clara Street, N. Almaden Boulevard, and adjacent parking facilities with the potential to have a devastating impact on the neighboring residents and businesses. Furthermore, neither the Project nor the City has addressed the additional parking required for the hotel employees. All things considered, the Project's valet operation is certain to overflow into the public rights of way, trespass onto Axis' driveway, and disrupt the De Anza's business.

The Project's valet operation *with* a functioning off-site parking arrangement is problematic. An off-site parking arrangement that fails to comport with any aspect of 20.90.200 will produce calamitous results for the De Anza, Axis, and all modes of transportation attempting to negotiate through clogged streets and sidewalks. Accordingly, due to the hazardous results sure to follow a flawed off-site parking arrangement, an independent study confirming full compliance with 20.90.200 is of critical importance. Undergrounding the construction of BART in W. Santa Clara Street in the near future can only exacerbate circulation.

### **Operational Issues**

The Project presents operational issues for the De Anza both during and after construction. During construction, the De Anza's Palm Court Terrace, which seats up to 200 for wedding receptions and other private events, will invariably accumulate dust and construction-related debris. Noise and traffic produced by a multi-year construction project will have a severe negative impact on guest satisfaction and deter visitation. The attached photos (Exhibits A1-A3) of construction projects in the immediate area offer a glimpse into the constraints imposed upon movement through associated streets. Some of the streets surrounding the site are "permanent one lanes" that will be effectively inoperable due to heavy construction and the parking issues contractors and construction crews create.

Once construction is complete, the Project will cast shadows and leering eyes into each of the De Anza's west-facing guestrooms. The De Anza's penthouse's western balcony will lose its unobstructed view of the Silicon Valley. The Project will perpetually gaze down on and into the private penthouse frequented by high-profile guests. The ever-looming shadow and loss of privacy will surely result in customer discontent and consequential reduction in revenue.

The Project will cause post-construction transportation disruptions, as well. The proposed curb frontage along Almaden Boulevard is approximately 71 feet. This amount of space is inadequate for queuing of vehicles. The inconvenience will push transportation

providers to alternative locations along W. Santa Clara Street or Notre Dame Avenue, infringing upon the De Anza's modest 154 feet of dedicated parking and drop-off space. The inevitable burden upon the De Anza's limited space will disrupt operations.

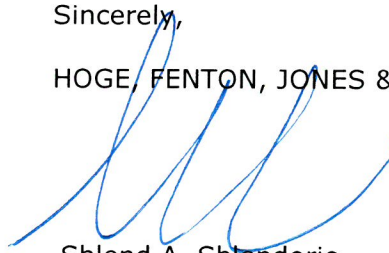
Operational issues will not cease once the Project is complete. An ill-conceived development will lead to irreparable results that will ultimately devalue the De Anza as a business.

### **Conclusion**

- The Project does not comply with both the Downtown Design Guideline and the Historic Design Guideline, and must be reviewed by the Historic Landmarks Commission
- Cramming a 19-story, 272 room hotel onto a postage stamp-sized lot with no on-site parking will cause significant impacts that require a project-level EIR.
- An independent study confirming absolute compliance with 20.90.200 is required to prevent disastrous results from the Project's valet parking.
- Operational issues during and after construction are certain to plague the De Anza and negatively impact revenue and result in a devaluation of the business.

Sincerely,

HOGE, FENTON, JONES & APPEL, INC.



Sblend A. Sblendorio  
Shareholder

SAS: sas

Cc: client  
Patrick Kelly, Supervising Planner

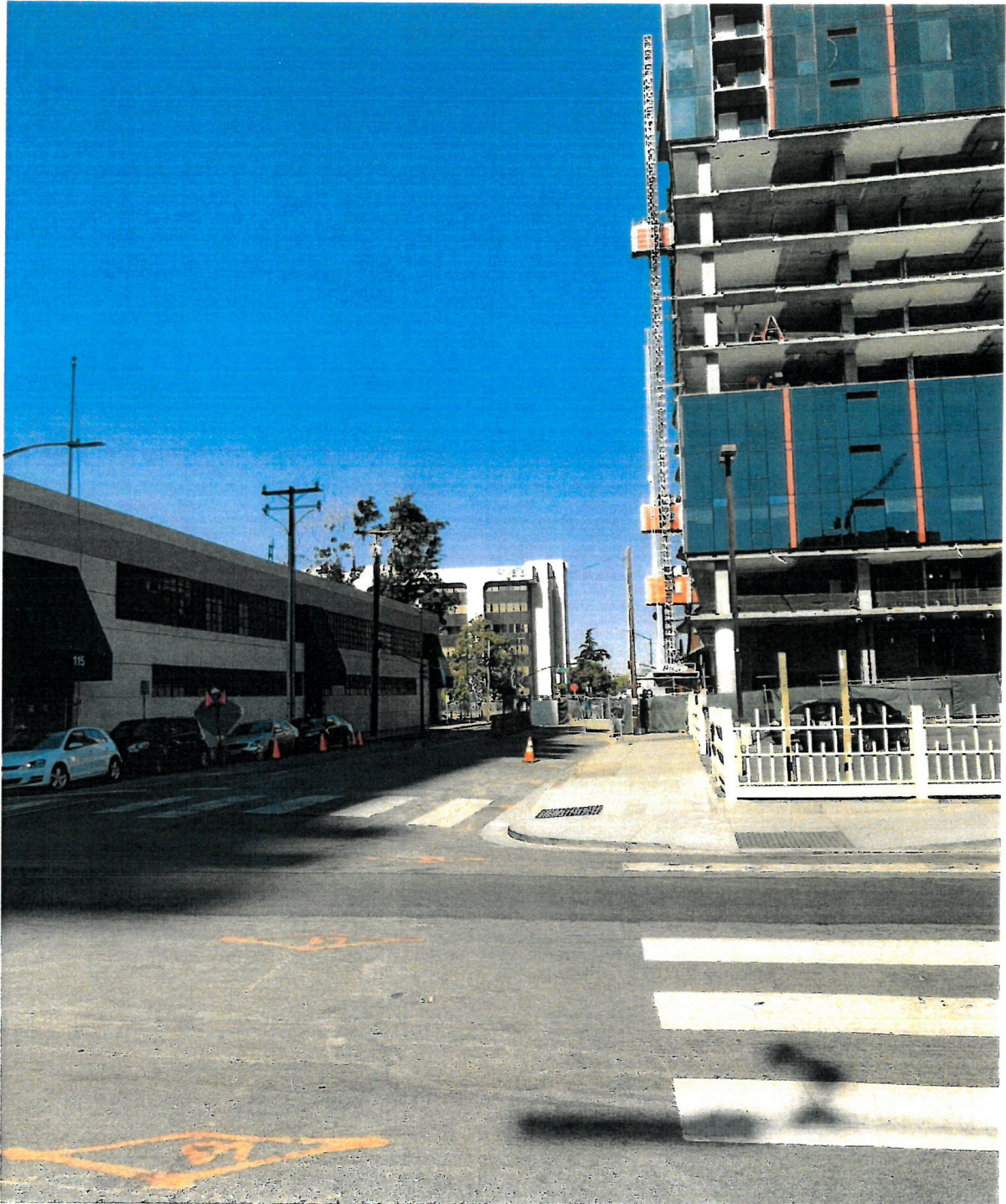


**"Exhibit A1"**





**"Exhibit A2"**





**"Exhibit A3"**



**From:** [Aerieways](#)  
**To:** [Le, Thai-Chau](#)  
**Subject:** Re: Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)  
**Date:** Friday, January 18, 2019 4:23:04 PM

---

Ref: Almaden Corner Hotel Project

Thai-Chau,

The lands of the subject project are located within the lands once controlled by Tamien dialect speakers. These people were taken primarily to Mission Santa Clara. Per agreement these lands are now represented by Muwekma Tribal Band. It is suggested that you speak with their representative, Alan Leventhal.

Ed Ketchum  
Amah Mutsun Tribal Band  
Historian

-----Original Message-----

From: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
Sent: Fri, Jan 18, 2019 10:14 am  
Subject: Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
ALMADEN CORNER HOTEL PROJECT**

FILE NO:	H18-038
PROJECT APPLICANT:	KT URBAN
APN:	259-35-055

**Project Description:** The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard.

**Location:** 8 North Almaden Boulevard, San Jose; Northeast corner of North Almaden Boulevard and West Santa Clara Street.

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Monday, February 4, 2019 from 6:00 p.m.

**Where:** City of San Jose Council Chamber, 200 East Santa Clara Street, San Jose, CA 95113



The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le , Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658 , e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

**From:** [Connolly, Mark](#)  
**To:** [Le, Thai-Chau](#)  
**Subject:** RE: Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)  
**Date:** Tuesday, January 22, 2019 10:25:33 PM

---

Hi-

Comment from the County of Santa Clara County ALUC is that the height is a significant issue and close to the path of Runway 30R. Would suggest referring this to the ALUC and prepare the FAA No Hazard Determination paperwork.

Mark J. Connolly  
Senior Planner / Deputy Zoning Administrator / Airport Land Use Commission Program Manager  
County of Santa Clara Planning Division  
70 West Hedding Street  
East Wing 7<sup>th</sup> Floor  
San Jose, CA 95010  
408-299-5786



InSite, our new digital permit system is now operational. What to expect: customers will be able to initiate request or apply for a permit online or on site; check the status of your project, submit digital documents, and make payments online or on site; get better customer service through smooth & efficient internal routing. To register for an InSite

*Please visit our [website](#).*

*Click [here](#) to look up unincorporated property zoning information.*

*Questions on the status of your permit? Please e-mail: [PLN-PermitCenter@pln.sccgov.org](mailto:PLN-PermitCenter@pln.sccgov.org)*

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**From:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Sent:** Friday, January 18, 2019 10:14 AM  
**Subject:** Notice of Preparation for the Almaden Corner Hotel Project Draft Environmental Impact Report (H18-038)

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
ALMADEN CORNER HOTEL PROJECT**

FILE NO:	H18-038
PROJECT APPLICANT:	KT URBAN
APN:	259-35-055

**Project Description:** The 0.39-acre project site is currently developed with a private surface parking lot. The project proposes to develop an approximately 330-room hotel. The 19-story building would reach a

maximum height of 225 feet. A restaurant and bar are proposed on both the ground floor and the 19th floor. The hotel building would have one basement level for utilities and maintenance related services. No parking is currently proposed on-site. The project would provide parking for hotel patrons at an off-site location via a valet service. Guest drop-off/pick-up would be located on Almaden Boulevard.

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**Where:** City of San Jose Council Chamber, 200 East Santa Clara Street, San Jose, CA 95113

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City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658, e-mail: [Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

January 25, 2019

Nizar Slim, Project Manager  
Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara St.  
San José, CA 95113

Dear Mr. Slim:

Re: Community Meeting for Proposed 19-Story Hotel at 8 N. Almaden Blvd.  
City File No. H18-038 (Hotel Project)

The Axis Residential Tower at 38 N. Almaden Blvd. comprises 329 condominium units and is home to over 700 people. Axis is adjacent to the site of the proposed Hotel Project, an 8,000 square foot lot at 8 N. Almaden Blvd.

Axis residents value downtown living and enjoy the ever-growing number of restaurants, entertainment, and community events that it affords. We strongly support further development of the downtown core, but that support is predicated on a given project's consideration of and compatibility with surrounding existing structures and uses.

Unfortunately the proposed Hotel Project fails to meet this critical standard, and as such we strongly oppose it in its current form. Our concerns have been described in detail through previous correspondence with the City (copies of which are attached hereto):

- Email from Carol Tosaya, dated July 23, 2018
- Letter from San Jose Downtown Association, dated October 15, 2018
- Letter from Axis HOA, dated October 18, 2018
- Letter from attorneys for Hotel de Anza, dated October 31, 2018
- Letter from Axis HOA, dated December 4, 2018

We look forward to the upcoming February 4 community meeting (6:00 p.m. in Council Chambers) to hear how the project's developer intends to address concerns, both those raised in our communications and those outlined in your own comment letter dated October 1, 2018.

To help our community best prepare for this important meeting, we ask for your help to ensure that the following requests are completed as soon as possible:

1. Please supply copies of the most recent plans for the Hotel Project, along with any letters, memos, or emails in your files regarding comments on the project so that we may review them prior to the community meeting. These documents may be delivered via email to [tommy.cusick@axishoa.org](mailto:tommy.cusick@axishoa.org). Please consider this as a request under the California Public Records Act.
2. Please have the developer's surveyor install poles or other markings to clearly delineate the physical location of the property line and the proposed building setback line along the northern boundary of the Hotel Lot, so that our residents can see "on the ground" exactly where these lie in relation to the Axis property.

To help the City and the Developer better prepare for the community meeting, we have outlined some of our concerns and questions below. Please consider this a formal request to include the following issues in the scope of the Environmental Impact Report for the Hotel Project:

1. Construction Impacts:
  - a. Traffic and safety issues
    - Where will the crane be located, and for how long? For the sake of safety, it is critical that no crane swing occur over any portion of the Axis property.
    - What size will the crane be, and how far will it intrude into the street?
    - Will there be scaffolding on the north side of the Hotel Project?
    - Where will the construction lay-down area be located?
    - Where will construction vehicles park?
    - How will vehicular, bicycle, scooter and pedestrian traffic be diverted?
    - How will an accessible path of travel be preserved for residents and visitors with disabilities?
    - How will construction affect the frequent community events that already close our access roads on a regular basis?
    - How can we guarantee that construction workers and suppliers will not trespass onto the Axis driveway or block the driveway? No shared use of the driveway is feasible, as the entire width of the Axis driveway is needed by Axis for its own operations.
    - Where will we be able to put our trash bins during construction? Where will the Comerica building put its trash bins?
    - Will construction workers use the constrained on-street metered parking?
  - b. Other environmental issues
    - What will construction hours be?
    - What noise and vibration limitations will be imposed on the project?

- Will pile-driving cause structural concerns on the Axis Property?
  - Where will diesel equipment be located, and how will fumes be controlled and/or vented away from Axis?
  - How will dust/dirt/mud be controlled?
  - What arrangements will be made for extra window cleaning/general cleaning of the Axis property due to construction-related debris?
- c. Utility interruptions
- How often is utility service to the Axis expected to be interrupted?
  - What is the recourse in the event that Axis utilities are inadvertently interrupted?
2. Permanent Impacts:
- a. Traffic and safety issues
- How will the project's valet parking be operated?
  - Where will the queue of cars waiting for passenger drop-off and pick-up be located?
  - How much will valet parking operations intrude into lanes of traffic?
  - If N. Almaden Blvd. is converted from a one-way street to a two-way street, what will the line of sight be for cars pulling out into traffic?
  - What will be done to help prevent traffic accidents from occurring?
  - Where will loading and unloading occur for hotel deliveries?
  - Where will hotel service vehicles park?
  - Where will hotel employees park?
  - Where will the trash bins be placed for Axis, the Comerica building, and the Hotel Project?
  - How many metered parking spaces around Axis will be impacted?
  - What will be done to prevent the Axis driveway from being blocked, or from being used by hotel guests or delivery vehicles? What recourse is there in the event that these mitigations are insufficient?
  - Where will the off-site parking spaces be located?
    - If these are too far away, guests and employees will be more tempted to use the metered spaces around the Axis.
    - Although your October 1, 2018 comment letter suggests that a ten-year term would be acceptable, we disagree. Such a limited term would violate the City's own ordinance. Muni Code Section 20.90.200(B)(2) requires that the off-site parking be available during the life of the building or use.

- Satisfaction of parking requirements must be based on the current status of the laws and regulations, not what is anticipated to occur in the future.
- Where will bicycle parking be located?
- b. Views, privacy, light intrusion and shadowing
  - Why was the height of the project increased from the 6 stories committed to in the original Phase II plans for the Axis project?
  - What is the distance between the south side of the Axis tower and the north side of the hotel tower at the closest point?
  - What will be done to help protect the privacy of residents whose windows face to the south?
  - What type of glazing will be used on the windows of the Hotel Project, to help prevent reflection/glare from the afternoon sun?
  - What type of lighting will be used on the exterior of the building, and what hours will the lighting operate?
  - How much will the Hotel Project cause shadowing on the Axis, especially the pool area?
- c. Noise, odors and other impacts
  - Will there be live music or other sources of noise on the rooftop deck?
    - What will the hours of operation be?
  - Where will delivery and loading activities occur? What are the hours of operation for these activities?
    - Note that the Design Guidelines specify that delivery and loading areas should not be located near any adjacent residential uses.
  - Where will the back-up generator be located, and how loud will it be?
  - Where will rooftop vents be located? How will odor-producing vents be directed?
  - Will smoking be allowed in the building or on the property?
  - Where will rooftop compressors or other noise-generating equipment be located and buffered?
    - Note that the Design Guidelines specify that mechanical equipment should be located to assure that it cannot be heard at any residential property line.
  - Where will trash collection areas be located? How will odors/pests be controlled in these areas?

Although we continue to have strong reservations about the Hotel Project as currently proposed, we look forward to a productive discussion with City staff and the developer at the February 4 community meeting. Thank you in advance for your consideration and assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. T. Cusick', with a large, stylized loop at the end.

Thomas T. Cusick  
President, Axis Homeowners Association

cc:

Councilmember Raul Peralez  
Patrick Kelly, Supervising Planner, Planning Division  
Jenny Nusbaum, Principal Planner, Environmental Review  
Edward Saum, Chair, Historic Landmarks Commission  
Juliet Arroyo, Historic Preservation Officer, Historic Landmarks Commission  
Karen Mack, Public Works Transportation Manager  
Yves Hansel, General Manager, Hotel De Anza  
Steven Cox and Scott Knies, San Jose Downtown Association  
Brian Grayson and Andre Luthard, Preservation Action Council of San Jose  
Paul Escobar, Downtown Residents Association  
Sblend Sblendorio, Hoge Fenton  
Mark Tersini, KT Properties



**From:** [Kelly, Patrick \(PBCE\)](#)  
**To:** [Le, Thai-Chau](#)  
**Subject:** FW: Hotel development  
**Date:** Tuesday, February 5, 2019 10:51:38 AM

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Something for the env file -

-----Original Message-----

From: Mawla, Nathera [<mailto:NMawla@cbnorcal.com>]  
Sent: Monday, February 04, 2019 6:02 PM  
To: Kelly, Patrick (PBCE) <[patrick.kelly@sanjoseca.gov](mailto:patrick.kelly@sanjoseca.gov)>  
Subject: Hotel development

Hello Patric

I prepared this Inote thinking I will read it the city council council meeting. I am emailing to you to help stop the hotel project . Thanks

I am Nathera Mawla and own 1200 at the Axis History; I bought my property unit 1200 at Axis, and paid prime price, mainly because, of the views.

I was told before I bought the property that if a building would be constructed at that very small open space , it would be an 8 story condominium. The owner/developer himself assured my Son Gary that will be the case.

If an 8 story condo will be built, I will have four story of open space, where I can enjoy the air , the light , the sun and the moon.

By building 18-19 story

wall of a Hotel in front of my home, I will be deprived of all. In addition, I will be deprived of beautiful Almaden Blvd views.

If a building must be erected, ideally it should be condominium per the initial plan and expectation . Also it should have same set back as the De Anza Hotel from Santa Clara street, and same set back from the back of the building, away from Axis.

Also, On De Anza Hotel side, Ideally a set back that would create a view corridor between the new building and DecAnza Hotel.

I trust any new construction would be a glass building and the roof artistically finished.

I like to add that the developer/ owner of Axis charged a premium, for the units with the views and at the same time he is here now with a project where in effect he is profiting again from blocking the same views. This is classic bait and switch. The council should not support this, and instead honor the reasonable expectation of the buyers.

Buyers need be confident to buy in down town.

The developer should not be allowed

to proceed with the hotel concept and should stick to the original plan.

I

We need to keep the our sunlight, air, and our views. The Axis building, is the Jewel of down town SJ , and should not be hidden behind another building .

Please do not support the construction of a hotel nor the size of the building Thanks for your considerations.

Nathera Mawla

Sent from my I Phone

\*Wire Fraud is Real\*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

**From:** [deannalibert@gmail.com](mailto:deannalibert@gmail.com)  
**To:** [Le, Thai-Chau](#)  
**Subject:** 8 Almaden project, File No. H18-038  
**Date:** Tuesday, February 5, 2019 9:29:47 AM

---

Dear Ms. Le,

I addressed the Department of Planning last night regarding the 8 Almaden project, File No. H18-038. For your records, the text below is a copy of my comments from the meeting.

After last night's large turnout and largely negative feedback, I hope the Planning Department will decide/ recommend that the hotel is not appropriate for the location proposed. The lot is too prominent and too small. Traffic, noise, and trash collection will be unmanageable with the current design. Its looming height and presence dishonors the historic DeAnza Hotel.

Thank you for your consideration,

Deanna Libert  
[Deannalibert@gmail.com](mailto:Deannalibert@gmail.com)  
1-408-482-3525

My name is Deanna Libert, and I live at the Axis. I believe the quality of life for all Axis residents, and all people who work and travel to the area, will be greatly diminished if the 8 Almaden project moves forward as planned.

This area of Santa Clara Street will not be able to accommodate the overcrowding, and the gateway to downtown San Jose, will become a traffic nightmare. The area will be gridlocked during SAP Center events. Fun Runs, parades, and other events down Santa Clara Street may have to be relocated or rerouted due to congestion and hotel activity. Driveways and access to our building may be blocked often or improperly used by hotel guests.

The noise from events and usual business practices on the rooftop of 8 Almaden, will be a further nuisance to neighbors.

In addition, privacy, construction impacts, trash collection, the development challenging DeAnza hotel's beauty, and the permanent shadow that the building will cast on our homes are all major concerns of mine.

The developers have changed their intentions with this property. They misrepresented to Axis owners that the small lot would be used to build condos, not to exceed six stories. The impact of this project should be scaled back to its original design.

**From:** [Le, Thai-Chau](#)  
**To:** ["jeanie verbeckmoes"](#)  
**Subject:** RE: File No.: H18-038 (8 N. Almaden Boulevard)  
**Date:** Wednesday, February 6, 2019 3:11:07 PM

---

I can definitely add your request to the NOP comment list regarding an office building alternative. However, I cannot 100% say that will be explored depending on the impacts and objectives. I have not reviewed the draft EIR yet, but this is definitely a comment we will consider as part of the EIR drafting.

The Gateway project in the SoFA district, it was approved with Planning in 2016, it does not look like they have started on their actual grading or building permits yet.

Thank you for all your comments, Jeanie. Please let me know if you have any other concerns or questions about the EIR. ☺

Best regards,  
Thai

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**From:** jeanie verbeckmoes [mailto:jeanieverbeckmoes@msn.com]  
**Sent:** Wednesday, February 6, 2019 1:46 PM  
**To:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Subject:** Re: File No.: H18-038 (8 N. Almaden Boulevard)

You are great! I really appreciate your help. Could an alternative be building an office building instead of a hotel? Can we ask them to consider that? This developer actually submitted an office project for building review that included three levels of above ground parking and 16 stories of offices and some retail (2017 043804 CI). An office building would avoid the terrible traffic problems and avoid the noise issues although the De Anza would still be ruined because of the mammoth size.

The EIR you sent is very interesting. I didn't think a "no project" would ever be selected. But since you need a second choice how could they pick another location. The developer doesn't own the other location so I guess he would need to change the project significantly. I tried looking this up on sjpermits and it says the development permit was approved but nothing has happened since 2016 and Google maps doesn't show anything new there. What ever happened to this project? Was it turned down by the city council?

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**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Wednesday, February 6, 2019 8:27 AM  
**To:** 'jeanie verbeckmoes'  
**Subject:** RE: File No.: H18-038 (8 N. Almaden Boulevard)

Hi Jeanie,

Great questions. The rooftop usage would be analyzed in the EIR regarding its proposed use and its effects on the environment.

In addition, as part of the EIR and in pursuant to the CEQA Guidelines Section 15126.6, alternatives that could reduce the significant impacts of a project will need to be discussed. **Please note that as of now, we have not 100% determined which alternatives will be part of the EIR yet.** The reason being is that the alternatives are explored based on the impacts. Until we know what the potential significant impacts of a project is and what objectives it is trying to meet, we cannot explore feasible alternatives that would meet most of the project objectives and reduce those significant impacts.

However, many of our EIRs has the “typical” alternatives City would usually explore. Those are:

1. No project Alternative: what would happen if there are no project proposal and the site stays as it is.
2. Reduce Density Alternative: how much density needs to be reduced to avoid or reduce potentially significant impacts.

You can view some of our current and approved EIRs at [www.sanjoseca.gov/ActiveEIRs](http://www.sanjoseca.gov/ActiveEIRs) to view some sample EIRs that the City is currently reviewing. One in particular that I worked on in Downtown is the Gateway project (<http://www.sanjoseca.gov/DocumentCenter/View/59874>) that might be interesting to you as there were “location alternatives.”

No worries about the questions. It is great that you are trying to understand the CEQA process and you are giving us input on what the community may want to explore in the alternative as well. I hope this helps and feel free to let me know if you have any questions or concerns.

Best regards,  
Thai

Thai-Chau Le  
Planner  
City of San Jose  
Environmental Planning  
Planning, Building & Code Enforcement  
[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)  
1.408.535.5658

---

**From:** jeanie verbeckmoes [<mailto:jeanieverbeckmoes@msn.com>]

**Sent:** Wednesday, February 6, 2019 3:15 AM

**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>

**Subject:** Re: File No.: H18-038 (8 N. Almaden Boulevard)

Hi Thai, I am sorry to keep bothering you about this project, but I am becoming more and more concerned about it. I have learned some new information.

The name of the hotel, Moxy, appears on the updated proposed rendering. Moxy is Marriott's

newest brand focused on the rapidly growing 3-star tier segment and focuses on the millennial traveler. It seems the hotel is tailored towards partying clients. If you click on the following link, the very first picture you see is partying people.

<http://moxy-hotels.marriott.com/en>

Here are a couple of reviews from trip advisor about this hotel:

Review 1:

"The rooms are very small, which I could deal with **but it was extremely loud in the room because of the club on the rooftop** (I was floor 11 and the club is 16). I could hear the music and even the DJ hyping the crowd. When I asked for a new room at 8:30pm after having been on a red eye and at a conference all day, I was told that there was a room but the noise level would still be bad. ..."

Review 2:

"Okay, you're in the centre of New York, obviously you're going to hear the traffic, however **the booming, kidney massage thudding noise from the hotel nightclub is horrendous. Finishes at 4.00am.....** the rooms aren't small, they're minute! Bathroom is something out of a 1930s utility advertisement. "

I am assuming this is going to be the same situation at 8 N Almaden and hope the EIR considers this in detail. Will the EIR include alternatives like building an office instead of a hotel? Jeanie

---

**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Tuesday, February 5, 2019 9:44 AM  
**To:** 'jeanie verbeckmoes'  
**Cc:** [silentmusic9@icloud.com](mailto:silentmusic9@icloud.com)  
**Subject:** RE: File No.: H18-038 (8 N. Almaden Boulevard)

Thank you for the follow up, Jeanie.

I have forwarded your request over to our environmental consultant.

Regarding the Public Hearing and Appeal Period, there are a few scenarios.

1. Since the project is a Site Development Permit, the project and the EIR (if found that there are no significant unavoidable impacts) would go to Director's Hearing (every Wednesdays):
  - a. You will be notify of when the project and EIR will be going to a public hearing via mailing just like how you were notified of the community meeting last night. Since

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  - b. Please note that if the City Council is the final decision maker, there will be no appeal period as that would be the highest hearing body. There is a "[Reconsideration](#)" process.

I hope this helps!

Best regards,  
Thai

Thai-Chau Le  
Planner  
City of San Jose  
Environmental Planning  
Planning, Building & Code Enforcement  
[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)  
1.408.535.5658

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**From:** jeanie verbeckmoes [<mailto:jeanieverbeckmoes@msn.com>]

**Sent:** Monday, February 4, 2019 11:52 PM

**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>

**Cc:** [silentmusic9@icloud.com](mailto:silentmusic9@icloud.com)

**Subject:** Re: File No.: H18-038 (8 N. Almaden Boulevard)

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Request: We forgot to bring up the question of having a wind study done. There may be a considerable change in the wind patterns as a result of such a tall building and we request that a wind study be done as part of the EIR.

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**From:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Sent:** Thursday, December 13, 2018 9:01 AM  
**To:** jeanie verbeckmoes  
**Cc:** Nusbaum, Jenny  
**Subject:** RE: File No.: H18-038 (8 N. Almaden Boulevard)

Hi Jeanie,

I am the environmental project manager for this project.

I can confirm that yes, this project is going through a project specific analysis and City will be preparing an EIR for this. We are currently preparing the Notice of Preparation. You are on the noticing list for this project on both the project and environmental review sides.

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**Sent:** Thursday, December 13, 2018 8:20 AM  
**To:** Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)>  
**Subject:** Fwd: File No.: H18-038 (8 N. Almaden Boulevard)

Hi Thai,

Can you please respond to Jeanie and cc me?

Thanks,

-- Jenny

Begin forwarded message:

**From:** jeanie verbeckmoes <[jeanieverbeckmoes@msn.com](mailto:jeanieverbeckmoes@msn.com)>  
**Date:** December 13, 2018 at 8:15:48 AM PST

**To:** "[Jenny.nusbaum@sanjoseca.gov](mailto:Jenny.nusbaum@sanjoseca.gov)" <[Jenny.nusbaum@sanjoseca.gov](mailto:Jenny.nusbaum@sanjoseca.gov)>  
**Subject:** File No.: H18-038 (8 N. Almaden Boulevard)

Hello Ms. Nusbaum, I am interested in the above matter and have heard that an EIR for the specific site at 8 N Almaden Blvd will be required. Can you please confirm that you will require that an EIR be prepared for the 8 N Almaden site.  
Jeanie

Jeanie Verbeckmoes  
38 N Almaden Blvd Unit 1100  
San Jose CA 95110  
650-520-3965



**From:** [Linda Dahlberg](#)  
**To:** [Le, Thai-Chau](#)  
**Cc:** [District3](#); [Liccardo, Sam](#)  
**Subject:** 8 North Almaden Hotel project  
**Date:** Wednesday, February 6, 2019 4:02:44 PM

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The DeAnza is a lovely old hotel with gracious appointments inside and attractive architectural features on its exterior. The “abundant life” mural is a colorful welcome to drivers who emerge from the 87 underpass coming into town.

To plug a high rise of any kind next to the De Anza hotel would be an artistic faux pas, bringing derision down upon the heads of the city officials who allowed it to come to pass.

To allow a new hotel to be built there would be a special sort of way to thumb your nose at the DeAnza specifically, a gesture unbecoming the city’s intermittent attempts to be historically sensitive.

On top of all those site-specific observations, observe that downtown has become a canyon. Too many high rises and not nearly enough mitigating green spaces. The trees on our city streets are imperiled by steel, glass, and concrete barriers blocking the sun.

It might seem as if having tall buildings is a sign of a successful big city. Throw in some murals and the occasional light show and, boom! - We’ve arrived. In general I support all of this. I am also a fan of the new Google campus. Bring it on. Office space and housing near transportation hubs plus tax base -- all good.

However all good things in moderation, right? We are in danger of going overboard, making us look like a big city wannabee run amok.

If the empty parking lot offends, do an open-to-the-public study to find out what people would like to see there. Others may have a more creative solution, a more appropriately human-sized use for the space. To pick up a pen and sign the hotel permit would be one stroke over the line, sweet Jesus. Don’t do it!

Yours sincerely,  
Linda Dahlberg  
153 S. 14th Street  
San Jose, CA

**From:** [Philip Castaneda](#)  
**To:** [Le, Thai-Chau](#)  
**Cc:** [Slim, Nizar](#)  
**Subject:** Proposed Site in front of the Axis Condo  
**Date:** Friday, February 8, 2019 7:16:53 AM

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Ms. Le and Mr. Slim

I am an Axis resident who spoke for a few minutes on Monday. This is a follow up email summarize my concerns to the proposed building.

The future trash situation will worsen tremendously just from the activity of a very active hotel. The increase of trash will cause more trouble with just it's removal. Trucks and traffic will become a bottle neck before pickup and after pick upl.

Many of my fellow residents will agree with congestion of us residents coming or leaving for work every day. Many stop in the drive just to finish up with a phone conversation. Hotel guests will do the same as they wait for a valet. A hotel that offers a two spot parking drop off for a valet will overflow while waiting to have a car parked or retrieved. The AC across the street is a smaller hotel and often backs up during peak hours. When San Jose has activities that take place at SAP or just the downtown runs traffic flow becomes a problem.

Noise is another problem that will surface when the roof top bar opens. We have a noise problem with the De Anza Hotel usually on weekends when various celebrations occur. A roof top bar will have noise seven days a week not just on weekends.

The historic hotel will be hidden from view that is now currently being used as a icon when a visitor looks up the city of San Jose on Google. The presentation of the new building next to the De Anza shows how the De Anza will be over run and both will look out of place. More thought must be used when designing the area between Diridon Station and the De Anza Hotel. This area may become the central view for the world to see San Jose. It is a very important area being developed with Google coming in. Google will attract a lot of attention for a world view of San Jose.

With Google moving into downtown San Jose more people will consider moving to this new vibrant city. I have lived in and around San Jose for most of my life. I can remember saying who would go downtown in the late 70's and 80's. Please do not rush to build a hotel quickly. Everything must be considered from traffic flow, noise creation, to preserving a historic hotel that has a pleasing look that adds character to the city.

Sincerely,

Philip Castaneda

**From:** [W Andrew Cheng](#)  
**To:** [Le, Thai-Chau](#)  
**Subject:** Re: File No.: H18-038 (8 N. Almaden Boulevard)  
**Date:** Wednesday, February 13, 2019 6:15:43 PM

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Hi Jeanie,

I found another issue. I hear years ago De Anza hotel had to fix some structural problems with their foundation. Has a study been done to assess the impact and possible damage due to new building construction on the deAnza hotel, which is a historic building?

Could you relay concern to city development officials please.

Thanks,

Andrew Cheng  
1906

Sent from my iPhone

On Feb 5, 2019, at 9:44 AM, Le, Thai-Chau <[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)> wrote:

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Jeanie Verbeckmoes  
38 N Almaden Blvd Unit 1100  
San Jose CA 95110  
650-520-3965

February 14, 2019

Thai-Chau Le, Environmental Program Manager  
Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113

RE: Notice of Preparation for an Environmental Impact Report (EIR) for the proposed 19-story hotel located at 8 N. Almaden Boulevard (H18-038)

Dear Ms. Le,

On behalf of the Axis Homeowners Association and the more than 700 residents of the Axis tower, I am writing to supplement the concerns previously raised in a letter to Nizar Slim, the City's Project Manager for the project, in response to the Notice of Preparation (NOP) for the EIR. That original letter was prepared prior to the community meeting held on February 4, 2019, and we feel compelled to augment those concerns due to additional information that has come to light since the original letter was sent. As such, please consider this letter as part of our official response to the NOP.

1. The NOP does not state that the Hotel De Anza is listed on the National Register of Historic Resources. This is vital information that the responsible and trustee agencies (in particular, the State Office of Historic Resources and National Park Service) should have been notified of in order to provide specific comments related to potential impacts to this highly sensitive resource.

As stated in CEQA Guidelines Section 15082(a)(1), "The notice of preparation shall provide the responsible and trustee agencies and the Office of Planning and Research with sufficient information describing the project and the potential environmental *effects to enable the responsible agencies to make a meaningful response (emphasis added)*. At a minimum, the information shall include:

- A. Description of the project;
- B. Location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name); and
- C. Probable environmental effects of the project."

Without an explicit mention of the Hotel De Anza's status included in the NOP, the responsible and trustee agencies are not provided with enough information to enable them to make a meaningful response related to the environmental impacts that could occur to this sensitive resource. This must be rectified by recirculating the NOP to the State Office of Planning and Research so that they can ensure that the NOP is properly circulated to the appropriate responsible and trustee agencies. The preparation of an EIR without this input could be considered to be inadequate and a violation of the California Environmental Quality Act (CEQA).

2. The proposed project, which would have up to 272 hotel rooms along with restaurants and bars, includes only two parking spaces, which is severely insufficient for the hotel's need of a valet staging area, hotel

patron drop off and pick up zone, and truck loading. Such limited parking and loading facilities will absolutely result in unreasonable and unfair burdens on adjacent public streets as well as neighboring properties. It is evident that the entire block of N. Almaden Blvd. from Santa Clara Street to Carlysle Street will be adversely affected, impeding access to the Axis Tower pedestrian and vehicle entrances as well as the Comerica building entrances. This will be exacerbated if N. Almaden Blvd. is converted to a two-way street. An operational study of safety and access impacts, covering both one-way and two-way street scenarios, must be completed to fully understand the nature of this proposal. A comparison should be made of other area hotels with valet operations to see how many cars stack up during peak hours.

Section 20.90.420 of Title 20 of the Municipal Code states that off-street loading spaces “must be not less than 10 feet wide, 30 feet long, and 15 feet high exclusive of driveways for ingress and egress and maneuvering areas”. The areas shown on the most recent plans do not appear to meet these important requirements. In addition, a casual inspection of the area makes it clear that there will not be sufficient on-street loading space to accommodate circulation and manipulation of freight and there is not available loading space within the public right-of-way on N. Almaden Blvd., as shown in the photo below. The proposal is untenable in this respect.



Further, construction details must be included in the EIR to determine the potential impacts due to construction on such a tight space. Where will the crane be located? Where will construction materials be staged? What will the encroachment permit allow? How will pedestrian, bicycle, and vehicle access to the Axis building and Hotel De Anza be maintained? Axis residents already know what it is like to have their access disrupted, due to the many parades, fun runs and other events that result in the blockage of the Axis driveways. To have access blocked for any significant period of time would be a substantial and unfair burden affecting the 700 people in our vertical neighborhood. Further, it is not good planning



to approve of a project that is certain to result in daily aggravation, tension and potential disputes between neighbors due to the fact that hotel guests, employees and vendors will be tempted to encroach onto the Axis premises and sidewalk areas just so they don't block traffic in the busy intersection.



We have been told in the past that now is not the time for this information to be divulged and we must wait until final construction drawings are prepared. We submit that this is deferred mitigation and not allowed under CEQA. Our residents will be significantly affected by construction and most likely in the long-term due to inadequate space on N. Almaden Blvd. for stacking cars waiting for valet service and the delivery of hotel supplies. All specific mitigation measures need to be included in the EIR so that the City and the public can be assured that the project actually works before it is approved. The photo above shows the tight space we are describing. It is not at all clear how this short frontage on N. Almaden Blvd. will support all of the operations of a hotel with only two parking spots. An operations study must be completed to prove this is reasonably possible, and mitigation measures must be included to reduce impacts, including blocked traffic, to an insignificant level.

3. We request that a wind analysis be completed for the proposed 19-story building. As anyone who has traveled to cities with dense Downtown development knows, these areas can be quite windy. Trash and construction debris could result in significant short- and long-term air quality impacts. The community

wishes to see mitigation measures called out up front in order to build confidence that the impact can be mitigated.

4. At the February 4<sup>th</sup> public meeting, Mr. Nizar Slim, the City's Project Manager for the hotel project stated that the current Downtown Design Guidelines and Historic Guidelines are dated and need to be revised. We must point out to Mr. Slim that CEQA impacts and consistency with plans and policies are determined based on the "existing condition", which is the situation that exists at the time the NOP is circulated. Because the Downtown Design Guidelines and Historic Guidelines were not revised at the time the NOP circulated, the EIR must evaluate the project based on the existing guidelines – not guidelines that may someday be changed.
5. The discussion of historic impacts in the EIR must evaluate the project's proposed exterior building materials for the hotel structure. We also request that the final historic report be specifically/separately sent to the State Office of Historic Preservation for their agreement and approval.
6. The City's October 1, 2018 letter also mentions that a peer design review be completed because "the proposed design does not fully address" the Downtown Design and Historic Design Guidelines. Further, the letter states that "the new hotel should not dwarf the historic structure in presence" and "the general height and massing of the building needs to be more compatible with the adjacent historic resource." The peer review by Skidmore, Owings & Merrill (SOM) dated November 16, 2018 suggests a number of significant design revisions. It appears from the latest plan set that the applicant has not addressed these comments. The City must be sure that the project conforms to its own design requirements and incorporates the design recommendations from the peer review.

For example, the City's letter states that the building masses should better reflect the De Anza's tiered, "stepped back" façade, and the vertical Art Deco elements should have some reference in the design of the hotel, as opposed to undifferentiated glass curtain walls. The design presented at the community meeting does not reflect these staff requests or the recommendations from the peer review. Has the applicant not received these requests and recommendations, or were they willfully ignored in the presented design? Without the changes, the project does not conform to City design standards.

The project applicant is no stranger to the concept of protecting historic structures. The One South Market Residential Tower was required to similarly "step back" from the adjacent Alcantara Building/Hotel Metropole and Sunol Building, placing its similarly massed parking adjacent to these historic structures. These structures are eligible for the California and National Registers as well and they were treated as such. Why is the De Anza Hotel not being treated the same way? The City must apply their regulations consistently. In the picture included below, the One South Market Residential Tower is the blue building in the foreground. Its parking is approximately two stories tall, set behind the tower and adjacent to the brick historic structures farther down the street.



7. The 22-story Axis Tower was constructed in 2008 with 329 units, most of which are owner-occupied. The original environmental document for the Axis Tower project was the 47 Notre Dame Supplemental EIR (Axis SEIR), which tiered off the original Downtown Strategy 2000 Program EIR. Page 1 of the Axis SEIR described the Axis Tower project as the construction of “a 22-story (approximately 228 feet above grade), L-shaped 350-unit residential condominium on the northwest corner of the property (referred to as Phase I).”

The project description continues on page 4 of the Axis SEIR and includes the following: “The southwest corner of the site, adjacent to the De Anza Hotel, will be developed with a six-story residential/retail building (referred to as Phase II) with two levels of below grade parking that are open to and accessed through the Phase I underground parking area. The Phase II building will be comprised of approximately 35 condominium units and 8,000 square feet of retail.”

As stated on page 18 of the Axis SEIR, “To minimize the overall visual impact of the residential tower on the De Anza Hotel, the tower is proposed to be located with the greatest possible setback from the hotel on the project site at the northwest corner of the block.” In fact, the Axis Tower building itself is also stepped back from the hotel as shown in the attached photo. The construction of the 6-story Phase II

building was not evaluated in great detail as it would not have been taller than the De Anza Hotel and would not block views of the hotel's iconic rooftop neon sign. In other words, it would not have contributed significantly to the impact of the Axis Tower structure, as described in the Axis SEIR.

Based on this information in the previous EIR for the site, we request that the alternatives section of the EIR include an analysis of construction of a 6-story building on the site. This alternative met the objectives of the original project and has the potential to reduce the impacts of the project, especially in terms of impacts to the De Anza Hotel and aesthetic impacts to the Axis Tower. We also ask that the EIR include an alternative of office uses at a height and design more site appropriate and respectful of the De Anza Hotel. Office uses are consistent with the Downtown and Downtown Commercial General Plan and zoning designations and would not impede as much on the privacy of the Axis residents. Further, it would not require valet parking which we feel will result in significant operational and safety impacts on N. Almaden Blvd.

8. The Axis residents are also extremely concerned about the noise that would likely be generated by the hotel's restaurant and bar activities, particularly the rooftop bar. We have researched the hotel brand shown on the preliminary review submittal set (Moxy), which is known for being a "party hotel." Many Moxy guests have noted in reviews that noise from the hotel bar is so loud that it penetrates through the rooms, making it difficult to sleep. Such severe noise would be a nuisance to our residents, and the nebulous promise of incorporating sound mitigation measures in a future revision of the project is insufficient. Please specifically describe all mitigations up front; do not defer this crucial detail.
9. It is apparent that the proposed project will eliminate the existing sunshine on the Axis swimming pool level (third floor) and along our main driveway/garage access. All of the trees and vegetation will not withstand the loss of sunshine. Therefore, an evaluation of impacts to these biological resources and nesting birds must be included in the EIR.
10. A letter from the applicant's engineer dated August 28, 2018 (attached) seems to suggest that the flow-through planters along the north side of the hotel will be successful because there will be sunshine on that side of the building, and there will be maneuvering room for maintenance activities, even though the 3-foot wide planters abut against the Axis property line. But there will in fact be no significant amount of sunshine in that 3-foot strip due to the shadows caused by the hotel building and the Comerica building. Further, the only way there would be any room for maintenance activities is if the maintenance crew encroaches onto Axis private property, presumably between the current location of the retaining wall/fence and the property line (see attached site plans). Because the Axis residents have not granted an easement to the developer and have not otherwise relinquished their property rights to that strip of land (and may fence it off and use that area for other purposes), no mitigation can be based on the assumption that such land is available for hotel use.
11. The project plans do not appear to address the significant grade differential between the Axis driveway area and the hotel parcel, which are currently separated by a retaining wall/fence and a strip of asphalt pavement/crushed rock. We have attached the stormwater discussion from Charles Davidson, Engineers that shows the project intends to put the stormwater quality mechanisms on the north side of the building. This discussion does not address how the pattern of surface water drainage will be affected by the



project? This must be addressed to prevent a stream of stormwater from flowing onto the right of way or over the retaining wall onto the Axis driveway.

12. In the City's letter to the applicant dated October 1, 2018, it is stated that the project may be in conflict with the future underground BART station planned to be installed in proximity to the hotel building. This could be a fatal flaw of the hotel project. Has the City notified VTA that the proposed BART Subway may affect the project? We will be including the VTA in all of our future correspondence to be sure that they are aware of this critical issue.
13. The list of required project approvals in the NOP omits tree permits and potential street vacation/land sale discretionary actions. These and all other related discretionary actions should be fully described in the EIR.

We appreciate this opportunity to continue to provide feedback on the project proposal and look forward to your substantive responses to these questions and concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. T. Cusick', with a large, stylized loop at the end.

Thomas T. Cusick  
President, Axis Homeowners Association

cc: Councilmember Raul Peralez  
Patrick Kelly, Supervising Planner, Planning Division  
Jenny Nusbaum, Principal Planner, Environmental Review  
Edward Saum, Chair, Historic Landmarks Commission  
Juliet Arroyo, Historic Preservation Officer, Historic Landmarks Commission  
Karen Mack, Public Works Transportation Manager  
Yves Hansel, General Manager, Hotel De Anza  
Steven Cos and Scott Knies, San Jose Downtown Association  
Brian Grayson and Andre Luthard, Preservation Action Council of San Jose  
Paul Escobar, Downtown Residents Association  
Sblend Sblendorio, Hoge Fenton  
Carolyn Gonot, Chief Engineering & Program Delivery Officer, VTA  
Mark Tersini, KT Properties  
Nuria Fernandez, VTA  
Gretchen Baisa, VTA

# *Charles W. Davidson Co.*

A California Corporation  
Consulting Civil Engineers

Charles W. Davidson, President  
Peter B. Smith, Vice President

August 28, 2018

Job No. 1847 PL4

## **Almaden Corner Hotel Stormwater Narrative**

The Almaden Corner Hotel is a high rise hotel on the corner of North Almaden Avenue and West Santa Clara Street in downtown San Jose. The project contains 0.20 acres within the boundary. The project includes 1 story of below ground and 19 stories above ground.

The project qualifies as a Category A Special Project under the terms of the Municipal Regional Permit (MRP) because of its small site and 100% site coverage. It would also qualify in Category B as the floor area ratio is 16.6. The existing site is 100% impervious and consists of paved parking lot and compacted baserock. The proposed project will remove the automobile pollutant impacts because all the parking will be removed. As can be seen from the Special Projects Worksheet, the project qualifies for 100% LID treatment reduction credit.

Although the project qualifies to use 100% non LID treatment, it has been used wherever it is feasible within the project as described below. Green roofs were not selected for the towers due to; 1) the potential penetration of the waterproof membrane by planting or maintenance leading to leaks directly over residential units 2) the need for extensive irrigation in a drought prone climate, and 3) the need for continuous maintenance of the plantings and roof. The building extends to the property line on the south and west sides leaving no room for flow through planters. However on the north and east sides there is a 3' setback from the property line. The east side was not viable because the adjacent hotel is right on the property line leaving no room for maintenance and no sunlight to support plant life. The north side does not have those restrictions, so a majority of that side, almost 90 linear feet, will be a flow through planter. The planter will treat all of the tower roof area. Runoff from the amenity deck and covering will be directed into the media filter on the north side of the building. The narrow buffer strip between the proposed building and the easterly property line will be permeable pavers as a self-treating area.

The Garden Gate Project epitomizes smart development. It proposes to replace a small parking lot with a high rise hotel in the downtown core near transit and jobs. It adds pervious surfaces where there were none before. And finally, although it would qualify for 100% LID credit, it will be able to treat 70% of the area with LID methods.

NORTH ALMADEN BLVD.

AXIS CONDOMINIUMS

Property Line

REMOVE EXIST STEPS

REMOVE AND  
REPLACE EXIST.  
DRIVEWAY.

COMPACTED BASE ROCK

REMOVE EXIST. ASPHALT

REMOVE EXIST. ASPHALT

REMOVE EXIST. SIDEWALK

EXIST. STREET EASEMENT  
EASEMENT PER DOC.  
#3205485 TO BE VACATED

UNDERGROUND  
ELECTRIC

UNDERGROUND  
FIBER OPTIC

DE

12" WATER

33" SANITARY SEWER ->

18" SANITARY SEWER ->

S29° 47' 46"E

S29° 47' 46"E 70.84'

N29° 53' 45"W 80.86'

BW 82.00

BW 82.06

(83.00)

(81.76)

(84.00)

(84.57)

(84.76)

(84.76)

(84.57)

(84.51)

(84.63)

(84.71)

(84.71)

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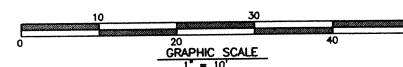
(84.71)

BW 82.09

1645 NW HOYT  
PORTLAND OREGON 97209  
503 444 2200

*Charles W. Davidson Co.*

Consulting Civil Engineers  
A California Corporation  
255 W. Julian St  
San Jose California 95110  
(408) 295-9162



### NOTES

1. ELEVATIONS SHOWN ARE BASED ON THE NAVD88 DATUM. TO CONVERT TO THE NGVD29 DATUM SUBTRACT 2.75'
2. TIEBACKS UNDER THE PUBLIC STREETS REQUIRE AN ENCROACHMENT PERMIT FROM THE CITY OF SAN JOSE
3. TIEBACKS UNDER THE BUILDINGS TO THE NORTH AND EAST REQUIRE A SIGNED AGREEMENT FROM THE PROPERTY OWNER

AXIS CONDOMINIUMS

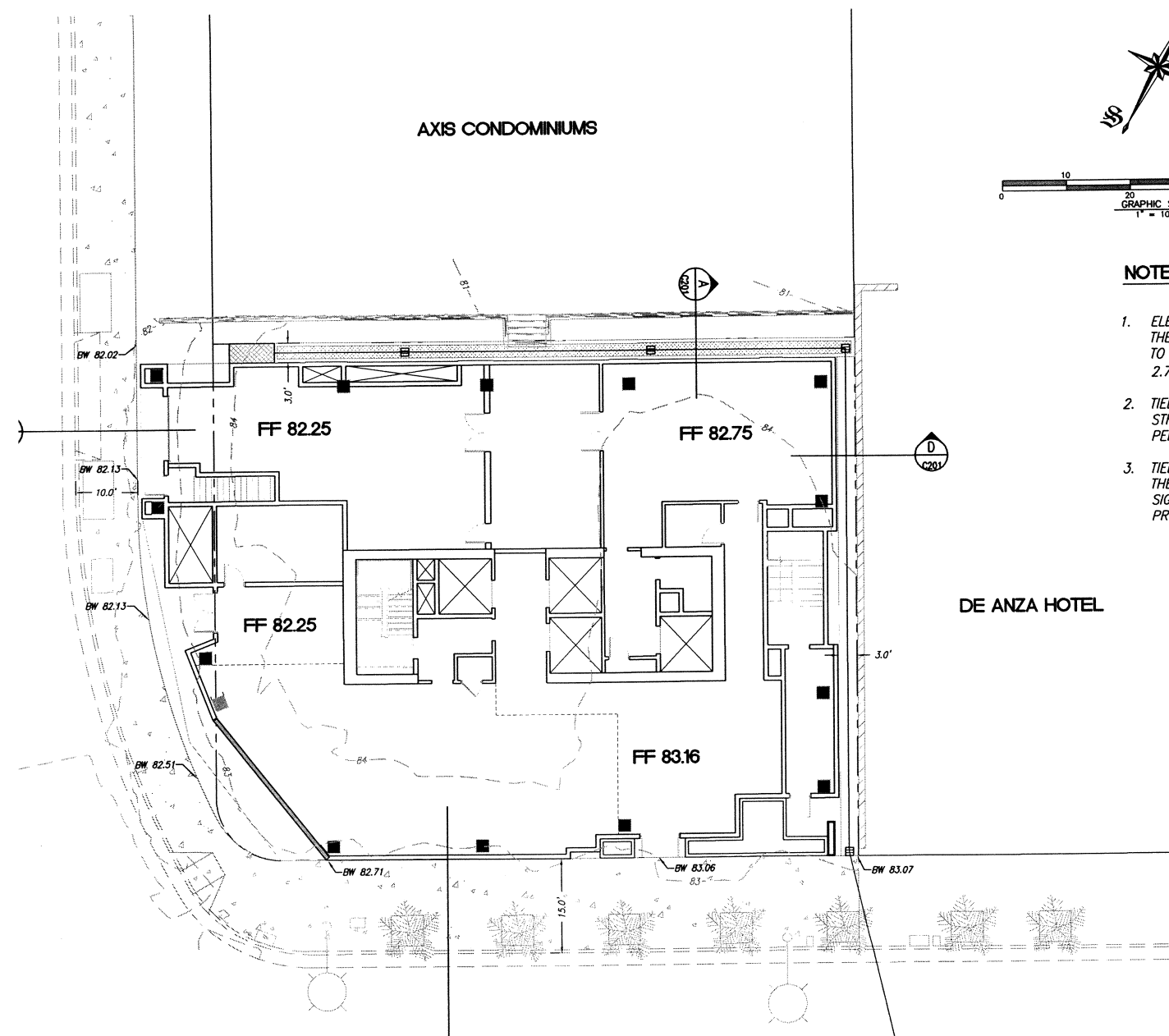
DE ANZA HOTEL

## ALMADEN CORNER HOTEL

OWNER:  
KT URBAN

ADDRESS:  
8 N ALMADEN BLVD  
SAN JOSE, CA 95110

PROJECT NO.: 1847





## Lucy Lofrumento

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**From:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Sent:** Tuesday, February 19, 2019 8:19 AM  
**To:** Lucy Lofrumento  
**Subject:** RE: SSE comments to NOP for Almaden Corner Hotel Project (H18-038)

Thank you, Lucy. Received.

Best regards,  
Thai

---

**From:** Lucy Lofrumento [mailto:lal@lmallp.com]  
**Sent:** Monday, February 18, 2019 5:08 PM  
**To:** Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>  
**Cc:** Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Mack, Karen <Karen.Mack@sanjoseca.gov>; Mark Tersini (mtersini@aol.com) <mtersini@aol.com>  
**Subject:** SSE comments to NOP for Almaden Corner Hotel Project (H18-038)

Hi Thai-Chau,

Jim Goddard of Sharks Sports & Entertainment asked me to forward to you the letter below, regarding the NOP for the Almaden Corner Hotel Project. Please feel free to call me with any questions.

Regards,  
Lucy



Lucy Lofrumento  
Attorney at Law  
Office: (408) 560-3665 | Cell: (408) 605-3448  
Email: [lal@LMALLP.com](mailto:lal@LMALLP.com) | Web: [www.LMALLP.com](http://www.LMALLP.com)

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February 18, 2019

City of San Jose  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

RE: Comments on Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Almaden Corner Hotel Project (Project) located at 8 N. Almaden Boulevard (H18-038)

Dear Ms. Le,

Sharks Sports & Entertainment (SSE) is fully supportive of San Jose's vision for the development of Downtown. However, we are very concerned about development proposals that do not adequately describe and mitigate potential impacts on (i) the supply of parking spaces needed for SAP Center customers, and (ii) the vehicular and pedestrian traffic routes utilized by SAP Center customers.

**Consistency Issues:**

Development projects within the vicinity of SAP Center must be consistent with the Arena Management Agreement (AMA) between SSE and the City. They must also be consistent with one of the primary objectives of the Diridon Station Area Plan, which is stated as follows:

*"to ensure the continued vitality of the San Jose Arena, recognizing that the Arena is a major anchor for both Downtown and the Diridon Station area, and that sufficient parking and efficient access for Arena customers, consistent with the provisions of the Arena Management Agreement, are critical for the Arena's ongoing success."*

The Environmental Impact Report (EIR) for the Almaden Corner Hotel Project (Project) must address the above consistency requirements, as well as the Project's impacts on parking and traffic that could have an adverse effect on the successful operation of SAP Center.

**Project Description and Context:**

We believe that the project description provided in the Notice of Preparation (NOP) is inadequate (and incorrect in certain respects). The project description should be modified to include essential elements of the Project and to correct any inaccuracies.

According to publicly-available plans and documents, the proposed Project is a 19 story, 272-room hotel with a restaurant and bar on both the ground floor and the 19<sup>th</sup> floor. It would be situated on a tiny parcel located at the northeast corner of Santa Clara Street and N. Almaden Blvd. The NOP states that the project site is 0.39 acres, but according to the assessor's parcel map, the site is approximately 0.185 acres (a little over 8,000 square feet).

The Project site is only 1,500 feet east of SAP Center, and is located along a major traffic route used for vehicular and pedestrian ingress and egress to and from SAP Center. Peak check-in times for the hotel would coincide with peak traffic on weekday evenings, as well as peak times for customers arriving for SAP Center events.

As stated in the NOP, the Project would have no on-site parking. Rather, parking for hotel patrons would be provided via valet service at the San Pedro Market Garage owned by the City of San Jose, located approximately four blocks away from the Project site. Both valet service and guest drop-off/pick-up would be located on N. Almaden Blvd., apparently using two on-street parking spaces just north of the crosswalk at the intersection of Santa Clara Street.

Immediately north of the two on-street parking spaces along N. Almaden Blvd. there would be a driveway leading to an interior loading bay. It appears that the loading bay would have space for only one delivery truck at a time.

We understand that the City is proposing to convert N. Almaden Blvd. from its current one-way direction (heading south) to a two-way street. Such proposed change should be included in the project description, as it would fundamentally affect material traffic patterns associated with the Project. (It would also have significant impacts on ingress and egress to the Comerica Bank building and the Axis condominium project.)

Assuming N. Almaden Blvd. is converted to a two-way street, vehicles wishing to access the two drop-off/pick-up parking spaces in front of the hotel would need to turn north onto N. Almaden Blvd. from Santa Clara Street. Vehicles wishing to access the hotel's loading bay would either turn north onto N. Almaden Blvd. (from Santa Clara Street) and then turn right into the driveway just past the valet operations, or if they are travelling south on N. Almaden Blvd., they would make a left turn into the loading bay driveway.

As far as we can tell from the plans, there is no space allocated for vehicle queuing/stacking for either cars or delivery vehicles, other than the two on-street spaces located between the crosswalk at the intersection and the driveway leading to the loading bay. Also, there is no place on the street identified as a location where service or maintenance vehicles could park, although we assume that such vehicles would often park in the driveway to the loading bay.

#### **Parking Impacts:**

As mentioned above, the NOP states that valet service will be provided at the hotel on N. Almaden Blvd., with car parking to be located at the San Pedro Market Garage. SAP Center customers currently utilize this garage for Sharks games, concerts, and other events. We are concerned that the proposed parking arrangement for the Project may adversely affect the availability of parking for Arena customers.

Under the City's parking ordinance, each new development project must provide sufficient new parking spaces to meet the parking demand created by such project. In special circumstances, a new project may be allowed under a Special Use Permit (not just a Site Development Permit as described in the NOP) to utilize existing parking spaces located near the project to meet the project's parking demand, in accordance with the following provisions (underlining added):

20.90.200 - Off-site, alternating use and alternative parking arrangements - Vehicle or bicycle.

A. The following off-street parking arrangements may be permitted with a special use permit in accordance with Chapter 20.100:

1. Parking facilities on a lot other than the lot occupied by the building or use which they are required to serve where the lots are not contiguous or there is no recordation of a cross-access easement with reciprocal parking.
2. Alternating use of common parking facilities where certain uses generate parking demands during hours when the remaining uses are not in operation (for example, if one use operates during the day time or on weekends and the other use operates at night or on weekdays).
3. Parking facilities which accommodate the required number of spaces in an alternative parking design.

- B. In addition to any other findings required for a special use permit, the director, or planning commission on appeal, may approve such off-street parking facilities arrangements only upon making the following findings:
1. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this Chapter 20.90 of this title;
  2. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use; and
  3. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

SSE's position is that the required findings allowing for off-site parking may be made only if (i) such existing parking spaces are determined to be surplus (not needed to meet parking requirements for existing or future uses); (ii) such parking arrangement is legally enforceable for the life of the project; and (iii) the location of the off-site parking facility is such that the project's employees, guests, vendors and others needing to park at the project will actually use the identified off-site parking facility, without impacting other parking facilities (including on-street metered parking spaces) that may be located closer to the project and/or be more convenient. The traffic operations study included in the EIR must provide a detailed analysis of how each of these criteria will be satisfied.

In terms of the adequacy requirement, there is currently no indication in any of the Project documents that the San Pedro Market Garage can accommodate this additional parking given existing and future parking demand. For example, the De Anza Hotel currently utilizes the San Pedro Market Garage for its off-site parking. This garage is also used for the San Pedro Market and San Pedro Street restaurants as well as by persons attending events at SAP Center. There may be other commercial and/or residential developments that utilize this parking as well. We request copies of any and all agreements whereby the City has granted use of this public garage for private uses, and that this information be included in the EIR.

To our knowledge, there has been no comprehensive study of Downtown parking facilities to determine if they have adequate capacity for all of the projects currently using them as well as for future projects. If the City allows new projects to utilize existing off-site parking facilities, at what point will the current parking supply be insufficient to meet current and future parking demands? How does this relate to the code requirement for a finding that there is adequate capacity? It is essential that an analysis of all Downtown parking facilities be completed to determine the extent to which adequate parking exists for all current and future needs.

The EIR for this Project must also evaluate the cumulative direct and indirect environmental impacts of not enough parking in the Downtown. For example, if all of the parking structures downtown do not have sufficient capacity to serve existing and future on-site as well as off-site buildings/uses, what are the safety impacts at the driveways and sidewalks in the area? How will pedestrians and bicyclists be affected by vehicles circling the blocks looking for parking? Who will monitor these impacts and keep track of the capacity of each structure?

To the extent that findings can be made that the San Pedro Market Garage has adequate capacity for the new parking demand created by this Project, then according to City code it must also be shown that the City's parking facility will legally be available for use by the hotel for the life of the project. This means not only that

adequate capacity will be available for the life of the hotel Project, but that a legally enforceable agreement will allow the hotel to utilize this City-owned parking facility for the life of the hotel Project (i.e., for at least 50+ years). This means, among other things, that the San Pedro Market Garage will not be demolished to construct a high rise project during that period of time, or if it is demolished, then the City will be required to provide alternative parking for the hotel to meet its obligations under the parking agreement.

Notwithstanding the provisions of the City's code, in a comment letter dated October 1, 2018, the City's Project Manager, Nizar Slim, suggested that an arrangement for a ten-year term would be acceptable – a clear violation of the code requirements. We are perplexed as to why City staff would suggest that a project could somehow circumvent current code requirements. All such inconsistencies with the Municipal Code must be identified in the EIR as a significant impact, and mitigation must be included in the Project to reduce this impact to a less than significant level.

### **Traffic Impacts:**

The AMA states the following in Section 21.2.3, Streets and Intersections:

“City and Manager shall also coordinate regarding any material changes to the design, configuration or operation of the major streets and intersections in the vicinity of the Arena to the extent that they may have a direct impact on the safe and efficient flow of vehicular, bicycle, and pedestrian traffic to and from the Arena ....”

We believe that converting N. Almaden Blvd. from a one-way street to a two-way street could have significant direct impacts on ingress and egress to and from the Arena, and therefore any plans for such change must be reviewed and discussed with representatives of SAP Center before they are implemented.

If N. Almaden Blvd. is converted to a two-way street as proposed by the City, we believe there is a potential for eastbound traffic making left-turns onto N. Almaden Blvd. from Santa Clara Street to back up during peak periods when numerous hotel check-ins will also occur. These peak hour operations at the hotel that coincide with SAP Center events could foreseeably back traffic up past the SR-87 overpass on Santa Clara Street, blocking the off-ramp at Santa Clara Street. This would affect our customers attempting to access existing Downtown parking, including the parking facilities at the Almaden Financial Plaza, the Comerica Bank building, the San Pedro Market Garage, and numerous other parking facilities that are served by Santa Clara Street. As the City knows, SSE employs a very pro-active and complex transportation and parking management plan for our events, and to add this potential back-up of traffic onto City streets would jeopardize its success.

Even if N. Almaden Blvd. is not converted to a two-way street, the hotel could cause significant impacts to traffic. It appears from the Project plans that the frontage on N. Almaden Blvd. is less than 70 feet in length. This space does not provide enough area for valet operations, hotel guest drop-off and pick-up, loading/delivery services, and parking for maintenance vehicles that will all need to access the site at this location. Because hotel patrons do not have the ability to park themselves at the hotel, serious congestion will ensue, resulting in adverse impacts to vehicular and pedestrian traffic.

Traffic impacts of the Project must be analyzed in a complete traffic operations report to ensure that SAP Center customers traveling to and from events do not find themselves in an unsafe situation in proximity to the hotel due to the above-described circumstances. Such report must take into consideration that Santa Clara Street is the Arena's most important vehicular and pedestrian thoroughfare.

We anticipate that the corner of N. Almaden Avenue and Santa Clara Street will be extraordinarily busy with hotel check-in, valet parking, vehicle staging, and ride-share drop-offs and pick-ups, especially in the evening hours when our customers are traveling to Arena events. Add to this the throngs of pedestrians, scooters, pedi-cabs, and other vehicles, and dangerous traffic congestion is likely to occur. An analysis of this condition must be completed as part of the traffic report for the EIR, and mitigation measures must be identified to reduce all impacts to a less than significant level.

Any mitigation measures that rely on an agreement by the hotel operator to provide adequate staffing for valet operations would be difficult if not impossible to enforce, and therefore should not be considered adequate to address potential congestion issues. For example, suppose that a total of six valet attendants would be needed during peak operations to ensure that cars do not encroach into traffic lanes and/or clog the intersections, but the hotel employs only two valet attendants. The City would have no adequate remedy in that situation, and therefore this type of mitigation measure cannot be used.

#### **Construction Impacts:**

Impacts to vehicular and pedestrian traffic during construction, including safety issues, must also be analyzed. It is our understanding that construction cranes likely will be parked on N. Almaden Blvd. It is unknown where construction materials and equipment will be staged or where construction workers will park. This information is important for an adequate evaluation of how our customers and others travelling in the area will be adversely affected during construction.

#### **Project Alternatives:**

We appreciate that the City would like to see more hotels developed in the Downtown area, and in theory a hotel located along Santa Clara Street or Almaden Boulevard could be a good location. However, in this case, the parcel size is too small, and the curb management challenges are too great. Thus, even if this corner theoretically could be considered a good location for a hotel, the site itself is not adequate for a project of this size. The EIR should evaluate other properties where this type of hotel could be located without causing such significant impacts.

Sincerely,

Jim Goddard  
Executive Vice President, Governmental Affairs

