

Appendix B

Notice of Preparation and Comments Received

**NOTICE OF PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE SAN JOSE TRIBUTE HOTEL PROJECT**

FILE NOS: H16-042 AND HP17-003
PROJECT APPLICANT: KHANNA ENTERPRISES LTD III LP
ADDRESS: 211 S. 1ST STREET
APN: 259-42-079

Project Description: Application for a Site Development Permit and Historic Preservation Permit to construct an approximately 186,500 gross square-foot hotel addition of 274 guest rooms in a new 24-story tower on the north portion of the site, at the location of an existing courtyard. The addition would include a new lobby, and roof-top amenities such as a swimming pool, fitness center, and events space.

Location: An approximately 25,000 square-foot portion of the parcel occupied by the Four Points by Sheraton San José hotel at 211 S. First Street. The existing hotel is a historical resource comprising a four-story, 86 room building with a ground floor restaurant.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) 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 SEIR may be used by your agency when considering subsequent approvals related to the project. 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.

EIR Scoping Meeting: An EIR Scoping meeting will be held on September 17, 2018, from 6:30 p.m. to 8:00 p.m. in Room 225 of the Dr. Martin Luther King (MLK) Library, located at 150 E. San Fernando Street, San José.


According to State law, the deadline for your response is 30 days after receipt of this notice. An earlier response would be appreciated. Please identify a contact person, and send your response to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: 408.535.6872, e-mail: reema.mahamood@sanjoseca.gov

Rosalynn Hughey, Director
Planning, Building and Code Enforcement



Deputy



Date

**NOTICE OF PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR
THE SAN JOSE TRIBUTE HOTEL PROJECT
(File Nos. H16-042 and HP17-003)**

August 2018

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the public of the environmental effects of a 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 the Lead Agency determines that only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. As the Lead Agency, the City of San José will prepare an SEIR to the Downtown Strategy 2000 Final EIR and the Envision San José 2040 General Plan Final EIR to address the environmental effects of the proposed San José Tribute Hotel project.

The San José City Council adopted the Downtown Strategy 2000 in 2005 to guide development in Downtown San José. The City is in the process of updating the Downtown Strategy 2000 and will prepare a new EIR. The proposed Downtown Strategy 2040 and the associated new EIR will be circulated for public review and comment soon. The proposed project is located within the current Downtown Strategy 2000 and proposed Downtown Strategy 2040 boundaries, therefore, the SEIR will evaluate the proposed project against the policies of both the current Downtown Strategy 2000 and the proposed Downtown Strategy 2040 and their associated EIRs. It is anticipated the San José City Council will consider for approval the proposed Downtown Strategy 2040 and associated new EIR prior to the completion of this SEIR.

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 into the SEIR as an appendix) to focus the SEIR on potentially significant issues pursuant to CEQA Guidelines 15178(c). In accordance with the requirements of CEQA, the SEIR will include the following sections:

- Summary of the project
- Project description
- Description of the existing environmental setting, environmental impacts, and mitigation measures for the project
- Alternatives to the proposed project
- 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 25,000 square-foot portion of the parcel occupied by the Four Points by Sheraton hotel at 211 S. First Street project site (APN 259-42-079). Regional and vicinity maps of the project site are shown in Figure 1 and Figure 2.

Project Description

The 25,000 square-foot portion of the project site is currently used as an open patio seating area for the Four Points by Sheraton hotel and restaurant. The Four Points by Sheraton hotel was formerly known as the Montgomery Hotel, and is a designated City Landmark and is located on the California and National Registers for Historic Places.

The proposed hotel addition consists of a new, 24-story tower on the northern portion of the site, at the location of an existing courtyard. The proposed hotel addition is approximately 186,500 gross square feet and includes 274 guest rooms, atrium style lobby, and rooftop amenities such as a swimming pool, fitness center, and events space. The lower five floors would occupy half the currently open portion of the site with guest rooms, entry lobby, check-in area and support spaces. The lower level enclosure would form the lobby and semi-public event space. The main entry to the hotel would be located at the S. First Street elevation. The conceptual site plan is presented in Figure 3 and a rendering of the project is presented in Figure 4.

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*.

Project Approvals Anticipated to be Required

1. Site Development Permit
2. Historic Preservation Permit
3. Grading Permit
4. Building Permit

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 potentially significant environmental impacts, as warranted. The analysis in the SEIR will include the following specific categories of environmental impacts and concerns related to the proposed project. Additional topics may be added to the SEIR if new information becomes available.

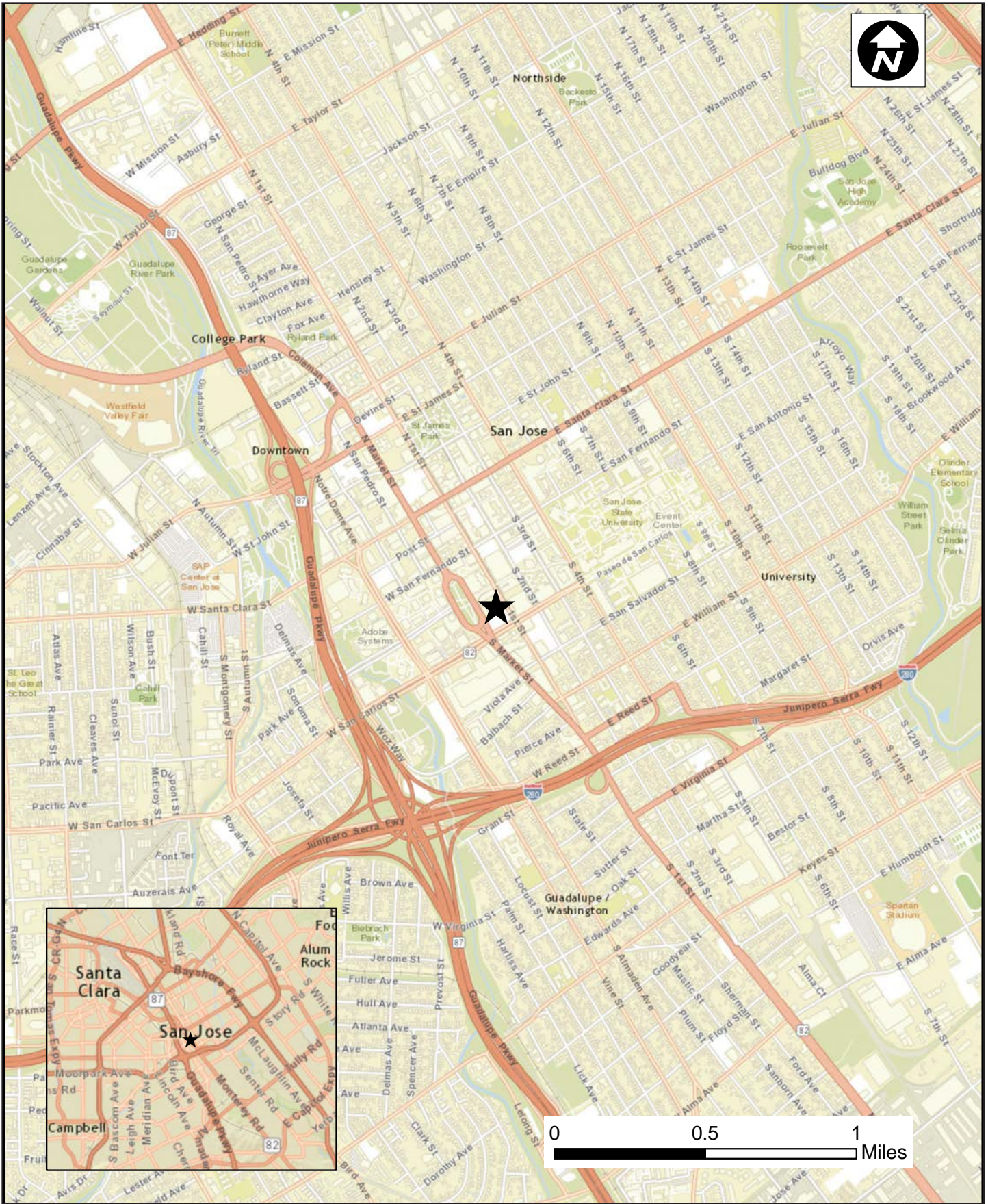
The SEIR will be prepared in accordance with Article 3, Focused Environmental Impact Report, of the CEQA statute, and will include all required information as outlined in Article 9, Contents of Environmental Impact Reports, of the CEQA Guidelines.

The focused SEIR will analyze the following topics:

1. *Cultural Resources:* The SEIR will address potential impacts of the project on the historic Montgomery Hotel, which is a City Landmark. This section will incorporate the findings of the historical evaluation and City's peer review of that evaluation. The SEIR will describe specifically how the project design meets the Secretary of Interior's Standards for Historic Preservation. In addition, the SEIR will summarize the archaeological report prepared for the project and discuss tribal cultural resources in accordance with Assembly Bill (AB) 52.
2. *Greenhouse Gas Emissions:* The SEIR will address the project's contribution to regional and global greenhouse gas emissions based on the BAAQMD thresholds and projections through 2030 as well as the City's Greenhouse Gas Reduction Strategy. Mitigation measures will be identified for significant impacts.
3. *Noise and Vibration:* The SEIR will describe the results of a noise/vibration study for the project and a peer review of this study by the City. This discussion will include quantification of existing and future noise and vibration levels, applicable General Plan policies and standards, and vibration impacts on nearby structures, including the adjacent historic Montgomery Hotel, during construction. This analysis will identify mitigation measures to minimize impacts to the historic Montgomery Hotel and to sensitive receptors from construction or operation of the project.
4. *Energy:* Implementation of the project would result in an increased demand for energy. The SEIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption. Mitigation measures, if required, will be identified.
5. *Alternatives:* The SEIR will examine alternatives to the proposed project including a "No Project" alternative, as required by CEQA. The alternatives could include a reduced development alternative, alternative land uses, 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.
6. *Significant Unavoidable Impacts:* The SEIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.
7. *Cumulative Impacts:* Section 15130 of the CEQA Guidelines requires an EIR to discuss the cumulative impacts resulting from the project when combined with other past, present, and reasonably foreseeable development in the 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) areas of known controversy, 5) references, 6) organizations/persons consulted, 7) SEIR author and consultants, and 8) appendices.

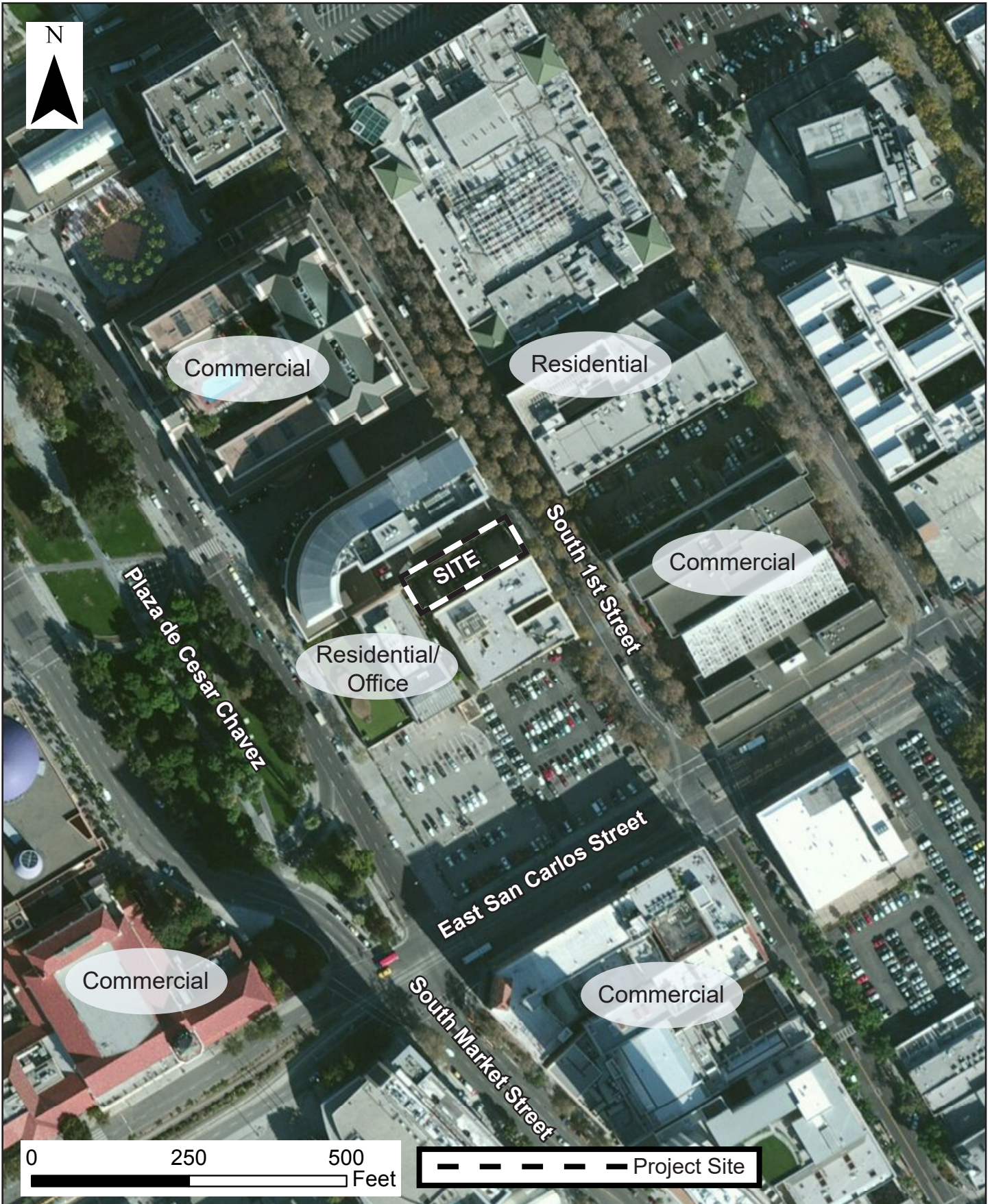
An Initial Study will be prepared to focus the analysis of the SEIR. The Initial Study will be provided as an appendix to the SEIR and will include analyses for resource areas that have no new significant impacts or no increase in previously identified impacts, and will include analyses for resource areas that may have potentially significant impacts that can be mitigated to less than significant levels.



Location Map

San José Tribute Hotel
Notice of Preparation

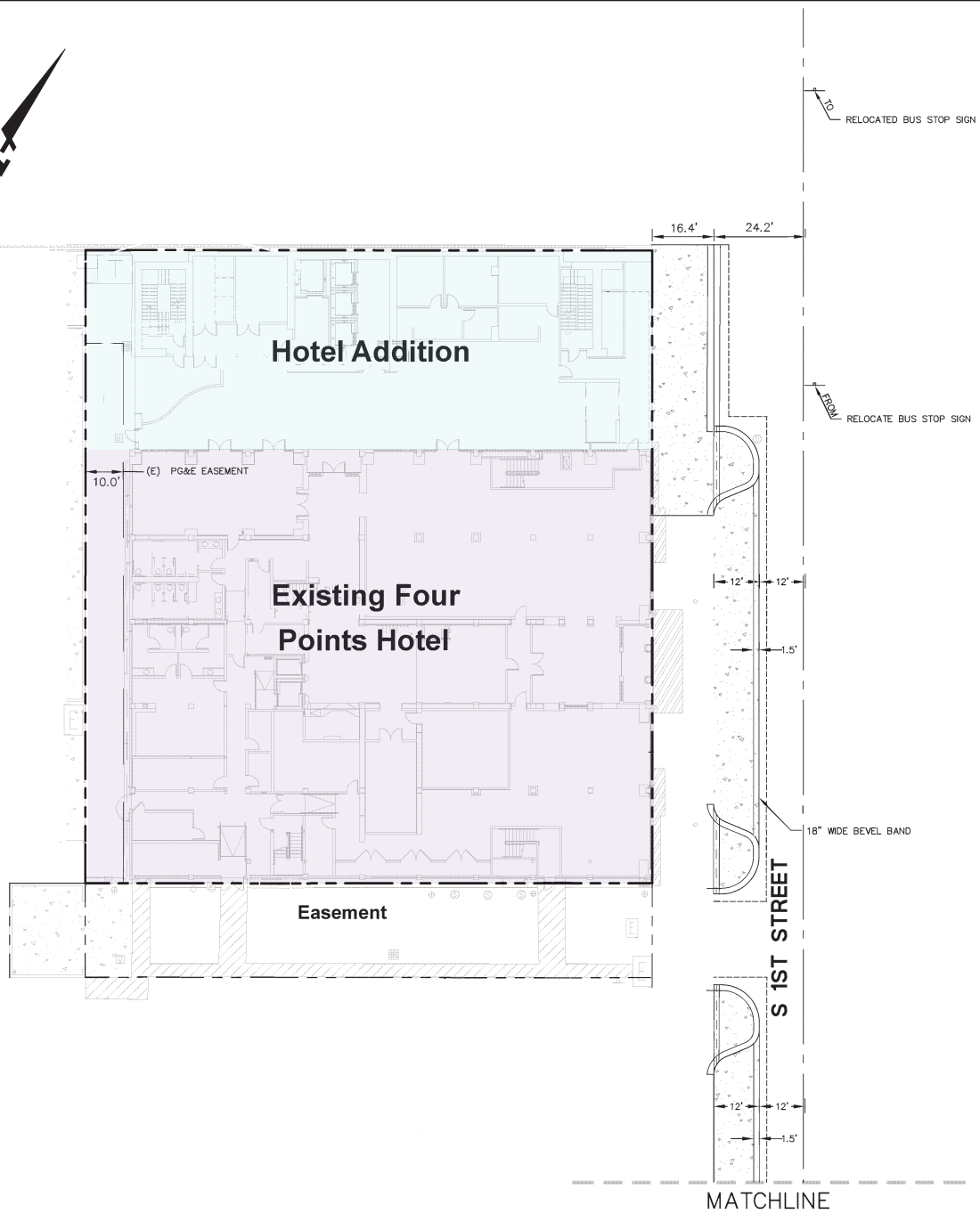
Figure
1



Vicinity Map

San José Tribute Hotel
Notice of Preparation

Figure
2



Source: BKF Engineers, Inc.

Site Plan

San José Tribute Hotel
Notice of Preparation

Figure
3



Source: TCF Architects

Rendering

San José Tribute Hotel
Notice of Preparation

Figure
4

Casa del Pueblo Residents
200 South Market Street,
San Jose, CA 95113
September 30, 2018

City of San Jose, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA95113-1905



Dear Sir/Madam:

**Re: Environment Impact Report for San Jose Tribute Hotel Project under File
Nos.H16-042 and HP17-003**

We are ethnically diverse residents of Casa Del Pueblo Senior Apartment, including Asian, African, Latin American and immigrants from Europe, the majority are American citizens and the average age is 70 years old among 200 households.

Recently, we learned that a Tribute Hotel will construct on the East, South and North areas of the site at the location of an existing courtyard. We are very worried about the period of time to begin and complete the project. It will impact our group of sick and senior residents tremendously, their safety and environment. It is not only threatens our lives both in mental and physical health but also spoils the environment surrounding us.

We strongly recommend you to pay more attention to this issue. Please terminate this project and let us have healthy and peaceful living here smoothly in our limited future lives (an old age is winding like a candle guttering in the wind). We will be most grateful if you can select another location for this project. All of us including our children and relatives will be very grateful for your kind consideration and assistance to terminate this project forever and ever.

For your reference, our comments and suggestions are the following:

1) It is unnecessary to start the project, which is not only damages the social safety, transportation, environment and the resources of the property but also is a waste of resources. For example: We already have ten more hotels with stars (the half radius-ten meters) around the apartment. According to our observations, the most luxurious five-star Fairmont Hotel has an occupancy only between 10 to 30%. Is it fair to say that the supply of current existing hotels is more than demand? Is it necessary to build a 24-story hotel and waste resources?

2)As far as we know the hotel will be built on the top of the Montgomery Hotel and connected to it without demolition which will worry us tremendously. How can this four story hotel support the 24-story hotel on the top without destruction and without falling down? The building itself will be destroyed/damaged if an earthquake of magnitude seven or above happens and the structure of our apartment and nearby buildings will be severe damaged.

3)The distance is only 12 feet between our apartment based on the vicinity map. There will be more people and vehicles going in and out after the new hotel is completed. It will be more crowded in the original narrow tunnel. Fire and evacuation exits will be blocked for fire truck to go through or people to leave. What are serious results when thing happens? Who has the burden to take this severe responsibility?

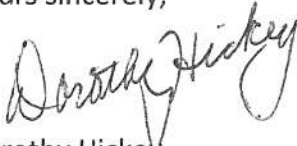
4)During the procedure of the construction, the pile driver will drill deep into the current building in order to support the 24-story hotel. The loud noise of piling is not only disturb the lives of our senior residents but more important affects the stability of our building and safety. These are great threats to our lives.

5)The windows and doors almost touch each other after the hotel is completed. It not only blocks the sunshine entering into the rooms but the residents will live daily in darkness on the south and east sides. How bad is for their lives? Moreover, the individual privacy cannot be protected among our residents and the hotel guests.

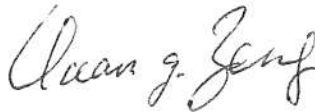
In conclusion, we think that the hotel is not necessary to build and cause a bad result. We strongly request this project should be stopped. The normal lives and safety of the property belonging to Senior residents cannot be ignored for the benefit of the developer oneself. We are eagerly expecting a reasonable response in writing after your negotiation and judgement.

Thank you so much for your kind attention and assistance!

Yours sincerely,



Dorothy Hickey,
Vice President
Council Residents of Casa del Pueblo Senior Apartment



Zeng, Quan Guang
Chairperson



Christina Wong
Translator/Intepreter

cc: Rosalynn Hughey, Director: Planning, Building and Code Enforcement
cc:John Tu, Contact : City of San Jose Planning Division
cc:Erik Schoennauer, Project Applicant
cc:Heather Jauregui, Property Manager of Casa Del Pueblo Apartment



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

Notice of Preparation

August 31, 2018



To: Reviewing Agencies

Re: San Jose Tribute Hotel Project
SCH# 2018082075

Attached for your review and comment is the Notice of Preparation (NOP) for the San Jose Tribute Hotel Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Reema Mahamood
City of San Jose
200 E. Santa Clara St, 3rd Floor Tower
San Jose, CA 95113-1905

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018082075
Project Title San Jose Tribute Hotel Project
Lead Agency San Jose, City of

Type NOP Notice of Preparation
Description Site Development Permit to allow the construction of a 24-story, 274-room hotel, integrated with the Montgomery Hotel, a designated City Landmark that is on National Register of Historic Places (NRHP)

Lead Agency Contact

Name Reema Mahamood
Agency City of San Jose
Phone (408) 535-6872
email
Address 200 E. Santa Clara St, 3rd Floor Tower
City San Jose
Fax
State CA **Zip** 95113-1905

Project Location

County Santa Clara
City San Jose
Region
Cross Streets E. San Carlos St
Lat / Long
Parcel No. 259-42-079
Township **Range** **Section** **Base**

Proximity to:

Highways HW 101, I-280, SR87
Airports San Jose Mineta International AP
Railways
Waterways Guadalupe River and Coyote Creek
Schools
Land Use Zoning: downtown primary commercial/ General Plan: Downtown

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Solid Waste; Soil Erosion/Compaction/Grading; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Office of Emergency Services, California; Native American Heritage Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2

Date Received 08/31/2018 **Start of Review** 08/31/2018 **End of Review** 10/01/2018

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH **2018082075**

Project Title: San José Tribute Hotel Project

Lead Agency: City of San José Contact Person: Reema Mahamood
Mailing Address: 200 E. Santa Clara Street, 3rd Floor Tower Phone: 408-535-6872
City: San José Zip: 95113-1905 County: Santa Clara County

Project Location: County: Santa Clara City/Nearest Community: San José

Cross Streets: E. San Carlos Street Zip Code: 95113

Longitude/Latitude (degrees, minutes and seconds): Assessor's Parcel No.: " N / _____ ° _____ ' _____ " W Total Acres: 0.58 acre

APN: 259-42-079 Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: HW101, I-280, SR87 Waterways: Guadalupe River and Coyote Creek

Airports: San José Mineta International AP Railways: See attached Schools: See attached

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI

Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. 186,500 Acres 0.58 Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW
 Educational: _____ Waste Treatment: Type _____ MGD
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Zoning: Downtown Primary Commercial General Plan: Downtown

Project Description: (please use a separate page if necessary)

Site Development Permit to allow the construction of a 24-story, 274-room hotel, integrated with the Montgomery Hotel, a designated City Landmark that is on the National Register of Historic Places (NRHP).

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

MS

County:

Santa Clara

SCH#

2016

Regional Water Quality Control Board (RWQCB)

Resources Agency

Resources Agency Nadell Gayou

Dept. of Boating & Waterways Denise Peterson

California Coastal Commission Allyson Hitt

Colorado River Board Elsa Contreras

Dept. of Conservation Crina Chan

Cal Fire Dan Foster

Central Valley Flood Protection Board James Herota

Office of Historic Preservation Ron Parsons

Dept of Parks & Recreation Environmental Stewardship Section

S.F. Bay Conservation & Dev't. Comm. Steve Goldbeck

Dept. of Water Resources Resources Agency Nadell Gayou

Fish and Game

Dept. of Fish & Wildlife Scott Flint Environmental Services Division

Fish & Wildlife Region 1 Curt Babcock

Fish & Wildlife Region 1E Laurie Harnsberger

Fish & Wildlife Region 2 Jeff Drongesen

Fish & Wildlife Region 3 Craig Weightman

Fish & Wildlife Region 4 Julie Vance

Fish & Wildlife Region 5 Leslie Newton-Reed Habitat Conservation Program

Fish & Wildlife Region 6 Tiffany Ellis Habitat Conservation Program

Fish & Wildlife Region 6 I/M Heidi Calvert Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M William Paznokas Marine Region

Other Departments

California Department of Education Lesley Taylor

OES (Office of Emergency Services) Monique Wilber

Food & Agriculture Sandra Schubert Dept. of Food and Agriculture

Dept. of General Services Cathy Buck Environmental Services Section

Housing & Comm. Dev. CEQA Coordinator Housing Policy Division

Independent

Commissions, Boards

Delta Protection Commission Erik Vink

Delta Stewardship Council Anthony Navasero

California Energy Commission Eric Knight

Native American Heritage Comm. Debbie Treadway

Public Utilities Commission Supervisor

Santa Monica Bay Restoration Guangyu Wang

State Lands Commission Jennifer Deleong

Tahoe Regional Planning Agency (TRPA) Cherry Jacques

Cal State Transportation Agency CalSTA

Caltrans - Division of Aeronautics Philip Crimmins

Caltrans - Planning HQ LD-IGR Christian Bushong

California Highway Patrol Suzann Ikeuchi Office of Special Projects

Dept. of Transportation

Caltrans, District 1 Rex Jackman

Caltrans, District 2 Marcelino Gonzalez

Caltrans, District 3 Susan Zanchi - North

Caltrans, District 4 Patricia Maurice

Caltrans, District 5 Larry Newland

Caltrans, District 6 Michael Navarro

Caltrans, District 7 Dianna Watson

Caltrans, District 8 Mark Roberts

Caltrans, District 9 Gayle Rosander

Caltrans, District 10 Tom Dumas

Caltrans, District 11 Jacob Armstrong

Caltrans, District 12 Maureen El Harake

Cal EPA

Air Resources Board

Airport & Freight Jack Wursten

Transportation Projects Nesamani Kalandiyur

Industrial/Energy Projects Mike Tollstrup

California Department of Resources, Recycling & Recovery Kevin Taylor/Jeff Esquivel

State Water Resources Control Board Regional Programs Unit Division of Financial Assistance

State Water Resources Control Board Cindy Forbes - Asst Deputy Division of Drinking Water

State Water Resources Control Board Div. Drinking Water #

State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality

State Water Resources Control Board Phil Crader Division of Water Rights

Dept. of Toxic Substances Control Reg. # CEQA Tracking Center

Department of Pesticide Regulation CEQA Coordinator

RWQCB 1 Calhleen Hudson North Coast Region (1)

RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)

RWQCB 3 Central Coast Region (3)

RWQCB 4 Teresa Rodgers Los Angeles Region (4)

RWQCB 5S Central Valley Region (5)

RWQCB 5F Central Valley Region (5) Fresno Branch Office

RWQCB 5R Central Valley Region (5) Redding Branch Office

RWQCB 6 Lahontan Region (6)

RWQCB 6V Lahontan Region (6) Victorville Branch Office

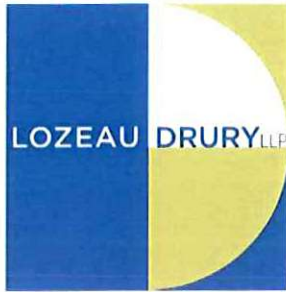
RWQCB 7 Colorado River Basin Region (7)

RWQCB 8 Santa Ana Region (8)

RWQCB 9 San Diego Region (9)

Other

Conservancy



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607



www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

September 4, 2018

Reema Mahamood, Environmental
Project Manager
City of San José
Dept of Planning, Bldg & Code Enforcement
200 East Santa Clara Street, Third Floor Tower
San José CA 95113
reema.mahamood@sanjoseca.gov

Rosalynn Hughey, Director of
Dept of Planning, Bldg & Code Enforcement
City of San José
200 East Santa Clara Street, Third Floor Tower
San José CA 95113
rosalynn.hughey@sanjoseca.gov

Toni Taber, City Clerk
City of San José
City Clerk's Office
200 East Santa Clara Street
San José, CA 95113
cityclerk@sanjoseca.gov

Re: CEQA and Land Use Notice Request for San José Tribute Hotel Project, aka File Nos. H16-042 and HP17-003

Dear Ms. Mahamood, Ms. Hughey and Ms. Taber:

I am writing on behalf of the Laborers International Union of North America, Local Union 270 and its members living in Santa Clara County and/or the City of San José ("LiUNA"), regarding the San José Tribute Hotel Project, aka File Nos. H16-042 and HP17-003, including all actions related or referring to the proposed construction of a 186,500 gross square-foot, 24-story hotel with 274 guest rooms and roof-top amenities such as a swimming pool, fitness center, and events space located at 211 S. First Street on APN 259-42-079 in the City of San José ("Project").

We hereby request that the City of San José ("City") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.

September 4, 2018

CEQA and Land Use Notice Request for the San José Tribute Hotel Project, aka File Nos. H16-042 and HP17-003

Page 2 of 2

- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.
 - Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Richard Drury
Komalpreet Toor
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
510 836-4200
richard@lozeaudrury.com
komal@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Komalpreet Toor
Legal Assistant
Lozeau | Drury LLP

From: [Hettenhausen, Michael](#)
To: [Mahamood, Reema](#)
Subject: San José Tribute Hotel Project SEIR
Date: Friday, September 7, 2018 8:39:48 AM
Attachments: [image001.jpg](#)

Good morning Reema,

Thank you for the opportunity to review the NOP for this project. Upon review, I do not see this proposed project having any impacts to existing or proposed countywide trails or county parks. The County Parks Department has no comments on this SEIR.

Thanks,

Michael

Michael Hettenhausen, Associate Planner

Santa Clara County Parks | 298 Garden Hill Drive | Los Gatos, CA 95032

(408) 355-2362 | parkhere.org



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From: [Ed Ketchum](#)
To: [Mahamood, Reema](#)
Subject: RE: Notice of Preparation-San José Tribute Hotel Project SEIR
Date: Tuesday, September 4, 2018 9:19:45 AM

Reema Mahamood,

The subject project is within lands previous held by Tamien speakers. Per agreement these lands are presently represented by the Muwekma Tribal Band. Please contact their representative, Alan Leventhal.

Ed Ketchum
Amah Mutsun Tribal Band
Historian

Sent from [Mail](#) for Windows 10

From: [Mahamood, Reema](#)
Sent: Friday, August 31, 2018 12:03 PM
To: [Mahamood, Reema](#)
Subject: Notice of Preparation-San José Tribute Hotel Project SEIR

**NOTICE OF PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE SAN JOSE TRIBUTE HOTEL PROJECT**

FILE NOS:	H16-042 AND HP17-003
PROJECT APPLICANT:	KHANNA ENTERPRISES LTD III LP
ADDRESS:	211 S. 1 ST STREET
APN:	259-42-079

Project Description: Application for a Site Development Permit and Historic Preservation Permit to construct an approximately 186,500 gross square-foot hotel addition of 274 guest rooms in a new 24-story tower on the north portion of the site, at the location of an existing courtyard. The addition would include a new lobby, and roof-top amenities such as a swimming pool, fitness center, and events space.

Location: An approximately 25,000 square-foot portion of the parcel occupied by the Four Points by Sheraton San José hotel at 211 S. First Street. The existing hotel is a historical resource comprising a four-story, 86 room building with a ground floor restaurant.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) 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 SEIR may be used by your agency when considering subsequent approvals related to the project. 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.

EIR Scoping Meeting: An EIR Scoping meeting will be held on September 17, 2018, from 6:30 p.m. to 8:00 p.m. in Room 225 of the Dr. Martin Luther King (MLK) Library, located at 150 E. San Fernando Street, San José.

According to State law, the deadline for your response is 30 days after receipt of this notice. An earlier response would be appreciated. Please identify a contact person, and send your response to:

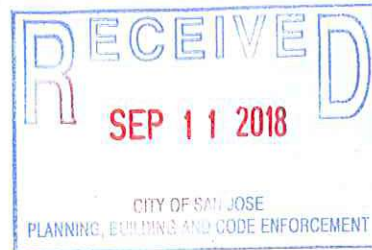
City of San José, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: 408.535.6872, e-mail: reema.mahamood@sanjoseca.gov

Reema Mahamood
Planner III, Environmental Review

City of San José | Planning, Building & Code Enforcement
200 E. Santa Clara St., T-3
San José, CA 95113
d - 408.535.6872 | f - 408.292-6240
reema.mahamood@sanjoseca.gov

NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



September 7, 2018

Reema Mahamood
City of San Jose
200 E. Santa Clara St., 3rd Floor Tower
San Jose, CA 95113-1905

RE: SCH# 2018082075 San Jose Tribute Hotel Project, Santa Clara County

Dear Ms. Mahamood:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Frank.Lienert@nahc.ca.gov.

Sincerely,



for

Frank Lienert
Associate Governmental Program Analyst

cc: State Clearinghouse

September, 17, 2018

**To: City of San José, Department of Planning, Building and Code Enforcement
Attn: Reema Mahamood, Environmental Project Manager**

**SUBJECT: NOTICE OF PREPARATION OF A DRAFT SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
FOR THE SAN JOSE TRIBUTE HOTEL PROJECT FILE NOS: H16-042 AND HP17-003**

In the draft supplemental EIR Preservation Action Council of San Jose (PAC*SJ) would like to see a complete analysis of any potential impacts on the historic hotel building and the proposed mitigations. Analysis should include, but not be limited to, possible impacts affecting the building's designation as a landmark.

We would also ask that a "no project" alternative be among the options analyzed for this project.

**Respectively submitted,
Gayle Frank, Board Member
Preservation Action Council of San Jose**



October 1, 2018

City of San José
Department of Public Works
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1903

Attention: Reema Mahamood

Subject: City File No. H16-042 / Tribute Hotel

Dear Ms. Mahamood:

The Santa Clara Valley Transportation Authority (VTA) appreciates the opportunity to review the Notice of Preparation for the San Jose Tribute Hotel Project at 211 South First Street. We have the following comments.

VTA notes that the proposed development is in connection with a reallocation of roadway space along South First Street to include a passenger drop-off in the vicinity of the project site, while at the same time preserving adequate width for the light rail platform, bus-only lane, general purpose lane, and sidewalk. VTA appreciates the City-VTA coordination that led to a shared objective to reallocate the street design to support economic development and keep transit moving safely and efficiently. VTA looks forward to working closely with City staff to review the design drawings in connection with the proposed project/project street improvements in order to facilitate VTA concurrence prior to the approval of the street improvements by the Director of Public Works.

Thank you for the opportunity to review this project. Please don't hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R Molseed', is written over a horizontal line.

Roy Molseed

cc: Ryan Do, San Jose Development Services

SJ1733

From: Freedman, Jake@DOT <Jake.Freedman@dot.ca.gov>
Sent: Monday, October 1, 2018 4:41 PM
To: Mahamood, Reema
Cc: State.Clearinghouse@opr.ca.gov
Subject: Caltrans Comment Letter - San Jose Tribute Hotel Project - NOP - SCH2018082075

Please see the email below regarding our comment letter. I mistyped your email address the first two times, and it bounced back. Sorry for the inconvenience. I hope third time's the charm.

Let me know if you have any questions.

Best,

Jake Freedman
Transportation Planner
Local Development – Intergovernmental Review
(510) 286-5518

From: Freedman, Jake@DOT
Sent: Monday, October 1, 2018 4:31 PM
To: 'reema.mahmood@sanjose.gov' <reema.mahmood@sanjose.gov>
Cc: 'State.Clearinghouse@opr.ca.gov' <State.Clearinghouse@opr.ca.gov>
Subject: Caltrans Comment Letter - San Jose Tribute Hotel Project - NOP - SCH2018082075

Dear Reema Mahamood:

Please find the attached soft copy of the Caltrans comment letter regarding the San Jose Tribute Hotel Project - NOP. The original letter has been mailed to you at 200 E. Santa Clara Street, 3rd Floor Tower, San Jose, CA 95113-1905. Thank you for including Caltrans in the environmental review process. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at (510) 286-5518 or Jake.Freedman@dot.ca.gov.

Best,

Jake Freedman
Transportation Planner
Local Development – Intergovernmental Review
(510) 286-5518

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
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*Making Conservation
a California Way of Life.*

October 1, 2018



SCH # 2018082075
GTS # 04-SCL-2018-00464
GTS ID: 12417
PM: SCL – 87 – 5.155

Reema Mahamood, Environmental Project Manager
City of San Jose
Dept. of Planning, Building, and Code Enforcement
200 E. Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905

San Jose Tribute Hotel Project – Notice of Preparation (NOP)

Dear Reema Mahamood,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the San Jose Tribute Hotel 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) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the August 31, 2018 NOP.

Project Understanding

Site Development Permit to allow the construction of a 24-story, 274-room hotel, integrated with the Montgomery Hotel, a designated City Landmark that is on National Register of Historic Places (NRHP). This project is located approximately 0.6 miles from the interchange of Interstate (I-) 280 and State Route (SR) 87. On/off ramps for these routes are located on various local streets, approximately 0.5 miles from the project site to the west and south respectively. The project site is located within a planned Priority Development Area.

Travel Demand Analysis

Please submit a travel demand analysis that provides VMT analysis 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 using 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 (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City 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 City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety 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.
- Analysis of the impacts of transportation network companies (TNCs) such as Uber and Lyft on VMT, and ways to mitigate these impacts.
- Clarification of the intensity of events/receptions to be held at the hotel and how the associated travel demand and VMT will be mitigated.

With respect to the local and regional roadway system, provide project-related trip generation, distribution, and assignment estimates. To ensure that queue formation does not create traffic conflicts, the project-generated trips should be added to the existing and future scenario traffic volumes for the intersections and freeway ramps listed below. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

- SR 87 NB Park Avenue on-ramp intersection,
- SR 87 NB Park Avenue off-ramp intersection,
- I-280 NB on-ramp from S. Market Street/S. First Street,
- I-280 NB off-ramp to Virginia Street intersection,
- I-280 SB off-ramp to 7th Street intersection,
- I-280 SB on-ramp from S. 4th Street.

Multimodal Planning

The Caltrans District 4 Bike Plan (2018) (Bike Plan) identifies several intersection or ramp improvement projects located within one mile of the project site. By replacing free merging on/off ramps with stop-controlled ramps and providing other bicycle and pedestrian facility improvements, these projects will improve multimodal accessibility from the project site to destinations on the opposite sides of SR 87 or I-280 from the project site. Please identify which of these projects will best contribute to increased multi-modal mode-share, and provide fair share contributions accordingly. The projects are referred to in the *Bike Plan* with the following reference numbers: SC-87-X06, SC-87-X04, SC-87-X07, SC-280-X10, SC-280-X12, and SC-280-X09. Please provide Caltrans with copies of the Conditions of Approval and Staff Report.

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 1a: Urban Cores** where location efficiency factors, such as community design and regional accessibility are strongest. This infill hotel project is highly accessible to a variety of active transportation and transit options, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Transit subsidies on an ongoing basis for guests, residents, and employees;
- Ten percent vehicle parking reductions;
- Free shuttles for employees, residents and guest to regional transportation and activity centers;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program, including subsidized access for car-free guests, employees, and residents;
- Unbundled parking;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Complementary bike-share or rental for guests;
- Fix-it bicycle repair station(s);

- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with 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 take in order to achieve those targets. 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>.

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.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Reema Mahamood, City of San Jose

October 1, 2018

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Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse