

**Responses to Comments  
on the  
Initial Study/Mitigated Negative Declaration  
for the  
615 Stockton Avenue Hotel Project  
File No.: GP18-013/C18-039/SP18-060**



**January 2020**

# TABLE OF CONTENTS

---

Section 1.0	Summary of Comments .....	1
Section 2.0	Responses to IS/MND Comments .....	2
Section 3.0	Initial Study Text Revisions .....	48

- Attachment 1: CC05-100 Zoning Info and Map
- Attachment 2: Proposed Alameda Park Conservation Area
- Attachment 3: Initial Study Comment Letters

## **SECTION 1.0      SUMMARY OF COMMENTS**

---

The 615 Stockton Hotel Project Initial Study/Mitigated Negative Declaration (IS/MND), dated October 2019, was circulated for public review for a 21-day review period from October 9, 2019 through October 30, 2019. During the circulation period, the City of San José received 24 comment letters as summarized in the Table in Section 2.0.

In summary, the comments received on the IS/MND did not raise any new issues about the project's environmental impacts, or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the Lead Agency consider the comments received [CEQA Guidelines §15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record. The following pages contain a list of the agencies and persons that submitted comments on the IS/MND and the City's responses to comments received on the IS/MND. The specific comments have been excerpted from the letters and are presented as "Comment" with each response directly following ("Response"). Copies of the actual letters and emails submitted to the City of San José are attached to this document.

## SECTION 2.0      RESPONSES TO IS/MND COMMENTS

---

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
Regional and Local Agencies.....	3
A.    Santa Clara Valley Water District (October 25, 2019).....	3
B.    Santa Clara Valley Transportation Authority (October 29, 2019) .....	3
Organizations, Businesses, and Individuals .....	5
C.    Nick Nowell (October 9, 2019) .....	5
D.    Kay Gutknecht (October 9, 2019) .....	5
E.    Tessa Woodmansee (October 10, 2019).....	6
F.    Linda Bookman (October 18, 2019).....	7
G.    Kay Gutknecht (October 20, 2019) .....	7
H.    David Koppett (October 27, 2019).....	20
I.    Jay Jensky (October 28, 2019) .....	21
J.    Linda Bookman, Joanna Buckley, Mike Dunbar, Kay Gutknecht, Lori Katcher, Susan Watanabe (October 28, 2019).....	22
K.    Karen Koppett (October 28, 2019).....	24
L.    Kathleen Gonzalez (October 28, 2019).....	24
M.    RJ Wofford II (October 28, 2019).....	25
N.    Susan Watanabe (October 28, 2019).....	26
O.    Giovanna O’Grady (October 29, 2019).....	29
P.    Breathe California (October 29, 2019).....	30
Q.    Joanne Buckley (October 30, 2019) .....	31
R.    Linda Taaffe .....	34
S.    Michael Dunbar, Scott Higgins, and Carol Higgins (October 30, 2019) .....	37
T.    Nanci Ivis (October 30, 2019) .....	38
U.    Edward Saum (October 30, 2019) .....	40
V.    Stephanie Brown (October 30, 2019).....	44
W.    John Wolfram (October 31, 2019).....	47
X.    Tessa Woodmansee (October 31, 2019).....	48

## REGIONAL AND LOCAL AGENCIES

### A. Santa Clara Valley Water District (October 25, 2019)

**Comment A.1:** The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for 615 Stockton Ave Hotel Project (GP18-013/C18-039/SP18-060) dated October 9, 2019.

There is no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.

**Response A.1:** This comment did not raise any environmental issue under CEQA and therefore, no specific response is required.

### B. Santa Clara Valley Transportation Authority (October 29, 2019)

**Comment B.1:** VTA is currently in the process of furthering the design of the Silicon Valley Phase II Project (BSV Phase II) project, including evaluation of the ventilation facility sites, tunnel alignment, and depth of the tunnel with an approximately 10% conceptual design expected by early 2020. As shown in the BSV Phase II [2018 Final SEIS/SEIR](#) (p. 44), the BART tunnel adjacent to the proposed project would be approximately 50 feet below surface level. In addition, one of the four proposed ventilation facilities is located across Stockton Avenue from the proposed project.

**Response B.1:** This commenter's identification of future constructions for BART around the area is acknowledged. The comment did not result in raise new significant impacts or mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices; therefore, no further response is required.

#### **Comment B.2:** Land Use and Density

The proposed project is asking for a General Plan rezoning from Residential to Neighborhood/Community Commercial on one parcel and from Commercial Neighborhood to Commercial Pedestrian on another parcel. The Neighborhood/Community Commercial zone has an allowable floor area ratio (FAR) of 3.5; however, the developer is proposing a FAR of 2.6 (Section 3.1.2). VTA recommends the City and project applicant review VTA's BART Phase II Extension Project Transit Oriented Communities [Strategy Study Playbooks](#). The Playbooks encourage high density uses along the BART Phase II alignment.

**Response B.2:** This commenter's encouragement of aligning future development with Strategy Study Playbooks is acknowledged. This comment did not raise any environmental issue under CEQA and therefore, no specific response is required.

#### **Comment B.3:** Construction

Due to the proximity between the proposed hotel project and the BSV Phase II project some features of the hotel may fall in either an exclusion or protection zone around the BART tunnel, specifically the underground facilities (i.e., two-level underground parking facility). The development's design including but not limited to the building's foundation system, shoring, and support of excavation

plans shall be shared and reviewed 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 José, and developer from the initial planning stages through preliminary design and construction phases will be required for successful delivery of both projects.

**Response B.3:** The commenter's requests and encouragement for interagency coordination for the future BART plan is acknowledged. The comment did not result in raise new significant impacts or mitigation measures than those analyzed and disclosed in the Draft IS/MND and associated appendices; therefore, no further response is required.

## ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

### C. Nick Nowell (October 9, 2019)

**Comment C.1:** Thanks for sending. Can you help me understand what the title of this is supposed to mean "INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION"

**Response C.1:** A response via email was sent back to the commenter on October 9, 2019 and no specific follow up from the commenters following this response. The content of the response is below:

Per the California Environmental Quality Act (CEQA), the City is required to complete an evaluation of the project to identified potential environmental impacts of the project on the environment. Based on that evaluation, the outcome could be that the project is an exemption, a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report. A Mitigated Negative Declaration (MND) means that with the incorporation of identified mitigation measures, the project would have less than significant impact to the environment. Per State law, an MND must be reviewed by the public for at least 20 days. The notice that City usually sends out to initiate the public circulation period is the "Notice of Intent." Hence, the "Notice of Intent to Adopt an MND" was sent to all interested parties. This notice is to let interested parties know that 1) the City has identified the project to be an MND and 2) inform the residents of the potential impacts 3) start the public circulation period. The link in the notice will take you to where all our IS/MND or NDs are posted. The specific page for this project is here: <http://sanjoseca.gov/index.aspx?NID=6461>.

Since the response was sent, the website has been updated and the new direct link to the IS/MND and associated documents are here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/615-stockton-avenue-hotel-project>

### D. Kay Gutknecht (October 9, 2019)

**Comment D.1:** Please let us know specifically how they will mitigate noise [sic], traffic and intrusion into private properties

**Response D.1:** A response via email was sent back to the commenter on October 9, 2019 and no specific follow up from the commenters following the response. The content of the response is below:

Upon the environmental review of the project, implementation of the project could have potential impacts to vibration and mechanical noise may be required to perform additional analysis prior to building permit for placement. These measures are identified as NOI-1.1, NOI-2.1, NOI-2.2 in IS/MND in

*Section 4.13.* Furthermore, based on the City Council Policy 5-1 for transportation impacts analysis, the project would not result in significant impacts in regards to transportation. However, the project has perform both a project specific and Long-Range Transportation Analysis with trips count for full disclosure. Please refer to Section 4.17 Transportation/Traffic for more detailed analysis. The project would be constructed only on the private properties and discussion of visual intrusion is in Section 4.11 Land Use.

The link in the notice below leads you to our general page of all environmental documents that are Negative Declarations or Mitigated Negative Declarations. The specific page for the project documents are here: <http://sanjoseca.gov/index.aspx?NID=6461>

All comments and concerns received pertaining to the environmental impacts will be part of the public record and there will be a formal responses after the public circulation date. Please let me know if you have any more specific questions to the environmental impacts of this project or to any of the documents on that website. Also, please feel free to pass this notice on to anyone who may be interested in commenting. Thank you!

Since the response was sent, the website has been updated and the new direct link to the IS/MND and associated documents are here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/615-stockton-avenue-hotel-project>

**E. Tessa Woodmansee (October 10, 2019)**

**Comment E.1:** Ok I'm sorry i was upset but the process needs to be very clear to citizens. And it was not . It's hard enough dealing with this monstrosity planned for our neighborhood and fighting out how to have an impact. So when it says you have 20 days to reply it should be very clear who and where to reply to right at that line! So it says reply by 10/29 and say right there to environmental director Thai.le at her email right there where you say reply by this date then say who to send to ....help the citizens participate! Make it very clear ! A lot is at stake and we need you to make it as easy as possible!

Thanks for your help in getting back and making the documents and the process easier for citizens by Articulating where to reply by this date and where to email right away!!! So there is no confusion.

Do you understand what I am demanding to be changed its the red lettered date deadline and right there in RED letters where to email comments? So average citizen knows easily what to do...ok???

**Response E.1:** This comment did not raise any further environmental issue under CEQA and therefore, no specific response is required.



**F. Linda Bookman (October 18, 2019)**

**Comment F.1:** I know that SB 743 established new rules for CEQA to measure environmental impact of transportation. And I'm aware that the new rules say that vehicle miles traveled—the amount in distance of automobile travel produced by a project—is a more appropriate measure of transportation impacts than vehicle delay. Specifically, the new rule states that “a project’s effect on automobile delay shall not constitute a significant environmental impact.” In addition, development projects within a half-mile of high quality transit are presumed not to have a significant environmental impact.

Do you know if, in the traffic study, the city is considering this project to be within a half-mile of high quality transit?

I know it is 1 mile away from Diridon station. There is no public transportation on Stockton to Diridon.

**Response F.1:** As mentioned on page 145 of the IS/MND, the College Park Caltrain Station is located approximately 0.3 mile north of the project site. Local Bus Routes 61 and 62 are located approximately 700 feet north of the project site at the Stockton Avenue/Taylor Street intersection. Please refer to Figure 4.17-2 of the IS/MND for a figure showing existing transit services in the area.

**Comment F.2:** While College Park is less than half a mile, it is disingenuous to qualify that as a high quality transit hub. College Park is a lightly used Caltrain station served by two trains in each direction Monday through Friday and no train stops there on weekends or holidays. College Park serves Bellarmine College Preparatory, resulting in the school-related service times. It serves approximately 108 passengers per weekday. Due to the small size of the station, only two cars within a 5-car train are capable of opening their doors to allow passengers to board/disembark.

**Response F.2:** The commenter’s position that existing transit should not be considered as high-quality transit hub is acknowledged. It should also be noted that based on the screening threshold of City Council Policy 5-1, which states that “..requirements to prepare a detailed VMT analysis applies to all Projects except the following types of Projects because the City Council finds, as documented in the administrative records for this Policy, that these project will further City goals and policies and will not result in significant transportation impacts:...2. Local-Serving Retail;..” As disclosed in the Appendix G of the IS/MND and in *Section 14.17* of the IS/MND, this project meets the local-serving retail screening criteria, and therefore, did not require a detailed CEQA transportation analysis. However, for information purposes, a VMT evaluation for the project along with the Local Transportation Analysis (LTA) for operations were performed and disclosed in Appendix G of the IS/MND and in *Section 14.17* of the IS/MND.

**G. Kay Gutknecht (October 20, 2019)**

**Comment G.1:** I have reviewed the Negative Declaration to the best of my ability. The report and associated study data is difficult to understand by impacted residents who, unlike the reports preparers,

are not paid to be experts in these matters. However, I have lived on Schiele Avenue for thirty years, and I do profess to know my neighborhood and its surrounding areas.

What struck me most about the report, is the writer's lack of knowledge regarding the City's developmental history or historic architecture, both of which figure prominently in this development proposal. A resource with requisite experience in these two areas should be employed to reassess relevant sections of this report so appropriate mitigations can be required of the developer to offset the hotel's impact on objects of historic and aesthetic significance.

**Response G.1:** The commenter's request for additional historic and aesthetic significance discussion and more qualified consultant and peer reviews to historic impacts are acknowledged. Specific comments and responses are provided below.

**Comment G.2: Comments**

A. Aesthetics:

- a. If the City's Municipal Code provides protection of the City's visual character, why is there no proposed mitigation to at least have the hotel fit visually with its surroundings? An ultra-modern building of five stories build right up to the side-walk is visually out of context with its one-story bungalow neighbors with setbacks and landscaping promoting walkability of its historic streets. The hotel is visual eyesore and mitigation is needed. It is clearly in violation of the Envision San Jose 2040 General Plan Policies CD-1.1, CD-1.7, CD 1.11, CD-1.12, CD-4.9 conveniently provided on pages 14 and 15 of your report.

**Response G.2:** As disclosed in the IS/MND, the site currently has two General Plan Land Use Designations. The parcel at 615 Stockton Avenue (APN 261-07-001) is designated *Neighborhood/Community Commercial* and the site at 623 Stockton Avenue (APN 261-07-068) is designated as *Residential Neighborhood*. Both parcels that makes up the project site is currently zoned as *Commercial Neighborhood (CN)* and proposes a Conforming Rezoning to *Commercial Pedestrian (CP)*. The CP zoning district, is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This zoning district is designed to support the goals and policies of the general plan related to Neighborhood Business Districts. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies. Per Table 20-90 of the City's Municipal Code, hotels are permitted land uses in the *Commercial Pedestrian Zoning District*. As mentioned under Impact AES-4, as part of the planning process, the project would go through a design review process, prior to the issuance of development permits, and would be reviewed for consistency with the City's Design Guidelines, and other applicable codes, policies, and regulations. Furthermore, as analyzed in the *Section 4.1* of the IS/MND, the project would not result in adverse effect on scenic vista because 1) the site is not located within a designated scenic area or corridors, 2) the site is located approximately 8.5 miles northeast from a designated scenic highway (State Route 9), and 3) would conform to City's design guidelines and under CEQA. As a result, implementation of the project would not result in significant impacts to aesthetics. Furthermore, a correction has been made to this sentence in *Section 3.0 Initial Study Text Revisions*.

For more information on design findings, refer to the Staff Report for the subject project that would be available here: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

**Comment G.3:** b. The proposed project is not compatible with the mixed visual character of the area where there is nothing along the entire western length of Stockton Avenue as tall as the proposed hotel, and those that even begin to come close are blocks away. How can there be no mitigation required for this visual disturbance?

**Response G.3:** The 615 Stockton Avenue parcel is designated *Neighborhood/Community Commercial* under the City's General Plan which allows construction of up to five stories. The adjoining project site parcel located at 623 Stockton Avenue proposes a General Plan Amendment from *Residential Neighborhood* to *Neighborhood/Community Commercial*. The project proposes a five-story hotel which is allowed within the *Neighborhood/Community Commercial* designation. As mentioned above, while the proposal is for a five-story building, the project would not damage existing scenic vistas, other scenic resources, or designated highways. Furthermore, the project would conform to City's standards for lighting and would not create substantial light or glare and while the building would be taller than most buildings in the area, the height would not substantially degrade the existing visual character of the project area (*Section 4.1* of the IS/MND).

**Comment G.4:** c. While you state the development was subject to a design review process, I do not see the study within your assessment and given the architecture of the hotel versus its historic neighbors.

**Response G.4:** City Staff is required to assess all projects based on guidelines including review of the document. The IS/MND does not state that the project was subject to design review. Nearly all new private development projects are subject to a design review process (architecture and site planning), prior to the issuance of development permits, which evaluates projects for conformance with adopted design guidelines and other relevant policies and ordinances. Furthermore, a correction to has been made to this sentence in *Section 3.0 Initial Study Text Revisions*.

**Comment G.5:** d. Your statement that the project area is "developed with different types of land uses and has a mix of architectural styles and no particular style being dominant" is false. The Schiele Avenue subdivision is a reflection of the growth of the City from the early 1800s through the 20th century, beginning with new and relocated Victorian era homes close to the trolley line followed by California bungalows during the 1920s. The Alameda Park subdivision is a neighborhood of California bungalows built during the boom years post WWI San Jose. It is likely the first or one of the first planned communities in the City. Please engage an expert in City history and historic architecture to perform an assessment of the project's negative impact on the aesthetics of the surrounding residential neighborhoods.

**Response G.5:** The project site and immediate area are developed with different types of land uses including single-family and multi-family residences, commercial,

and light industrial uses. Even within the adjacent residential neighborhood, there are various architectural styles. An additional section has been added to the IS/MND (refer to *Section 3.0 Initial Study Text Revisions* of this document) which briefly describes the character and quality of the residential area to the west of the project site and to recognize the Alameda Park subdivision area as a potential Conservation Area. Note that this area was never designated as a Conservation Area and the project site is not within this potential Conservation Area. Refer to Response G.12 below for more discussion.

**Comment G.6:** d. You provided a reasonably good description of the Victorian neighbors on Stockton, including information about their architecture and setbacks, so why do you think it is not an issue to allow the hotel to build out to the sidewalk and not continue the symmetry of the existing setbacks or the Victorian architecture of these neighbors?

**Response G.6:** As stated in the IS/MND, the proposed project would be required to conform to the setbacks and development regulations set forth in Table 20-100, Commercial Zoning Districts Development Standards, of the City’s Municipal Code. Refer to Response G.2 for aesthetic response.

**Comment G.7:** e. How can you state there is “Less than Significant Impact” to residential neighbors when the hotel’s visitors will be peering into their homes and yards and blocking their views of the sky to the north? A setback of 6–10 feet does not place them in a “peep free” zone.

**Response G.7:** As discussed in *Section 4.11* (Visual Intrusion - Page 115) of the IS/MND, relocation of the historic residential building to the southwest corner of the project site on Schiele Avenue would limit visual intrusion to adjacent single-family residences to the west. An existing residential garage is located northwest of the project site which would block the direct line of sight from the hotel to the backyards and windows of the single-family residences. In addition, the project proposes flow-through planters and a wood fence along the western portion of the site. The residence located north would have a greater set back from the property line due to the existing driveway located along the southern building façade. Views of the sky are not protected under CEQA. Private views and privacy is not a CEQA impact and, therefore, was not analyzed in the IS/MND.

**Comment G.8:** C. Air Quality: I appreciate the required mitigations for air quality during construction.

**Response G.8:** The commenter’s satisfaction with the air quality mitigation measures during construction is acknowledged. No further comments were made and no further responses are required.

**Comment G.9:** D. Biological Resources:

a. While I appreciate the required mitigations for possible nesting season intrusion, if birds are nesting on the property, where will they go once all brush and landscape is paved over for the new hotel? Why are there no mitigations to check for nesting sites and ensure the species can return in future years by requiring the development to provide nesting compatible landscaping

and open space for them if they are protected and using the site currently?

**Response G.9:** As stated on Page 45 of the IS/MND, there are four street trees adjacent to the site, one of which would be removed as part of the project. The loss of one tree will not preclude local and migratory bird species from nesting in the project area as there is an abundance of trees available and replacement trees are required to be planted. Furthermore, pursuant to State requirements, as part of the implementation of pre-construction surveys mitigation measures, the ornithologist at the time shall determine appropriate next steps to protect or alleviate the nests.

**Comment G.10:** b. I see no explanation for how the existing sycamores on the site will thrive when the hotel is built up to the sidewalk and into their canopies. Seems like a violation of Policies MS-21.4, MS-2.5, MS-21.6 laid out on page 44 of your report. These trees were recently planted and faithfully tended by local neighbors to continue the symmetry of the existing trees within The Alameda Park and eastern end of the Schiele Avenue subdivisions—which form a W when viewed from above--and walkability of the neighborhood. Their removal or destruction due to insensitive development should not be allowed.

**Response G.10:** *Section 4.4 Biological Resources* of the IS/MND states that there are no sycamore trees on the project site. Four London plane trees were surveyed adjacent to the site; of which one would be removed. No other trees are proposed to be removed as part of the project. As stated in *Section 4.4* of the IS/MND and a condition of approval for the project, any trees harmed or removed during construction activities would be required to be replaced in accordance with all applicable laws, policies, or guidelines.

**Comment G.11:** E. Cultural Resources:

- a. Allowing the Victorian house to be moved from 623 Stockton to adjoin a collection of 1920 bungalow homes is an affront to the aesthetics of the neighborhood. Why is there no discussion of the historic irreverence of this relocation and negative impact it will have on the eastern end of the Schiele Avenue and Alameda Park subdivisions? It erodes the characteristics of the neighborhood's development and displays a lack of understanding of historical building history and architecture of the City and this neighborhood in particular.

**Response G.11:** The Victorian house at 623 Stockton is similar in style and age to other Victorian houses located on Schiele Avenue where many Victorian residences were associated with the older Schiele subdivision. A majority of the 1920s residences were a part of the later Alameda Park subdivision or infill. Also refer to Response G.5. Furthermore, *Section 4.5* and Appendix C of the IS/MND provides the analysis for the relocation of the historic building.

**Comment G.12:** b. Why is there no mention of the historical significance of the Schiele Avenue Subdivision, the oldest in the City and developed by Charles M. Schiele, a City Councilmember and owner of the Pacific Hotel? What about the historically significant Alameda Park subdivision, a unique development of bungalow homes on four streets, whose very names are ubiquitous to the development period: Hoover, Harding and Pershing? This may be the first planned community in the City, if not, certainly it is one of its first. Unique and still 90% intact, it is something to be

cherished. Yet it is only mentioned briefly and with significant disrespect and lack of architectural understanding. Both subdivisions meet all criteria for designation as National Register Historic Places, and we have been working for years toward that official recognition. Currently we are partnering with Juliet Arroyo to align our work with the City's official survey format. Your failure to address the cultural impact to the City's history and historic home inventory is inexcusable, and puts you in violation of the General Plan cultural resources policies Policy LU-13.8, LU-13.9 laid out on page 55.

**Response G.12:** Upon further investigation, the neighborhood is not currently designated as a historic district or conservation area and no individual structures within the neighborhood are designated historic structures per the City's inventory or identified as potentially significant. As mentioned by the commenter, the Alameda Park subdivision had been studied as a potential Conservation Area from about 2001 to 2006 and no formal designation has been approved. This area also went through a City Council Initiated Conventional Rezoning in 2005 (File Number CC05-100) from Two Family Residences (R-2), Commercial Neighborhood (C-N), Commercial Office (CO) to R-1-8 Residence District to allow residential uses on the 18.5 gross acre site. The subject project site was not part of the Alameda Park subdivision and also not part of the rezoning efforts (Attachment 1).

Additional information has been added in *Section 3.0 Initial Study Text Revisions* under "Adjacent Area" which explains the quality of design and integrity of the potential Conservation Area. Appendix C of the IS/MND acknowledged that the neighborhood may qualify as a conservation area if the neighborhood were to pursue the designation. Additional information from the neighborhood residents (including this commenter) and in City files show a boundary map for a potential Alameda Park Conservation Area (refer to Attachment 2) as part of the support for a Rezoning correspondence records for the rezoning (File Number CC05-100). However, the map shows the project site outside of that boundary, immediately to the east.

Furthermore, based on further review, even if this area is designated as Conservation area, it is likely that the project would not preclude the neighborhood from being designated as a conservation area or a historic district. Conservation areas or historic districts can have non-contributing structures. The project would allow for the relocation of a historic residence to an area that is currently a surface parking lot. The relocated residence would be located closer to the residential neighborhood, which is more compatible with the historic setting than the existing parking lot. Additionally, the relocated historic residence serves as a transitional feature from the historic neighborhood to the predominately commercial and industrial setting of Stockton Boulevard.<sup>1</sup>

**Comment G.13:** J. Land Use and Planning:

---

<sup>1</sup> Communications with the City of San Jose Historic Preservation Officer, January 13, 2020.

- a. Clearly the project’s architectural design is in violation of Policies CD-1.1, CD-1.8, CD1.12, laid out on page 110, but I don’t see any required mitigations. The hotel is incongruous to the location—not consistent with the existing characteristics and uses in the surrounding areas, which provide no visitor services of any kind. The owner/developer has specifically stated the purpose of the hotel is to serve visitor to Google. However, the Google development plan provides services necessary to support the village and will be well augmented by those planned within The Alameda Urban Village. Placing a hotel at this location, a mile from the area it purports to support, while providing no benefit for the neighborhoods surrounding it on three sides makes no sense. The hotel is likely to become a nuisance similar to that of another misplaced hotel on The Alameda that is surrounded by residences. A comparison of these two hotels should be addressed in the study.

**Response G.13:** Refer to Response G.2 and G.3.

**Comment G.14:** b. You state awareness that all surrounding structures are single story, and the development is surrounded by single-family residences, yet you believe the 5-story behemoth will have “less than significant impact” on the neighborhood. The study should include an elevation profile of the west side of Stockton Avenue showing the incongruous height of the hotel and its modern styling against its neighbors.

**Response G.14:** As most projects in the City of San José, the project would be required to comply with the City’s design guidelines. As mentioned in Response G.12 and F.5, the structure at 623 Stockton Avenue would be relocated to the southwest corner of the project site on Schiele Avenue and the age and scale of the residence would be consistent with the existing properties along the north side of Schiele Avenue.

**Comment G.15:** c. I think your map on page 16 of the report is very misleading, because it does not explain that the area marked as commercial includes only small businesses operating during normal business hours, with limited-to-no visitors on the sites, and located within original subdivision historic homes, so blend very nicely with the neighborhood.

**Response G.15:** The intent of the Figure 2.4-3 is to show different type of uses around the project site without specifying exact use. The comment does not raise any new information that would change the project’s impact or provide new information that would result in new significant impacts or mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices.

**Comment G.16:** d. While we appreciate a desire to build more hotels downtown, our historic neighborhoods are not in the downtown area, as clearly designated in the following map. We are also beyond the borders of the nearby urban villages—Diridon Station Area (DSAP) and The Alameda Urban Village (VT4) where master planning and zoning supports hotel development.

Ignoring the zoning laid out in San Jose’s General Plan puts our neighborhoods at significant risk. Research performed by Cassandra van der Zweep, San Jose Planner assigned to the subject project, revealed the development of a multi-storied hotel next to a single-story historic neighborhood is unprecedented within the San Jose city limits. Since zoning within the DSAP and VT4 urban

villages supports hotels, we recommend they be built in those locations or downtown rather than seeking to disrupt the wisdom of the City's General Plan. Approval of the exceptions would be in direct contradiction to the Envision San Jose 2040 focus on the importance of historic resources.

“Since the 1980s, San José’s General Plan has contained goals and policies which encourage the protection and preservation of its historic resources. The primary General Plan goal is to preserve historically and archaeologically significant ... districts ... in order to promote a greater sense of historic awareness and community identity, and to enhance the quality of urban living.”

The NCC zoning at 615 Stockton Avenue is specifically designed to support adjoining neighborhoods with businesses that have a strong connection to and provide services and amenities for the community, such as neighborhood-serving retail stores and services, commercial and professional offices. Our neighborhoods would benefit from a zoning-compliant development at this location. A hotel does not benefit a residential neighborhood, serving, rather, those from outside the community. We welcome development of the lot in a manner supporting the adjoining neighborhoods with community services and amenities, especially if done in a manner creating a gateway to our historic subdivisions and maintaining and encouraging the walkability of the area.

**Response G.16:** The commenter’s affirms that uses similar to that of the proposed project should be concentrated in more appropriate areas such as downtown and not in the existing proposed neighborhood. For more information on General Plan and Zoning findings, refer to the Staff Report for the subject project that would be available here: <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

As mentioned in Response G.12, the neighborhood is not designated as historic district. However, the relocation report for the single-family historic residence acknowledges that the neighborhood may qualify as a conservation area if the neighborhood were to pursue the designation. The property at 615 Stockton is already designated Neighborhood/Community Commercial which allows the proposed land use. The 623 Stockton parcel is proposed for an amendment to be consistent with the 615 Stockton parcel. Therefore, the project does not propose to introduce a new General Plan designation to the neighborhood which does not currently exist.

**Comment G.17:** L. Noise:

- a. While we appreciate the recommended mitigations for noise abatement during construction, what about noise abatement during operations? That is likely to be significant. Consider the owner’s blatant disregard for the peace of the neighborhood to-date, what provision will be in place to ensure he doesn’t hold more wild parties on the hotel site? What about the two outdoor venues likely to be hosts to weddings and birthday and anniversary and other event parties? You may have the word of the current owner only to allow quite conversations in these outdoor venues, but they will be attractive areas for parties, which are huge money makers for any hotel. We know from experience that the owner loves large, noisy, obnoxious parties that disrupt his neighbors, and we fully expect that to continue at his hotel. We would like to see mitigations to ensure we are protected, such as removing all outdoor venues.



**Response G.17:** As discussed under Impact NOI-1 in the IS/MND, project-generated traffic is estimated to result in a noise increase of less than one dBA for roadways within the vicinity of the project site which is not considered substantial in noise sensitive areas along roadways. In regard to mechanical equipment, the proposed project would be required to implement Mitigation Measure NOI-1.1 to reduce the noise level to 55 dBA DNL, pursuant to General Plan requirements. Operational noise from truck deliveries would be limited and was concluded to be less than significant. Existing noise concerns regarding the project site are a code issue and not relevant to the analysis of the proposed project, therefore, no further response or change to the IS/MND is required.

**Comment G.18:** b. While I don't purport to understand your noise study, I recognize it shows significant level of noise in the neighborhood, which I find interesting, because generally, once the sun goes down, this neighborhood is, for all practical purposes, stone cold dead silent, with an ambient noise level near zero. Even when your neighbor has a few people over for drinks in their backyard, it is disturbing near bedtime hours. At the hotel, this will be the norm every evening and night for hours and hours and be an intolerable environment for those living adjacent. Why is this ignored in the report?

**Response G.18:** As discussed in *Section 4.13* of the IS/MND, the ambient noise was measured for the project area as part of the noise analysis. The analysis shows that the existing noise environment at the project site results primarily from vehicular traffic on Stockton Avenue and nearby industrial and railroad noise. Aircraft flyovers from the Norman Y. Mineta San José International Airport are also audible on-site.

While the project proposes a roof deck on the roof which would consist of outdoor seating and outdoor games and activities for hotel guests, the roof deck would only be open from 10:00 AM to 10:00 PM. Furthermore, the rooftop patio would have a three-foot high, half inch thick laminated glass railing wall system that would contain noise and maintain the exterior noise level to meet the City's General Plan acceptable noise criteria. The noise analysis has taken into consideration project-generated traffic noise impacts, mechanical noise impact, construction, and the rooftop patio operation. For these reasons, the comment does not raise any new information that would change the project's impact or provide new information that would result in new significant impacts or mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices.

**Comment G.19:** c. We don't really care that the noise from daily delivery trucks will be less than the noise of loading and unloading trucks in the light industrial areas of Stockton Ave, because we don't live next to those areas. This is good support for our consensus that the hotel belongs on the other side of Stockton Avenue with the light industrial businesses, not on the west side of the street with family residences!

**Response G.19:** The commenter suggests that the project should be located to the east side of the Stockton Avenue, away from the residential neighborhoods. The

comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment G.20:** d. You also state that houses within 150 feet of the site (that would be about 15 homes) will experience an ongoing 7 x 24 noise level of 55 dBA from mechanical equipment. That is listening to the ongoing hum of a refrigerator or air conditioner 7 x 24. This will make their yards unusable year-round and their homes unusable on warmer days when windows are open. There should be a mitigation to place the equipment inside a soundproof room.

**Response G.20:** As stated in the IS/MND, mechanical equipment noise for the proposed project has the potential to exceed 55 dBA DNL at the nearby sensitive uses (i.e., nearest residentially zoned properties). Per the General Plan policy, operation of new uses shall be limited to 55 dBA DNL at existing or planned residential property lines. Mechanical equipment located approximately 150 feet or further from the residential property lines or in shielded areas would not exceed this criteria. Mitigation measures NOI-1.1 and NOI-1.3 require the project applicant to locate and ensure that the mechanical noise level shall meet the 55 dBA DNL requirement and shall be confirmed by acoustical consultant prior to the issuance of building permits.

**Comment G.21:** e. What about the impact of the guests walking through our neighborhood to and from restaurants on The Alameda? Since they won't have cars, they will either be driving or walking for about 600 trips a day. We have heard the drunken pedestrians going home after bedtime hours from the property owner's wild parties, and they are very disruptive. How will this be mitigated?

**Response G.21:** The City cannot restrict pedestrians from utilizing public sidewalks or automobiles from utilizing public roads. The CEQA noise analysis does not allow speculation of noisy individuals. This type of noise, should it occur, would be a code enforcement issue, not a CEQA issue. Therefore, no further response is required.

**Comment G.22:** f. Construction hours of 7-7 daily, M-F for a year will be an excessive noise intrusion. There are at least seven children in homes in the immediate vicinity of the proposed project and nearly all nearby residences are occupied by hard working, tax-paying individuals who want to relax in their homes when their work day is over. Mitigations are needed to ensure construction is limited to 8-5 M-F and noise does not occur during children's morning and afternoon nap times.

**Response G.22:** Per the City's Municipal Code Section 20.100.450, construction activities are limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. These construction hours are also conditions of approval for the project. Therefore, no further response is required.

**Comment G.23:** M. Population and Housing: Why is there no mention of the impact of removing a residentially zoned lot from residential use? There is a significant housing shortage in the area. The lot at 614 is large enough to support multiple townhomes, which the City desperately needs, and if 623 were returned to residential use for which it was originally zoned, we would meet even more

need. We don't need hotels in residential areas; we need residences in residential areas!

**Response G.23:** Pursuant to CEQA requirements, the IS/MND disclosed how this would not result in induce substantial unplanned population growth in the area and would not displace substantial number of existing people or housing. Furthermore, as part of the General Plan Amendment, and pursuant to Senate Bill 330, the project is subject to offset with up-zoning of another project located within the City to residential. For more information on the offset discussion, please refer to the staff report for Senate Bill 330 analysis here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>

**Comment G.24:** P. Transportation / Traffic

- a. Is the onsite TDM a full-time, 24-hours a day, 7 days a week position? It needs to be. And what is the mitigation/penalty to be leveraged on the hotel and by what official entity at the minute the TDM is dismissed or quits?

**Response G.24:** To reiterate the analysis, per the City Council Policy 5-1 (Transportation Analysis Policy), the City of San José uses VMT as the metric to assess transportation impacts. As discussed in *Section 4.17 Transportation*, the proposed number of hotel rooms were converted to retail space since the City's VMT Evaluation Tool can only calculate VMT for office, residential, and retail. Traffic generated by the proposed hotel was determined to be equivalent to 12,779 square feet of retail and would not exceed the 100,000 square feet of retail screening criteria. Therefore, a detailed CEQA VMT analysis was not required. Additionally, the IS/MND includes a Local Transportation Analysis (LTA) which analyzed AM and PM Peak Hour traffic conditions for three signalized intersections (refer *Section 4.17.3, Project-Level Operational Transportation Issues Not Covered Under CEQA*). Under background plus project conditions, the signalized intersections would operate at an acceptable level of service (LOS) C or better.

Parking is no longer a CEQA issue and is discussed for informational purposes only. The project proposes reduced parking and would be required to provide a total of 104 parking spaces, consistent with the City's requirement. Furthermore, as discussed in Appendix G, Transportation Analysis and Transportation Demand Management (TDM) plan, the future hotel operator would be responsible for ensuring that the TDM trip reduction measures are fully implemented and the TDM Plan is maintained for the life of the project. As a Condition of Project Approval, the project would implement a TDM plan (refer to Section 3.1.4 of the IS/MND). Any violation of the TDM plan would be subject to revocation, suspension, or modification of the permit.

**Comment G.25:** b. I am significantly concerned about the proposed use of bicycles and-and although not in the plan, discussed during the public outreach meeting-scooters. Currently these modes of transportation are allowed on sidewalks outside the downtown area. They constantly create dangerous situations for pedestrians by failing to yield to those on foot and terrorizing them by passing so close they disorient and endanger the walkers. There should be a required mitigation to extend the prohibition of bikes and scooters from sidewalks and provide a method of enforcement so

the prohibition is actually effective.

**Response G.25:** Refer to Response G.24. Under state law, motorized scooters are prohibited from being ridden on sidewalks. This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment G.26:** c. Note that your proposed use of bus service means all hotel visitors and employees will pass through our neighborhood to come and go to the facility, since these buses run off The Alameda, not Stockton Avenue. Where is the consideration of the impact of the through traffic which may include those on scooter and bikes as well as walkers? What do you estimate that traffic and noise volumes to be?

**Response G.26:** Refer to Response G.24. The City cannot restrict pedestrians, bicyclists, and scooters from utilizing public sidewalks and public roads. As stated on Page 125 of the IS/MND, a three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. A three dBA increase in ambient noise is equivalent to a doubling of automobile traffic. Persons walking, biking, or riding scooters would not generate enough noise to increase the ambient noise levels. Furthermore, there would be no way to know which persons are associated with the project and which persons are in the neighborhood for other reasons. Refer to Response G.21.

**Comment G.27:** d. I cannot believe you are still mentioning the College Park station! With only two northbound and two southbound stops a day in support of Bellarmine students, it provides no current service (and plans no future service) in support of individuals working in business along Stockton Avenue!

**Response G.27:** The IS/MND and Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND), takes into consideration existing transit options with the area. Refer to Response F.1, F.2, and G.24.

**Comment G.28:** e. The Diridon station is a mile away, too far for most individuals to consider walking, especially with their suitcases and briefcases in hand.

**Response G.28:** Refer to Response F.1, F.2, and G.27.

**Comment G.29:** f. How will you guarantee that all truck deliveries will occur on Stockton Avenue? How will this be enforced? Where is their parking area, or are they expected to double-park? Currently whenever a truck is parked near the corner on Stockton, it blocks the view of any vehicle trying to enter Stockton from Schiele Avenue. The situation is dangerous and has resulted in a number of accidents. There should be a mitigation to only allow van deliveries to avoid blocking Stockton Avenue traffic and/or creating hazardous conditions for traffic entering Stockton. Stockton access is critical for Schiele Avenue residents, because of the dangerous traffic conditions created on The Alameda by the recent reconfiguration of sidewalks and turning restrictions on that street. Schiele Avenue needs at least one safe access to and from the neighborhood.

**Response G.29:** As shown on the plan set, an existing 65-foot on-street loading zone located directly across the street from the project along the east side of Stockton Avenue may be used for truck deliveries. Additionally, the project proposes a timed 36-foot freight loading zone (10:00 AM to 2:00 PM) along the Stockton Avenue frontage. As the installation of the loading zone is a Condition of Approval for the project, violation of the loading zone area would be subject to revocation, suspension, or modification of the permit.

**Comment G.30:** g. With the hotel generating an additional 1300 new daily vehicular trips, half of which will likely travel down Schiele Avenue as that will be the logical access for northbound travel, we can expect, on average, one additional car every two minutes, likely three or four every minute during the day. That is a very frightening volume from a safety and noise perspective. Schiele Avenue currently has significant issues with speeding, cut-through traffic from the Alameda Gardens business park and the recent reconfigurations to The Alameda. We need modifications to improve traffic configurations on The Alameda and restrict hotel-related access to Schiele Ave if these additional vehicle volumes are coming. Why are there no mitigations for this?

**Response G.30:** As discussed in *Section 4.17* of the IS/MND and Appendix G, the project has been reviewed for conformance with City Council Policy 5-1 for transportation impacts. The City of San José *Transportation Analysis Handbook* identifies screening criteria that determines whether a CEQA transportation analysis would be required for development projects. The proposed project would meet the City's screening criteria and a CEQA-level transportation analysis that evaluates the proposed hotel's effects on Vehicle Miles Travelled (VMT) is not required. An LTA was also prepared for the project to identify transportation and traffic operational issues from the proposed project and its effects to the surrounding areas. An increase in trip volumes on any roadway is not, in and of itself, a transportation impact. Mitigation or conditions can only be required if there is a nexus resulting from an identified impact or effects. The results in *Section 4.17.3.5* of the IS/MND shows that the project would continue to operate at an acceptable level of service; therefore, no conditions would be required. Refer to Response F.1 and F.2.

**Comment G.31:** h. I see no provisions for scooter parking, which I imagine will number in the hundreds every day based on your trip projections. With no provision to accommodate this alternative transportation, they will likely litter the sidewalks and nearby yards creating hazards for residents and pedestrians.

**Response G.31:** The City has currently does not have requirements for scooter parking on private property.

**Comment G.32:** Q. Tribal Cultural Resources

- a. Considering a number of previous building events in the neighborhood involving excavation that encountered Native American burial and living sites, I am shocked provisions to dig carefully and under qualified archeological supervision is not one of the required mitigations. My understanding is that the home just six houses to the west of the site uncovered a number of Indian burial remains during its basement excavation. Two homes farther west on Schiele, one on the north side and one of the south side of the street also uncovered remains during construction

projects which occurred during my tenure in the neighborhood.

**Response G.32:** Human remains are addressed under *Section 4.5 Cultural Resources* of the IS/MND, not *Section 4.18 Tribal Cultural Resources*. As stated in Section 4.5, the proposed project would implement the Standard Permit Conditions listed under Impact CUL-3 of the IS/MND to reduce impacts to subsurface prehistoric and historic resources (including human remains) during grading and excavation activities. The IS/MND adequately addresses human remains, and therefore, no further response is required.

**Comment G.33:** b. While you state the neighborhood is not near a waterway, you failed to mention that it was in the past, a fact to which one of our Schiele Avenue residents can attest, because a riverbed with evidence of Native American occupation was uncovered during a basement expansion project. Your assessment is not aligned with Policies ER-10.1 and ER-10.2 on pages 55 and 56 of your report.

**Response G.33:** Refer to Response G.32.

#### **H. David Koppett (October 27, 2019)**

**Comment H.1:** I'm writing directly to you since the City of San Jose website doesn't seem to provide any other forum for public comment. If there is such, please advise; if this is the correct method, please add my comment to the record.

**Response H.1:** The public will be able to provide oral comments at upcoming public hearings at the Planning Commission and City Council.

**Comment H.2:** Our family and neighbors are horrified by this proposed project, which is wholly inappropriate for this particular location.

No justification seems to be offered for changing the zoning of these two parcels from "Residential Neighborhood" to "Neighborhood/Community Commercial." This is in fact a residential neighborhood! A five-story, 71,000 square foot 120-room hotel on this particular corner, immediately surrounded on three sides by modestly sized single-family homes would be completely out of scale and out of place.

**Response H.2:** As discussed in *Section 3.1.5 General Plan and Zoning Designation*, the project site has two General Plan designations. The parcel at 615 Stockton Avenue is designated *Neighborhood/Community Commercial* while the parcel at 623 Stockton Avenue is designated *Residential Neighborhood*. Since the proposed project at 623 Stockton Avenue would not be consistent with the *Residential Neighborhood* designation, the project proposes a General Plan Amendment from *Residential Neighborhood* to *Neighborhood/Community Commercial*. In addition, the project proposes a Conforming Rezoning from *Commercial Neighborhood* to *Commercial Pedestrian*. With approval of the General Plan Amendment, rezoning, and Special Use Permit, the project would be consistent with the General Plan and zoning designations. For further discussion of the proposed land use changes outside of

CEQA, please refer to the staff report for this project here:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>.

**Comment H.3:** The claims made in the environmental reports that little to no impact will be felt in terms of traffic and/or noise are not believable.

**Response H.3:** The project was analyzed based on City Council Policy 5-1 for transportation impacts (refer to *Section 4.17* of the IS/MND). Based on the Transportation Analysis prepared, the proposed project is subject to the City's screening criteria and a CEQA-level transportation analysis that evaluates the proposed hotel effects on VMT is not required. The project also prepared an LTA to identify transportation and traffic operational issues from the proposed project and its effects to the surrounding areas. Based on the LTA, the proposed project would not have any adverse effects on study intersections and, as a result, no additional conditions would be required. All discussion, impacts, and calculations are in *Section 4.17* of the IS/MND and Appendix G of the IS/MND.

**Comment H.4:** We understand that we live in a large city, and we are not against construction projects in our immediate vicinity. In fact, several such have taken place during our time here, and several more are underway in the neighborhood, none of which have we opposed. But they are all in more appropriate locations, for example the Stockton and Julian northwest corner and east side of Stockton south of Julian, where surrounding buildings are of a more similar scale and character and the projects are not jammed in among smaller homes. There are a number of other parcels in this neighborhood appropriate for large-scale development, including several slated for the large upcoming Google project.

**Response H.4:** This comment does not raise any specific issues under CEQA and no further response is required.

**Comment H.5:** This is not one of them.

We and neighbors we've spoken with intend to use every means at our disposal to oppose this project, including working with our elected representatives, soliciting media coverage and, if necessary, pursuing legal action.

We urge the City of San Jose to reject this application and relocate the project to a more appropriate location.

**Response H.5:** This comment does not raise any specific issues under CEQA and therefore, no further response is required.

## **I. Jay Jensky (October 28, 2019)**

**Comment I.1:** As someone who has lived 2 blocks from the project for over 19 years, I will say I do understand the need for more hotel rooms in and around the downtown area. That being said, the

corner of Schiele and Stockton is not the correct place for a 5-story, 120-room hotel. This will bring in tons of traffic and will crush street parking in the neighborhood.

There are plenty of sites around the area that are much better suited for such a project. This project does nothing to protect and preserve the look and feel of the historic neighborhood.

Please reconsider the location of this project, not what the neighborhood needs or wants.

**Response I.1:** A Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) was completed as part of the proposed project. Per City Council Policy 5-1 (Transportation Analysis Policy), the City of San José uses VMT as the metric to assess transportation impacts. As discussed in *Section 4.17, Transportation*, the proposed number of hotel rooms were converted to retail space since the City's VMT Evaluation Tool can only calculate VMT for office, residential, and retail. Traffic generated by the proposed hotel was determined to be equivalent to 12,779 square feet of retail and would not exceed the 100,000 square feet of retail screening criteria. Therefore, a detailed CEQA VMT analysis was not required. Additionally, the IS/MND includes a LTA which analyzed AM and PM Peak Hour traffic conditions for three signalized intersections (refer *Section 4.17.3, Project-Level Operational Transportation Issues Not Covered Under CEQA*). Under background plus project conditions, the signalized intersections would operate at an acceptable level of service (LOS) C or better. Parking is no longer a CEQA issue and is discussed for informational purposes only. The project proposes reduced parking and would be required to provide a total of 104 parking spaces, consistent with the City's requirement.

Refer to Responses G.12 for the neighborhood and its historic context discussion.

**J. Linda Bookman, Joanna Buckley, Mike Dunbar, Kay Gutknecht, Lori Katcher, Susan Watanabe (October 28, 2019)**

**Comment J.1:** We, the below signed residents of the Alameda Park and Schiele subdivisions, request correction to your statement on page 32 of the Mitigated Negative Declaration for the Stockton Avenue hotel project, specifically:

"The project area is developed with different types of land uses and has a mix of architectural styles with no particular style being dominant. .... The proposed project would be compatible with the mixed visual character of the area."

The corner lot of the proposed hotel is part of the Schiele residential subdivision and directly across the street from the Alameda Park residential subdivision. The portion of the Schiele subdivision adjoining the proposed project location and the Alameda Park subdivision across the street are quintessential 20<sup>th</sup> Century Revival Period homes. Please reference pages 27-32 of the City's Your Old House Guide for Preserving San José Homes for specifics on the architectural styles of this period.

**Response J.1:** Refer to Response G.5, G.11, and G.12.



**Comment J.2:** While not yet on the inventory, the historic significance and distinctive architecture of this district should be well known to the City's Planning Department, because we have been working with them since 2004 on a Conservation Area designation. Our work began under the direction of Cortney Damkroger, the City's Historic Preservation Officer at the time. Sally Zarnowitz, Historic Preservation Planner & Architect for the City, took over for Cortney later that year and spoke at a key neighborhood meeting to build consensus for preservation among its residents. That meeting resulted in 51% of the property owners formally documenting their support of a Conservation Area-the requisite number per Cortney required for a community initiated application. Bonnie Bamburg, Historical and Cultural Consultant, was engaged to guide development of our contextual statement and review our DPRs.

**Response J.2:** Additional text changes are made and has been included in *Section 3.0 Initial Study Text Revisions* to acknowledge the potential Conservation Area of the Alameda Park subdivision. However, as previously mentioned in Response G.12, the area has not been designated and upon the review of the project proposal, the project would not result in a significant impact under cultural resources, pursuant to CEQA guidelines.

**Comment J.3:** We understand from the current Historic Preservation Officer, Juliet Arroyo, that she has been unable to locate our correspondence with Cortney and Sally or any evidence of our work in-progress. However, our context statement is drafted, 20% of the required DPRs are complete, and six properties on Schiele Avenue are already in the City's Historic Resources Inventory, so we are on track for the Conservation Area objective. We will be sending Juliet our work completed to-date, so she can rebuild the City's files on our historic district.

**Response J.3:** A review of City files includes a 2006 map showing the boundary of a proposed Conservation Area for Alameda Park which does not include the proposed project site (Attachment 2). Preliminary survey and context information indicates the significance associated with residential development in the 1920s and earlier. At this time, preliminary information does not place the project site within the context of residential development.<sup>2</sup>

**Comment J.4:** Despite loss of documentation on our Conservation Area work, the Planning Department should have the documentation related to our rezoning in 2005. At that time, "Planning staff recommend[ed] the Planning Commission recommend that the City Council approve the subject rezoning" [to] prevent ... impacting the character of the existing neighborhood." They described the neighborhood's character as, "a cohesive, single-family neighborhood with a variety of historical architectural styles including, Victorian, Neo-Classical, Spanish Eclectic, Craftsman and Tudor Revival." Planning clearly recognized Victorian and 20th Century Revival character of the neighborhood. They concluded their report by stating, "The area of the proposed rezoning consists of a single-family neighborhood that has maintained a remarkably cohesive development pattern over time" and the rezoning would prevent impact on "the character of this unique neighborhood." This perspective is quite unlike the description on page 32 of the Negative Declaration and quite aligned

---

<sup>2</sup> Communication with City of San Jose Historic Preservation Officer, January 10, 2020.

with our position that a 5-story, modern hotel is not appropriate for our historic neighborhood.

**Response J.4:** Refer to Response J.3. A review of the City files shows a City Council Initiated Conventional Rezoning in 2005 (File Number CC05-100) from *Two Family Residences (R-2), Commercial Neighborhood (C-N), Commercial Office (CO)* to R-1-8 Residence District to allow residential uses on the 18.5 gross acre site. The project site is not located within the approved 2005 rezoning application. Furthermore, the proposed project has been analyzed for historic compatibility due to the relocation of the historic single-family residence. Refer to Response G.12 for more information and findings on the potential conservation area and work.

**Comment J.5:** Pages 81-90 of the City's Your Old House Guide for Preserving San Jose Homes explain principles to apply when considering the fundamental relationships of a "infill" building-such as the proposed Stockton hotel-to its historic neighborhood context, things such as mass, scale and form. We look forward to modifications in the Declaration to incorporate verbiage and mitigations that acknowledge and support the historic characteristics and visual continuity of the adjoining neighborhoods.

**Response J.5:** Refer to Response G.12. The IS/MND, associated Appendix C Historic Report and Supplemental Memo, and text changes included in *Section 3.0 Initial Study Text Revisions* of this document states that the project would not result in significant unavoidable impacts to historic resources, with or without the potential conservation area, continue to be valid. The comment does not result in new information that would result in new mitigation measure or findings that would be subject to a recirculation of the document pursuant of CEQA Section 15073.5(c).

**K. Karen Koppett (October 28, 2019)**

**Comment K.1:** I'm very much opposed to this five story hotel, as it is way too big for this site. It will greatly impact the traffic and parking in the area, and is out of proportion with the neighborhood. A two story hotel would be fine but anything larger and it's just going to bring chaos to our residential neighborhood. The lot is way too small for a project of this size.

**Response K.1:** The commenter suggest a lower density and height development for the proposed project. Refer to Response I.11.

**L. Kathleen Gonzalez (October 28, 2019)**

**Comment L.1:** Thank you for the opportunity to comment on the Stockton Avenue Hotel Project. My house is around the corner from this site, where I have lived at at 762 Harding Avenue for nearly 12 years. Though I have seen the neighborhood change during this period, I still believe that a hotel at the proposed site is an unacceptable project.

**Response L.1:** This comment does not raise any specific issues under CEQA and therefore, no further response is required

**Comment L.2:** All of the dwellings nearby are one to two stories tall; a five story hotel is too extreme an addition. The project does not plan adequately in any way for the parking needs. This is a residential area and will be extremely impacted by hotel clients and visitors to the rooftop bar who need to park their vehicles. All other nearby businesses close earlier, so a hotel that has guests arriving late is completely inappropriate for this location. I see that noise and environmental impact reports have been done, but these in no way assuage my worries about noise, foot traffic, car traffic, extra vehicles, etc.

**Response L.2:** To clarify, the project proposes a bar/restaurant on the ground floor and a roof deck on the roof. Hotel guests would be allowed on the roof deck between the hours of 10:00 AM and 10:00 PM. The roof deck would consist of seating area and outdoor games and activities. Hotel guests who purchase food or drinks from the restaurant/bar or grab and go market would be allowed to bring it up to the roof deck. As discussed in the IS/MND, the project would comply with the City's parking requirement would be required to implement the project's Transportation Demand Management program.

Further analysis for noise and transportation are available in the IS/MND and appropriate mitigation measures has been disclosed and will be part of the permit pursuant of CEQA requirements.

**Comment L.3:** The residents of the Garden Alameda neighborhood do not want this hotel here. I have talked with numerous neighbors on Harding, Pershing, and Schiele Streets, and everyone is very upset and very much against this project. Please consider the needs and wants of the nearby residents and do not build this hotel by our homes.

Thank you for being considerate of the locals' needs. Please halt the Stockton Avenue Hotel Project before it moves any further.

**Response L.3:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**M. RJ Wofford II (October 28, 2019)**

**Comment M.1:** Thank you for taking the time to read the comments from the community surrounding this project.

I live close to this site on Harding Avenue and have seen a lot of change in the 12 years I have been here.

I would like to make it known that I am opposed to this project as I do not think it is a good fit for the location.

The impact on the neighborhood would be felt, not by the owners or the guests of the hotel, but by the local home owners.

Please consider a smaller project that would include dedicated parking and would fit better in our unique environment.

**Response M.1:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**N. Susan Watanabe (October 28, 2019)**

**Comment N.1:** I live within three houses of this project and upon looking at your study, I am alarmed that it appears you do not think this project needs significant review as there will be no impact on the surrounding neighbor's properties—and of course it does not seem to matter if it impacts the ability for us to be in a home and yard, that affords sleep, peace, and relaxation, that we have spent years working ourselves into the ground in order to own. I implore you all to consider if you would make this kind of decision if it was your own mom who was going to be living next to this hotel.

**Response N.1:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment N.2:** Another significant concern is that you think this neighborhood has no significant unifying factors that make it worth preserving as this hotel will virtually destroy the beautiful charm of our street. When our neighborhood asked to be rezoned to R1, the City of San Jose Planning Department actually wrote that this neighborhood was worth preserving as it had a unique character and its cohesive nature had been kept intact. It said that because of this, the neighborhood needed protection. This project needs a careful review by a qualified city historian who can discover and recognize the historical nature of this area. We are actually a district that should be considered worthy of advertising on a brochure for visitors as it is the first subdivision in San Jose. One of our neighbors is actually in possession of an old brochure titled "Walking Tour of the Garden Alameda Neighborhood." There are actually five homes just on Schiele Avenue listed in the City of San Jose Historic Resources Inventory booklet. What has happened to our city's pride in its history? Our neighborhood has been working with the city in the past to be designated as historical and it does officially qualify. It does have significant unifying factors and an interesting history worth noting for visitors and must be kept intact.

**Response N.2:** As discussed in Responses G.12, J.3, and J.4, the neighborhood is not currently designated as a Conservation Area. The intent of the earlier proposed rezoning in 2005 was to preserve the character and quality of life of the existing single-family neighborhood and is not a designation or preservation of historic context. Furthermore, the IS/MND does not state that the neighborhood has no significant unifying factors. Refer to Responses G.12, J.3, and J.4 regarding additional information on the rezoning and conservation area.

**Comment N.3:** I am concerned that most of the people who are planners for San Jose may only be interested in the modern growth of the city and consider old buildings to be just something in the way and in need of removal to make room for the new. Can you all please put yourself out here—maybe even stand in front of the houses near the hotel and even imagine all of these attractive one-story historic homes right next to a five-story modern monstrosity. The construction of this hotel is one of those things where in the future people will drive by and think, "What happened here? Was there no cohesive planning going on in this city when this was allowed?"

**Response N.3:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment N.4:** Additionally, as for my family, visitors will be able to look directly into my kitchen windows and right through into one of my children's bedrooms, and there is no way there will be no noise or parties ever coming from the outside patio. When you come home from work do you ever have a couple of friends over for dinner on your backyard patio? Do you hope when they arrive and you sit down that you will actually be able to hear each other talk? What about the job that you must have to pay for the cost of a house in San Jose? Will we be able to get enough sleep at night with all of those people and cars coming and going and people on the patio?

**Response N.4:** As stated in project description section of the IS/MND, the proposed hotel design does not include patios; however, the project is proposing a roof deck. The project would construct a three-foot high, half inch thick laminated glass railing along the perimeter of the rooftop to reduce noise levels to meet the City's acceptable noise criteria of 60 dBA DNL for exterior outdoor use. As discussed in *Section 4.11* (Visual Intrusion - Page 115) of the IS/MND, relocation of the residential building to the southwest corner of the project site on Schiele Avenue would limit visual intrusion to adjacent single-family residences to the west. An existing residential garage is located northwest of the project site which would block the direct line of sight from the hotel to the backyards and windows of the single-family residences. In addition, the project proposes flow-through planters and a wood fence along the western portion of the site. The residence located north would have a greater set back from the property line due to the existing driveway located along the southern building façade. Views of the sky are not protected.

**Comment N.5:** Also, there is NO WAY that those hotel guests will not be filling up all parking spots in front of our houses. We may be able to fit two cars in most of our driveways, but for those with teens who have to have a car to go to school, will they have to park several streets away and hike to get home? Our neighborhood is not in the downtown, and you should not be creating problems that suddenly cause us and our children to live as if we do.

Our neighbors have several small children whose best friends live right across the street. How much chance is there that they will live through all of the traffic and the UBER business that will be racing down our street and dropping off customers while pulling up and blocking views for other cars? This is no place for a business of this nature.

**Response N.5:** As discussed in *Section 4.17 Transportation* in the Initial Study, the project provides 82 on-site vehicle parking spaces with implementation of the Transportation Demand Management (TDM) Plan. The TDM Plan identifies viable alternatives to traditional driving practices that will support guests who arrive by other means than by private car, such as hotel guest shuttle, on-site bicycle share program, on-site car share program, free VTA Smart Pass cards for hotel employees and a dedicated 37-foot passenger loading space for ride share service drop-off and pick-up along Stockton Avenue. Appendix G of the IS/MND includes the project's TDM and LTA that looks at the operations of the propose project and site. The study does not show adverse effects to the surrounding environment. The design of the

project would not result in operations of unique circumstances that would create a hazards to the operations that is beyond City's policies and regulations.

**Comment N.6:** Furthermore, since the hotel is so close to the street, where will all of those delivery trucks and cars pull up? Stockton has become a very busy street and will become busier. My daughter already pulled out onto Stockton a few years ago and was not able to see a car and totaled our car, thankfully not hurting herself. These trucks will significantly increase the danger to those entering and exiting our neighborhood.

**Response N.6:** As discussed under Impact NOI-1, truck and passenger loading areas would be located along Stockton Avenue, not on the residential streets. Delivery trucks would not have access to the parking garage. Pursuant to City's code and regulations, adequate site distance would be required at the project driveways along Stockton Avenue. The project access points should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on Stockton Avenue. Stockton Avenue has a posted speed limit of 30 miles per hour (mph). Based on the American Association of State Highway Transportation Officials (AASHTO) standards, the stopping distance for a posted speed limit of 30 mph is 200 feet (Appendix G of IS/MND). Vehicles exiting the Stockton Avenue driveways would be able to see approaching traffic on southbound Stockton Avenue at least 250 feet to the north at the Stockton Avenue/Villa Avenue intersection. The outbound-only driveway and two-way driveway will be located approximately 195 feet and 120 feet north, respectively, of the Stockton Avenue/Schiele Avenue intersection and would provide adequate site distance from the proposed driveways to the Stockton Avenue/Schiele Avenue intersection. Refer to Appendix G of the IS/MND for more information.

**Comment N.7:** You mention in the report that there will be significant vibration and noise for those living within fifty feet of the construction. Oh my! So, what will be done about the damage to those houses? These houses are not constructed with drywall. They have lathe and plaster which can crack. Even if the hotel owners will pay for every piece of damage that occurs, what about the horrible disruption to the residents of the house as the repairs are done? There must at least be mitigation written into your report for reimbursing the cost of repairs plus the very expensive disruption that those repairs would cause to the lives of the residents.

**Response N.7:** As discussed in *Section 4.13* of the IS/MND and according to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV is used to minimize damage at buildings of conventional construction and a vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to historic structures. Within the vicinity of the site, the nearest existing residential structure to the northwest would be approximately 20 feet from the shared boundary and would be exposed to a vibration levels of up to 0.27 in/sec PPV. At a distance of 10 feet, the residence to the west would be exposed to vibration levels of 0.58 in/sec. The residences to the north and west would be exposed to vibration levels exceeding the 0.20 in/sec PPV for buildings of conventional construction. The residence located approximately 70 feet south of the project site would not experience vibration levels

exceeding the threshold. Consistent with the General Plan FEIR and General Plan Policy EC-2.3, the project shall implement Mitigation Measures NOI-2.1 and NOI-2.2 to reduce construction-related groundborne vibration impacts to a less than significant level.

**Comment N.8:** Why in the world would the city even consider putting a hotel somewhere where there needs to be a zoning change because it is obviously inappropriate? It destroys a significant historical neighborhood and will have a very damaging and disruptive as well as dangerous impact on the lives of people who are longtime residents of your city. All of us bought in this neighborhood on purpose because we love historical homes and loved the historical nature and beauty of this neighborhood. It is very quiet, especially at night, except when once in awhile the airplanes change their take-off direction. We have spent money and effort improving our homes and caring for them as to preserve the loveliness of this place.

**Response N.8:** Refer to Responses N.2, G.12, J.3, and J.4 regarding additional responses to the conservation area and historic context to the area. Refer to Response G.18 for noise discussion.

**Comment N.9:** It is actually a travesty that we even have to spend hours of our personal time writing letters and going to meetings trying to protect ourselves from someone who is being allowed to just waltz in here and destroy our environment and our caring work as well as the safety and peace and enjoyment of our own homes. The owner/developer stated at the public meeting that the hotel is not for the benefit of the people who live here but for Google. I am aware that Google is meeting its needs in its Urban Village Plan, and I am sure there are other more suitable places to build a new hotel if the city deems it necessary. The developer stated that he is asking for a hotel as it is the only possibility that meets his profit margin goals. It seems that since the residents as well as the businesses all pay taxes to our city, the city should be working to protect the peace and sleep of its residents. We are the people who feed into the businesses. The city also should appreciate that there are people who want to buy its historical structures and love and care for them instead of punishing them for just owning an old house that has now become just a place that is within a scooter distance of the future Google complex.

Please please bring in an expert in city history to make a detailed and sensitive evaluation of the real impact of this project. It seems that this has not been considered at all. I wonder if any of those working on this project have even walked through this beautiful and unique neighborhood.

**Response N.9:** A historic assessment was completed by Mr. Franklin Maggi, of Archieves & Architecture, a qualified historic consultant based in San Jose and has been reviewed by the City's Historic Preservation Officer. Refer to Appendix C of the IS/MND and Responses N.2, G.12, J.3, and J.4.

## **O.     Giovanna O'Grady (October 29, 2019)**

**Comment O.1:** I'm a resident who will be directly impacted by the development of this 5-story hotel as it will go up right behind my yard. I'm the owner of 745 Schiele Ave.

The mitigations are not sufficient to address the traffic, parking, and noise negative impacts we've raised. I have two small kids who frequently cross the street to play with our neighbors across the street. Their safety is at HIGH risk with the increase in traffic from hotel guests, hotel employees and ride sharing vehicles like Uber and Lyft. Secondly, our street is not equipped to handle the influx of parking from guests and employees. Thirdly, the invasion of my backyard privacy is not addressed. Will the developer build trees and cover the maintenance and upkeep of them to compensate for the lack of my privacy and noise? Furthermore, the developer will be subjecting my children to health risks from the construction materials, and increased vehicle emissions once in operation. As stated, the current mitigation's are not sufficiently adequate given the safety and health risks my family would be subject to.

**Response O.1:** Refer to Response G.7 for discussion about privacy issues. The impacts to construction and operational noise, air, and transportation were analyzed based on the City's thresholds pursuant to CEQA guidelines. The project, using standard methodology similar to many projects in the City, has evaluated the potential impacts of construction on the surrounding environment. The results show that Mitigation Measures AIR-3.1, AIR-3.2, NOI-1.1, NOI-2.1, and NOI-2.2 are adequate to reducing the identified impacts. These measures are consistent with previously approved measures and conditions for projects for this size and in similar urbanize areas.

**P. Breathe California (October 29, 2019)**

**Comment P.1:** I'm writing in regards to the 615 Stockton Avenue Hotel project, specifically to register our concerns and those of the of residents of San Jose's Garden Alameda neighborhood.

As you know, San Jose is an EPA CARE Community and is also designated as an AB 617 community by the State of California for special attention from air pollution programs. Our agency is quite familiar with this neighborhood, as we conducted a community-based program to reduce air pollution there from 2013 to 2014. At that time, there were multiple air pollution exposures including high truck traffic, diesel idling, and construction dust, along with some localized problems such as a car painting business. While we have not conducted a new assessment, residents tell us that these problems have increased, not decreased.

**Response P.1:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment P.2:** While, having read the EIR assessment, we understand that no negative impacts are expected due to mitigation, we believe that it would be beneficial to have a community conversation with residents of the impacted neighborhood regarding those mitigations before proceeding. In particular, there might be additional mitigations that would help alleviate their concerns regarding the expected increase in traffic and its pollution. For example, what happens if individuals who are employees or guests of the hotel do not take advantage of the transportation programs that are meant to mitigate pollution? What assessments of the effectiveness of these mitigations are scheduled, how often are they scheduled, and what secondary steps will be taken if they are not effective?



Our agency would be happy to facilitate such a community discussion and to serve as the site for a community meeting if that would be helpful. We would expect to also invite the Air District (BAAQMD) to present.

The Garden Alameda neighborhood has concerned and informed residents who are anxious to understand why their area is being re-zoned and what this means for the future of air quality where they live, work, and play. Our agency would like to help them get these answers. I am sure that your Department would also like to help.

**Response P.2:** To clarify, the environmental document is an Initial Study resulting in a Mitigated Negative Declaration. It should also be noted that the project was not required to complete a TDM plan pursuant to CEQA. Instead, the project is proposing a parking reduction pursuant to the City of San Jose Municipal Code. Parking is not a CEQA impact, but is included in the IS/MND and Appendix G (Transportation Analysis and Transportation Demand Management Plan) for informational purposes.

As discussed in Appendix G, the future hotel operator would be responsible for ensuring that the TDM trip reduction measures are implemented. Implementation of the TDM plan is a Condition of Approval for the project. Violation of the TDM plan would be subject to revocation, suspension, or modification of the permit.

Additionally, an Air Quality and Greenhouse Gas Assessment was prepared for the project in October 2018 and revised in May 2019. Based on the analysis, construction activities on-site would generate dust and other particulate matter that could temporarily impact nearby land uses. As a result, the project would implement Standard Permit Conditions to reduce dust emissions. In addition to the Standard Permit Conditions, the project would implement Mitigation Measures AIR-3.1 and AIR-3.2 to reduce TAC emission impacts. The Air Quality and Greenhouse Gas Assessment provides a conservative analysis since it does not take into account the proposed TDM measures. For operational emissions, the project is below the Bay Area Air Quality Management District (BAAQMD) screening size for criteria pollutants and would have a less than significant impact. Therefore, the air quality and greenhouse gas emission analyses are adequately addressed in the IS/MND and no changes are required.

**Q. Joanne Buckley (October 30, 2019)**

**Comment Q.1:** Executive Summary, page ii: “The project site is in close proximity to the College Park Caltrans Station that is located approximately 0.3 miles north of the project site at the northern end of Stockton Avenue.”

College Park is a lightly used station served by two trains in each direction Monday through Friday. No train stops there on weekends or holidays. College Park serves Bellarmine College Preparatory, resulting in the school related service times – Northbound at 8:03 AM and 3:16 PM, Southbound at 8:06 AM and 4:36 PM. Due to the small size of the station, only two cars within a 5-car train set are capable of opening their doors to allow passengers to board/disembark.

This station, because of its limited ridership would therefore not be consistent with the General Plan, therefore a cumulative impact analysis should be required and the city should demand that the Hotel have adequate parking spaces to accommodate their patrons and staff to the original 135 spaces. Not providing adequate parking for patrons and staff, forcing cars onto the neighborhood streets, blocking driveways and eliminating the ability of residents to park in front of their own properties is unacceptable.

Current traffic volumes coupled with the vehicle constraints installed on The Alameda, have already nearly land-locked our neighborhood during commute hours. Once the apartments and the hotel across the street from Whole Foods open – to say nothing of other developments that may be planned in DSAP – the traffic on Stockton will likely be untenable.

**Response Q.1:** The College Park Caltrain station is one of several transit services provided in the area and identified in the IS/MND. As discussed in Appendix G, the new transit trips generated by the project are not expected to generate a demand in excess of transit services currently provided. The project is proposing to provide 82 parking spaces, which is a 50 percent reduction from the required number of parking spaces. The project is consistent with the bicycle parking requirements and is located within 2,000 feet of an existing rail station or bus rapid transit station [Section 20.90.220.A.1 (a)(b)] and would have a parking reduction of up to 20 percent or 104 parking spaces. The project proposes TDM plan for a parking reduction of approximately 30 percent (a total of 50 percent) to comply with the City’s parking requirement. As implementation of the TDM plan is a Condition of Approval for the project, violation of the TDM plan would be subject to revocation, suspension, or modification of the permit.

Furthermore, the Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) also have taken into account the background plus project conditions ( the existing traffic conditions plus approved but not yet construction development and project traffic). The approved and pending project information are included as Appendix C in the Traffic Analysis. As shown in Table 4.17-7, the signalized study intersections would operate at an acceptable LOS under background plus project conditions. Therefore, no additional conditions or measures were required.

**Comment Q.2:** Research performed by Cassandra van der Zweep, San Jose Planner assigned to the subject project, revealed the development of a multi-storied hotel next to a single-story historic neighborhood is “unprecedented” within the San Jose city limits.

I requested a “list” of like projects so I could go out and review them for myself.

I visited the four I was given: 375 Baywood Ave, 2660 Monterey Rd, 600 S First St, and 211 S. First St. Not one of these properties was on or adjacent to a residential, R-1 neighborhood, let alone, a historic neighborhood. All the properties had ample parking and designated off site parking that did not intrude on any neighborhood or other properties. All the projects were on main arteries or highways with other well developed commercial uses.

**Response Q.2:** Refer to Responses N.2, G.12, J.3, and J.4 regarding additional responses to the conservation area and historic context to the area. This comment does not raise any other specific issues under CEQA; therefore, no further response is required.

**Comment Q.3:** This environmental report should address those “like projects” and conform to those same standards. The hotel plan does not include an off street dock for delivery of supplies. No attention to the lack of loading docks for this development is addressed. Large delivery trucks will be parked on Stockton Avenue, blocking and disrupting traffic both on Stockton Ave and Schiele Ave and emitting noxious gases into our neighborhood for extended periods of time.

**Response Q.3:** All truck loading activities would occur along Stockton Avenue. An existing 65-foot on-street loading zone located directly across the east project frontage along the east side of Stockton Avenue may be used for truck deliveries. Additionally, the project proposes a timed 36-foot freight loading zone (10:00 AM to 2:00 PM) along the Stockton Avenue frontage. Deliveries would occur once or twice a week.

**Comment Q.4:** CEQA Transportation Analysis, page 21:

Based on the project location, type of development, project description, and proposed trip reduction measures, the sketch tool calculates the project VMT. However, the City’s VMT Evaluation Tool is limited to the evaluation of four general land use categories: residential, office, industrial, and retail. Thus, the use of the sketch tool for the evaluation of land uses other than the four general land uses described above, such as the proposed hotel, requires the conversion of the proposed land use to an equivalent amount (based on trip generation characteristics) of residential units, office space, industrial space, or retail space. Since the characteristics of the proposed hotel would have similar trip generating characteristics to retail space, the proposed hotel was converted into an equivalent amount of retail space based on trip generation estimates derived utilizing trip rates published in the Institute of Transportation Engineers’ (ITE) Trip Generation Manual, 10th Edition (2017). Based on the ITE daily trip rate for business hotel (ITE Land Use Code 312), the proposed 120-room hotel is estimated to generate 482 daily trips, which is equivalent to the trips estimated to be generated by approximately 12,779 s.f. of retail space. Therefore, for the purpose of this study, approximately 12,779 s.f. of retail space was assumed as part of the proposed project. Table 3 presents the retail equivalency calculation.

Since there are no designated general land use categories for a hotel, the analysis tool used, for this project, is “retail”. Retail is not a 24/7 operation like a hotel. Traffic to and from this project will be constant. Above states why the College Park Station is not viable for alternative trips, also Diridon Station is a mile away. Anyone arriving from Diridon would hardy walk a mile or ride a bike to the hotel with a suitcase in hand. Uber, Lyft, cabs etc, could all be viable personal choices for transportation to and from the project as well as a rental car for those who need it.

**Response Q.4:** Commenter states disagreement that this use should be treated as retail. As the “hotel” is not a specified use in the VMT tool, the calculation tool applied allows for discretion of converting uses to the most similar categories that would have similar transportation patterns. Retail encompasses a variety of specific

uses, including those with has operations of 24/7 such as gas station or grocery stores. This is the adopted methodology of the City's City Council Policy 5-1 to evaluate transportation impact pursuant to California Senate Bill 743 (SB 743) and pursuant to CEQA guidelines.

**Comment Q.5:** Cumulative (GP) Consistency) Evaluation: page 22:

The proposed project will be consistent with General Plan policy TR-3.3 that states

This project does not comply with the General Plan and more analysis should be required.

**Response Q.5:** The project would go through a design review process, prior to the issuance of development permits, and would be reviewed for consistency with the City's Design Guidelines, and other applicable codes, policies, and regulations. This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment Q.6:** In summary it is almost impossible to address many of the issues contained in this document since it is lengthy, contains many graphs and charts, is prepared by consultants who would need to explain many of the detailed assumptions presented in this case. There was not enough time allowed for the public to realistically review this document because of its length and scope.

This project is overly ambitious and simply out of character for a single level, historic neighborhood. It is unprecedented in the whole of San Jose and it will be cause permanent blight to our neighborhood. Where is the analysis for the issue of "quality of life" for the residents who live here? We do not want to be the repository for all the needed off site parking that will occur due to inadequate, 50% reduced parking at the project site.

Where is the consideration, for all the hard work and money invested in maintaining historic homes? When you buy into a historic neighborhood, you make a life long commitment to maintain that home so that it will sustain its original esthetic and character.

This Hotel is an affront to all who came before us and all who reside here today. The city should take a long hard and steadfast look as to whether there is protection and preservation of its historical neighborhoods and will it defend its history and be respectful of it past?

**Response Q.6:** Pursuant to CEQA guidelines, a Mitigated Negative Declaration is required to publicly circulate a minimum of 20 days. Please note that quality of life is not covered under CEQA which addresses a project's impacts to the physical environment. Refer to Responses N.2, G.12, J.3, and J.4.

**R. Linda Taaffe**

**Comment R.1:** I live on Harding Avenue about a block away from the 615 Stockton Avenue Hotel Project site (Assessor's Parcel Nos.: 261-07-001 and -068). I object to the project as proposed because I believe its scope and size are too massive for the surrounding residential neighborhood. Thank you for the opportunity to express my concerns highlighted below, which I hope you will

address as you move forward in this process.

**Response R.1:** Refer to Response H.2 for height and scale discussion. This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment R.2:** Please explain if I am understanding this incorrectly: From what's outlined in the city's General Plan, it appears that the project does not meet the parking requirements for this particular property, and the proposed rezoning seems to contradict the city's Envision San Jose 2040 official policy regarding the future character of development in the neighborhood.

**Response R.2:** Based on the City's parking requirements (Section 20.90.060 of the City's Municipal Code), the project would be required to provide a total of 130 parking spaces. Per the City's Municipal Code, projects can request for parking reduction of up to 50 percent depending on the location. With approval of the proposed TDM for reduced parking, the proposed project would comply with the City's parking requirement.

The project site consists of two parcels (APNs 261-07-001 and 261-07-068) located at 615 Stockton Avenue and 623 Stockton Avenue, respectively. The site currently has two General Plan Land Use Designations. The parcel at 615 Stockton Avenue is designated *Neighborhood/Community Commercial* and the parcel at 623 Stockton Avenue are designated as *Residential Neighborhood*. Both parcels that make up the project site is currently zoned as CN and proposes a Conforming Rezoning to CP.

**Comment R.3:** 1: Let's address the parking:

San Jose's website states that projects that can not meet the city's parking requirements will not be allowed, regardless if a proposed use is allowed as part of the zoning for a particular site. Clearly, the 120-room project, which requires 1 parking space per employee and 1 per hotel suite room (I'm not sure if the lounge would require more spaces based on seating), can not meet these conditions as required under the current CN zoning. This leads to my second concern -- the proposed rezoning of the two lots to Commercial-Pedestrian, which allows a significant reduction in parking space requirements.

**Response R.3:** The project proposes a 120-room hotel and would require an approved TDM plan for a total parking reduction of 50 percent. As the implementation of the TDMs is a Condition of Approval for the project, violation of the TDM would be subject to revocation, suspension, or modification of the permit. Refer to Response S.5.

**Comment R.4:** 2: Let's address the rezoning to CP:

From the city's Envision 2040 plan, it's my understanding that a project can only qualify for a parking reduction/CP zoning under these specific conditions: The property is within 1,000 feet of an Urban Village boundary or the property is within 1,000 feet of a train/bus station. The project site doesn't meet these exemptions: The lots are 4,752 feet from Diridon Station, and 2,112 feet from closest urban village area boundary.

Are you using the College Park station to allow this project to qualify for CP zoning and require significantly less parking? The College Park station is not fully operational. Since the train only stops at the station twice daily during the week to accommodate students at Bellarmine College Prep, I doubt the station would truly solve the parking issues that the city intended to address by creating the CP zoning requirements. This seems like a flawed decision. Can you explain your thoughts on applying the CP zoning to this area?

**Response R.4:** Parking requirements are based on the proposed land uses and not the zoning district (refer to Chapter 20.90 of the City’s Municipal Code). Any hotel or motel proposed would be required to provide one parking space per guest room or suite plus one parking space per employee. As discussed in *Section 4.17.3.6* of the IS/MND, hotel developments are eligible for a 20 percent reduction in required off-street parking per Section 20.90.220.G with a development permit if the project is within 2,000 feet of an existing or proposed bus or rail transit stop. The project site is located approximately 1,500 feet south of the College Park Caltrain Station and approximately 700 feet south of bus stops along Taylor Street. Additionally, the City of San José’s Planning Director may reduce the number of required parking spaces for a project by up to 50 percent (Section 20.90.220.A.1). To comply the City’s parking requirement (with the applicable parking reductions), the proposed transportation demand management (TDM) measures would need to be approved by the City. The project is currently zoned as *Commercial Neighborhood* and proposes a Conforming Rezoning to *Commercial Pedestrian*. The *Commercial Pedestrian* zoning district, is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the general plan related to Neighborhood Business Districts. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies. Per Table 20-90 of the City’s Municipal Code, hotels are permitted land uses in the *Commercial Pedestrian* Zoning District.

**Comment R.5:** 3. Let’s address the size:

I’m curious to understand why a project of this magnitude is trying to be crammed into that space. According to planning records, the city initially conducted a preliminary review for a 57-room hotel in January 2017 before the current investors returned with a project that has now doubled in size. Councilwoman Dev Davis, who told me she does not necessarily support the project, explained that the developers told the city that a smaller project is not financially viable. A larger hotel will enable them to operate under the management of a hotel chain; a smaller project will not.

**Response R.5:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment R.6:** While I’d like to see a neighborhood project on that site succeed, I believe the city is asking residents to make too many concessions for this particular proposal, which requires countless land-use and other rule changes to even qualify as a permitted use.

The city has worked diligently on a vision to balance economic, housing and transportation needs in its neighborhoods. In our neighborhood, the 2040 General Plan Land Use map shows every parcel

along the three-block area on that side of Stockton Avenue as Residential Neighborhood (except the single lot at 615 Stockton, which is shown as Neighborhood Community Commercial).

How does a 120-room hotel fit into the vision for the residential area? How does a five-story hotel match the current single-story residential neighborhood character? How will a larger project with fewer parking spaces benefit the neighborhood?

I urge you to consider these questions and only approve a project that fits within the constraints of the city's regulations and the goals of the Envision 2040.

**Response R.6:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

For additional discussion and information regarding land uses conformance, please refer to the Staff Report for the project at the <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>.

**S. Michael Dunbar, Scott Higgins, and Carol Higgins (October 30, 2019)**

**Comment S.1:** We are the property owners adjacent to the proposed 615 Stockton Ave Hotel Project. We would like to make sure that we are on record as opposing this proposed Project, and any proposed amendments to the General Plan which supports this development project. The implied feedback we have received from the City of San Jose for the past twenty years or so has consistently been that it was the city's intention to preserve the quality of the Garden Alameda neighborhood and trend future development of that site towards something "residential" in character. To amend the zoning towards approving a 5 story hotel development at a location which currently has NO SUPPORTING services (either planned or in place) to sustain a hotel operation (e.g. parking, street retail, food services, transit links, etc.) indicates that either the city has been misinformed of the layout in this area and/or the city has additional development projects in this area which have yet to be announced. Is that the case?

**Response S.1:** This comment does not raise any specific issues under CEQA; therefore, no further response is required.

For additional discussion and information regarding land uses conformance, please refer to the Staff Report for the project at the <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>.

**Comment S.2:** Regardless, this hotel project illustrates the Zero Sum consequences of such a development. Any increased value to the owners of 615 Stockton Ave comes at a direct loss to the local residents in the Garden Alameda neighborhood. The increase in traffic, the impact of 24/7 disruptions, loss of street parking, etc. will irreparably change the character of this neighborhood... forever. Once something of this magnitude is introduced in this area, one can never "undo" it and the residents are ultimately forced to "live with it". That is not reasonable, excusable, or an acceptable way to implement planning policy.

**Response S.2:** Please refer to Responses F.2, G.30, H.3, I.1, and Q.4 for responses to transportation impacts and N.2, G.12, J.3, and J.4 for responses to the conservation area and historic context to the area.

**T. Nanci Ivis (October 30, 2019)**

**Comment T.1:** Thank you for giving us a chance to respond on the environmental impact of this proposed project. We as a neighborhood are very concerned. I am especially concerned after the affects of “The Calming of The Alameda project on our little street. Traffic has increased Significantly already. It took me 12 minutes to turn left on Stockton from our street. The Business Park down the street mainly uses our little street for commuting rather than The Alameda and Taylor. I watched in horror two days ago as my neighbors kids almost got hit by a speeding car crossing the street. We are already affected by Airport and train noise as well as parking from businesses on Stockton. It is not fair to put another project of immense size on our tiny street.

**Response T.1:** Operational transportation impacts were analyzed based on City Council Policy 5-1 and noise. In regards to transportation, the project was found to not result in significant impacts under CEQA and does not required measures or conditions pursuant to CEQA requirements. In regards to noise imapcts, the project was found to have construction noise impactsand would be subject to mitigation measures, as disclosed in the IS/MND.

**Comment T.2:** I’m not sure when you did your study but if it was during summer or near a holiday, that would not be a true report of what goes on in this area during peak times. I’m sorry but I have not had a chance to read the report but would like to. I know responses are due today so I wanted to get this out ASAP.

**Response T.2:** Please refer to Responses F.2, G.30, H.3, I.1, and Q.4 for transportation impact discussion.

**Comment T.3:** I’m copying and pasting another neighbor’s response she shared with me because I agree with everything she wrote and simply don’t have time to write it all out. I would like to stress the importance of our neighborhood’s history from being the first neighborhood to Native American Sacred Ground after neighbors found bones dating back 500+ years in their yards. I would personally like the respect the Sacred Grounds and have this site returned to Earth for community needs and services.

**Response T.3:** Refer to Response G.32.

**Comment T.4:** “I object to the project as proposed because I believe its scope and size are too massive for the surrounding residential neighborhood. Thank you for the opportunity to express my concerns highlighted below, which I hope you will address as you move forward in this process.

Please explain if I am understanding this incorrectly: From what's outlined in the city's General Plan, it appears that the project does not meet the parking requirements for this particular property, and the proposed rezoning seems to contradict the city's Envision San Jose 2040 official policy regarding the



future character of development in the neighborhood.

**Response T.4:** Refer to Responses H.2, Q.1, and R.2.

**Comment T.5:** 1: Let's address the parking:

San Jose's website states that projects that can not meet the city's parking requirements will not be allowed, regardless if a proposed use is allowed as part of the zoning for a particular site. Clearly, the 120-room project, which requires 1 parking space per employee and 1 per hotel suite room (I'm not sure if the lounge would require more spaces based on seating), can not meet these conditions as required under the current CN zoning. This leads to my second concern -- the proposed rezoning of the two lots to Commercial-Pedestrian, which allows a significant reduction in parking space requirements.

\*\*We already have parking issues from nearby businesses

**Response T.5:** Refer to Response R.2.

**Comment T.6:** 2: Let's address the rezoning to CP:

From the city's Envision 2040 plan, it's my understanding that a project can only qualify for a parking reduction/CP zoning under these specific conditions: The property is within 1,000 feet of an Urban Village boundary or the property is within 1,000 feet of a train/bus station. The project site doesn't meet these exemptions: The lots are 4,752 feet from Diridon Station, and 2,112 feet from closest urban village area boundary.

Are you using the College Park station to allow this project to qualify for CP zoning and require significantly less parking? The College Park station is not fully operational. Since the train only stops at the station twice daily during the week to accommodate students at Bellarmine College Prep, I doubt the station would truly solve the parking issues that the city intended to address by creating the CP zoning requirements. This seems like a flawed decision. Can you explain your thoughts on applying the CP zoning to this area?

\*\*I personally have never been able to use the College Park stop over the past two decades of living here.

**Response T.6:** Refer to Response R.4.

**Comment T.7:** 3: Let's address the size:

I'm curious to understand why a project of this magnitude is trying to be crammed into that space. According to planning records, the city initially conducted a preliminary review for a 57-room hotel in January 2017 before the current investors returned with a project that has now doubled in size.

Councilwoman Dev Davis, who told me she does not necessarily support the project, explained that the developers told the city that a smaller project is not financially viable. A larger hotel will enable them to operate under the management of a hotel chain; a smaller project will not.

**Response T.7:** Refer to Response R.5.

**Comment T.8:** While I'd like to see a neighborhood project on that site succeed, I believe the city is asking residents to make too many concessions for this particular proposal, which requires countless land-use and other rule changes to even qualify as a permitted use.

The city has worked diligently on a vision to balance economic, housing and transportation needs in its neighborhoods. In our neighborhood, the 2040 General Plan Land Use map shows every parcel along the three-block area on that side of Stockton Avenue as Residential Neighborhood (except the single lot at 615 Stockton, which is shown as Neighborhood Community Commercial).

How does a 120-room hotel fit into the vision for the residential area? How does a five-story hotel match the current single-story residential neighborhood character? How will a larger project with fewer parking spaces benefit the neighborhood?

I urge you to consider these questions and only approve a project that fits within the constraints of the city's regulations and the goals of the Envision 2040.

I also urge you to deny this project ASAP so that the developers can move on and the neighborhood can retain its vibe. This has put undue stress on all.

**Response T.8:** Refer to Response R.6.

**U. Edward Saum (October 30, 2019)**

**Comment U.1:** I am writing to you as the Vice President and Director for Planning and Land Use of the Shasta / Hanchett Park Neighborhood Association (S/HPNA), on behalf of the NA, with our comments and concerns regarding the above-referenced project. S/HPNA represents 4,500 households immediately West of Diridon Station, in the Garden Alameda, Shasta / Hanchett Park, and St. Leo's neighborhoods, including the proposed project site. For more than thirty-five years, we have sought to work with the City of San Jose, developers, and our neighbors to create a vibrant neighborhood.

We would like to address aspects of the Mitigated Negative Declaration (MND). Per page 5 of the Public Notice, "*Transportation / Traffic - The project would not have a significant impact on this resource; therefore no mitigation is required.*"

- To claim that the deliveries required to operate a 120-key, 70,687 sf hotel would not have an impact on the two-lane Stockton Avenue is inaccurate. Unless specific, enforceable limits on the vehicle size, quantity, and scheduling of deliveries are included in any project approvals, we consider this finding to be incorrect, and in need of revision.

**Response U.1:** A Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) was completed consistent with City Council Policy 5-1. The analysis, provided in *Section 4.17* and Appendix G of the IS/MND, concluded that the project meets the local-serving retail screening criteria of the Policy 5-1, and therefore, a detailed CEQA transportation analysis would not be required.

As part of the Appendix G, a Local Transportation Analysis was performed to examine the operations of the proposed project on the existing environment. The project is required to provide a minimum of one off-street loading space, plus one additional loading space for every 20,000 square feet of floor area. All truck loading activities would occur along Stockton Avenue. An existing 65-foot on-street loading zone located directly across the east project frontage along the east side of Stockton Avenue may be used for truck deliveries. The project proposes a timed 36-foot freight loading zone (10:00 AM to 2:00 PM) along the Stockton Avenue frontage. Deliveries would occur once or twice a week. This proposal does not result in adverse effects to transportation operation and therefore, no additional conditions were required for the project.

Please refer to Responses F.2, G.30, H.3, I.1, and Q.4 for additional transportation impact discussion. This information does not change the analysis of the project's and therefore, the new information does not result in new significant impacts or mitigation measures than those analyzed and disclosed in the IS/MND and associated appendices.

**Comment U.2:** Current traffic volumes on Stockton Avenue during commute hours already border on gridlock. The traffic impacts to Stockton Avenue of the proposed project, the proposed hotel at Julian and Stockton, and the additional proposed developments along Stockton Avenue, must be analyzed together, rather than piecemeal. The volume of cars along Stockton Avenue will all but prohibit left turns from the hotel and Schiele Avenue onto Stockton Avenue, forcing northbound vehicles west on Schiele Avenue to reach The Alameda. The additional burden placed on Schiele Avenue will be, by definition, significant. Therefore, we consider this finding to be incorrect, and in need of revision.

**Response U.2:** Piecemealing is defined as dividing a project into two or more pieces and evaluating each segment in a separate environmental document. The project analysis is not being piecemealed and cumulative impacts are addressed in each resource section in the IS/MND. Furthermore, the Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) also have taken into account the background plus project conditions (the existing traffic conditions plus approved but not yet construction development and project traffic). The 138 Stockton Avenue project (7 story mixed use units and 37,500 square feet of commercial) is part of the background environment in this project's analysis. The approved and pending project information are also included as Appendix C in the Traffic Analysis. As shown in Table 4.17-7, the signalized study intersections would operate at an acceptable LOS under background plus project conditions. Therefore, no additional conditions or measures were required.

**Comment U.3:** The project proposes 82 parking spaces for 120 rooms, and up to 18 staff / employees. Providing 60% of the possible parking needs is ill-conceived, and all but guarantees that there will be overflow onto Schiele Avenue. Twenty-five years ago, S/HPNA fought to ensure that the Transportation, Parking and Management Plan (TPMP) for the San Jose Arena acknowledged the inevitable impact that a commercial development has on adjacent single-family residential areas. The proposed Transportation Demand Management (TDM) program for the hotel may help to assuage

this persistent problem, but there are no means by which guests, visitors, and employees can be \*required\* to partake of these alternatives. This will inevitably lead to vehicles associated with the hotel parking on Schiele Avenue. Unless a permit parking plan for the Schiele and Alameda Park subdivisions is included in any project approvals, we consider this finding to be incorrect, and in need of revision.

**Response U.3:** The project proposes a 117-room hotel and up to seven employees per shift. As discussed in Response P.2, the future hotel operator would be responsible for ensuring that the TDM trip reduction measures are implemented. Pursuant to the City of San Jose Municipal Code, parking reduction for development are feasible if TDMs are deemed acceptable. As parking is not a CEQA issue, this does not raise new information that would not result in a change in analysis, impacts, or mitigation measures than those analyzed in the IS/MND and associated appendices.

**Comment U.4:** Representatives from S/HPNA and the adjacent residences met with Councilmember Davis on August 14th, 2019, to express our concerns regarding the planning and architectural design of the proposed project. These include, but are not limited to, the following:

- **Inappropriate Outdoor Entertainment Areas (Pool):** The ground floor swimming pool is directly adjacent to a single-family residence. San Jose lacks both a comprehensive noise ordinance, and the police staffing to address disturbance calls. Unless specific hours of use and enforceable noise level requirements are included in any project approvals, we consider this siting to be inappropriate, and indifferent to the existing neighborhood.

**Response U.4:** Previous plan sets showed the pool being located on the ground floor, second floor, or roof. The current design does not propose a pool. Instead, the project proposes a roof deck. All references to the pool have been removed (see *Section 3.0 Initial Study Text Revisions*).

**Comment U.5:** Inappropriate Outdoor Entertainment Areas (Rooftop Deck): The project includes a rooftop deck. Per the comments provided to Councilmember Davis on August 14th, *“The property owner has introduced our neighborhood to the types of events he plans to hold at this location by staging two in the last month at 623 Stockton. From about 3:30 PM until after 1:00 AM amplified DJs and music accompanied by numerous screaming attendees disturbed our neighborhoods’ peace. The owner did not bother to obtain a permit from the City to hold either of them, demonstrating disrespect not only of his neighbors, but also of San Jose ordinances.”* Outdoor venues that would stage such events are incompatible with the adjacent single-family homes.

**Response U.5:** The project proposes a roof deck on the roof which would consist of outdoor seating and outdoor games and activities for hotel guests. The roof deck would only be open from 10:00 AM to 10:00 PM. Refer to Response G.18 for noise analysis of the roof deck.

For further discussion of the proposed land use and compatibility outside of CEQA, please refer to the staff report for this project here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning->

**Comment U.6:** Incompatible Land Use: 615 Stockton Avenue’s General Plan designation is Neighborhood / Community Commercial (NCC). Per the City’s own description of NCC zoning. “*The Neighborhood / Community Commercial land use designation supports a broad range of commercial uses such as neighborhood serving retail stores and services, commercial and professional offices, and private community gathering facilities.*” This zoning is specifically designed to support adjoining neighborhoods with businesses that have a strong connection to, and provide services and amenities for, the community. A hotel, by its very nature, does not fulfill that requirement. The adjacent Diridon Station Area and The Alameda Urban Village plans specifically accommodate hotels and other Commercial Pedestrian development. The request for a Special Use Permit to build a multi-story hotel immediately adjacent to a single-story historic neighborhood is unprecedented within the San Jose city limits. A project such as this should not be setting such a dangerous precedent.

**Response U.6:** As discussed in *Section 3.1.5 General Plan and Zoning Designation*, the 615 Stockton Avenue parcel is designated *Neighborhood/Community Commercial* under the City’s General Plan while the parcel at 623 Stockton Avenue is designated as *Residential Neighborhood*. The project is consistent with the existing *Neighborhood/Community Commercial* at the 615 Stockton Avenue parcel. The proposed project would not be consistent with the *Residential Neighborhood* General Plan designation (at 623 Stockton Avenue) since this designation only allows for residential land uses. Therefore, the project proposes a General Plan amendment from *Residential Neighborhood* to *Neighborhood/Community Commercial* at the 623 Stockton Avenue parcel.

For further discussion of the proposed land use changes outside of CEQA, please refer to the staff report for this project here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>.

**Comment U.7:** Based upon these, and many other discrepancies and inconsistencies not enumerated herein, we encourage Councilmember Davis and Mayor Liccardo, both copied on this letter, to initiate a Statement of Early Denial. 615 Stockton should be redeveloped in a manner that is both community-serving \*and\* sensitive to its adjacencies. The current proposal accomplishes neither goal.

We take pride in our neighborhood; S/HPNA Board members and volunteers have been diligent advocates for decades. Density and additional development within our boundaries are inevitable; poorly conceived developments, which show a deliberate indifference towards the multiple, significant impacts on the adjacent residents should not be. We welcome development that supports the neighborhoods with community services and amenities, while maintaining and encouraging the walkability and vibrance of the area.

**Response U.7:** The commenter’s opposition and encourage in disapproval of this project is acknowledged. This comment does not raise any specific issues under

CEQA; therefore, no further response is required.

**V. Stephanie Brown (October 30, 2019)**

**Comment V.1:** I just found out about this with the deadline being at the end of today so am going to give you my input.

My name is Stephanie Brown and I live on Schiele Avenue. As of April 1, 2020 I will have lived in my home 50 years. There has only been one other owner. I am one of approximately 49 homes on my block. I love our little street.

Since I had to give a quick scan of the 191 pages, here are my thoughts (not in any particular order due to just receiving):

- Page 17, 3.1.3, 2nd paragraph: "Basically" the Project proposes a total of 82 parking spaces but apparently does not meet the City's requirement of 104 parking spaces. Initially it started as 130 spaces. On Page 83 it states that parking will be 115 spaces. My question:. Which is it?

**Response V.1:** Per the City's parking requirements (Section 20.90.060 of the City's Municipal Code), the proposed development would be required to provide a total of 130 parking spaces. As mentioned in footnote two of Table 4.6-3, the number of parking spaces has been reduced by 33 spaces since the air quality and greenhouse gas assessment was completed in May 2019. Based on the plan set provided by the applicant, the project is currently proposing 82 parking spaces.

**Comment V.2:** - Page 61:. One tree (London Plane) would be removed and would be replaced or if not sufficient room would pay off-site tree replacement fee. In the meeting held in August it was stated that there would be zero setback, but on Page 126, it states that if approved would be (under Title: Visual Intrusion (Privacy) ) a set back from the property line by approximately 6-10 feet. Which is it - quite a bit of difference? One no tree could fit; the other a tree (or trees) could.

**Response V.2:** Under the proposed Commercial Pedestrian Zoning District, front setback are 10 feet maximum, side setbacks of 10 feet minimum along property lines which abut residential uses or 0 feet otherwise, and rear setback of 25 feet or no rear setback for properties which abut commercial districts. The northwestern portion of the hotel itself is setback from the shared residential property line 16 feet on the first and second floor, and 56 feet two-inches, on the third, fourth, and fifth floors which would reduce the impact of the building's massing on the surrounding established neighborhood.

The tree proposed to be removed is a street tree and subject to review and conditions of the Public Works and Transportation departments.

For further discussion of the proposed land use changes outside of CEQA, please refer to the staff report for this project here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>.

**Comment V.3:** - Page 123, 1st paragraph after the Impact LU2: 1st line - states that the hotel would have 117 rooms. In the very beginning it was only going to be 55 rooms, then 120 rooms and now 117. Which is it - 117 or 120 or is there another number?

**Response V.3:** Per the latest plan set provided by the applicant, the project proposes 117 rooms. The Air Quality and Greenhouse Gas Assessment (Appendix A of the IS/MND) and Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) was based on 120 rooms. Since completion of both technical reports, the number of proposed hotel rooms has decreased by three as stated in footnotes 13, 41, and 64 of the IS/MND.

**Comment V.4:** - Page 126, 2nd paragraph states that some of the homes would be shaded (due to the 5 stories). So, if one or more of the shaded homes does not have solar on their roof(s) when this project is built and they want to add solar to their home(s), they would be out of luck - is that correct?

**Response V.4:** By California law, existing and future solar access is not protected from structures, it is only protected from trees or other vegetation planted after the solar system is already installed.<sup>3</sup>

**Comment V.5:** - Page 143, line 3 (not counting the title heading) proposes a roof deck and pool. At the meeting in August the roof deck was mentioned but not the pool. Is this something that was just added?

**Response V.5:** Previous plan sets showed the pool being located on the ground floor, second floor, or roof. The current design does not propose a pool. Instead, the project proposes a roof deck. All references to the pool have been removed (see *Section 3.0 Initial Study Text Revisions*).

**Comment V.6:** - Page 162, line 4: the word "existing" should be changed to --exiting--. Small thing but should have been caught by whoever proofread.

**Response V.6:** The word has been revised (see *Section 3.0 Initial Study Text Revisions*).

**Comment V.7:** - How many (approximate) employees will there be & where will they park? I know it's stated that it would encourage employees to use other means than driving; however, being realistic, many of the employees would be using their cars. Schiele Avenue (as well as Villa Avenue) homeowners do not want the hotel's staff parking on our streets. Also, since it was stated that there would be a charge to guests for parking in the hotel - almost certain that some of the guests would not want to pay and would park on Schiele and Villa Avenues. If this Project succeeds we would want the hotel to let their guests park for free. ...A small thing for the hotel in lieu of upsetting the neighbors.

---

<sup>3</sup> California Legislative Information. "California Law." Accessed January 21, 2020.

[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=15.&title=&part=&chapter=12.&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=15.&title=&part=&chapter=12.&article=)

**Response V.7:** Based on information provided by the applicant, each shift would have a maximum number of seven employees. For hotel projects, the City requires one parking space per guest room or suite and one additional parking space per employee (without any reductions). Parking fee is not a CEQA issue and this is determined by the hotel operations.

**Comment V.8:** - The design of this hotel project is pleasing and in another location would most likely "blend" in. However, in no way does it blend in with our historic older neighborhood. One of the men who spoke at the August meeting said that adding wood to the sides of the building makes it blend in nicely with our neighborhood. That person or who he represents doesn't have any conception of what a historic neighborhood looks like.

**Response V.8:** Responses N.2, G.12, J.3, and J.4 regarding additional responses to the conservation area and historic context to the area.

**Comment V.9:** - Regarding traffic on Schiele Avenue: If this hotel is finally approved there needs to be a "traffic light on the corner of Schiele and Stockton Avenues" so as to prevent accidents, which, if not, will definitely happen.

**Response V.9:** As previously mentioned, the project completed a Transportation Analysis and Transportation Demand Management Plan (Appendix G of the IS/MND) which includes an LTA for transportation operations. Based on the LTA, the study intersections would continue to operate at an acceptable level of service. Additionally, the LTA did not identify the need for a traffic signal at the intersection of Schiele Avenue and Stockton Avenue.

**Comment V.10:** - On the Public Notice that I received only this afternoon it stated that this was a "Draft" MND; however, on the Mitigated Negated Declaration itself there was no mention that this was a Draft.

**Response V.10:** The IS/MND is not final until the applicable approving body adopts, approves, or certifies the document.

**Comment V.11:** Just a note: At the meeting in August which was highly attended and went over the allotted time, there were no "pros" for this Project, just "cons". However, the people who handled this Meeting did so very professionally considering not one person was for this project.

**Response V.11:** The comment does not raise any specific CEQA issue or issue with the IS/MND; therefore, no further response is required.

**Comment V.12:** P.S.: I didn't have time to address the other issues such as:  
- how the neighbors directly near the hotel would be impacted by windows of the hotel that guests could look into their backyards or their homes ~ scary;

**Response V.12:** See Response G.7.



**Comment V.13:** I did not see any mention of a restaurant or bar in the hotel. Since I didn't have much time to review the MND perhaps I missed.

**Response V.13:** As discussed in Section 3.0 of the IS/MND, the project proposes a bar/restaurant on the ground floor.

**W. John Wolfram (October 31, 2019)**

**Comment W.1:** This project has no business being placed in our neighborhood. It has no business being there considering the lot size and number of stories. It is totally out of character with this stretch of Stockton Ave from University ave to Pershing and beyond until the apartments beyond. What also makes this incompatible and not present anywhere on Stockton is a 24 hour commercial operation. To add insult to injury is the essentially zero setbacks and the drab architecture.

**Response W.1:** Refer to Responses G.3. Analysis of the project concluded that the proposed building height alone would not be substantial enough to degrade the existing visual character of the site and project area under CEQA. Response U.5: For further discussion of the proposed land use and compatibility outside of CEQA, please refer to the staff report for this project here: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission/agendas-minutes-2020>

**Comment W.2:** I would support low-rise affordable housing or a 2-story maximum commercial use that does not operate after typical business hours. There are examples of compatible neighborhood smaller commercial uses contributing to the surrounding neighborhoods on Park ave, e.g. restaurants, travel agents etc. This project belongs at other much more appropriate locations such as the large commercial vacant lots at 4th street and Commercial. This proposal flies in the face of any reputable municipal planning standards. My property has been in the family since the depression. I wish my Grandmother was alive to actively squash this abomination. She has been involved with the campaign for Mayor of both Hammer and Fiscalini. I participated in David Pandori's mayoral race. I know if he had been Mayor, a much different tone for the direction of this City would have been established. Instead there has been a consistent disregard for residents in the proximity of massive condominium projects in the extended region declared as "downtown".

**Response W.2:** The comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment W.3:** This brings up the final major objections by all of the residents attending the neighborhood City sponsored meeting, to these kind of projects added to Stockton ave. That is, projected traffic from the incredible housing/hotel developments currently underway in the Whole Foods proximity. I suspect that by only tweaking the CEQA report, as is always done, that this project meets those California standards for accumulated traffic impact of all the current Stockton Ave projects underway.

**Response W.3:** As discussed in other Responses F.2, G.30, H.3, I.1, and Q.4, pursuant to CEQA requirements, the project completed a Transportation Analysis (TA) and Transportation Demand Management Plan (Appendix G of the IS/MND)

and analyzed transportation impacts under City Council Policy 5-1. This is the adopted methodology of the City to evaluate transportation impact pursuant to California Senate Bill 743 (SB 743) and pursuant to CEQA guidelines. The analysis concluded that the project would meet the screening criteria of the Policy 5-1. Furthermore, as part of that Appendix G, an LTA was completed to understand the operations and its impacts to transportation of the area. The results of the LTA also concluded that the intersections studied would not result in adverse effects with the development of this project.

**X. Tessa Woodmansee (October 31, 2019)**

**Comment X.1:** thanks thai for communicating today that is very helpful and you go to the head of the class for being a very good administrator of this very important environmental review for this proposed project that is poorly conceived from the planning department doesn't meet our demands for clean air quiet neighborhoods and a fossil fuel-free future! or no future! we have a choice sounds easy to me! So everything we do now must bring our fossil fuels down to zero! the building department is bad too because we have no architectural review board to make beautiful cities San Jose is making an ugly city but San Jose has always been and continues to be based on its greed "The Armpit of the Bay Area." Quality of life has to be number one so we make the Earth a place we want to save not the noisy polluted hell it has become!

**Response X.1:** The comment does not raise any specific issues under CEQA; therefore, no further response is required.

**Comment X.2:** So basically I didn't realize that there was a view entire message at end so I thought email was cut off but it wasn't there is just that little view entire message button which is important for you too since it is a long document like yours was too! so dont forget to view entire message and print all 19 pages of course they need to be double sided save paper. Thanks Thai. Look forward to meeting you again hopefully more meetings and discussions and feedback on all these issues.

**Response X.2:** The comment does not raise any specific issues under CEQA; therefore, no further response is required.

## **SECTION 3.0 INITIAL STUDY TEXT REVISIONS**

---

This section contains revisions to the text of the IS/MND dated October 2019. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 6            Section 3.1.2, Proposed Development; the third paragraph will be **REVISED** as follows:

The ground level of the proposed building would have a bar/restaurant, a lounge, an athletic studio, meeting room, and a grab and go market. The project proposes a roof deck on the roof. The roof deck would consist of outdoor seating and outdoor games and activities for hotel guests. The roof deck would be open from 10:00 AM to 10:00 PM. Hotel guests would be allowed to bring drinks and food

from the grab and go market and the restaurant/bar to the roof deck. The relocated building would be used for back of the house operations.

Page 6           Section 3.1.3, Parking and Vehicular Access; the first paragraph will be **REVISED** as follows:

Currently, the project site is accessed by three driveways: one driveway along Schiele Avenue and two driveways along Stockton Avenue. All existing driveways would be removed as a result of the project. The project proposes a two new driveways along ~~Schiele~~ Stockton Avenue.

Page 20           Section 4.1.2, Impact Discussion; the last sentence under Impact AES-2 will be **REVISED** as follows:

In addition, there are no designated scenic resources on-site or within the project area. As mentioned previously, the nearest designated highway is ~~Interstate (I280)~~ SR-9, approximately ~~1.5~~ 8.5 miles ~~south~~ northeast of the project site.

Page 22           Section 4.1.2, Impact Discussion; the second paragraph under Impact AES-4 will be **REVISED** as follows:

The proposed project would comply with adopted plans, policies (including the City's Outdoor Lighting on Private Development Policy), and regulations to avoid substantial light and glare impacts. In addition, the project would go through a design review process, prior to the issuance of ~~building~~ development permits, and would be reviewed for consistency with the City's Design Guidelines, and other applicable codes, policies, and regulations. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. (**Less Than Significant Impact**)

Page 59           Section 4.5.2.2, Existing Structures On- and Off-Site; a new paragraph will be **ADDED** as follows:

#### **Adjacent Area**

The project site is located within 200 feet of a potential Conservation Area which was previously studied as the Alameda Park Conservation area from 2001 to 2006. Although the area was not designated, it appears that a qualifying conservation area or historic district in the vicinity likely exists today. A review of materials provided by the residents and documents in the City's files shows a boundary map for the proposed Alameda Park Conservation Area. The project site was not considered a part of the potential Conservation Area, but is adjacent to the east. The properties along Stockton Boulevard were not included at that time. The neighborhood was subdivided as Alameda Park and contained 50-foot wide residential lots for single-family residences. Previous preliminary survey and historic context studies indicate that the area was potentially eligible under the theme of residential development and the period of the 1920s. The residential area to the north, along Schiele Avenue, has a high concentration of historic residences built in the Victorian period and is an earlier subdivision with infill residential development occurring largely in the 1920s. These areas appear to have maintained sufficient integrity for consideration as a Conservation Area or historic district. Period Revival styles are dominant in the Alameda Park subdivision and Victorian styles are

dominate in the Schiele Avenue subdivision, all styles representing the residential pattern of development in the area. Although there are a few historic properties along Stockton Boulevard, there is not sufficient integrity along Stockton Boulevard to qualify as a historic area within the context of industrial, commercial, or residential patterns.

Page 63-64 Section 4.5.3, Impact Discussion; a new paragraph will be **ADDED** as follows:

#### **Adjacent Area**

The proposed project would not change the character of the potential Alameda Park/Schiele Avenue Conservation Area or impact its significance or eligibility or integrity. The hotel development is oriented to Stockton Boulevard and is within a historic context more closely tied to Stockton Boulevard which transitioned into a commercial and industrial street in the 1930s and 1940s. The proposed hotel has a design that is oriented to Stockton Boulevard with a clearly defined entrance on Stockton Avenue. The Schiele Avenue elevation is secondary and wraps the corner which emphasizes the building's orientation to Stockton Boulevard. The project would relocate the historic house on-site to the rear of the project site, immediately adjacent to the potential conservation area, and would support the residential historic character of the Alameda Park and Schiele Avenue subdivisions by providing a good transitional historic feature between the historic setting and the more contemporary commercial/industrial character on Stockton Boulevard. The historic residences would be relocated on a portion of the existing surface parking lot which would be more compatible with the character of the neighborhood than the existing condition. (Less Than Significant Impact)

Page 113 Impact LU-2; the second to last and last paragraph will be **REVISED** as follows:

Since the project proposes a ~~bar and a pool~~ roof deck on the fifth floor and is located within 150 feet of residentially zoned property, the project would require a Special Use Permit (refer to *Section 20.40.520 Outdoor uses within 150 feet of residentially zoned property* of the City's Municipal Code).

With the approval of the General Plan amendment, rezoning, and Special Use Permit, the project would be consistent with the General Plan and zoning designations. If the GPA or rezoning is not approved, the project cannot be approved as proposed. (Less Than Significant Impact)

Page 132 Section 4.13.4, Non-CEQA Effects; first paragraph will be **REVISED** as follows:

Based on the *Noise and Vibration Assessment* prepared for the site, project-generated traffic is estimated to result in a noise increase of one dBA or less for roadways within the vicinity of the project site. As proposed, the project proposes a ~~pool and~~ a roof deck on the roof facing Stockton Avenue. The northeastern edge of the roof would be set back from the centerline on Stockton Avenue by approximately 50 feet. The roof deck ~~and pool area~~ would be exposed to noise levels of up to 65 dBA DNL near the edge of the rooftop, which would be considered "conditionally acceptable". The noise levels in areas set back from the rooftop edge would be approximately 10 dBA lower. Exterior noise levels would exceed City's acceptable noise criteria of 60 dBA for exterior use areas adjacent to the rooftop edge. Future traffic noise levels at the site were calculated based on the results of the noise monitoring survey, assuming a one dBA increase attributable to future traffic conditions.

Page 132 Impact PS-4; first paragraph will be **REVISED** as follows:

Employees and guests of the proposed development may use nearby park facilities; however, the increased use would be limited and would not result in substantial adverse physical impact to existing park facilities. In addition, the project proposes ~~an outdoor lounge and a pool for guests to use~~ a roof deck on the roof and an athletic studio on the ground floor. For these reasons, the project would result in less than significant impacts to park facilities. **(Less Than Significant Impact)**

Page 140      Impacts REC-1 and Impact REC-2; first paragraph will be **REVISED** as follows:

As mentioned in *Section 4.15, Public Services*, development of a hotel on-site would not substantially increase the use of existing neighborhood and regional recreational facilities such that substantial physical deterioration of these facilities would occur or be exacerbated. The project proposes ~~an outdoor lounge and a pool for guests to use~~ a roof deck on the roof and an athletic studio on the ground floor. The project does not propose or require the construction, or expansion, of recreational facilities. Therefore, implementation of the project would have a less than significant impact on recreation resources. **(Less Than Significant Impact)**

Page 151      Impact TRN-3; the second paragraph will be **REVISED** as follows:

Adequate sight distance would be required for the ~~Schiele~~ Stockton Avenue project driveway in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. ~~Schiele~~ Stockton Avenue has a posted speed limit of 30 miles per hour (mph). Based on AASHTO standards, the stopping distance for a facility with a posted speed limit of ~~25~~ 30 mph is 200 feet. A driver ~~existing~~ exiting the project driveways must be able to see 200 north or south along Stockton Avenue to stop and avoid a collision. Based on the proposed site plan, vehicles exiting the outbound-only driveway and the two-way driveway on Stockton Avenue would be able to see approaching traffic on southbound Stockton Avenue at a distance of at least 195 feet and 120 feet to the north, respectively. The sight distance from the proposed driveways to the Stockton Avenue/Schiele Avenue intersection would be adequate.

## **SECTION 4.0 CONCLUSION**

---

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a negative declaration “when the document must be substantially revised.” A “substantial revision” includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

State CEQA Guidelines specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which “new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.” As noted below, revisions to the proposed project would not change the extent of the project analyzed in the Initial Study/Mitigated Negative Declaration (IS/MND). Changes to the negative declaration merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the negative declaration is not required in accordance with Section 15073.5(c).

Since the end of the public review period for the IS/MND, text changes were made to the IS/MND (noted above) to clarify, change minor errors, and to elaborate on certain resource areas. Changes were made for clarification purposes and does not change the conclusion of the IS/MND.

All changes have been considered and analyzed for impacts to the entire analysis presented in the IS/MND. The modifications to the IS/MND did not result in any new or more significant impacts, or alter any significant conclusions identified within the MND.

For these reasons, the changes to the IS/MND would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The information presented in this document serves to clarify or amplify conclusions in the IS/MND. The new information is not significant, and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the IS/MND, technical appendices and reports, together with the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

## **Attachment 1: CC05-100 Zoning Info and Map**

---

## **Attachment 2: Proposed Alameda Park Conservation Area**

---



## **Attachment 3: Initial Study Comment Letters**

---