

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 16, 2021

COUNCIL DISTRICT: 3

SUBJECT: T20-004 & H19-053. VESTING TENTATIVE MAP TO MERGE FOUR PARCELS INTO ONE PARCEL; AND SITE DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF FOUR RESIDENTIAL UNITS, A WATER TANK BUILDING, THREE COMMERCIAL BUILDINGS, REMOVAL OF SEVEN TREES (TWO ORDINANCE-SIZE AND FIVE NON-ORDINANCE-SIZE), AND TWO SHEDS FOR THE CONSTRUCTION FOR UP TO A 175-ROOM HOTEL ON AN APPROXIMATELY 0.60-GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 10-0-1 (Cantrell absent) to recommend that the City Council take all of the following actions:

1. Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites on West San Carlos Street and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).
2. Adopt a resolution approving a Vesting Tentative Map to merge four parcels into one parcel on an approximately 0.60-gross acre site (File No. T20-004).
3. Adopt a resolution approving a Site Development Permit to allow the demolition of four residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with up to 175-room hotel on an approximately 0.60-gross acre site (File No. H19-053).

OUTCOME

If the City Council approves all the actions listed above, the applicant will be able to demolish all existing buildings on-site, including four residential units, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds to allow a Site Development Permit to construct a building with up to 175-room hotel and on an approximately 0.60-gross acre site.

BACKGROUND

On August 11, 2021, the Planning Commission held a Public Hearing to consider the adequacy of the resolution adopting the Supplemental Environmental Impact Report (SEIR), Vesting Tentative Map, and Site Development Permit. The Planning Commission recommends that the City Council adopt the resolution certifying the SEIR and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program; adopt the resolution approving the Vesting Tentative Map, and adopt the resolution approving the Site Development Permit.

Staff Presentation

Staff corrected a typographical error on the number of residential units proposed to be demolished, as the staff report and resolution stated three units when it should have stated four. Reema Mahamood, Planning's Environmental Project Manager, clarified that that the correction would not change the environmental analysis, as stated in the SEIR.

James Han, Planning Project Manager, provided a brief oral presentation on the proposed project. The staff presentation included an overview of the project's conformance with the General Plan, Diridon Station Area Plan, Zoning Ordinance, Subdivision Ordinance, City Council Policy 6-30: Public Outreach, and conformance with the California Environmental Quality Act.

Public Hearing

The applicant's representative and project architect, Jeffrey Current, provided a presentation covering the existing site conditions, the subject site in the context of the Diridon Station Area Plan, the proposed project area, and overall architectural details.

Two members of the public spoke on the proposed project. Paul Soto, a resident of the area, spoke of the opportunity housing memorandum about equity. He stated the challenge with housing like this, and the need for an objective definition of equity.

Brian Flynn of Lozeau Drury LLP, represented the Laborers International Union of North America, Local Union 270 and its members living in the City of San José ("LiUNA") and

requested the Planning Commission refrain from recommending the project to City Council due to the lack of mitigation in the SEIR significant unavoidable impacts on air quality and that the composite wood product can expose workers to cancer and pose a risk to future employees. He stated that the City responded but mentioned that the SEIR needs to address this issue.

After the Public Comment, the applicant stated that the project provided three community benefits. First, the project is consistent with the policies of the 2040 General Plan and the Diridon Station Area Plan that envisions Downtown as a vibrant place for people to live, work, and visit. Second, the project is anticipated to generate at least \$1.3M of Transit Occupancy Tax (TOT) revenue annually totaling over \$14M during the first ten years of operations. Last, the project will contribute to a signalized intersection.

Reema Mahamood reiterated that the comments in regard to the air quality are addressed in the First Amendment to the draft EIR, which is posted on the project webpage. City staff responded that the BAAQMD CEQA Guidelines do not have a threshold for indoor air quality. The project would also be constructed in conformance with the most recent California Building Code regulations, which specify that composite wood products are required to meet the formaldehyde specifications under the California Air Resources Board Air Toxic Control Measures. Finally, Ms. Mahamood noted that it is speculative for the City to estimate the type and volume of building materials that may contain formaldehyde.

Commissioner Discussion

Commissioner Caballero stated that the required parking for the project is 62 spaces and the proposed parking on the project provides 103 spaces and asked why there are so many parking spaces. The applicant stated the project facilitates pedestrian experience by enhancing and widening the sidewalks and provide active frontages. Many of the guests will walk to their destinations within the area. The reason they have more than the required parking is to meet the operator's requirements and minimize overflow parking in the neighborhood.

Commissioner Lardinois stated the community benefits, complying to the General Plan and paying Transportation Occupancy Tax (TOT), are not community benefits but requirements of every project, but acknowledged that the signalization improvement is important as he has visited the site and felt it needed such improvements because of the width of the street and the amount of traffic.

Commissioner Ornelas-Wise stated the project looks fantastic. Because it is near the Children's Discovery Museum, she would have liked to see more amenities to families, like a pool and full-sized commercial kitchen. She asked about the mitigation measures for historic structures and what some of the mitigation measures are. She also asked why the project does not include a full-size commercial kitchen. Ms. Mahamood responded that the value of the historic buildings was in the location because they are tied to the City's commercial history. The applicant worked with staff to identify a suitable site or sites for the historic buildings which must reflect a comparable location, however, none were identified. There are standard mitigation measures whenever historic buildings are to be demolished. These measures include recordation and

photographing the buildings which would be stored at a repository typically History San José. The applicant added that they are advertising the historic buildings for relocation to another site and, if no site can be found, the structures would be salvaged and offered for re-use. The applicant stated that the hotel will be limited service and that it would provide limited breakfast (continental breakfast) and other amenities.

Commissioner Oliverio complemented the project for its community benefit, signaled intersection contribution, and for providing wide sidewalks, and asked about the cost. Commissioner Oliverio made a motion to approve staff's recommendation that the Planning Commission recommend approval of all the actions to the City Council.

Commissioner Casey seconded the motion.

The motion to recommend Council approval of the project was approved (10-0-1, Cantrell absent).

ANALYSIS

The attached staff report includes an analysis of the proposed CEQA clearance, Vesting Tentative Map, and Site Development Permit, including project consistency with the General Plan, Zoning Ordinance, Subdivision Ordinance and Subdivision Map Act, and City Council Policies.

CONCLUSION

In summary, the project was heard at the August 11, 2021 Planning Commission meeting. The motion to recommend Council approval of the project passed unanimously (10-0-1, Cantrell absent). As discussed in the attached staff report, the project complies with the requirements of CEQA and is consistent with the Envision San José 2040 General Plan, Diridon Station Area Plan, the Zoning Ordinance, the Subdivision Ordinance and the Subdivision Map Act, applicable City Council Policies for Public Outreach, the Downtown Design Guidelines and Standards. Should the City Council certify the Supplemental Environmental Impact Report, approve the Vesting Tentative Map merging four parcels into one parcel, and approve the Site Development Permit, the project would be approved to allow the demolition of all existing buildings on-site, including four residential units, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds to construct a building with up to 175-room hotel on an approximately 0.60-gross acre site. The applicant could proceed with an application for a final subdivision map and building permits.

EVALUATION AND FOLLOW-UP

Should the City Council adopt the resolutions adopting the SEIR, approving the Vesting Tentative Map to merge four parcels into one parcel, and approving the Site Development Permit, the project would be allowed to demolish four residential units, a water tank building, and three commercial buildings, and remove seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with up to 175-room hotel on an approximately 0.60-gross acre site (File No. H19-053 & T20-004). The applicant could proceed with an application for building permits.

CLIMATE SMART SAN JOSÉ

The recommendation in this memorandum aligns with one or more Climate Smart San José goals. The existing site currently has four residential units and three commercial buildings. The project would develop a hotel with up to 175-rooms within the Diridon Station Area Plan. The total lot size is 26,233 SF (0.60 AC) and the FAR is proposed at 4.55, eight-story building – with three levels of podium parking (all above grade) and five stories of wood frame construction. Hotel amenities and common areas will be primarily located at the ground floor and second story and are oriented towards West San Carlos Street so that street frontage is activated. Amenities include exercise facilities, small meeting rooms, and a breakfast area (note that the property will not include a full-service kitchen). There will also be an outdoor common space on the top floor, located at the corner of West San Carlos Street and Josefa Street. This space will be an indoor/outdoor lounge for hotel guests, which may also serve as an area to take in views or conduct work or informal meetings.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy, whereby, the project is considered a large development proposal. Following City Council Policy 6:30, the applicant posted the on-site sign to inform the neighborhood of the proposed project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

A formally noticed Community Meeting with the Environmental Scoping was held on Thursday, September 24, 2020, on Zoom due to Covid-19, to introduce the proposed project to the community. The community meeting was coordinated with Council District 3, and Council District staff attended the community meeting. Comments from the public were received during the community meeting and addressed by staff. Staff contact information has been available on the community meeting notices and project site. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. The questions and

comments from community members included concerns related to building, historic adjacencies, traffic, parking, lack of amenities for the neighborhood, and sustainability.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

CEQA

The City of San José, as the lead agency for the proposed project, prepared a Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites project. The Draft SEIR identified potentially significant impacts during construction to air quality, biological resources, hazardous materials, and noise. Mitigation measures were developed to reduce these potentially significant impacts to less than significant levels. In addition, Standard Permit Conditions were included to ensure that significant impacts do not occur. A significant and unavoidable impact would result with demolition of two historic structures on the project site—a mixed-use building and a tankhouse. Mitigation measures to lessen the impact were identified and included in the SEIR. However, even with these mitigation measures, relocation or demolition would still result in a significant and unavoidable impact if this project is implemented. For this project to be implemented, the City Council as the decision maker is required to adopt a resolution that includes appropriate findings and a Statement of Overriding Considerations in addition to the mitigation, monitoring, and reporting plan.

All mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP), and the MMRP and Standard Permit Conditions are made a part of the Site Development Permit H19-053.

The Draft SEIR was circulated for public review from April 5, 2021 through May 20, 2021. A total of four comment letters were received from the following:

- Santa Clara Valley Transportation Authority
- Kanyon Consulting LLC, on behalf of the Indian Canyon Band of Costanoan Ohlone People
- Lozeau Drury LLP, on behalf of Laborers International Union of North America Local Union 270
- Preservation Action Council of San José

Responses to the comments, revisions to the text in the Draft SEIR and supplemental information was provided in the First Amendment to the Draft SEIR. The comment letters did not result in any substantial changes to the project description, analyses, and/or impacts that was not previously disclosed in the SEIR. The First Amendment to the Draft SEIR and the Draft SEIR

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together comprise the Final EIR for this project. These documents are available in their entirety on the City's Environmental Review website at www.sanjoseca.gov/activeeirs/.

/s/

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

For questions, please contact Deputy Director, Robert Manford, at (408) 535-7900.

Attachments: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File Nos. T20-004 & H19-053

FROM: Chris Burton
DATE: August 11, 2021

COUNCIL DISTRICT: 3

Applicant	UC Keystone Owner, LLC
Type of Permit	Vesting Tentative Map (File No. T20-004) & Site Development Permit (File No. H19-053)
Existing Land Uses	Residential Units and Commercial Business
Proposed Land Use	Hotel
Demolition	Four Residential Units, a Water Tank Building, Three Commercial Buildings, & Two sheds
Tree Removals	Seven trees (two ordinance-size, five non-ordinance-size)
Project Planner	James Han
CEQA Clearance	Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report (EIR) for the Marriott Townplace Suites
CEQA Planner	Reema Mahamood

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Adopt a Resolution certifying the Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites on West San Carlos Street and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).
2. Adopt a resolution approving a Vesting Tentative Map to merge four parcels into one parcel on an approximately 0.60-gross acre site.
3. Adopt a resolution approving a Site Development Permit to allow the demolition of four residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with an up to 175-room hotel on an approximately 0.60-gross acre site.

PROPERTY INFORMATION

Location	Northeast corner of West San Carlos Street and Josefa Street (495 West San Carlos Street)
Assessor Parcel No.	259-47-013, 259-47-014, 259-47-015, 259-47-016
General Plan	Downtown
Zoning	DC Downtown Primary Commercial
Historic Resource	Yes
Council District	3
Acreage	0.60 gross acres
Proposed Density	4.55 FAR

PROJECT SETTING AND BACKGROUND

The subject site is located on the northeast corner of West San Carlos Street and Josefa Street (See Figure 1). The subject site is currently developed with four residential units, a water tank building, three commercial buildings, and two sheds on an approximately 0.60-gross acre site. On December 17, 2019, the applicant Paul Ring with UC Keystone Owner, LLC, submitted the following applications to be reviewed concurrently: A Vesting Tentative Map to merge four parcels into one parcel and a Site Development Permit to allow the demolition of four residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with an up to 175-room hotel on an approximately 0.60-gross acre site.

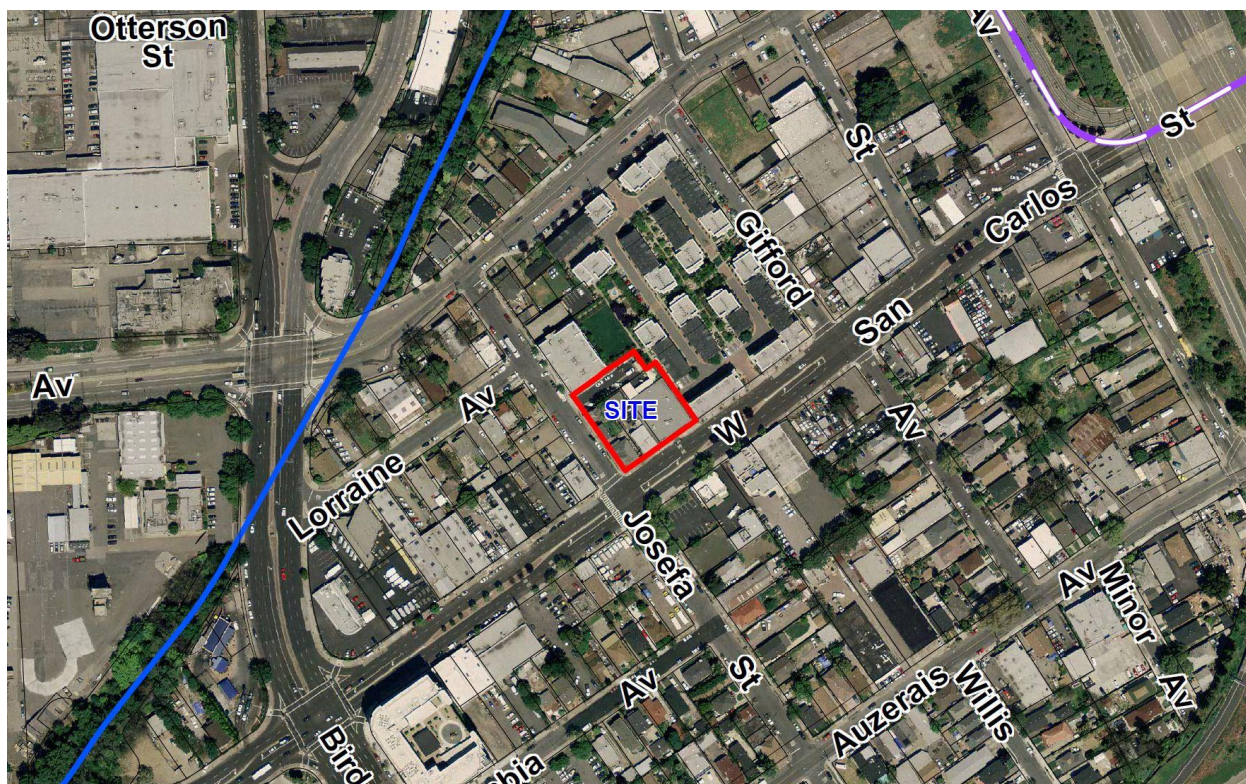


Figure 1: Aerial Map

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Downtown	A(PD) Planned Development Zoning District (PDC99-089)	Multi-Family Residence
South	Downtown	CP Commercial Pedestrian Zoning District	Commercial Shopping Center
East	Downtown	A(PD) Planned Development Zoning District (PDC99-089)	Multi-Family Residence
West	Downtown	LI Light Industrial Zoning District	Restaurant

The project would require a Site Development Permit to allow the demolition of four residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction for up to a 175-room hotel and a Vesting Tentative Map to merge four parcels into one parcel on an approximately 0.60-gross acre site.

The proposed Marriott Hotel project is within the Diridon Station Area Plan, along the West San Carlos corridor. The total lot size is 26,233 SF (0.60 AC) and the FAR is proposed at 4.55. The applicant is proposing an eight-story building – with three levels of podium parking (all above grade) and five stories of wood frame construction. Hotel amenities and common areas will be primarily located at the ground floor and second story and are oriented towards West San Carlos Street so that street frontage is activated. Amenities include exercise facilities, small meeting rooms, and a breakfast area (note that the property will not include a full-service kitchen). There will also be an outdoor common space on the top floor, located at the corner of West San Carlos Street and Josefa Street. This space will be an indoor/outdoor lounge for hotel guests, which may also serve as an area to take in views or conduct work or informal meetings.

Vehicular access is provided along Josefa Street, with entry to the parking garage. The garage consists of 103 spaces on the three podium levels behind the amenity space. Motorcycle and bicycle parking are also found within or adjacent to the parking garage. The front elevation/lobby façade has been set back 6' from the property line to allow for a 15' wide public sidewalk on West San Carlos Street and 10' on Josefa Street. Upper levels of hotel rooms cantilever over this setback to the front property line (at approximately 30' above the sidewalk level). A front landscaped area separates the building from the sidewalk and a passenger drop-off zone is located at the front of the project along West San Carlos Street. Several street-parking spaces are included on both West San Carlos and Josefa Street. The garage podium will be constructed with concrete and wood framing from levels four through eight.

The overall building height is approximately 84'-6" to the rooftop, approximately 74'-6" to the eighth-floor level with some architectural features, and stair/elevator towers that exceed this height. The design is intended to be with dark grey-blue brick & storefront glass at the lower levels, with a wood overhang that wraps around the corner of the intersection. Upper portions of the building will be exterior plaster with high contrasting color palette that accents the stepped massing of the building forms. This project also contains a large, landscaped podium courtyard on the fourth level. Lastly, planters will be integrated within the courtyard and the podium, to employ storm water management (bio-filtration).

In accordance with the California Environmental Quality Act (CEQA), the project required the preparation of a Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report. The SEIR was circulated for public review between April 5, 2021 and May 20, 2021.

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. A community meeting was held to discuss the project on September 24, 2020, on Zoom due to Covid-19. The community meeting was coordinated with Council District 3, and Council District staff attended the community meeting. Comments from the public were received during the community meeting and addressed by staff, as summarized in the Public Outreach section below. Staff contact information has been available on the community meeting notices and project site. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

ANALYSIS

The proposed project was analyzed for conformance with the following: 1) Envision San José 2040 General Plan, 2) Diridon Station Area Plan (DSAP), 3) Zoning Ordinance, 4) Downtown Design Guidelines and Standards, 5) California Environmental Quality Act (CEQA).

Envision San José 2040 General Plan Conformance

The subject site has an [Envision San José 2040 General Plan](#) Land Use/Transportation Diagram land use designation of Downtown (see Figure 2).

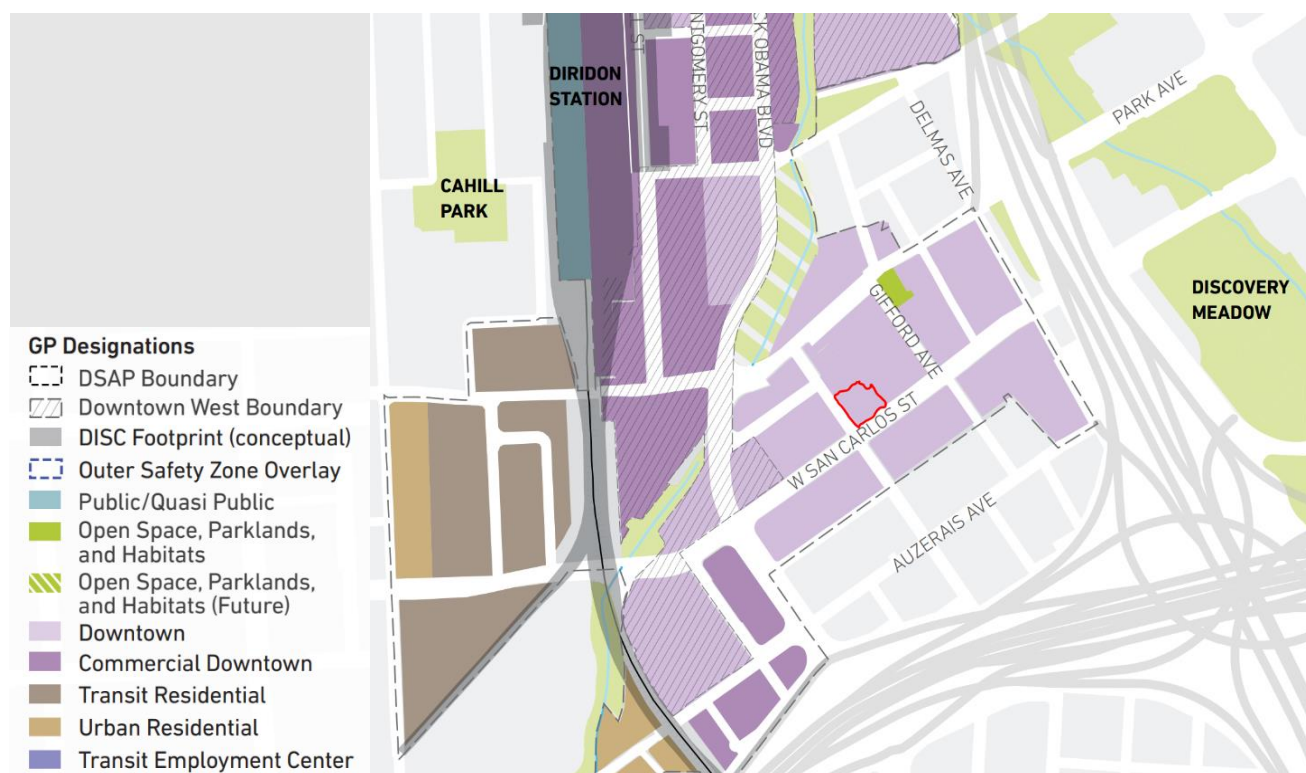


Figure 2: General Plan Land Use Map

Land Use Designation

As shown in the above General Plan Map (Figure 2), the project site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Downtown. This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. The Downtown land use designation is located throughout the Diridon Station Area to create a mixed-use urban neighborhood. Downtown has a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction.

The associated Site Development Permit is consistent with the following General Plan policies:

Land Use Policy LU-5.2: To facilitate pedestrian access to a variety of commercial establishments and services that meet the daily needs of residents and employees, locate neighborhood-serving commercial uses throughout the city, including identified growth areas and areas where there is existing or future demand for such uses.

Land Use Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Community Design Policy 1.11: To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

Vibrant Neighborhoods Policy VN-1.6: Design new development to contribute to the positive identity of a neighborhood and to encourage pedestrian activity.

Vibrant Neighborhoods Policy VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

Analysis: To mature into the great place envisioned by the General Plan, Downtown projects need to facilitate the growth of Downtown as a regional job center. Downtown is intended to be a place for people to live, work, and visit. To accomplish this goal, there need to be opportunities for all types of uses, including hotel uses. The project would serve Downtown residents, employees, and visitors, while the hotel space would support existing and future Downtown businesses and entertainment venues. The project would develop a hotel with up to 175 rooms by allowing the demolition of four residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds. The subject site is within the Diridon Station Area. The hotel would provide future demand and neighborhood service within driving, biking, and walking distance to the Downtown Core and Diridon Station.

The newly constructed hotel would replace aging stores and would provide a more pleasing pedestrian-oriented environment with substantial variation in new building frontages that are human scale with varied and articulated facades. Variation in materials and colors would also be provided at the ground level,

corners, and entrance of the building. Minor architectural details such as stone veneer and trellis features are included as additional design features. The project would also include transparent facades at most of the ground level to attract customers by revealing active uses and creating a sense of security on the streets. The hotel amenities and common areas will be primarily located at the ground floor and second stories and are oriented towards West San Carlos Street so that street frontage is activated. Amenities include exercise facilities, small meeting rooms, and a breakfast area (note that the property will not include a full-service kitchen) and these spaces would be accessible from the sidewalk of West San Carlos Street and enhance the public realm to encourage pedestrian activity.

Diridon Station Area Plan Conformance

Land Use Designation

The subject site is located within the Amended Diridon Station Area Plan (DSAP), which was approved by City Council on May 25, 2021. The subject site has a Downtown land use designation. The land use designations in the Diridon Station Area Plan define the uses and urban form of future development in the Diridon Station Area. These land use designations are not specific to this Master Plan but are existing designations within the Envision San José 2040 General Plan and are applied elsewhere in the city. The Downtown land use designation supports residential uses, as well as non-residential uses including office, retail, service, hotel, medical, and entertainment uses. This designation also supports residential and commercial uses in a mixed-use format.

As described in the Envision San José 2040 General Plan, the Downtown designation allows Floor Area Ratios (FAR's) up to 30.0. While residential densities approaching 800 dwelling units to the acre may be achievable under the Diridon Station Area Plan through the development of housing projects that include very small units, new commercial development could not achieve the FAR's allowed under the General Plan given the height guidelines of this Plan and the need for new development to be compatible with the surrounding neighborhood. New development should, however, be built as relatively high densities/intensities consistent with the Plan's height guidelines (Figure 3-2-1) and compatible with the surrounding residential neighborhood.

All development within this designation should support pedestrian and bicycle circulation and encourage transit ridership. Uses that are automobile oriented are discouraged and drive-through uses are not supported. To help activate the corridor, new residential development along West San Carlos Street should incorporate ground floor commercial uses along this street.

Analysis: Pedestrian activity and bike access is key to the development of the Diridon Station Area as a vibrant, urban destination that takes advantage of the proximity to one of the most important transit hubs in the San Jose area. Park Avenue has been identified as a bicycle pathway in the plan, and the Project proposes amenities that celebrate and encourage bicycle ridership. Additionally, sidewalks are a critical element in the creation of good pedestrian environments. Wide sidewalks in good condition facilitate convenient and comfortable pedestrian access. They also provide space for seating and socializing as well as for landscaping amenities like planters and street trees. The proposed project includes street trees along West San Carlos and Josefa Street and planting at the building corner of West San Carlos Street and Josefa Street. Pedestrian access would be provided with the construction of an approximate 15-foot-wide sidewalk along West San Carlos Street and secured bicycle parking is also available within the ground level garage. Based on the above, the proposed project is generally in conformance with the Amended DSAP.

Zoning Code Conformance

The proposed project conforms with [Table 20-270](#), [Section 20.120.110](#) of the San José Municipal Code, which identifies the DC Downtown Primary Commercial Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation Downtown.



Figure 3: Proposed Zoning Map

Land Uses

The existing four residential units, a water tank building, and three commercial buildings are proposed to be removed. A hotel is a permitted use within the DC Downtown Primary Commercial Zoning District. Therefore, a Site Development Permit is required for the construction of a hotel use.

Development Standards

The project would conform to all required height and setback requirements of the DC Downtown Primary Commercial Zoning District. Pursuant to [Section 20.70.210](#), properties located in the Downtown Primary Commercial Zoning District shall not be subject to any minimum setback requirements.

Height and Setbacks

Section 20.70.210 of the Municipal Code does not establish minimum setback requirements for developments in the DC Downtown Commercial Zoning District. However, the height of development in the Zoning District refers to the Amended Diridon Station Area Plan and is limited to 110 feet. The project would be approximately 95 feet in height, and so in conformance with the height requirements for the project site.

Parking

Use	Ratio	Required	Provided
Hotel	.35 per room	62	103

Required:

Bicycle Parking	1 space + 1 per 10 guest suites 1 space + (175/10) = 19 bicycle spaces
Motorcycle Parking	1 motorcycle space per 20 code required parking spaces 62 standard spaces / 20 = 3.1 motorcycle spaces

Provided:

Bicycle Parking	19 spaces
Motorcycle Parking	8 spaces
Electric Vehicle (EV) Parking	9 spaces (including 1 VAN are included in the total 103 parking spaces)

Tree Removal Permit Findings

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.
2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: The project includes the removal of two (2) ordinance-size and five (5) non-ordinance-size trees. The trees to be removed are located either within the building footprint and within the newly dedicated sidewalks. The trees to be removed could not be preserved due to conflict with civil or architectural improvements, or due to assumed unavoidable conflict with construction practices, due to the zero lot line condition. The trees to be removed include ordinance-size Leyland Cypress (50" circumference), ordinance-size London Plane (39" circumference), London Plane (30" circumference), Leyland Cypress (29" circumference), Leyland Cypress (25" circumference), Tree of Heaven (22" circumference), Tree of Heaven (19" circumference). The removal of all seven (7) trees requires the placement of four trees (24-inch box trees) on site.

Downtown Design Guidelines & Standards

The project is subject to the [Downtown Design Guidelines & Standards](#). The guidelines address issues of neighborhood compatibility, project function and aesthetics. The guidelines seek to assure that new development preserves or improves the positive character of the existing neighborhood.

Chapter 2 of the Downtown Design Guidelines and Standards outlines the framework and design settings applicable to the project site. West San Carlos Street is designated as a "Secondary Addressing Street," which is a street with a commercial or residential focus that may provide some active ground floor uses, but retail is not the street's primary focus.

The development's conformance with Sections 3.4.2 (Locating Semi-Private Open Space), 3.4.3 (Locating Ground Floor Private Open Space), 4.4.10 (Signage-Skyline Level), and 5.3.3 (Ground Floor Residential Space), 5.3.5 (Signage-Podium Level and Pedestrian Level) are not analyzed below because the project does not include any residential components, residential open space, or signage. Project signage would be subject to the Downtown Design Guidelines and applicable Zoning requirements.

Consistency with the Design Guidelines is outlined below:

Chapter 3.2 Site Context This chapter's sections and standards promote human-scale blocks and the placement of buildings along the block's edges to frame the public space.

Analysis: Consistent with the design standards, the development is less than one acre and less than 200 feet wide in all sides of the development. The building mass extends throughout the entire site. The project is consistent with the 50% streetwall requirement for a Secondary Addressing Street on each street frontage, and the building would be located within 10 feet or less of each street facing property line. All service areas are interior and away from Public Space.

Chapter 3.3 Site Organization This chapter's sections and standards aim to enhance the vitality of Downtown, to support a vibrant public realm, emphasize transit, and create safe and inviting pedestrian walkways to enhance the Downtown circulation network.

Analysis: Consistent with the Design Guidelines, the development places ground floor active uses along West San Carlos Street and parts of Josefa Street, and public frontages are provided through a combination of lobby and active uses for the hotel amenities. The project limits the non-active uses along project frontages (such as utility rooms and vehicle driveways). Finally, the project includes pedestrian and bicycle entrances through the lobby entrance located on the ground level for easy and welcoming access. The pedestrian entrances are wide, accommodate bicycle storage, and provide pedestrian access through and around the building.

Chapter 3.4 Site Element Locations This chapter's sections and standards include provisions for the location of vehicle parking and access, loading/services, pedestrian entrances, and bicycle entrances.

Analysis: Consistent with the Vehicle and Bicycle Parking Location standards, long-term bicycle parking would be located in secured ground floor bicycle spaces within the building that are easily accessible and identifiable from the project's frontages. Bicycle storage would include signed entrances indicating that bicycle parking is available, and the bicycle rooms would have access to building lobbies.

Chapter 3.5 Site Access Locations This chapter's sections and standards regulate pedestrian, bicycle, and vehicle entries to the site. Easy-to-find entries that minimize conflicts between different modes of transportation and link the development to its immediate neighborhood are encouraged within this Chapter.

Analysis: Consistent with the Design Guidelines, the development is designed to locate pedestrian access along West San Carlos Street. Vehicular access and the service entrance are accessed from Josefa Street. A bicycle entrance is accessible from West San Carlos Street.

Chapter 4.2 Building Context This chapter's sections and standards require clear and linked building architecture, transitions between high-rises and lower scale residential and historic development, and consideration of how development would contribute to civic icon buildings and respond to historic context buildings.

Analysis: Consistent with the Design Guidelines, the development incorporates strong harmonious architecture throughout the development and along all the project's frontages consistent with this chapter's sections and standards. The building massing and volumes are articulated to reduce the perception of one building and to read as several thinner volumes, which contribute to the compatibility of the variation of lower scale and high-rises in the immediate area. The top of the building is differentiated from the remainder of the building through the use of tiered height maximums and color changes. The ground floor includes a revealed corner design of vertical columns to accentuate the storefronts by framing the transparent glazing.

Chapter 4.3 Building Massing This chapter's sections and standards promotes high quality architecture which creates a compelling skyline, supports a human-scale streetscape, and uses the street-wall (building façade along the public street) to define the public realm. This chapter encourages designs which reduce potential shadow and wind impacts.

Analysis: Consistent with the Design Guidelines, the façade incorporates a variety of materials, setbacks, framing, and color that allows both the horizontal and vertical dimension to soften the look and feel of the building. The different architectural components contribute to reducing the perception of one building and complements the surrounding buildings with a new typology that provides excellent visibility from the public right of way. This design continues to the ground floor, where the building massing open up to reveal textured masonry finishes, metal canopies, and glazed aluminum storefronts, which bring down the scale of the building to the street level.

Chapter 4.4 Building Elements This chapter's sections and standards promote high quality architecture and materials, centralized heating and cooling systems to eliminate individual units along windows, and a reduction of blank walls.

Analysis: Consistent with Section 4.4.1, the façade incorporates a variety of materials, setbacks, framing, and color that allows both the horizontal and vertical dimension to soften the look and feel of the building. The different architectural components contribute to reducing the perception of one building and complements the surrounding buildings with a new typology that provides excellent visibility from the public right of way. One roof top deck is also featured on top of the building and overlooks the area.

The project does not include through-window and through-wall air conditioning or heater units nor mirrored glass, consistent with this chapter.

The development's ground floor materials include painted stucco, painted wood/metal canopies, glazed aluminum storefronts, brick veneer, vertical wood siding, and precast concrete columns. Parking garage driveways are designed to reduce off-site queueing and conflicts with pedestrians and bicyclists. The location and design of the vehicular driveways have been coordinated with the City's Departments of Public Works and Transportation. Garage exhaust would be vented out from the garage fiber cement board panels/roof and the venting design has been integrated into the building design. Roof top mechanical equipment would also be screened within a steel structure screening system, using low intensity non-reflective colors and organized as a component of the overall building architecture.

Chapter 5.3 Ground Floor Treatments and Uses This chapter's sections and standards requirements include the maximization of active frontages, treatment of blank walls, screening for services and utilities, ground floor design standards to promote flexibility for future use needs, and pedestrian lighting and signage standards. This chapter emphasizes active frontages, which are defined as a pedestrian level building frontage which allows visual and physical access to the active use within the building via windows, doors, or both. The standards require a minimum of 80% active frontages length in feet along

Secondary Addressing Streets (West San Carlos Street). Section 5.3.1 categorizes active frontages into three active frontage types:

- Type 1 counts triple the frontage width and includes retail/restaurants/offices under 5,000 square feet, hotel lobbies, fitness centers open to the public, and other public lobbies such as museums, libraries, etc.
- Type 2 counts double the frontage width and includes commercial office windows, office lobbies, daycares, etc.
- Type 3 only counts the frontage width and includes building entrances and exits with transparent glass and windows within 5 square feet of transparent glass
- Structured parking, driveways, service entries, fire exits and utilities do not count towards active frontages

Analysis: The project proposes Type 1 and is consistent with the Active frontage requirements, West San Carlos Street frontage for the project site would meet the minimum 80% active frontage requirements, since the project has provided amenities spaces along 80% of West San Carlos Street. In terms of design, utility and mechanical or other service spaces have been located within the interior part of the building where only an access doorway is provided to each such use.

Chapter 5.5 Entrances This chapter's sections and standards establish design requirements to create clearly identifiable entries for pedestrians and bicyclists and ensure a separation between vehicles and pedestrians and bicyclists. Common entries for pedestrians and bicyclists should be emphasized through the project design, including the use of horizontal projections such as a canopy.

Analysis: Consistent with the Design Guidelines, individual lobbies are identifiable, with extra framing and distinctive entry portals with recessed doorway areas. Bicycle lobbies are identifiable, with distinctive architectural entrances with extra framing and are internally connected to the building lobby, consistent with the design standards. The lobby entrance is located along West San Carlos Street. Josefa Street includes a loading area where pedestrians can use this location as a drop-off/pick-up area to avoid blocking traffic or the sidewalk.

Permit Findings

In order for this application to be approved, the City Council must be able to make all required findings for a Vesting Tentative Map and Site Development Permit.

Tentative Map Findings

In accordance with Section 66474 of the Government Code of the State of California, the City Council, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it makes any of the following findings.

1. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Based on the review of the proposed merger of four parcels into one parcel, the Director of Planning of the City of San José has recommended approval of the Vesting Tentative Map. The project is consistent with the General Plan goals, policies, and land use designation. The project complies with the General Plan goals and policies related to Major Strategies, design, and Growth Areas. The General Plan land use designation of Diridon Station Area Plan allows for higher intensity commercial projects. The project site is physically suitable for the proposed buildings and the proposed FAR is encouraged and envisioned within the Diridon Station Area. The merging of four parcels into one parcel, does not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat since the parcel is located in an urban area. The hotel use will not cause serious public health problems. The proposed project will not conflict with easements, acquired by the public at large, for the access through or use of, property within the proposed merging of parcels.

Subdivision Ordinance Findings

In accordance with San José Municipal Code (SJMC) [Section 19.12.130](#), the City Council may approve the Tentative Map if the City Council cannot make any of the findings for denial in Government Code section 66474 and the Council has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San José Municipal Code Section 19.12.220. Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

Analysis: As described above, based on review of the proposed subdivision, the Director of Planning of the City of San José has recommended approval of the Vesting Tentative Map. The proposed map and the development's design are consistent with the San José Envision 2040 General Plan, as discussed above. The site is physically suitable for the proposed development in that the proposed FAR is in conformance with the Diridon Station Area Plan. The site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year flood plan. The project site, as well as the surrounding area, are presently developed with structures and do not provide a natural habitat for either fish or wildlife. The merging of four parcels into one parcel, does not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat since the parcel is located in an urban area. The hotel use will not cause serious public health problems. The proposed project will not conflict with easements, acquired by the public at large, for the access through or use of, property within the proposed merging of parcels.

Site Development Permit Findings

To make the Site Development Permit findings pursuant to San José Municipal Code [Section 20.100.630](#), and recommend approval to the City Council, the Planning Commission must determine that:

1. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan, applicable specific plans and area development policies; and

Analysis: As previously analyzed above, the construction of the hotel would be consistent with the General Plan Land Use Designation of Downtown. The hotel would provide service to the public. The project would also provide additional employment. The project is consistent with applicable General Plan policies related to Vibrant Neighborhoods, Community Design, Land Use, and Implementation.

2. The Site Development Permit, as approved, conforms with the Zoning Code and all other Provisions of the San José Municipal Code applicable to the project; and

Analysis: As discussed in the Zoning Section above, hotel is a permitted use within the DC Downtown Commercial Zoning District. The project would conform with all applicable height and setback requirements of the DC Downtown Commercial Zoning District. The project would also meet all parking requirements for vehicle and bicycle parking.

3. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The project's orientation, location, and elevations are mutually compatible and aesthetically harmonious. The project is within the growth area and the Diridon Station Area and the hotel project would provide future demand for anticipated commercial office developments. The Hotel provides amenities and common areas that will be primarily located at the ground floor and second story and are oriented towards West San Carlos Street so that the street frontage is activated. Amenities include exercise facilities, small meeting rooms, and a breakfast area (note that the property will not include a full-service kitchen). The hotel provides an outdoor common space on the top floor, located at the corner of West San Carlos Street and Josefa Street. This space will be an indoor/outdoor lounge for hotel guests, which may also serve as an area to take in views or conduct work or informal meetings. Vehicular access is provided along Josefa Street, with entry to the parking garage. The garage consists of 103 spaces on the three podium levels behind the amenity space. Motorcycle and bicycle parking is also found within or adjacent to the parking garage. Upper levels of hotel rooms cantilever over this setback to the front property line (at approximately 30' above the sidewalk level). A front landscaped area separates the building from the sidewalk and a passenger drop-off zone is located at the front of the project along West San Carlos Street. The overall building height is approximately 84'-6" to the rooftop, approximately 74'-6" to the eighth-floor level with some architectural features, and stair/elevator towers that exceed this height. This project also contains a large, landscaped podium courtyard on the fourth level. The project would also include transparent facades at most of the ground level to attract customers by revealing active uses and creating a sense of security on the streets.

5. The orientation, location, and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The proposed project includes zero lot lines, consistent with its location within the DC Downtown Primary Commercial Zoning District. The hotel also provides active uses along the edges of the public space at the pedestrian level; architectural forms and massing are clear and coherent with three distinct horizontal layers, pedestrian, podium level, and skyline level with vertical links between the three layers to break the overall massing of the building to create a building that does not overarch adjacent development and to help support a human-scale Streetscape. The hotel is located within the Diridon Station Area, where significant growth is planned, and aligns with the growth strategy of the Diridon Station Area Plan.

6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if not significant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: A Supplemental Environmental Impact Report was prepared for the project and was circulated for public review from April 5, 2021 to May 20, 2021. Construction hours would be limited to between the hours of 7:00 am to 7:00 pm Monday through Friday. Any impacts related to noise, vibration, dust, draining, erosion, stormwater runoff, and odor, would be temporary and would only occur during construction. This Site Development Permit also includes standard permit conditions to reduce impacts during construction. The project also includes the addition of pervious surface and the construction of a trash enclosure to improve and treat stormwater runoff. Lastly, flow-thru planters will be integrated within the courtyard and the podium, to employ storm water management (bio-filtration). Therefore, the project would not result in any unacceptable negative effects on adjacent property or properties.

7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The entire perimeter of the site would be a hotel building with planters at the corner of West San Carlos Street and Josefa Street on the pedestrian level, courtyard landscaping on the fourth level, and a roof top deck on the eighth level. The project would include the planting of seven (7) trees in addition to ground cover, shrubs, and areas dedicated to stormwater treatment. The project would include the construction of a trash enclosure, utility enclosure, and parking is all within the building, hidden from public view.

8. Traffic access, pedestrian access and parking are adequate.

Analysis: Traffic access would be provided from Josefa Street. Pedestrian access would be provided with the construction of an approximate 15-foot-wide sidewalk along West San Carlos Street. As previously discussed, all required vehicle and bicycle parking would be provided.

Tree Removal Permit Findings

In order to make the Tree Removal findings pursuant to [Section 13.32.100](#) of the San José Municipal Code and recommend approval to the City Council, Planning Commission must determine that:

1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.

2. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

Analysis: The project includes the removal of two (2) ordinance-size and five (5) non-ordinance-size trees. The trees to be removed are located either within the building footprint and within the newly dedicated sidewalks. The trees to be removed could not be preserved because due to conflict with civil or architectural improvements, or due to assumed unavoidable conflict with construction practices, due to zero lot line. The trees to be removed include ordinance-size Leyland Cypress (50" circumference), ordinance-size London Plane (39" circumference), London Plane (30" circumference), Leyland Cypress (29" circumference), Leyland Cypress (25" circumference), Tree of Heaven (22" circumference), Tree of Heaven (19" circumference). The removal of all seven (7) trees requires the replacement of four trees (24-inch box trees) on site.

Demolition Permit Findings

[Chapter 20.80](#) of the Municipal Code establishes evaluation criteria for the issuance of a permit to allow for demolition. These criteria are made for the project based on the above stated findings related to General Plan, Zoning and CEQA conformance and for the reasons stated below, and subject to the conditions set forth in the Resolution.

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project that is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing building would not be feasible; and
7. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The approval of the demolition permit would not result in the creation or continued existence of a nuisance, blight or dangerous condition. The failure to approve the permit would not jeopardize public health, safety or welfare. The demolition permit would facilitate a project that is compatible with the surrounding neighborhood. The approval of the permit would include the demolition of four residential units; there are two single family homes and a duplex on the site for a total of four residential units. Two of the residential units are vacant and two are vacating the property by August 31, 2021. There are three commercial spaces on the site. Only one of the commercial spaces is occupied by paying tenants (Hub Cap City) who will vacate the property by August 31, 2021. One of the commercial spaces is occupied by Local Color (an art non-profit). The project sponsor allowed Urban Color to move into the space on August 30, 2019, and use the space rent free until they are provided with notice to vacate. This site is located in the Diridon Station Area Plan that was recently updated to densify sites within the plan to allow higher residential density to enable dense commercial projects, while expanding future residential development in the area and contributing to an all increase in the housing stock. The demolition of the existing buildings would facilitate the construction of up to a 175-room hotel that would offer public services to the surrounding neighborhood and provide urban growth

to the neighborhood. Given the scope of the project, the rehabilitation or reuse of any of the existing buildings on-site would not be feasible due to the proposed project being developed on the entire parcel. Merging of the four parcels into one parcel will allow a larger building to be constructed on-site that will not cross property lines in violation of the Building Code.

Based on a historic resources assessment prepared by Treanor HL, dated September 14, 2020, of the SEIR evaluated all structures on-site for potential historical significance. The property at 497-499 W. San Carlos Street (APN 259-47-015) appears eligible for listing as a City Landmark. In general, buildings less than 50 years old can be considered historic resources only if they constitute an exceptional achievement in architecture or engineering or are of otherwise exceptional importance. Constructed in 1981, the commercial structure at 491 W. San Carlos Street (APN 259-47-013) does not appear eligible for the national, state, or local registers since it does not represent exceptional importance at this time. Upon completion of the survey and archival work, the property at 493-495 and 495 ½ W. San Carlos Street (APN 259-47-014) does not appear individually eligible for listing on the NRHP, CRHR or as a San Jose City Landmark as the property was not found to possess sufficient historical significance. The property at 497-499 W. San Carlos Street (APN 259-47-015) does not appear individually eligible for listing on the NRHP or CRHR as the property was not found to possess sufficient integrity under Criterion C/3 for its period of significance. The property does appear eligible as a City Landmark under criteria 1, 4, and 6, of the Secretary of the Interior's Standards for evaluating historic buildings, as a good example of an early 20th century mixed-use development on W. San Carlos Street in San Jose with its Mission Revival-inspired corner store and the attached Neoclassical house, and as a rare architectural type: the extant tankhouse on Josefa Street.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San José, as the lead agency for the proposed project, prepared a Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites project.

The Draft SEIR identified potentially significant impacts during construction to air quality, biological resources, hazardous materials, and noise. Mitigation measures were developed to reduce these potentially significant impacts to less than significant levels. In addition, Standard Permit Conditions were also included to ensure that significant impacts do not occur.

A significant and unavoidable impact would result with demolition of two historic structures on the project site—a mixed-use building and a tankhouse. Mitigation measures to lessen the impact were identified and included in the SEIR. However, even with these mitigation measures, demolition or even relocation would still result in a significant and unavoidable impact if this project is implemented. For this project to be implemented, the City Council as the decision maker would be required to adopt a Statement of Overriding Considerations.

All mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP), and the MMRP and Standard Permit Conditions are made a part of the Site Development Permit H19-053.

The Draft SEIR was circulated for public review from April 5, 2021 through May 20, 2021. A total of four comment letters were received from the following:

- Santa Clara Valley Transportation Authority
- Kanyon Consulting LLC, on behalf of the Indian Canyon Band of Costanoan Ohlone People

- Lozeau Drury LLP, on behalf of Laborers International Union of North America Local Union 270
- Preservation Action Council of San José

Responses to the comments, revisions to the text in the Draft SEIR and supplemental information was provided in the First Amendment to the Draft SEIR. The comment letters did not result in any substantial changes to the project description, analyses, and/or impacts that was not previously disclosed in the SEIR. The First Amendment to the Draft SEIR and the Draft SEIR together comprise the Final EIR for this project. These documents are available in their entirety on the City's Environmental Review website at www.sanjoseca.gov/activeeirs/.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. An on-site sign was also posted on the project frontage. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A formally noticed Community Meeting with the Environmental Scoping was held on September 24, 2020, on Zoom due to Covid-19 to introduce the proposed project to the community. The community meeting was coordinated with Council District 3, and Council District staff attended the community meeting. Comments from the public were received during the community meeting and addressed by staff. Staff contact information has been available on the community meeting notices and project site. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. The questions and comments from community members included concerns related to building, historic adjacencies, traffic, parking, lack of amenities for the neighborhood, and sustainability.

Project Manager: James Han

Approved by: /s/ , Chris Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	Draft EIR Resolution
Exhibit B:	Mitigation Monitoring & Reporting Program
Exhibit C:	Draft Vesting Tentative Map Resolution and Legal Description
Exhibit D:	Vesting Tentative Map
Exhibit E:	Draft Site Development Resolution and Legal Description
Exhibit F:	Plan Set
Exhibit G:	Public Comments

H19-053 & T20-004

Links to the Attachments

Click on the title to view document

[Exhibit A: Draft EIR Resolution](#)

[Exhibit B: Mitigation Monitoring & Reporting Program](#)

[Exhibit C: Draft Vesting Tentative Map Resolution and Legal Description](#)

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