

---

# **Appendix A-2**

---

**Notice of Preparation (NOP) and Comment Letters**

**April 2018**

***This Page Intentionally Left Blank***

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
FOR THE GARDEN GATE TOWER PROJECT**

FILE NO: SP18-001; T18-001  
PROJECT APPLICANT: KT URBAN  
APNs: 472-26-089 and -090

**Project Description:** The project applicant proposes construction of a building with up to 285-residential units and approximately 5,250 square feet of ground floor retail. The proposed development would include 12,502 square feet of private open space (such as balconies) and 4,713 square-feet of common open space. Building amenities would include a rooftop outdoor terrace. The proposed 27-floor high rise building would have a maximum height of approximately 285 feet.

**Location:** The 0.42-acre Project site is on the southeast corner of South 1st Street and East Reed Street in the City of San José. The site is located on two parcels (APNs 472-26-089 and 472-26-090).

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and probable environmental effects that will be analyzed in the SEIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Kieulan Pham, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-3844, e-mail: [Kieulan.pham@sanjoseca.gov](mailto:Kieulan.pham@sanjoseca.gov)

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

4/12/18  
\_\_\_\_\_  
Deputy

  
\_\_\_\_\_  
Date

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR  
THE GARDEN GATE TOWER PROJECT**

**April 2018**

**Introduction**

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

A Supplemental EIR (SEIR) is prepared when it is determined by the Lead Agency that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare a SEIR to the Downtown Strategy 2000 Final EIR to address the environmental effects of the proposed Garden Gate Tower Development.

The SEIR for the proposed Garden Gate Tower Development Project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the SEIR will include the following:

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

**Project Location**

The proposed Project is located in the southwest portion of downtown San José, in Santa Clara County, California (Figure 1: Regional Map). The 0.42-acre Project site is on the southeast corner of South 1st Street and East Reed Street (Figure 2: Vicinity Map). The 0.42-acre Project site is located on 600 South 1<sup>st</sup> Street, 618 South 1<sup>st</sup> Street, and 8 East Reed Street in the Central/Downtown Planning Area in the City of San José.

**Existing Uses**

The existing site is comprised of two parcels (APNs 472-26-090 and 472-26-089). Existing uses of the site consist of a parking lot, a single-story brick office building and adjacent parking, and a two-story wood-framed building comprised of four residential units.

Land uses surrounding the proposed Project site are as follows:

- **North** – East Reed Street, future downtown residential (high-density) with ground floor retail
- **East** – un-named Alley, commercial, downtown residential
- **South** – two-story commercial building directly adjacent, I-280
- **West** – South 1<sup>st</sup> Street, downtown residential (high-density)

### **Project Description**

The proposed Project includes construction of a multi-family apartment building with up to 285-residential units and approximately 5,250 square feet of ground floor neighborhood oriented retail area divided into four potential spaces. The proposed development would include 12,502 square feet of private open space (such as balconies) and 4,713 square-feet of common open space. Building amenities would include a rooftop outdoor terrace with pool and fitness room. The proposed 27-floor high rise building would have a maximum height of approximately 285 feet. A proposed architectural rendering of the building is shown in Figure 3: Proposed Garden Gate Tower Rendering.

The total building area is approximately 505,306 square feet; with 436,526 square feet above grade and 68,780 square feet below grade. The proposed residences would include a mix of studio, one-bedroom, two-bedroom, and penthouse units on floors 5 through 25. Floors 1 through 4 would include the building lobby, the commercial spaces, and parking areas.

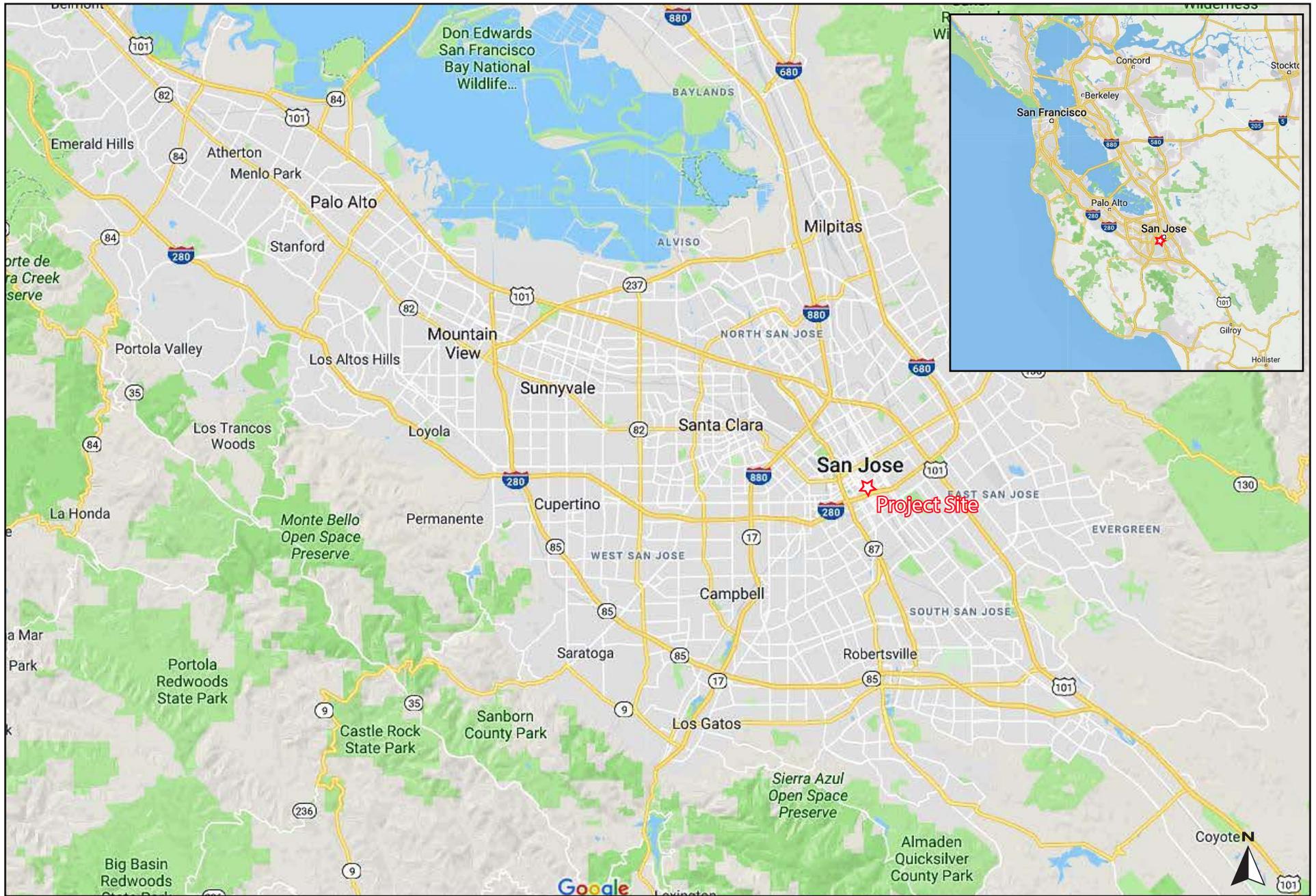
The parking garage would be located underground (levels B1-B4) and levels 3 and 4. Vehicular parking in the basement would be accessible from a right turn in from South 1<sup>st</sup> Street Northbound and parking on the 3<sup>rd</sup> and 4<sup>th</sup> levels would be accessed through the alley off East Reed Street. Additionally, a bike room would be located on the first floor with 72 bicycle racks.

The two existing buildings onsite would be demolished. The proposed structure would require excavation to approximately 40 feet below grade to construct four levels of parking. Approximately 31,500 cubic yards of soil would be excavated and hauled from the site.

The proposed Project would be LEED certified as required by City Council policy and would achieve LEED NC v4 Certification through the U.S. Green Building Council (USGBC). The Project site has a land use designation of Downtown in the Envision San José 2040 General Plan and is zoned Downtown Primary Commercial (DC).

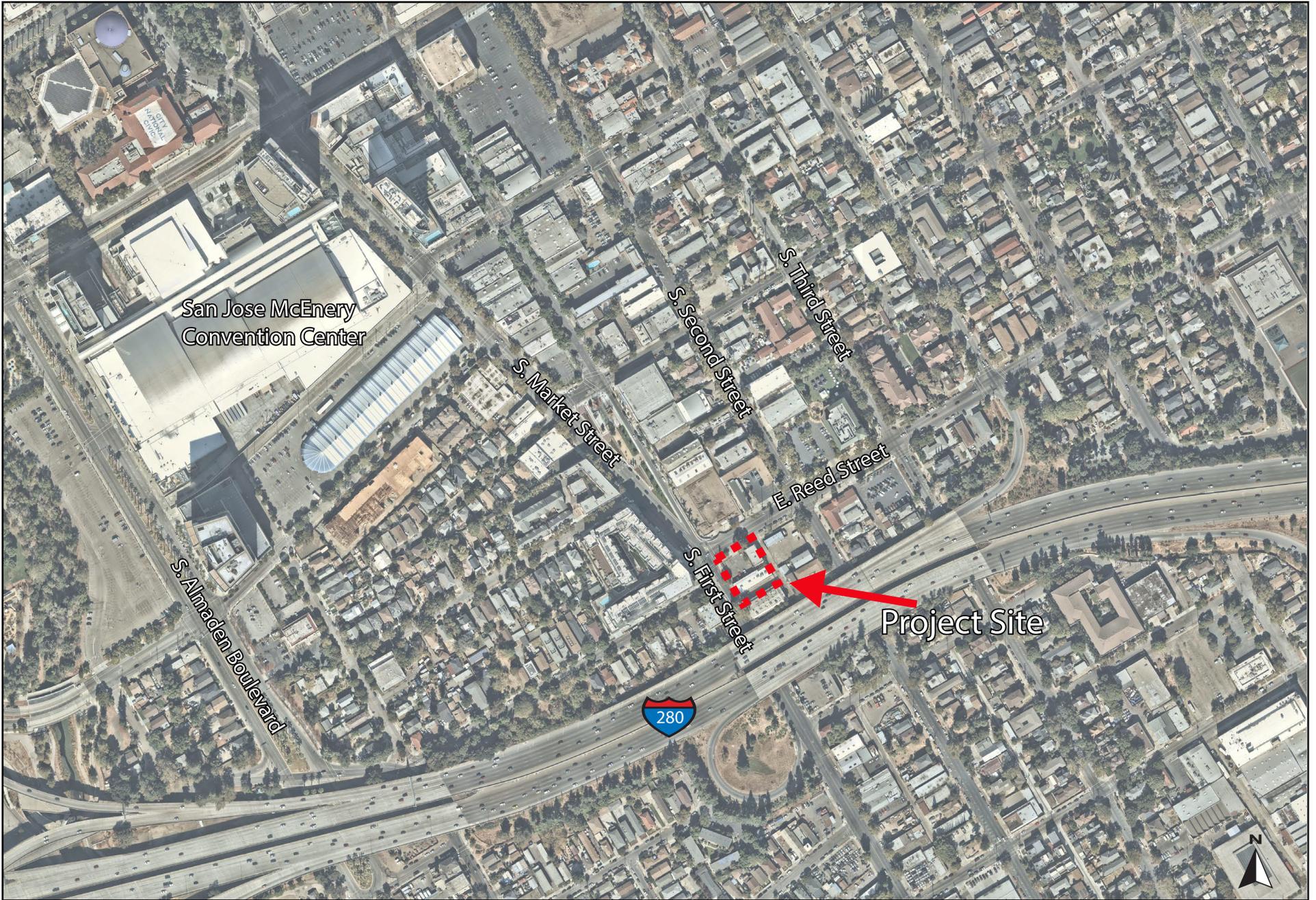
### **Project Approvals Anticipated To Be Required**

1. Special Use Permit
2. Tentative Map
3. Demolition Permit
4. Grading Permit
5. Building Permit



Source: Kimley-Horn and Associates, 2018

**Figure 1: Regional Map**  
Garden Gate Tower



Source: Kimley-Horn and Associates, 2018

Not to scale

**Figure 2: Vicinity Map**  
Garden Gate Tower



Source: C2K Architecture, Inc. 2018

**Figure 3: Proposed Garden Gate Tower Rendering**  
Garden Gate Tower

## *Potential Environmental Impacts of the Project*

The SEIR will describe the existing environmental conditions on the Project site and will identify the significant environmental effects anticipated to result from development of the proposed Project as proposed. Mitigation measures will be identified for potentially significant environmental impacts, as warranted. The analysis in the SEIR will include the following specific categories of environmental impacts and concerns related to the proposed project. Additional subjects may be added at a later date, if new information becomes available.

### *1. Land Use*

The Project site is located in a developed urbanized area surrounded by commercial, office, and residential land uses. The SEIR will describe the existing land uses adjacent to and within the Project area. This discussion will evaluate the Project's compatibility with existing and proposed land uses in the Project area. The SEIR will evaluate the Project's consistency with existing land use regulations including the City's Envision San José 2040 General Plan, zoning and municipal code, City's Design Guidelines, General Plan Urban Design Guidelines for Downtown, General Plan Historic Preservation Policies and the Downtown San José Historic District Design Guidelines. Potential land use impacts as a result of the proposed Project will be analyzed and mitigation measures will be identified for significant impacts, if necessary.

### *2. Aesthetics & Visual Resources*

The proposed Project site is surrounded primarily by mixed-use commercial/retail/office uses and residential neighborhood including two-story and multi-family residential structures. The SEIR will describe the existing visual setting of the Project area and the visual changes that are anticipated to occur as a result of the proposed Project. The SEIR will also analyze the shade and shadow impacts from the development. If significant impacts related to visual resources and aesthetics are found, mitigation measures will be identified.

### *3. Transportation and Circulation*

The SEIR will examine the existing traffic conditions in the immediate vicinity of the Project site. A traffic operational analysis memo will be prepared for the proposed Project in order to identify the transportation impacts of the proposed Project on the existing local and regional transportation system and the planned long-range transportation network. If transportation impacts are found to be significant, mitigation measures will be identified.

### *4. Noise and Vibration*

The Project site is located adjacent to South First Street and I-280, both major roadways with high traffic volumes. The site is located approximately 2.5 miles south of Norman Y. Mineta San José Airport. The SEIR will discuss impacts to the proposed Project from existing off-site noise sources. The SEIR will also discuss the increase in traffic noise that will result from implementation of the proposed Project, and short-term construction noise. Noise levels will be evaluated for consistency

with applicable standards and guidelines from the City of San José. If noise and vibration impacts are found to be significant, mitigation measures will be identified.

#### 5. *Population and Housing*

The SEIR will examine the proposed Project's impact on population and housing in the City. The SEIR will evaluate the applicable Regional and City plans, policies and regulations to the development. Mitigation measures, if found to be required, will be discussed.

#### 6. *Air Quality*

The SEIR will address the regional air quality conditions in the Bay Area and discuss the proposed Project's impacts to local and regional air quality based on the Bay Area Air Quality Management District (BAAQMD) thresholds. The SEIR will discuss sensitive receptors and temporary construction impacts to air quality. Mitigation measures, if found to be required, will be discussed.

#### 7. *Geology and Soils*

The Project site is located in the most seismically active region in the United States. The SEIR will discuss the possible geological impacts associated with existing soils and groundwater conditions on the Project site and seismicity activity. Mitigation measures, if found to be required, will be discussed.

#### 8. *Hydrology and Water Quality*

Based on Flood Insurance Rate Maps the proposed Project site is located in Zone D- an area of minimal flooding. The SEIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the Project's effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board. The SEIR will also include the percentage of pervious and impervious surfaces on-site (under existing and Project conditions), and a list of proposed stormwater control measures that meet the City's Low Impact Development Requirements. Mitigation measures, if found to be required, will be discussed.

#### 9. *Biological Resources*

The Project site is within a developed urbanized area of downtown San José. The site is developed with two two-story buildings surrounded by surface parking lots. The SEIR will discuss the overall loss of existing urban habitat, tree loss, and the proposed Project's consistency with the Santa Clara Valley Habitat Plan and the City's policies and regulations pertaining to biological resources. Mitigation measures, if found to be required, will be discussed.

#### 10. *Cultural and Historic Resources, and Tribal Cultural Resources*

The proposed Project has two existing structures that are listed in the City of San José Historic Resources Inventory. A Cultural and Historical Evaluation will be prepared for the proposed Project. The SEIR will address the potential for prehistoric, historic, archeologic, and tribal cultural resources. If cultural and historic resources are found to be significant, mitigation measures will be identified.

11. *Agricultural and Forestry Resources*

The Project site is not located in an area with agricultural resources or forest lands.

12. *Hazards and Hazardous Materials*

The Project site is surrounded by commercial businesses and downtown residential land uses. The SEIR will summarize known hazardous materials conditions on and adjacent to the Project site and will address the potential for hazardous materials from the proposed development. Mitigation measures, if found to be required, will be discussed.

13. *Energy*

Implementation of the proposed Project will result in an increased demand for energy on-site. The SEIR will address the increase in energy usage on-site and proposed design measures to reduce energy consumption. Mitigation measures, if found to be required, will be discussed.

14. *Utilities and Service Systems*

Implementation of the proposed Project will result in an increased demand on utilities compared to existing conditions. The SEIR will examine the impacts of the Project on wastewater system, storm drains, water supply, and solid waste management. The SEIR will analyze applicable state, regional, and City plans and policies for consistency. Mitigation measures, if found to be required, will be discussed.

15. *Public Services*

Implementation of the proposed Project will increase the population of the City which will result in an increased demand on public services, including police, fire protection, schools, and parks. The SEIR will address the availability of public facilities. Mitigation measures, if found to be required, will be discussed.

16. *Greenhouse Gas Emissions*

The SEIR will address the proposed Project's contribution to regional and global greenhouse gas emissions based on the BAAQMD thresholds. Proposed design measures to reduce energy consumption, which in turn will reduce greenhouse gas emissions, will be analyzed. Mitigation measures will be identified for significant impacts.

17. *Mineral Resources*

The Project site is not located in an area known to have mineral resources. The Project will not hinder or preclude any existing mineral extraction operations.

18. *Recreation*

The proposed Project will increase the population in the City and result in increased use of existing parks, trails, and recreation centers. The SEIR will examine City policies, such as the Parkland

Dedication Ordinance/ Parkland Impact Ordinance, to ensure the Project is consistent with City of San José policies.

*19. Alternatives*

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

*20. Significant Unavoidable Impacts*

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

*21. Cumulative Impacts*

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

In conformance with the CEQA Guidelines, the SEIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) areas of known controversy, 5) references, 6) organizations/ persons consulted, 6) SEIR author and consultants, and 7) appendices

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

---

**From:** Molseed, Roy <Roy.Molseed@VTA.ORG>  
**Sent:** Wednesday, May 23, 2018 15:27  
**To:** Pham, Kieulan  
**Subject:** VTA comments on Garden Gate Tower [SJ1811]

Kieulan,

VTA has no comments on the NOP for Garden Gate Tower.

Thanks for the opportunity to review. Please contact me if any questions.

**Roy Molseed**

Senior Environmental Planner

Santa Clara Valley Transportation Authority  
3331 North First Street, Building B-2  
San Jose, CA 95134-1927  
Phone [408-321-5784](tel:408-321-5784)



Conserve paper. Think before you print.

**From:** Aghegnehu, Ben <ben.aghegnehu@rda.sccgov.org>  
**Sent:** Thursday, April 26, 2018 08:46  
**To:** Pham, Kieulan  
**Cc:** Talbo, Ellen  
**Subject:** NOP-DSEIR THE GARDEN GATE TOWER PROJECT

Dear Kieulan Pham,

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of Preparation of a Draft Supplemental Environmental Impact Report. At this time the Roads and Airports Department has no comments to submit.

If you have any questions or concerns, please contact me.

Thank you,

**Ben Aghegnehu**

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



April 30, 2018

To: Cassandra van der Zweep, Planning Project Manager  
Kieulan Pham, Environmental Project Manager

From: Nancy Bavor, Director, San Jose Museum of Quilts & Textiles

Re: Proposed project, Garden Gate Tower, 600 South First Street,

San Jose Museum of Quilts & Textiles has the following concerns and questions about this large project proposed for the corner of Reed and First Streets:

1. We cannot support using the parking lot under 280 for staging, or reducing any available parking in the area during construction. With recent additional apartment buildings either completed or currently under construction developments, parking in SoFA is increasingly a challenge.
2. How many parking spaces are included in the project?
3. How will the developers deal with traffic at the dangerous intersection of First, Market and Reed Streets during and after construction?
4. Where will the building's lobby entrance be located?

Thank you for addressing our concerns as you review the project.

Nancy Bavor  
Director

---

**From:** Paul Olson [mailto:paulolsons@j@yahoo.com]

**Sent:** Saturday, May 05, 2018 10:04 AM

**Cc:** Van Der Zweep, Cassandra <Cassandra.VanDerZweep@sanjoseca.gov>; Pham, Kieulan <kieulan.pham@sanjoseca.gov>

**Subject:** Garden Gate Tower Project

Dear Councilman Peralez,

I attended the Community Meeting regarding the Garden Gate Tower Project this past Monday. I am sure that you are aware that the proposed project is a 27 story tower to be located at S 1st and Reed. It is a beautiful building design, and I am excited to have all of the new residential building up the neighborhood, however, as a resident of the area, I live on Pierce Ave, I was appalled to hear about their parking plan. I was not alone. The inadequate parking was the dominant subject discussed by the community.

The building, as currently proposed, would have 285 residential units, of mixed one and two bedroom floorplans. They will only have 230 parking spots available for their residents. In this proposal, 55 units will have no parking at all, which is 19% of the units. I feel that the City's notion that, a parking to bedroom ratio of 0.8 spots per bedroom is adequate if near public transportation, is very unrealistic. The Garden Gate Tower Project's builder is asking for a waiver of this (already inadequate) limit, so that they can further reduce the parking to bedroom ratio. This will be a catastrophe for the surrounding neighborhoods, especially the neighborhoods south of highway 280, where there is no permitted parking to prevent the overflow of parking needs from usurping the few street spots already available.

The proximity to Light Rail is the justification for the less than one car per bedroom ratio, but we need to be realistic about the quality of our public transportation, and also about our geographic layout of employment in the Silicon Valley. The Light Rail is nice, but it doesn't cover much of the valley. Most of California, and San Jose is a great example, is spread out over large areas, but the public transportation does not adequately cover this area. People don't want to take Light Rail to get to a bus stop, and then continue walking the balance of the way to work. It is not realistic. We don't have the big city infrastructure to support a car-less existence.

It is incredibly expensive to live in this area, so it is likely that most units in this complex will be occupied by two people, and maybe more in the two bedroom units. It takes two professional incomes to be able to afford to buy into this neighborhood. I haven't seen these unit prices yet, but other condos downtown are hitting the \$1M mark now, so I am sure these will be priced in that area. A one bedroom with two occupants is more likely to need two parking spaces, but this proposed plan has less than the city's minimum of 0.8. The math just simply doesn't add up.

The builder has opted to maximize bedroom count and therefore profit, at the expense of the surrounding neighborhoods in your district. They could fix this inadequacy by reducing the number of units, or reducing the number of bedrooms, or adding more parking levels, or establishing permanent alternative parking in the area. The residents in your district need your support to stop this ill conceived parking plan.

This is not the only tower going up in the neighborhood. The Pierce was recently completed at the end of my street. There is a large complex on Balbach currently under construction, another complex on the opposite corner of S 1st and Reed currently going up, a large 20+ story tower project going up on S 1st and William, and others being discussed along the 280 and Third street. Residential in your district is going crazy, and the majority of us in the area thank that is great, but we need to watch out for ourselves when the greed of a builder attempts to take priority over the living quality of the neighborhood.

I am against this project as proposed. I am asking you to help support the neighborhood concerns and stop the project until the builder can provide realistic parking for their project. Once you allow a waiver of the bedroom to parking ratio, then the other builders will start to insist on this as well, and then the parking problem only intensifies. This is a slippery slope we need to avoid. To me, this boils down to builder's greed vs quality of life in District 3.

Thank you for reading this, and thank you for allowing the community to view and respond to proposed projects.

Paul Olson  
107 Pierce Ave

---

**From:** Christine Derksen <cd@95120lifestyle.com>  
**Sent:** Monday, May 7, 2018 15:43  
**To:** Pham, Kieulan; Van Der Zweep, Cassandra  
**Subject:** Project: File Nos. SP18-001 and T18-001

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am sending this email in regards to the Community and Environmental Impact Report Public Scoping letter I received.

I am in the area impacted by this project. I am sure it will be a lovely building, and I am all for gentrification, but I do have a few important concerns to my personal investment / home that I hope will be addressed as I live one block away on 2nd St. (a stones throw away really):

1. Sound during construction - I rent out a few rooms via Airbnb in my home. Currently, I am a superhost (that means top of the line level of hosting.) I have had several complaints already concerning the city noise which includes the traffic from 280 and San Jose airport incoming jets. I have been trying to work with the city to see if there are any ways to minimize the noise. I am cringing to think how much noise will be present during construction of a high rise. Are there restrictions? My home is older and is definitely not sound proof or even close, so it will make a big impact on my business and my rest as well. Are there also specific hours allowed for construction?
2. Vibration during construction - Notre Dame High School is working on a parking lot. There were a few days that they were doing some intense pounding in the soil (not sure why but they have a lot of heavy equipment over there.) It scared my customers and they thought we were having an earthquake as it made the entire block tremble. I am concerned there may be similar events with the construction of this new building. What is the impact?
3. Shadow from the new dwelling: I am wondering if I will get the same amount of sun at my house and specifically in my garden (fruit trees, vegetable plants and flowers in my frontward, and hammock in the backyard.)

Thanks,  
Chrissy