

COMMENT 4: LOZEAU CRURY, LLP, DATED SEPTEMBER 5, 2018



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Via Email and U.S. Mail

September 5, 2018

Krinjal Mathur, Environmental Project Manager
Dept. of Planning, Building & Code Enforcement
200 E. Santa Clara St., 3rd Floor
San José, CA 95113-1905
Krinjal.mathur@sanjoseca.gov

Re: Comment on AC by Marriott – West San Jose, File No.: H17-023 / Initial Study | Mitigated Negative Declaration

Dear Ms. Mathur:

I am writing on behalf of the Laborers International Union of North America, Local Union 270 and its members living in Santa Clara County and/or the City of San Jose (“LiUNA”), regarding the Initial Study and Mitigated Negative Declaration (“IS/MND”) prepared for the Project known as AC by Marriott – West San Jose, (File No.: H17-023) for Applicant Oliver Holdings SC, LLC & Asset Gas SC, Inc., including all actions related or referring to the proposed demolition of an existing gas station and convenience store, and the construction of a seven story hotel with 168 rooms, four levels of subterranean parking, a restaurant, and associated on-site improvements at 5696 Stevens Creek Boulevard in the City of San José, Santa Clara County, California. APN: 375-12-017 (“Project”).

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of San José prepare an environmental impact report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq.

We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Drury", is written over a light blue horizontal line.

Richard Drury