



T 510.836 4200
F 510.836 4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
brian@lozeaudrury.com

VIA EMAIL ONLY

April 5, 2022

Sylvia Do, Division Manager
Department of Planning, Building
& Code Enforcement
City of San José
200 East Santa Clara Street, 3rd Floor
San José, CA 95113
Sylvia.Do@sanjoseca.gov

Maira Blanco, Planner II
Department of Planning, Building
& Code Enforcement
City of San José
200 East Santa Clara Street, 3rd Floor
San José, CA 95113
Maira.Blanco@sanjoseca.gov

**Re: Alviso Hotel Project (File No. PD19-031)
LIUNA Supplemental Comment- Mitigated Negative Declaration
DIRECTOR HEARING AGENDA ITEM 4.a (April 6, 2022)**

Dear Ms. Do and Ms. Blanco,

I am writing on behalf of the **Laborers International Union of North America, Local Union 270** and its members (“LIUNA”) living in and around the City of San Jose (“City”) regarding the Initial Study and Mitigated Negative Declaration (“MND”) prepared for the Alviso Hotel Project (“Project”) (Project File No. PD19-031) to be heard as Agenda Item 4.a at the Planning Director Hearing on April 6, 2022.

This comment letter is a supplement to the previous comment letter submitted by LIUNA to Maira Blanco and the Department of Planning, Building & Code Enforcement on November 11, 2021 (attached hereto as Exhibit 3). LIUNA’s November 11 comment included the expert opinions of expert wildlife biologist Dr. Shawn Smallwood, Ph.D., indoor air quality expert Francis Offerman, CIH, and air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise (“SWAPE”). LIUNA’s November 11 comment objected to the City’s use of an MND rather than an EIR for this Project because (1) LIUNA’s experts established fair argument that the Project would result in significant impacts to biological resources and air quality and (2) the MND’s conclusions were not supported by substantial evidence.

On March 24, 2022, the City released its “Responses to Public Comments and Text Changes” for the MND. Dr. Smallwood and Mr. Offerman have reviewed the City’s Responses to their comments and have each prepared a Reply. Dr. Smallwood’s Reply is attached hereto as Exhibit 1. Mr. Offerman’s Reply is attached hereto as Exhibit 2.

LIUNA Supplemental Comment
Alviso Hotel Project MND (File No. PD19-031)
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For the reasons discussed in LIUNA's November 11 comment and in the Replies of Dr. Smallwood and Mr. Offerman, LIUNA maintains that there is a fair argument that the Project will result in significant impacts to biological resources and indoor air quality and that the MND's conclusion are not supported by substantial evidence. LIUNA respectfully requests that the City prepare an EIR rather than an MND prior to approval of the Project.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP