

**NOTICE OF AVAILABILITY OF
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
AND PUBLIC COMMENT PERIOD**

Draft Environmental Impact Report (DEIR) for the Bay 101 Casino and Mixed Use Project, for a Planned Development Zoning file no.: PDC13-017; Planned Development Permit file no. PD13-049; & Tentative Map file no. PT13-071; State Clearing House (SCH) number: 2013122053. **Council District: 3.**

Project Location: The approximately 19.4 gross acre project site is located at 1740-1750 and 1785 North First Street in North San José. The site is on the east side of North First Street adjacent to Old Bayshore Highway (the U.S. 101 frontage road). Assessor Parcel Numbers (APNs): 235-01-019 and 235-01-020.

Project Description. The project proposes a rezoning of the site to *CG(PD) Planned Development* to allow a card club/casino use on the subject property. In addition to Title 20 of San Jose Municipal Code (Zoning Code), card clubs/casinos are regulated by Title 16 of the Muni Code. The proposed Planned Development Rezoning would have no effect on Title 16 regulations governing the proposed card club/casino, and therefore there would be no changes to the number of gaming tables and the type of gaming activities allowed under Title 16. Land uses entitled by the proposed rezoning would allow a card club/casino, a long term parking establishment for airport patrons and the permitted and conditional uses of the *CG Commercial Zoning District*.

There are two development scenarios proposed as part of the *Planned Development* rezoning. Both scenarios would involve a land transaction with the City of San José related to the planned overpass over U.S. 101 connecting Zanker Road and Skyport Drive. Both scenarios include an interim extension of Skyport Drive between North First Street and North Fourth Street, as well as modification of Old Bayshore Highway to convert it to a one-way street in the eastbound direction. Both options include providing long term parking for airport patrons. The amount of long-term airport parking provided on-site would be flexible, and would depend on the capacity available on a day-to-day basis. Each scenario would include the demolition of all on site buildings/structures, complete grading of the site, and the removal of up to 475 trees (ten of which are native species).

The first development scenario would include the construction of the casino/card club which would front onto Old Bayshore Highway and two hotels (with a total of 470 rooms) along North First Street. Full build-out of the site would be completed in two phases under separate Planned Development permits. A Planned Development Permit, file number PD13-049, is currently on file to allow this first phase of development which would include the development of the casino and one of the hotels (240-rooms). Additional Planned Development permits would be required for any subsequent development that is not included in the first phase and Planned Development Permit (i.e. construction of a second hotel). A parking garage in this scenario would be five stories and long-term parking for airport patrons would be available depending on the amount of excess capacity provided on a daily or weekly basis.

As an alternative to the casino development scenario described above, the project could also build new 350,000 square feet of new office space in a 10-story, 160-foot tall building along North First Street (instead of the 125,000 square foot card room). A single-story ancillary retail building would be constructed next to the office building along with an outdoor dining area. The ten-story and nine-story hotels with a total of 470 rooms and associated parking would remain in the alternative site plan, though the nine-story hotel would front Old Bayshore Highway instead of North First Street. The parking garage in this scenario would be three levels instead of five and long-term parking for airport patrons would be provided depending on the amount of excess capacity available on a daily or weekly basis.

The proposed project would have potentially significant environmental effects with regard to air quality, biological resources, hydrology and water quality, hazards and hazardous materials. No project impacts were found to be significant and unavoidable after the inclusion of mitigation measures. The California Environmental Quality Act (CEQA) requires

this notice to disclose whether any listed toxic sites are present at the project location. The project location is not included in the Cortese List of toxic sites.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's Environmental Review Active EIR website: <http://www.sanjoseca.gov/index.aspx?nid=2434> and are also available at the following locations:

City of San José City Hall
Department of Planning, Building,
& Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113
(408) 535-3555

Joyce Ellington Library
491 East Empire Street
San José, CA 95112
(408) 808-3043

**Dr. Martin Luther King Jr.
Main Library**
150 E. San Fernando St.
San José, CA 95112
(408) 277-4822


The public review period for this Draft EIR begins on Tuesday, May 27, 2014 and ends on Thursday, July 10, 2014. Written Comments must be received at the Planning Department by 5:00 p.m. on Thursday, July 10, 2014 in n order to be addressed as part of the formal EIR review process.

Comments and questions should be referred to Rebekah Ross in the Department of Planning, Building and Code Enforcement at (408) 535-8448 or via e-mail: rebekah.ross@sanjoseca.gov, or by regular mail at the City Hall mailing address listed above. Please reference the above file number in your written comment letter.

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a First Amendment to the Draft Environmental Impact Report that will include responses to comments received during the review period. Ten days prior to the public hearing on the EIR, the First Amendment will be available for review and will be mailed to those who have commented in writing on the EIR during the public review period. Taken together the Draft EIR and the First Amendment constitute the Final EIR.

A public hearing before the Planning Commission to consider certification of the Final EIR is tentatively scheduled for **Wednesday, August 27, 2014** at 6:30 p.m. in the City Council Chambers at San José City Hall, 200 East Santa Clara Street, San José, CA 95113-1905.

Harry Freitas, Director
Planning, Building and Code Enforcement



Senior Planner

Date: 5/19/2014