

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: San Carlos Hyatt Hotel Project

PROJECT FILE NUMBER: PDC20-015 and SP18-012

PROJECT DESCRIPTION: Rezoning and Special Use permit to redevelop an existing vehicle wholesale lot into a new Hyatt Hotel. This would require the demolition of the existing 530 square foot sales office and the 2,061 square foot mechanic shop currently on the property. The proposed project includes the construction of a 105-room hotel at approximately 60,830 square feet, with an 11,844 square foot basement. The hotel will be six-stories tall, or 73.5 feet, and will include 105 rooms, two guest lounges, a guest kitchen, a bar/café, a gym, an office, a staff room, an ancillary storage, and housekeeping facilities. The basement will house garage utilities, housekeeping, and maintenance areas. There will be 58 standard parking spaces provided using 25 vehicle lifts and tandem parking, and two ADA parking spaces at ground level. The project will also construct a new 20-foot sidewalk with a new curb and gutter along West San Carlos Street, as well as a 12-foot sidewalk with a new curb, gutter, and approach along Willard Avenue. These improvements also include the planting of seven trees and the replacement of a bus stop with shelter.

PROJECT LOCATION: The 0.39-acre project site is located at 1470 W. San Carlos in the City of San José.

ASSESSORS PARCEL NO.: 277-20-035

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Bay Living Investments LLC (Attn: Dylan Nguyen); 4848 San Felipe Road, Ste 150-609, San José, CA 95135; (408) 499-4076

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. AESTHETICS – The project would not have a significant impact on this resource, therefore

no mitigation is required.

- B. AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- C. AIR QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- D. BIOLOGICAL RESOURCES.**

Impact BIO-1: Project construction would result in the disturbance of trees that could provide nest sites for migratory birds that are protected under the Migratory Bird Treaty Act (MBTA).

MM BIO-1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever occurs first), the project applicant shall schedule construction between September 1 and January 31 (inclusive) to avoid the nesting season for raptors and other migratory birds. Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching. If construction activities cannot be scheduled to avoid the nesting season, preconstruction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1 and April 30 (inclusive) shall conduct preconstruction surveys for nesting birds within 14 days prior to the onset of construction. Between May 1 and August 31 (inclusive), preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities. Preconstruction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found within 250 feet of the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active.

Prior to any site disturbance, such as tree removal, or the issuance of any grading, building or demolition permits (whichever comes first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement, or the Director's designee.

- E. CULTURAL RESOURCES**– The project would not have a significant impact on this resource, therefore no mitigation is required.
- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS.**

Impact HAZ-1: Project construction would require the removal of an underground storage tank and related underground facilities.

MM HAZ-1: Prior to any underground storage tank (UST) removal activities, including excavation, the project applicant shall contact the San José Fire Department and the Santa Clara County Department of Environmental Health (SCCDEH) and coordinate any necessary field inspections and required permits and paperwork from both agencies. The project applicant must coordinate pre- and post-removal sampling of the UST and ancillary equipment surrounding soil/and or groundwater. The project applicant must also complete and submit an Underground Storage Tank System Closure Permit Application with the SCCDEH and an Underground Storage Tank System Closure Application (UN-003) with the City of San José Fire Department.

Impact HAZ-2 and 3: Project construction activities that disturb soil could encounter hazardous materials contamination, which could pose a hazard to people and the environment unless properly managed.

MM HAZ-2: Prior to issuance of any demolition or grading permits, the project applicant shall hire a qualified environmental professional to complete soil vapor sampling on-site per the recommendation from the 2018 AEI Phase I Environmental Site Assessment. The results of the soil vapor sampling shall be provided to the City’s Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement and the City of San José’s Municipal Environmental Compliance Officer.

If the soil vapor report indicates soil gas contamination above the appropriate regulatory environmental screening levels for the proposed project, the project applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. Evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.

MM HAZ-3: Prior to the issuance of any demolition or grading permits, a Site Management Plan (SMP) shall be prepared by a qualified environmental professional. At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of best management practices
- Mitigation of soil vapors (if required)
- Proper disposal procedures of contaminated materials (if required)
- Monitoring, reporting, and regulatory oversight notifications

- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations and includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The plan should include any results from the soil vapor sampling completed on-site as described in MM HAZ-2. The HSP shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José’s Environmental Services Department.

- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE**– The project would not have a significant impact on this resource, therefore no mitigation is required.
- N. POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- O. PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- S. UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- T. WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- U. MANDATORY FINDINGS OF SIGNIFICANCE.**

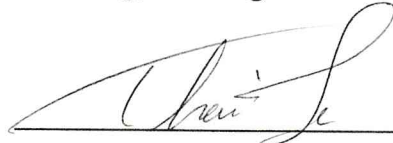
Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday February 16, 2021** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement



Deputy

1/20/2021

Date

Bethlehem Telahun
Environmental Project Manager

Circulation period: January 26, 2021 to February 16, 2021