

Date: January 5, 2015

To: **Tracy Tam**
Assistant Planner
City of Milpitas / Planning Department
455 E Calaveras Blvd., Milpitas CA 95035

Project: **Proposed Holiday Inn Milpitas**
1100 Cadillac Ct., Milpitas CA 95035

Re: **Project Description, Design Statement, Operations and BMP & Construction Measures**

PROJECT DESCRIPTION & DESIGN STATEMENT

The applicant proposes to build a 4-Story 128-Key Holiday Inn Suites hotel by IHG (InterContinental Hotels Group).

The proposed hotel will have 4 levels of Type V-A wood framing above grade construction, fully-sprinklered per NFPA 13, with a total building area of 74,367 SF. Hotel amenities include an outdoor heated pool, spa, outdoor seating with a fire pit, large meeting room, board room, lobby/lounge, Wi-Fi media lounge, buffet and dining area, business center, a full bar, fitness room, vending area, sundry shop and guest laundry.

The façade will feature signature elements consistent with the brand identity of Holiday Inn by IHG prototype – steel frame porte-cochere with a translucent polycarbonate radius-roof structure, horizontal banding, articulated roof parapets, and stone veneer.

OPERATIONS

Hours for deliveries will be from 7am to 4pm, 3X a week. Full bar is open daily from 12pm to 11pm – types of alcohol to be served are; beer, wine, bourbon, scotch, whiskey, vodka, tequila, rum, and brandy. Restaurant will be open daily for breakfast, lunch and dinner from 6:30am to 11pm.

The viewing deck will be subject to restricted use for special events only and will be accessible to the guests only when the following conditions are in place:

1. An event has been scheduled for the viewing deck and guests are invited.
2. The hotel staff is chaperoning the guests and are in full control of guest's activities.
3. Approved Signage is in place warning danger of climbing over wall.
4. Children will only be allowed on viewing when accompanied by Adult companion.
5. A legal height barrier will be in place at all times around the perimeter of roof area that is accessible to guests.
6. Any additional condition imposed from Planning Dept. will be implemented.

BEST MANAGEMENT PRACTICES & CONSTRUCTION MEASURES

The project also incorporates the attached best management practices and construction measures to avoid and/or minimize potential environmental impacts.

PRE-CONSTRUCTION/PRE-DISTURBANCE SURVEYS:

- a) Pre-construction surveys for burrowing owls will be conducted prior to the initiation of all Project activities within suitable burrowing owl nesting and roosting habitat (i.e., ruderal grassland habitat with burrows of California ground squirrels). Preconstruction surveys will be completed in conformance with the CDFW's 2012 guidelines (California Department of Fish and Game 2012). An initial habitat assessment will be conducted by a qualified biologist to determine if suitable burrowing owl habitat is present in a given area. During the initial site visit, a qualified biologist will survey the entire activity area and (to the extent that access allows) the area within 250 ft of the site for suitable

burrows that could be used by burrowing owls for nesting or roosting. If no suitable burrowing owl habitat (i.e., ruderal grasslands with burrows of California ground squirrels) is present within a given area, no additional surveys will be required. If suitable burrows are determined to be present within 250 ft of work areas, a qualified biologist will conduct three additional surveys to investigate each burrow within the survey area for signs of owl use and to determine whether owls are present in areas where they could be affected by proposed activities. The final survey shall be conducted within the 24-hour period prior to the initiation of Project activities in any given area.

- b) If burrowing owls are present during the nonbreeding season (generally 1 September to 31 January), a 150-ft buffer zone shall be maintained around the occupied burrow(s), if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or else the owls should be passively relocated as described in point c below. During the breeding season (generally 1 February to 31 August), a 250-ft buffer, within which no new Project-related activities will be permissible, will be maintained between Project activities and occupied burrows. Owls present between 1 February and 31 August will be assumed to be nesting, and the 250-ft protected area will remain in effect until 31 August. If monitoring evidence indicates that the owls are no longer nesting or the young owls are foraging independently, the buffer may be reduced or the owls may be relocated prior to 31 August, in consultation with the CDFW.
- c) Any owls occupying the Project site are likely habituated to frequent human disturbances. As a result, they may exhibit a tolerance of greater levels of human disturbance than owls in more natural settings, and work within the standard 250-ft buffer during the nesting season may be able to proceed without disturbing the owls. Therefore, if nesting owls are determined to be present on the site, and Project activities cannot feasibly avoid disturbance of the area within 250 ft of the occupied burrow during the nesting season (i.e., 1 February through 31 August) due to other seasonal constraints, a qualified biologist will be present during all activities within 250 ft of the nest to monitor the owls' behavior. If in the opinion of the qualified biologist, the owls are unduly disturbed (i.e., disturbed to the point of harm or reduced reproductive success), all work within 250 ft of the occupied burrow will cease, and point d shall be implemented.
- d) If construction will directly impact occupied burrows, a qualified biologist will passively evict owls from burrows during the nonbreeding season (1 September to 31 January). No burrowing owls will be evicted during the nesting season (1 February through 31 August) except with the CDFW's concurrence that evidence demonstrates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Eviction will occur through the use of one-way doors inserted into the occupied burrow and all burrows within impact areas that are within 250 ft of the occupied burrow (to prevent occupation of other burrows that will be impacted). One-way doors will be installed by a qualified biologist and left in place for at least 48 hours before they are removed. The burrows will then be back-filled to prevent re-occupation.
- e) If it is not possible to schedule construction activities between 1 September and 31 January, then pre-construction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., shrubs, ruderal grasslands, and buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during Project implementation.
- f) If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) will be removed prior to the start of the nesting season (e.g., prior to 1 February). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the Project due to the presence of active nests in these substrates.

DUST CONTROL AND AIR QUALITY:

During all on-site construction activities, the applicant/developer shall continuously comply with the following dust control and air quality impact mitigation methods:

- a. Shut down equipment when not in use for extended periods.
- b. Construction equipment shall operate no longer than eight cumulative hours per day.
- c. Use electric equipment for construction whenever possible in lieu of diesel or gasoline-powered equipment.
- d. Curtail use of high-emitting construction equipment during periods of high or excessive ambient pollutant concentrations such as "Spare-the-Air" days as declared by the Bay Area Air Quality Management District (BAAQMD).
- e. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper tuning order to substantially reduce NOx emissions.
- f. On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.
- g. On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.
- h. All construction workers shall be encouraged to shuttle (car-pool) to retail establishments or to remain on-site during lunch breaks.
- i. All construction activities within the project area shall be discontinued during the first stage smog alerts.
- j. Construction and grading activities shall not be allowed during the first stage ozone alerts. First stage ozone alerts are declared when the ozone level exceeds 0.20 parts per million (one hour average).
- k. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- l. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- m. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- n. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- o. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- p. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- q. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- r. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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