Initial Study

16455 Almaden Expressway Convenience Store, Gas Station, and Car Wash Project

File Number: CP17-020

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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ACRONYMS AND ABBREVIATIONS

APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CMP	Congestion Management Plan
CN	Commercial Neighborhood
CNEL	Community Noise Equivalent Level
CWA	Clean Water Act
dB	decibel
dBA	A-weight decibel
DNL	day-night average sound
EIR	Environmental Impact Report
FEMA	Federal Emergency Management Agency
GHG	greenhouse gas
gpd	gallons per day
HSP	health and safety plan
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
Leq	equivalent continuous noise level
LOS	level of service
MGD	million gallons per day
MLD	most likely descendant
NAHC	Native American Heritage Commission
NCC	Neighborhood/Community Commercial
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PM	particulate matter
PPV	peak particle velocity
PQP	Public/Quasi-Public District
ROG	reactive organic compounds
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SCCDEH	Santa Clara County Department of Environmental Health
sf	square foot
SJFD	San José Fire Department
SJPD	San José Police Department
SMP	Site Management Plan
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan

SWRCB	State Water Resources Control Board
TIAR	Traffic Impact Analysis Report
USEPA	United States Environmental Protection Agency
USFWS	United State Fish and Wildlife Service
UST	underground storage tank
VCP	Voluntary Cleanup Program
vph	vehicles per hour

1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José (City), as the Lead Agency, has prepared this Initial Study (IS) for the 16455 Almaden Expressway Convenience Store, Gas Station, and Car Wash Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations [CCR] §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project would reconstruct the fueling canopy of an existing Chevron gasoline station, convert the existing building that houses the current convenience store, restrooms, and minor auto repair/service station for use as an expanded convenience store, and construct a car wash within a 0.77-acre site.

1.1.1 PUBLIC REVIEW PERIOD

Publication of this IS marks the beginning of a 20-day public review and comment period. During this period, the IS will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this IS during the 20-day public review period should be sent to:

Thai-Chau Le, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-5658
Thai-Chau.Le@sanjoseca.gov

1.1.2 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City will consider the adoption of the Initial Study/Mitigated Negative Declaration (IS/MND) for the project at a regularly scheduled meeting. The City shall consider the IS/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

16455 Almaden Expressway Convenience Store, Gas Station, and Car Wash Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Planning Division
City Hall, Third Floor
200 East Santa Clara Street
San José, CA 95113

Environmental Review

Thai-Chau Le, Planner
Environmental Planning, City of San José
Planning, Building and Code Enforcement
Phone: (408) 535-5658
Email: Thai-Chau.Le@sanjoseca.gov

2.3 PROJECT APPLICANT

Robert Wood, CEO
RC Petroleum Inc.
16455 Almaden Expressway
San José, CA 95120
Phone: (805) 452-3021
Email: robwoodoil@gmail.com

2.4 PROJECT LOCATION

The project site is located at 16455 Almaden Expressway, on the northwest corner of the intersection of Almaden Expressway and Redmond Avenue, in the City of San José. **Figure 1** shows the location of the project site and surrounding uses.

2.5 ASSESSOR'S PARCEL NUMBERS

Assessor's Parcel Number (APN) 577-09-029.

SOURCE: Santa Clara County GIS, 2017; NAIP aerial photograph, 5/29/2016; ESRI Data, 2017; AES, 1/2/2018

Figure 1
Site and Vicinity

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site has an Envision San José 2040 General Plan (General Plan) land use designation of Neighborhood/Community Commercial (NCC) and is located in the Commercial Neighborhood (CN) zoning district.

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: Urban – Suburban
Fee Zone: Urban Areas (No Land Cover Fee)
Wildlife Survey Area: N/A

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would require:

- Conditional Use Permit
- Demolition Permit
- Tree Removal Permit
- Other Public Works Clearances

3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

This Initial Study (IS) provides project-level CEQA review for the reconstruction of the fueling canopy of an existing Chevron gasoline station, conversion of the minor auto repair/service station for use as part of the convenience store, and construction of a car wash on an approximately 0.77-acre project site (APN 557-09-029).

3.1.1 EXISTING SETTING

The project site is located in a commercial area within a larger residential area and is bordered by commercial buildings to the north and west, with transportation right-of-way (Almaden Expressway and Redmond Avenue) bounding the project site on the eastern and southern property lines. There are no sensitive receptors located immediately adjacent to the project site boundaries. However, residential uses are located approximately 90 feet south of the project site, across Redmond Avenue; and approximately 200 feet east of the project site, across Almaden Expressway. The project site is currently developed with a Chevron gas station, service station with service bays, and a small convenience store (food mart). The site also contains landscaped areas including non-native grasses, shrubs, and trees. The project site is located in the Commercial Neighborhood (CP) zoning district and has an Envision San José 2040 General Plan (General Plan) land use designation of NCC.

3.2 PROJECT DESCRIPTION

3.2.1 SITE DESIGN

The project proposes to: 1) convert the existing building that houses the current small food mart, restrooms, and a service station with three service bays to a full convenience store of approximately 2,000 square-foot (sf), 2) construct a new automated car wash, and 3) demolish the existing fueling canopy and reconstruct an approximately 2,200 sf canopy, providing better utilization of the project site. The site plan for the project is shown on **Figure 2**. The project would incorporate a queuing lane and mechanical room for the car wash, signage, parking, and landscaping. An air/water station and vacuum island would be located east of the car wash, on the north side of the queuing lane. Parking within the project site would be located adjacent to the convenience store and car wash queuing lane. The number, capacity and general location of existing gasoline dispensing stations within the site would remain unchanged. Existing underground storage tanks would remain in place, and no additional underground storage tanks would be installed. Eight existing trees within the site would be removed and new landscaped planter boxes would be constructed on the project site in addition to the planting of 10 new trees within the project site.

Only the gas station part of the project site is operating at 24-hour. The Proposed Project proposes 24 hours operation for both the upgrade gas station and converted the convenience store. The hours of operation for the proposed car wash will be 7:00 AM to 10:00 PM, consistent with the City of San José Council Policy regarding drive-through uses (Council Policy 6-10).

The project site would continue to be accessed by the two existing driveways along Almaden Expressway and one existing driveway at the southwest corner of the project site along Redmond Avenue. One existing driveway at the southeast corner of the project site along Redmond Avenue will be closed. Additionally, the Proposed Project will restrict the southernmost Almaden Expressway driveway to ingress movements only (**Appendix D**). Existing sidewalks, curbs, and gutters along the roadways would not be modified by the project. A new accessible walkway would be constructed from Redmond Avenue between the existing driveways to the convenience store building.

The project will continue to utilize the existing municipal water and wastewater utility connections, including storm water. Electricity and gas would continue to be provided by Pacific Gas & Electric and solid waste would continue to be collected by Republic Services via a contract with the City.

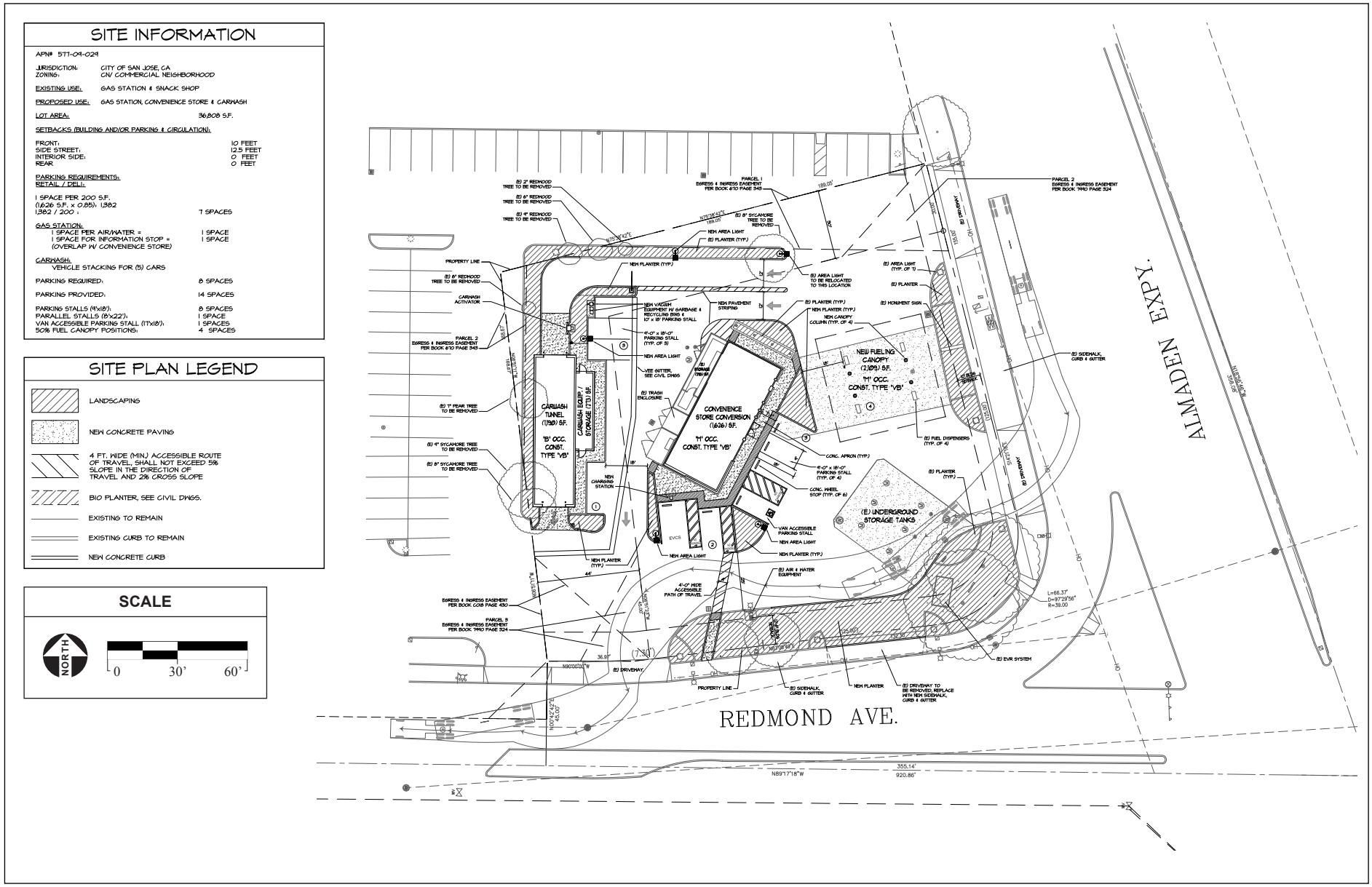
3.2.2 DEMOLITION AND CONSTRUCTION

The duration of project demolition and construction would be approximately four months. The project site is entirely paved and disturbed and construction activities would not involve grading or excavation of native soils. Energy efficient construction equipment would be utilized to the extent feasible.

3.2.3 PROJECT APPROVAL PROCESS

The project would require the following permits:

- Demolition Permit
- Conditional Use Permit
- Grading Permit
- Other Public Works clearances, as applicable



SOURCE: MI Architects, 1/12/2018; AES, 1/16/2018

Figure 2
Site Plan

4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1 Biological Resources
4.2 Hazards and Hazardous Materials
4.3 Noise and Vibration
4.4 Other Environmental Topics
4.5 Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist –** The environmental checklist, as recommended by California Environmental Quality Act (CEQA), identifies environmental impacts that could occur if the Proposed Project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section. The environmental checklist is included in the discussion of **Sections 4.1** to **4.5** listed above.
- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. Mitigation measures are identified for all significant project impacts. Mitigation Measures are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370).

Other Environmental Topics – This subsection discusses the project's impacts on the environment for the following topics: aesthetic resources, agricultural and forestry resources, air quality, cultural and paleontological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land uses and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

IMPORTANT NOTE TO THE READER

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study [IS]) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this section will discuss project effects related to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 BIOLOGICAL RESOURCES

4.1.1 ENVIRONMENTAL SETTING

The project site is currently developed with a gas station, convenience store, and service station. Landscaping on the project site is limited to 12 individual trees, including sycamore, pear, and redwood trees. There are no native, sensitive, or wetland habitats on-site. Due to the lack of these habitats and the extent of human disturbance and development on the project site, special status plant and animal species are not expected to occur.

Santa Clara Valley Habitat Plan

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (Habitat Plan). The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 519,000 acres of Santa Clara County. The project site is located on land designated as Urban - Suburban, which is land that has been developed with one structure per 2.5 or fewer acres. The project site is currently in Urban Area Land Cover Fee Zones which indicate no land cover fees.

City of San José Tree Ordinance

The City of San José maintains the urban landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). A Tree Removal Permit is required for the removal of trees of any size within a commercial property, such as the project site. Of the 12 on-site trees, 8 are proposed for removal from the existing planter along the north and west boundaries of the project site (refer to **Figure 2**). All eight of these trees have a circumference less than 38 inches.

In addition, any tree found by the City Council to have special significance based on factors including, but not limited to, its history, girth, height, species, or unique quality, can be designated as a “Heritage tree” (San José Municipal Code Section 13.32). It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. There are no heritage trees on-site.

4.1.2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or USFWS?	☐	☒	☐	☐	1
b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game USFWS?	☐	☐	☒	☐	1
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1-2
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?	☐	☐	☒	☐	1

4.1.3 IMPACT DISCUSSION

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or USFWS?

(Less Than Significant Impact with Mitigation) The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Wildlife (CDFW) Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Construction activities, such as tree removal, that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact. With the implementation of **Mitigation Measure BIO-1** below, this impact would be reduced to a less-than-significant level.

b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game USFWS?

(Less Than Significant Impact) The project site is located in an urban, residential and commercial setting with minimal native habitats. There are no riparian habitats or other sensitive natural communities on or adjacent to the site.

(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

(No Impact) The project site is not located on or adjacent to a federally protected wetland.

(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?

(No Impact) The project site is located in an urban area and is not currently used as a migratory wildlife corridor. The project site does not contain a native wildlife nursery site. As described above, there are no wetlands on or adjacent to the project site, and therefore, the project would not impact the movement of migratory fish. The Proposed Project would, therefore, not impact the movement of native or migratory wildlife through the project area nor impede the use of a native wildlife nursery site.

(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Tree Removal and Replacement

(Less Than Significant Impact) Within the City of San José, the urban forest (including on-site trees) as a whole is considered an important biological resource because most mature trees provide nesting, cover, and foraging habitat for a variety of species that are tolerant of humans. While the urban forest is not as favorable an environment for native wildlife as native habitats, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

Development of the Proposed Project would result in the loss of eight trees on the site. Consistent with the General Plan Final Program Environmental Impact Report (General Plan EIR), trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance;
- San José Municipal Code Section 13.28; and
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

The removed trees would be replaced by ten (10) 15-gallon trees, consistent with tree replacement ratios required by the City, as shown in **Table 1**. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

TABLE 1
TREE REPLACEMENT RATIOS

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
56 inches or more	5:1	4:1	3:1	24-inch box
38-56 inches	3:1	2:1	None	24-inch box
Less than 38 inches	1:1	1:1	None	15-gal container
Source: City of San José, 2006.				

If the project site is unable to accommodate the required number of replacement trees, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Replacement tree plantings may be accommodated at an alternative site(s). An alternative site may include local parks or schools, or an adjacent property where such plantings may be utilized for screening purposes. However, any alternatively proposed site would be pursuant to agreement with the Director of the Department of Planning, Building and Code Enforcement.
- A donation may be made to Our City Forest or similar organization for in-lieu tree planting in the community. Such donation will be equal to the cost of the required replacement trees, including associated installation costs, for off-site tree planting in the local community. A receipt for any

such donation will be provided to the City of San José Planning Project Manager prior to development.

Tree Protection Plan

Four trees would not be removed as a part of the Proposed Project and would remain on-site. These trees are located along Redmond Avenue at the southern boundary of the project site. Grading and excavation would not occur in this area; therefore, these trees are not anticipated to be damaged from construction activities. Trees on adjacent properties are not located near the development footprint of the Proposed Project. On-site trees proposed for preservation would be protected in accordance with City standards.

(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?

(Less Than Significant Impact) The project site is located within the Habitat Plan study area and has a designation of Urban - Suburban. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. The project shall implement the following condition as a condition of approval for the future Planned Development permit. With the implementation of the following environmental conditions, the development of the project site would not impact any of the Habitat Plan's covered species.

Environmental Condition: The project shall implement the following condition to reduce the impacts to endangered and threatened species:

- The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

4.1.4 MITIGATION MEASURES

BIO-1 The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended.

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), as amended, to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of

the site. Projects that commence demolition and/or construction activities between February 1st and April 30th (inclusive), as amended, shall conduct a pre-construction survey for nesting birds no more than 14 days prior to initiation of construction, demolition activities, or tree removal. Between May 1 and August 31 (inclusive), as amended, the pre-construction survey shall be conducted no more than 30 days prior to initiation of construction, demolition, or tree removal activities.

If an active nest is found in or close enough to the project area to be disturbed by construction activities, a qualified ornithologist, in consultation with the CDFW, shall determine the extent of a construction free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement prior to any tree removal activities, demolition, and/or building permits (whichever occurs first).

With implementation of the identified General Plan policies and mitigation measures, the project's impact to nesting birds and raptors or their habitats would be less than significant.

4.2 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment completed by ERAS Environmental, Inc. in September 2014. A copy of this report is included in **Appendix A**.

4.2.1 ENVIRONMENTAL SETTING

Historic and Current Uses of the Site and Surrounding Areas

The project site was first developed in 1967, with a Chevron gas station, and the site has remained a gas station with a similar station layout since then. No leaks or spills were indicated on fire department inspection reports between 1991 and 2014. The site has a 10,000 gallon diesel underground storage tank (UST), 10,000 gallon gasoline UST, 10,000 gallon supreme gasoline UST, and 1,000 gallon used oil UST. All four tanks were installed in 1985 with dual-wall construction. The system monitoring equipment is tested and inspected on at least an annual basis and when issues arise they are addressed in a timely manner. The station historically has been generally kept in compliance, with most of the issues being short duration administrative violations where an updated form was needed. The station is currently in compliance with all state requirements pertaining to tank and equipment testing. (**Appendix A**)

Releases of contaminants occurred in 1985 when a set of former USTs were replaced with the current USTs, a release from product piping in 1991, and from an oil/grease sump in 1992. The 1992 oil/grease sump was subsequently abandoned in place to prevent any further release. Groundwater monitoring has been conducted on the project site since 1989 and numerous rounds of soil and groundwater sampling were conducted between 1985 and 2002. (**Appendix A**)

On-site Contamination

In 2006, concentrations of contaminants were found to still be present in both the soil and groundwater beneath the project site at elevated concentrations above regulatory limits. The concentrations of the contaminants did not exceed the last detected concentrations of contaminants at the time of the case closure. (**Appendix A**)

Appendix A states that contamination remains in the subsurface beneath the project site which resulted from former releases. The case for these releases was closed by the Regional Water Quality Control Board (RWQCB). No release yielding contamination above the environmental screening limits was discovered in the vicinity of the underground lifts which were the only items not covered by the previous RWQCB case closure letter.

4.2.2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

HAZARDS & HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 3
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1, 3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1, 3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1, 3

HAZARDS & HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1, 3, 4
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	☐	☐	☐	☒	1, 3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1, 3

4.2.3 IMPACT DISCUSSION

(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

(Less Than Significant Impact) The Proposed Project would routinely use and store gasoline, diesel, and other hazardous materials related to the operation of a gas station and car wash. The Proposed Project could result in accidental chemical releases from hazardous materials use, storage, or transport. However, the storage capacity and use of hazardous materials on the project site would not substantially change from the existing storage and use of materials on the project site. As applicable, current regulations and programs for regulated hazardous materials use would reduce potential impacts to a less than significant level.

(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

(Less Than Significant Impact With Mitigation) Soils on the project site contain elevated concentrations of petroleum hydrocarbons and other similar contaminants beneath the project site from prior releases (**Appendix A**). Redevelopment of the project site would involve excavation and grading of the paved surface for construction of the proposed car wash and new fueling canopy; therefore, contaminated soils could be exposed due to construction or operation of the Proposed Project. Therefore, there is a potential that contaminated soil could be encountered during the construction activities. If improperly handled, these activities would result in risks to people and the environment and could be a potentially significant impact. Implementation of **Mitigation Measure HAZ-1** would ensure potential contaminations are properly disposed of and handled during demolition and building activities, reducing this impact to less than significant.

In addition, given the age of the existing structures on-site, it is possible that structures contain lead-based paint and asbestos-containing materials (ACMs). Implementation of the following conditions would reduce this impact to a less-than-significant level:

Environmental Conditions:

- In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If ACMs are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of Bay Area Air Quality Management District (BAAQMD). Demolition and disposal of ACMs will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2. A final report of methodologies and findings of the survey shall be submitted to the Building Division of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of building permits.
- A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations (CCR) will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. A final report of methodologies and findings of the survey shall be submitted to the Building Division of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of building permits.

(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

(Less Than Significant Impact) The nearest schools to the site are Grandma's Montessori Pre-School located approximately 1,000 feet south of the project site and the Holy Spirit School and Church located approximately 350 feet southwest of the project site. The site has been developed and operated as a gas station for 50 years. The Proposed Project does not propose an increase in fueling stations. The new car wash would be located in northwest portion of the project site and, while the car wash would utilize cleaning materials, storage of hazardous materials would comply with manufacturer recommendations and local and state regulations. The Proposed Project shall also comply with local and state regulations regarding operations with hazardous materials. Therefore, the use of hazardous materials would not substantially change under expansion of the existing use on the project site. Additionally, with the implementation of environmental conditions provided in **Section 3.5.3**, **Air Quality**, the project would not result in significant construction emissions.

(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

(Less Than Significant Impact) The project site is listed on the California State Water Resources Control Board (SWRCB) GeoTracker Database as a LUST (leaking UST) cleanup site (case closed). As discussed in the Phase I ESA (**Appendix A**), this case has been resolved, although contaminated soils may still persist beneath the site. With the implementation of **Mitigation Measure HAZ-1**, the Proposed Project would not result in a significant hazard to the public or environment due to hazardous materials at the site.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

(Less Than Significant Impact) Norman Y. Mineta San José International Airport is located approximately 8.7 miles north of the project site. The project site is not within the airport influence area or safety zones in the adopted Comprehensive Land Use Plan for the airport. Given the site's distance from the airport, the project is not subject to building height criteria for projects near the San José airport.

(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area;

(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and

(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

(No Impact) There are no private airstrips in the vicinity of the site. The project would, therefore, not result in a safety hazard related to a private airstrip for people residing or working in the project area. The project, located within a developed area, would not change the local roadway circulation pattern, access,

or otherwise physically interfere with local emergency response plans. The project site is within an urbanized area and is not adjacent to wildland areas. According to the California Department of Forestry and Fire Protection, the project site is not within a serve fire hazard zone and does not anticipate to be exposed to hazards associated with wildland fires.

4.2.4 MITIGATION MEASURES

HAZ-1 Under regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) using their Voluntary Cleanup Program (VCP), or equivalent regulatory agency, the project applicant shall prepare the following documents:

- The regulatory agency may require a Site Management Plan (SMP) or similar document to manage the cleanup of contaminated soils.
- If applicable, a SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. The SMP shall include, but is not limited to, the following elements to mitigate potential risks associated with environmental conditions:

    - A detailed discussion of the site background;
    - Proper procedures as needed for demolition of existing structures;
    - Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
    - Procedures for transporting and disposing the waste material generated during removal activities;
    - Procedures for stockpiling soil on-site, if such stockpiling is necessary;
    - Provisions for collecting additional soil samples in previously inaccessible areas to confirm the extent of soil contamination, following demolition activities
    - Procedures to ensure that fill and cap materials are verified as clean;
    - Truck routes for export of soil;
    - Staging and loading procedures and record keeping requirements.
    - Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.

The SMP shall be submitted to the SCCDEH, or equivalent regulatory agency, for review and approval. Copies of the approved SMP shall be provided to the City's Department of Planning, Building and Code Enforcement, and Environmental Services Department prior to issuance of any grading permits.

- All contractors and subcontractors at the project site shall develop a health and safety plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. Each HSP shall be implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but not limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers;
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils;
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities;
- Emergency procedures and responsible personnel.

The HSP shall be submitted to the SCCDEH, or equivalent regulatory agency, for review and approval. Copies of the approved HSP shall be provided to the City's Department of Planning, Building and Code Enforcement, and Environmental Services Department prior to issuance of any grading permits.

4.3 NOISE AND VIBRATION

The following discussion is based in part on the environmental noise assessment prepared by Extant Acoustical Consultants, LLC. in September 2017 and revised in October 2017. A copy of this report is attached as **Appendix B**.

4.3.1 ENVIRONMENTAL SETTING

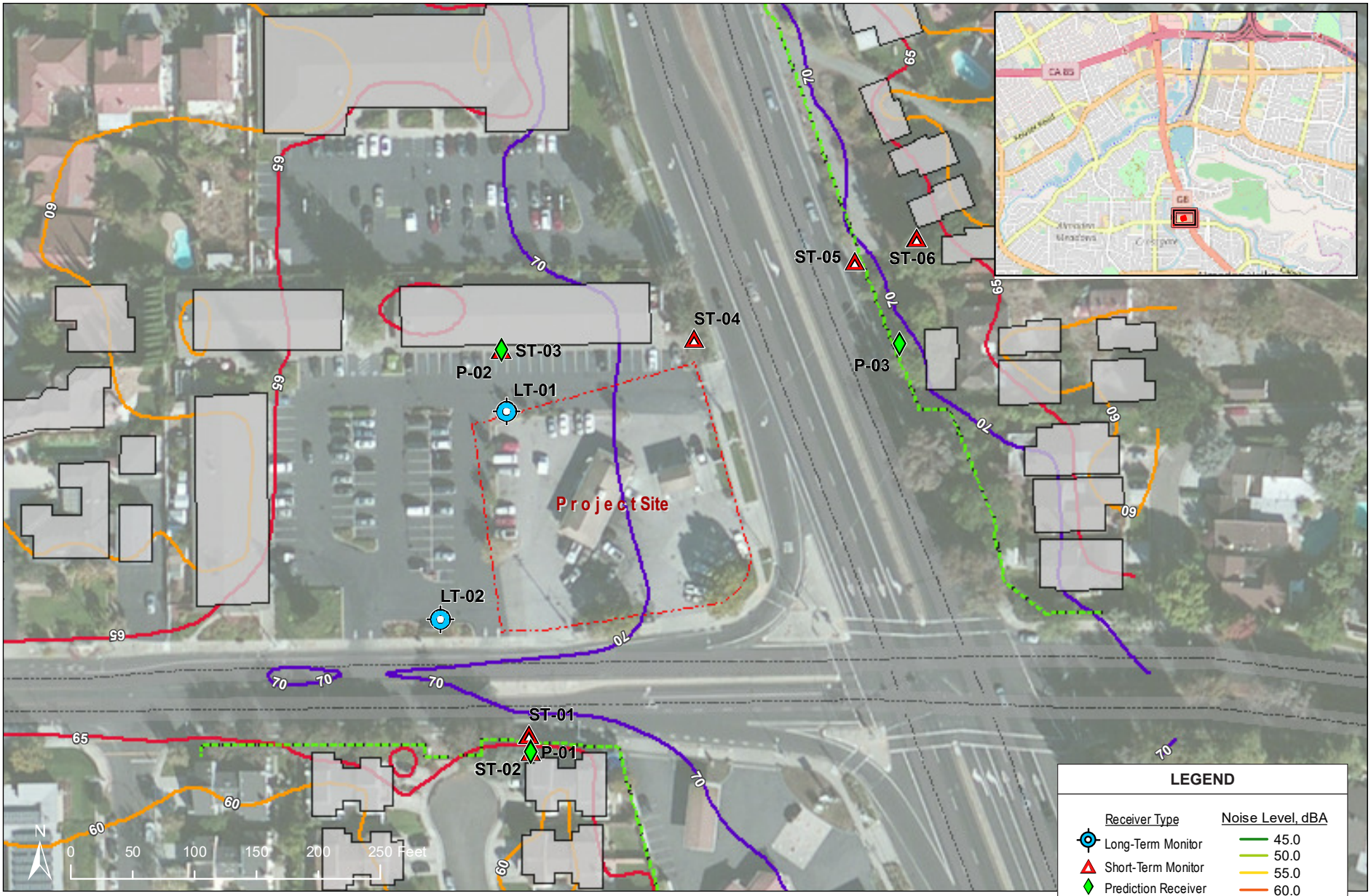
Noise is measured in decibels (dB) and typically expressed using one of several noise averaging methods, including: L_{eq}, DNL, or CNEL. It is important to recognize that there are specific moments when noise levels are higher (e.g., during a train passby) and specific moments when noise levels are lower (e.g. during lulls in traffic flows).

Existing Conditions

A noise monitoring survey was conducted between Tuesday, August 8, 2017 and Thursday, August 10, 2017. The noise monitoring survey included two long-term noise measurements (LT-01 and LT-02) and six short-term noise measurements (ST-01 through ST-06), shown on **Figure 3**. The noise environment in the vicinity of the project site results primarily from vehicular traffic along Almaden Expressway and Redmond Avenue. **Table 2** summarizes the results of the long-term and short-term noise monitoring tests.

The short-term noise levels measured range approximately from 55 to 75 dBA Leq and the long-term levels measured range approximately from 62 to 64 dBA DNL (Table 2).

Noise levels generated from the operation of the proposed car wash were modeled using the SoundPLAN noise prediction model at noise prediction receiver locations representing key areas of interest in the project area and are presented in **Table 3**, below. The model accounted for existing traffic volumes on local and regional roadways in the vicinity of the project site. In addition, the car wash operation noise are analyzed against the modeled baseline noise exposure to compare the effects of the new car wash to the existing ambient noise level around the area, under the unit dBA DNL. **Appendix B** also modeled the proposed car wash. The results shows that there is less than a 1 dBA DNL difference with the new use and continue existing gas station and retail use.



SOURCE: Extant Acoustical Consulting, 9/8/2017; AES, 1/16/2018

Figure 3
Noise Measurement Locations

TABLE 2
SUMMARY OF AMBIENT NOISE MEASUREMENTS

Site	Description	Start Date/Time	Average Noise Level	Notes/Source
LT-01	Northern project boundary	8/9/2017	62.4 dBA DNL	Commercial operations
LT-02	South of project, adjacent to Redmond Ave	8/9/2017	64.4 dBA DNL	Traffic on Redmond, adjacent to commercial operations
ST-01	Adjacent to Redmond Ave	1:30 PM	64.0 dBA Leq	Traffic calibration measurement
ST-02	Residential area south of Redmond Ave	1:30 PM	55.6 dBA Leq	Traffic on Almaden and Redmond
ST-03	Businesses north of project site	2:00 PM	58.4 dBA Leq	Traffic on Almaden and Redmond, adjacent to commercial operations
ST-04	Adjacent to SB Almaden Expy	2:00 PM	70.0 dBA Leq	Traffic calibration measurement
ST-05	Adjacent to NB Almaden Expy	2:30 PM	75.1 dBA Leq	Traffic calibration measurement
ST-06	Adjacent to Fleetwood Ln	2:30 PM	61.3 dBA Leq	Traffic on Almaden, children playing, community activity

Notes: dB = A-weighted decibels; Leq = equivalent average noise level
Source: **Appendix B**.

TABLE 3
PROJECT EFFECT ON EXISTING AMBIENT NOISE

Site	Location/Property Line	Baseline Noise	Plus Project Noise		
			Car Wash	Combined	Effect on Ambient
P-01	Residences south of Redmond Avenue	64	50	64	<1
P-02	Businesses north of the project site	67	57	68	<1
P-03	Residences east of Almaden Expressway	68	36	68	<1

Notes: dB = A-weighted decibels; Leq = equivalent average noise level
Source: **Appendix B**.

The Norman Y. Mineta San José International Airport is located approximately 8.7 miles north of the project site. The project site is not within the airport influence area or aircraft noise contours of the Airport.

General Plan Policies

The General Plan establishes policies and standards to mitigate or avoid noise impacts resulting from planned development projects within the City. The following policies establish the quantitative thresholds for noise and vibration impacts for new developments in the City and are applicable to the Proposed Project. **Table 4** shows noise and land use compatibility guidelines for new developments set forth in *General Plan Policy EC-1.1*.

Exterior noise levels up to 60 dBA DNL are considered normally acceptable and exterior noise levels up to 75 dBA DNL are considered conditionally acceptable for sensitive residential receptors. Under *General Plan Policy EC-1.2*, a significant noise impact would occur if a project would:

- Cause the DNL at residential noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable”, or

- Cause the DNL at residential noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

General Plan Policy EC-1.3 limits noise generation for new non-residential land uses, which are adjacent to residential land uses, to 55 dBA DNL at the residential property line.

TABLE 4
GENERAL PLAN LAND USE COMPATIBILITY NOISE GUIDELINES

Land Use Category	Exterior Noise Exposure (DNL in Decibels [dBA])						
	50	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care							
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds							
3. Schools, Libraries, Museums, Meeting Halls, Churches							
4. Office Buildings, Business Commercial, and Professional Offices							
5. Sports Arena, Outdoor Spectator Sports							
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphiteathers							

Notes:

NORMALLY ACCEPTABLE: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

CONDITIONALLY ACCEPTABLE: Specified land use may be permitted only after detailed noise reduction requirements and needed noise insulation features included in the design.

UNACCEPTABLE: New construction or development generally not undertaken because mitigation is usually not feasible to comply with noise element policies.

Source: City of San José, 2011.

The effects of operational noise are discussed briefly in *General Plan Policy EC-1.6*, which prescribes regulation of commercial and industrial operational noise levels through application of the City's Municipal Code. The Municipal Code standards are discussed in the following section.

General Plan Policy EC-1.7 requires construction operations within San José to use best available noise suppression devices and techniques; and limit construction hours near residential uses per the City's Municipal Code (7:00 AM to 7:00 PM, Monday through Friday).

General Plan Policy EC-1.8 states that commercial drive-thru uses will only be allowed "when consistency with the City's exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated."

City of San José Municipal Code

The City's Municipal Code addresses and provides a means for protection of the citizens of San José through both qualitative and quantitative provisions and prohibitions. The Municipal Code serves as an

implementation method for the General Plan and enforcement element for establishing the desired character of the City.

The City provides further guidance and regulation on allowable noise levels within Title 20 of the Code of Ordinances, which are specific to land use. The performance standards vary from a maximum noise level of 55 dBA (e.g., residential) to 70 dBA (e.g., industrial or open space next to industrial uses), unless a conditional use permit is granted.

The project site is within the Commercial Neighborhood (CN) Zoning District. The parcels abutting the project site are designated as Planned Development (R-1-5[PD]); while other parcels in the immediate vicinity are zoned as Planned Development for residential developments and Residential (R-1-8). The Municipal Code establishes in Section 20.40.600 that for Commercial Zoning Districts or Public/Quasi-Public Districts (PQP), "the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-105 at any property line, except upon issuance and in compliance with a conditional use permit as provided in Chapter 20.100."

Table 20-105 establishes a maximum noise level of 55 dB for commercial or PQP uses adjacent to a property used or zoned for residential purposes (consistent with *General Plan Policy EC 1.3*); and 60 dB for commercial or PQP uses adjacent to a property used or zoned for commercial or other non-residential purposes.

4.3.2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1, 5, 6
b) Exposure of persons to or generation of excessive groundborne vibration noise levels?	☐	☐	☒	☐	1, 5, 7
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 5, 8
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 5

NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 4-5
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 4-5

4.3.3 IMPACT DISCUSSION

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. Consistent with Appendix G, the following applicable criteria was used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.
- A significant impact would be identified if the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater where the noise levels would remain "Normally Acceptable" or b) the noise level increase is 3 dBA DNL or greater where noise levels would equal or exceed the "Normally Acceptable" level as indicated in Table EC-1 of the General Plan and **Table 2** above.

(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

(Less Than Significant Impact) The City's Municipal Code (Chapter 20.100.450) establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. This analysis assumes that construction activities will occur between 7:00 AM and 7:00 PM Monday through Friday and not on weekends.

Additionally, in accordance with *General Plan Policy EC-1.7*, the City considers significant construction noise impacts to have occurred if a project located within 200 feet of residential uses would involve

substantial noise-generating activities (such as building demolition, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Construction activities generate considerable amounts of noise, especially when heavy equipment is used. Hourly average noise levels generated by construction equipment associated with the project are calculated to range from 70 to 85 dBA L_{eq} measured at a distance of 50 feet (FHWA, 2006). Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Project construction would be complete in approximately four months (less than one year) and would not be considered to have significant noise impacts, in accordance with *General Plan Policy EC-1.7*. With the implementation of the below environmental conditions, the project would not result in construction noise in excess of the City's standards and General Plan policies.

Environmental Conditions: Consistent with the *General Plan Policy EC-1.7* and Municipal Code, the project proposes to implement the following environmental condition to reduce construction-related noise impacts:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A "noise disturbance coordinator" shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

Compliance with the Municipal Code requirements would minimize impacts to neighboring properties from temporary increases in ambient noise levels resulting from proposed construction activities. With implementation of *General Plan Policy EC-1.7* and Municipal Code requirements, the Proposed Project would not result in a significant short-term noise impact. Refer to checklist question (c), below, for operational noise discussions and analysis.

(b) Exposure of persons to or generation of excessive groundborne vibration noise levels?

(Less Than Significant Impact) *General Plan Policy EC-2.3* requires a vibration limit of 0.20 in/sec PPV to minimize the potential for cosmetic damage at buildings of normal conventional construction.

The residential land uses adjacent to the project site include residences approximately 90 feet south, approximately 200 feet east, approximately 350 feet north, and approximately 260 feet west of the project boundary. The nearest commercial building is located approximately 50 feet north of the project boundary. At these distances, vibration levels at the three adjacent residences would be substantially less than 0.074 in/sec PPV (at 50 feet, based on 0.210 in/sec PPV vibratory roller at 25 feet [FTA, 2006]), which is below the 0.2 in/sec PPV threshold. This impact would be less than significant for construction vibration.

The project proposes a car wash and upgrading the existing gas station. Most of the operations on site would involve vehicle trips in and out of the site and queuing at the car wash. Vehicle trips are not expected to generate substantial vibration impacts. In addition, the residential uses are located across the adjacent two roadways which would divide the receptors from trips in and out of the project site by on-going traffic on the roadways.

(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

(Less Than Significant Impact) The project site is located adjacent to noise-sensitive receptors at residences to the south and east, with additional residences located beyond the adjacent commercial buildings to the north and west. Existing traffic noise levels from Almaden Expressway and Redmond Avenue dominate the noise environment in the immediate vicinity of the project site. Existing traffic volumes along these roadways would have to double as a result of the project for noise levels to substantially increase (i.e., by a minimum of 3 dBA DNL). With the exception of the car wash, noise from the Proposed Project would be substantially the same as existing noise levels at the project site. The relatively low volume of additional traffic (18 PM peak hour trips for the car wash only) along roadways serving the site would not measurably increase the ambient noise environment. It is estimated that the full project (car wash, convenience store, and gas station) would result in approximately 18 net new trips during the AM peak hour and 24 PM peak hour trips (**Appendix D**).

Noise from automated car wash facilities occurs as a result of the general operating of pumps, compressors, high-pressure applicators and spray nozzles, scrubbers, and dryers. The majority of the mechanical equipment (such as pumps and compressors) would be fully enclosed within an equipment room adjacent to the car wash tunnel, which would limit noise. The dryers however, are the dominant noise source associated with car wash systems. To limit noise from the dryers, the proposed car wash would include use of a Ryko 3-Fan SlimLine dryer system with incorporated Ryko Quiet-Kit silencer. Manufacturers specifications for noise reduction for this dryer equipment were included in the noise study within **Appendix B**. The dryer would be located approximately 10 feet inside of the south end of the car wash tunnel.

The manufacturer reference sound level for the car wash dryers assumes continuous operation of the dryers; however, drying cycles are typically limited to operate between 60 and 90 seconds per wash

cycle. Based on the trip generation for the Proposed Project, it was assumed 90 car wash cycles would occur within the total car wash hours of operation (7:00 AM to 10:00 PM). Noise levels generated by the dryers were estimated to be between 36 and 57 dBA DNL at various locations (**Appendix B**). With the operation of the project, including the new proposed car wash, the projected noise increase from the Proposed Project would result in a less than 1 dBA DNL noise increase over the existing ambient noise levels at all locations analyzed in **Appendix B**, including at areas adjacent to the residential neighborhoods (Table 3). Note that the carwash will not be operating 24-hour. Therefore, for these reasons stated above, this impact would be less than significant and no mitigation is required.

(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

(Less Than Significant Impact) As discussed above in **Question A**, the project construction time is estimated to be approximately four months and with the implementation of the environmental conditions listed under **Question A** for construction noise, the project would not generate excessive construction noise levels or result in the exposure of nearby noise-sensitive receptors to these levels.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels, and

(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

(No Impact) The project site is not located within the 65 dBA community noise equivalent level (CNEL) noise contour for aircraft activities near the Mineta San José International Airport established in the Santa Clara County Airport Commissions Comprehensive Land Use Plan (Santa Clara County, 2011). The project site is not within two miles of a public airport or private airstrip. For these reasons, the project would not expose sensitive receptors to excessive aircraft noise levels.

4.3.4 MITIGATION MEASURES

None required.

4.4 TRANSPORTATION AND TRAFFIC

The following discussion is based in part on the Traffic Impact Analysis Report (TIAR) prepared by TJKM Transportation Consultants dated January 4, 2018. A copy of this report is attached as **Appendix D**.

4.4.1 ENVIRONMENTAL SETTING

Regional access to the project site is provided by California State Route (SR) 85 (which runs in the east-west direction), approximately 1.8 miles north of the site. Local access to the project site is provided by roadways including Almaden Expressway and Redmond Avenue, located adjacent to the project site's eastern and southern boundaries, respectively.

Pedestrian facilities in the project area include continuous sidewalks along Almaden Expressway and Redmond Avenue, pedestrian signals and crosswalks at the intersection of Almaden Expressway and Redmond Avenue, and adequate street lighting. The nearest bicycle lanes are located along Almaden Expressway and Redmond Avenue. There are three bus stops in the vicinity of the project site, two of which are located on Almaden Expressway and one of which is located on Redmond Avenue. These stops are all accessible by existing sidewalks.

The project site currently is accessed by two driveways on Almaden Expressway and two driveways on Redmond Avenue. The project would also construct new pedestrian walkway from between the two driveways along Redmond Avenue to the convenience store.

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 Transportation Impact Policy (2005), the City of San José uses the same level of service (LOS) method for assessing transportation impacts as the CMP. According to City of San Jose standards, a projected-generated increase in traffic is considered to have a significant impact if it meets either of the following criteria:

- At a signalized study intersection located outside the downtown area, the project would cause the existing or future Background LOS to degrade to worse than LOS D (i.e., to LOS E or F).
- The LOS at a study intersection is an unacceptable LOS E or F under Background Conditions and the addition of project trips cause both the critical movement delay at the intersection to increase by four or more seconds and the volume-to-capacity (V/C) ratio to increase by 0.01 or more.
- The City of San Jose considers a significant impact to be satisfactorily mitigated when the measure implemented would restore LOS to Background Conditions or better. All proposed mitigation must also include a feasibility analysis, which includes an aerial photograph showing all buildings and right-of-way lines overlaid with the proposed mitigation.

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, the Proposed Project is anticipated to generate 18 net AM peak hour trips and 24 net PM peak hour trips over the current trip generation of the project site. This trip generation estimate includes discounts for existing site uses and retail pass-by trip reductions consistent with the ITE Trip Generation Manual (2012). (**Appendix D**)

A more detailed discussion of level of service (LOS) standards and existing conditions is included in **Appendix D**. The study intersection (Almaden Expressway and Redmond Avenue) is anticipated to operate acceptably under existing plus project conditions and background (including pending and approved projects) plus project conditions. Under this scenario, the study intersection operates at LOS D/E or better during the AM and PM peak Hours. Based on the City of San Jose and VTA's CMP impact criteria, the project is expected to have a less-than significant impact at the study intersection under Background plus Project Conditions.

4.4.2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

TRANSPORTATION AND TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1, 9
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1, 9
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1, 9
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1, 9
e) Result in inadequate emergency access?	☐	☐	☒	☐	1, 9
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1, 9

4.4.3 IMPACT DISCUSSION

(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or

(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

(Less Than Significant Impact) The Proposed Project is consistent with the General Plan land use designation for the project site, and is anticipated to cause an increase of 24 PM peak hour trips to the site. Due to the low number of net new project-generated trips, the project would not result in a significant change to traffic volumes in the area and would not adversely affect the transportation system. Additionally, the City requires 10 parking spaces for the Proposed Project, and the project provides 14 spaces; therefore, the project exceeds this requirement and would not result in parking overflow from the project site to nearby streets or parking lots.

(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

(No Impact) The project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones. The project would not result in a change in air traffic patterns.

(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or

(e) Result in inadequate emergency access?

(Less Than Significant Impact) The Proposed Project is consistent with City policies regarding project design features and emergency access. The Redmond Avenue driveway located at the southeast corner of the project site will be closed under the Proposed Project, and the southernmost Almaden Expressway driveway will be restricted to ingress-only movements, which will resolve hazards currently associated with these driveways. As shown on **Figure 2**, this modification to ingress and egress at the site will resolve conflicts between patrons of the site and large trucks delivering fuel to the underground storage tanks at the northeast corner of the project site. Currently, trucks delivering fuel partially block the driveway that is proposed for removal. These modified driveways will operate at an acceptable LOS. No hazards or design features would hinder emergency vehicles access to the project site. The project would, therefore, not substantially increase hazards due to a project design features or result in inadequate emergency access. The project was also reviewed by the Department of Public Works review of the Proposed Project and proposed project conditions shall be incorporated as part of the Conditional Use Permit.

(f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

(Less Than Significant Impact) The Proposed Project would provide sidewalks in conformance with the General Plan's Urban Village Plan, by providing sidewalks along Almaden Expressway and Redmond Avenue that are 15 feet in width. The Proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities in the immediate vicinity of the project site.

4.5 OTHER ENVIRONMENTAL TOPICS

Other resource areas/topics are discussed below. These resource topics include aesthetics, agricultural and forestry resources, air quality, cultural and paleontological resources, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, and transportation and traffic.

4.5.1 AESTHETICS

Scenic resources in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the baylands and the urban skyline, particularly highrise development.

The project site consists of a gas station, automotive service station, and convenience store. A total of 12 trees are on the project site. The closest scenic corridor, designated in the General Plan, is a rural scenic corridor located along Hicks Road, starting at Camden Avenue (approximately 1.9 miles west of the project site). The nearest state-designated scenic highway is at the State Route 9, approximately 5.7 miles west of the project site.

Aesthetic Impacts

(a) Have a substantial adverse effect on a scenic vista?

(No Impact) The project, located in a developed area and bounded by existing development on all sides, is not located in an area considered to be a scenic vista.

The project site is not located along a Caltrans-designated scenic highway or City of San José scenic gateway. Due to its location on the valley floor and surrounding development, views of the project site are limited to the immediate area. Views of the foothills and nearby open space preserves from the project site are obstructed by existing development.

(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

(Less Than Significant Impact) There are no rock outcroppings or historic resources on-site (refer to **Section 4.4.4**, **Cultural Resources**). Four of the 12 on-site trees would be unaffected by the Proposed Project. The eight trees proposed for removal are located immediately north and west of the proposed car wash. Ten (10) total trees would be planted, in accordance with the City's tree replacement ratios, to offset trees to be removed. For these reasons, the project would not have a substantial adverse effect on scenic resources.

(c) Substantially degrade the existing visual character or quality of the site and its surroundings?

(Less Than Significant Impact) No new structures would be greater than one story in height, which is consistent with the existing development on the project site, and adjacent commercial development. The site is not in a prominent elevated position and the new residences would primarily be visible to the

immediate vicinity. The final design of the residences would be subject to the City's design review process and would conform to current architectural and landscaping standards. Development of the car wash, and redevelopment of the convenience store and gas station would not represent a change in the visual character of the project site, compared to existing conditions. For these reasons, construction of the Proposed Project is not anticipated to adversely affect visual quality in the area.

The Proposed Project would not substantially increase light and glare due to the reconstructed buildings and new car wash. Lighting would be consistent with what is currently experienced on the project site.

(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

(Less Than Significant Impact) The General Plan EIR concluded that while new development and redevelopment under the General Plan could create additional sources of nighttime light and daytime glare; implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts. The project, in compliance with these policies, would not substantially increase nighttime light levels. The project does not propose to use highly reflective construction materials; therefore, the project would not create substantial glare. The Proposed Project would comply with the City Council's Private Outdoor Lighting Policy 4-3, which requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. The final lighting plans would be reviewed subsequent to approval of the Conditional Use Permit. As a result, the Proposed Project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials.

4.5.2 AGRICULTURAL AND FORESTRY RESOURCES

The project site is designated as Urban and Built-Up Land (DOC, 2016). Urban and Built-Up Land is defined as developed land with a density of at least 1 unit per 1.5-acre parcel or 6 structures to a 10-acre parcel, as well as land used for residential, industrial, and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The project site is not zoned or used for agricultural purposes; nor is it the subject of a Williamson Act contract. The site is located within an urban area of San José and there is no property used for agricultural purposes adjacent to the project site. The project site does not contain any forest land and no forest or timberland is located in the vicinity of the project site.

Agricultural and Forestry Resource Impacts

(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;

(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract;

(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));

(d) Result in the loss of forest land or conversion of forest land to non-forest use; or

(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

(No Impact) The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The project would not conflict with agricultural operations or a Williamson Act contract; nor would the project result in a loss of forestland.

4.5.3 AIR QUALITY

The City of San José, including the project site, is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis. The BAAQMD is the regional air quality agency for the San Francisco Bay Area Air Basin.

The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM2.5) and state standards for respirable particulate matter (PM10). The area is considered attainment or unclassified for all other pollutants. (CARB, 2017)

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors near the project site include the residences to the east (approximately 200 feet from the project site) and south (approximately 90 feet from the project site), and the Holy Spirit Church located approximately 350 feet west of the project site.

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population and people may have different reactions to the same odor. The project site is not in the vicinity of any odor-generating facilities such as a wastewater treatment plant, composting facility, food processing facility, or a metal smelting plant.

Air Quality Impacts

The Proposed Project is not expected to result in a significant increase in traffic above existing conditions and would not change the capacity and location of existing gasoline dispensing stations within the site. Therefore, the Proposed Project would not result in a significant increase in operational emissions of air pollutants. Some temporary emissions would occur as a result of demolition and construction activities. However, the project shall implement of conditions which includes best management practices to reduce impacts during construction activities. Checklist questions are addressed below:

(a) Conflict with or obstruct implementation of the applicable air quality plan?

(Less Than Significant Impact) The project would not conflict with the primary goals of the Bay Area 2017 Clean Air Plan (2017 CAP) in that it would not cause an exceedance of the BAAQMD thresholds for operational air pollutant emissions and the redevelopment of the project site would not alter the population and/or employment growth estimates used to develop the 2017 CAP. The project would not be a substantial source of new employment or vehicle trips and the buildings would be constructed in accordance with the current CalGreen Building Code. The project would not hinder the implementation of the CAP control measures and would not conflict with or obstruct implementation of the 2017 CAP. The project by itself would, therefore, not result in a significant impact related to consistency with the 2017 CAP.

(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

(Less Than Significant Impact) The 2017 BAAQMD CEQA Air Quality Guidelines contain a screening table that lists a minimum square footage (sf) of a convenience store with gas pumps that would result in construction and operational emissions over the criteria pollutant threshold of 54 pounds per day of NO_x or ROG and 82 pounds per day of PM10. For operation, 4,000 sf is the screening level size, and for construction, 277,000 sf is the screening level size. The screening criteria provides lead agencies with a conservative indication of whether operation of a project could result in significant air quality impacts. The Proposed Project would construct an approximately 2,000 sf convenience store and an approximately 1,500-sf car wash (approximately 3,500 sf total), which is below the screening level for construction and operation. Implementation of the project would not result in a cumulatively considerable net increase in regional criteria air pollutants and precursor emissions.

(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

(Less Than Significant Impact) Carbon monoxide emissions from project-generated traffic would be the pollutant of greatest concern at the local level. Based on the BAAQMD CEQA Guidelines, project carbon monoxide impacts are less than significant if project traffic projections indicate traffic levels would not increase at any affected intersection to more than 44,000 vehicles per hour (vph). Streets in the project area are two-lane arterials that carry fewer than 44,000 vph (City of San José, 2015). The project would generate approximately 24 new PM peak hour trips, of which 18 are attributed to the new car wash use (**Appendix B**), and would not cause traffic in nearby intersections to exceed 44,000 vph. Implementation of the project would not result in a cumulatively considerable net increase in local criteria air pollutants and precursor emissions.

(d) Expose sensitive receptors to substantial pollutant concentrations?

(Less Than Significant Impact) The number and capacity of existing fueling stations within the site would not change as a result of the proposed project, thus there would be no increase in hazardous air pollutants within the site as a result of fueling station operations.

Demolition of the existing fueling canopy has the potential for adverse emissions of air pollutants and fugitive dust. Because of the relatively small size and design of the project site, significant grading and excavation activities would not occur. Emissions of fugitive particulate matter, in the form or PM_{10} and $PM_{2.5}$, would be controlled through application of dust control measures. The BAAQMD has identified measures that are appropriate for typical construction projects. During building construction, there would be a low potential for diesel particulate matter (DPM) emissions. These emissions would be associated with material truck deliveries, use of large forklifts, and the use of miscellaneous diesel-powered equipment. Overall, much of the construction activities emitting DPM and particulate matter would occur over a relatively short period, approximately four months or less.

The following environmental conditions would reduce fugitive dust and DPM emissions generated from project construction:

Environmental Condition: Consistent with the 2017 BAAQMD CEQA Air Quality Guidelines, *General Plan Policy MS-13.1*, and current City requirements, the project shall implement the following conditions during all phases of construction on the project site, to reduce dustfall emissions, if applicable:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, and unpaved access roads) shall be watered twice daily.
- All haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure 13 CCR §2485). Clear signage shall be provided for construction workers at all access points.
- 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 operations.
- 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.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known toxic air contaminant. The following environmental condition will reduce the impacts of construction exhaust emissions on adjacent sensitive receptors to a less-than-significant level:

Environmental Condition: All diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two days continuously (or 20 hours total) shall meet United States Environmental Protection Agency (USEPA) particulate matter emissions standards for Tier 2 engines or equivalent. Equipment retrofitted with California Air Resources Board (CARB) Level 3 Verified Diesel Emissions Control Strategy would exceed this standard.

(e) Create objectionable odors affecting a substantial number of people?

(Less Than Significant Impact) The project will be consistent with all State and local regulations to control odor and vapors during operations of the gasoline station and car wash. The increase in trips to the project site would not result in a substantial increase in odor emissions from vehicles.

4.5.4 CULTURAL AND PALEONTOLOGICAL RESOURCES

The project site is located in Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Historic resources are generally 50 years or older in age and include, but are not limited to, buildings, districts, structures, sites, objects, and areas. Prehistoric resources are

resources that have significance in prehistory, which is defined as events of the past occurring prior to advent of written records.

The structures on-site are of vernacular (i.e., common) construction and are not distinguished representations of any particular style or type of building construction from the mid-twentieth century period. The on-site structures would, therefore, not qualify for the California Register or as San José City Landmarks for their architecture. Additionally, based on the City's historic evaluation criteria, the project site does not qualify for listing on the City's Historic Resources Inventory.

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well-publicized (such as mammoth and dinosaur bones) to scientifically important fossils. According to the General Plan EIR, the project site is located in an area that has a high sensitivity for paleontological resources at depth and is within an archeological sensitive area (City of San José, 2011).

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB 52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. A tribal cultural resource can be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Cultural Resource Impacts

(a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? or

(e) Disturb any human remains, including those interred outside of formal cemeteries.

(Less Than Significant Impact) Although the structures on-site are 50 years of age, they are not representative of any important patterns of development within San José or its environment. According to the General Plan, the project site is also an archeological sensitive area. The project site is entirely paved and disturbed. The construction activities would involve grading to specific areas of the site, but does not anticipate to disturb substantially new depth of soils. An archaeological assessment was completed in 1974 for the development (PDC74-8-49) of the adjacent parcel to the northwest and recommended preliminary testing to determine the likelihood of finding pre-historic and archeological resources during full construction. Therefore, the project would include the following **Mitigation Measure CUL-1** along with the environmental conditions below to reduce the impact to less than significant.

> **Mitigation Measure CUL-1:** Preliminary Investigation: Once the fueling canopy has been demolished and pavement and landscaping removed, a qualified archaeologist shall complete presence/absence exploration, as recommended by the qualified archeologist, to determine if there are any indications of discrete historic-era subsurface archaeological features. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the City

of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit.

While **Mitigation Measure CUL-1** would predict the chances of finding prehistoric and archeological materials prior to full construction activities, in the chance that resources are encountered during construction activities, the project applicant shall implement the following environmental conditions.

Environmental Conditions: Implementation the following conditions would reduce impacts of the project on subsurface cultural resources:

- In the event that prehistoric or historic resources are encountered during construction of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.
- If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center.
- If any human remains are found during any field investigations, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

(Less Than Significant Impact) The project site is located in an area that has a high sensitivity to paleontological resources at depth. The project site is entirely paved and disturbed and construction activities would involve grading and potential disturbance of native soils (in the car wash site), Therefore, the following environmental condition would be implemented to reduce impacts to less than significant.

Environmental Conditions: *General Plan Policy ER-10.3*, the following environmental conditions would be implemented by the project to reduce and avoid impacts to as yet unidentified paleontological resources:

- If vertebrate fossils are discovered during construction, all work on the site would stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent would be responsible for implementing the recommendations of the paleontological monitor.

(e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

(Less Than Significant Impact) Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of the preparation of this Initial Study, no tribes have sent written

requests for notification of projects to the City of San José except for Coyote Valley (over 150 miles northwest of the site). Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources.

4.5.5 GEOLOGY AND SOILS

The soil on the western half of the project site is well drained sandy loam, and the soils on the eastern half of the project site is a poorly drained silty clay (NRCS, 2017). The site is located adjacent to a liquefaction hazard zone and the soils on-site have a low expansion potential.

The project site is located within the seismically active San Francisco Bay Region. The project site is not located in a defined Alquist-Priolo Earthquake Zone and no known active faults are located on the project site. The site is not located within a fault rupture hazard zone. Due to the presence of active faults in the region, it is anticipated that the project site would experience strong ground shaking in the event of an earthquake. The nearest major active fault is the San Andreas Fault, approximately 7.6 miles west of the project site.

Geology and Soil Impacts

(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- **i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
- **ii) Strong seismic ground shaking?**
- **iii) Seismic-related ground failure, including liquefaction?**
- **iv) Landslides?**

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

(Less Than Significant Impact) The project site is not located in an Alquist-Priolo Earthquake Fault Zone. The project site is located within a seismically active region, however; and, as a result, strong ground shaking would be expected during the lifetime of the Proposed Project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures and expose people to injury. As disclosed in the General Plan EIR, differential settlement during seismic shaking can be a hazard to buildings, roadways, and hardscape improvements. Incorporation of the permit conditions, as described below, would reduce potential impacts resulting from ground shaking to a less-than-significant level.

Environmental Permit Conditions: Prior to the issuance of any site-specific building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of applicable City ordinances No. 25015 and Building Division Policy

No. SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards, such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

The project site is relatively flat and would not expose adjacent or nearby properties to landslide hazards. Implementation of the project would require ground minimal disturbance despite the proposed demolition of the existing fueling canopy.

The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the building permit process. The General Plan EIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply and Best Management Practices (BMPs) with all applicable City regulatory programs pertaining to construction-related erosion.

(b) Result in substantial soil erosion or the loss of topsoil?

(Less Than Significant Impact) Since the Proposed Project would comply with the applicable City regulatory programs related to erosion, implementation of the Proposed Project would have a less-than-significant erosion impact.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

(No Impact) The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the project site would not need to support septic tanks or alternative wastewater disposal systems.

4.5.6 GREENHOUSE GAS EMISSIONS

The CARB and other state agencies are currently working on regulations and other initiatives to implement a Climate Change Scoping Plan. Senate Bill (SB) 32 was signed into law in September 2016. The recently signed SB 32 legislation amends provisions of AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code Division 25.5), to require CARB to ensure that statewide greenhouse gas (GHG) emissions are reduced to 40 percent below the 1990 levels by 2030.

GHG emissions generated from the site primarily result from generation of electricity (i.e., for lighting, cooling, pumping water), demolition activities, and vehicle trips. A small amount of GHG emissions are generated by the breakdown of solid waste generated by the site.

Greenhouse Gas Emissions Impacts

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The Proposed Project was evaluated for consistency with the City's GHG Reduction Strategy (refer to the GHG Reduction Strategy Conformance Checklist provided as **Appendix C**). The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for Proposed Projects, at the City's discretion.

Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

(Less Than Significant Impact) The Proposed Project is consistent with the existing Neighborhood/Community Commercial (NCC) General Plan land use designation and would comply with all applicable mandatory measures of the GHG Reduction Strategy. Implementation of the Proposed Project would result in a less-than-significant impact on GHG emissions.

4.5.7 HYDROLOGY AND WATER QUALITY

The project site is located within the Guadalupe River watershed, which is part of the Santa Clara Basin and the larger San Francisco Bay Basin. There are no waterways on the project site. The closest waterway to the project site is Alamitos Creek, located 700 feet east of the project site. Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), the project site is located in Flood Zone AE (FEMA, 2009). Zone AE is designated as areas where base flood elevations are determined within the 100-year floodplain. The project site is located within a dam failure inundation area from the Almaden/Calero Dam, as determined in the General Plan EIR.

Stormwater runoff from the site flows over land into the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. The project site is comprised primarily of impervious surfaces, with the exception of several landscaped planter boxes.

Hydrology and Water Quality Impacts

(a) Violate any water quality standards or waste discharge requirements?

(Less Than Significant Impact) Implementation of the Proposed Project would involve demolition activities at the project site. Construction would temporarily increase the amount of debris on-site which could be carried by runoff into the storm drainage system, which flows into the San Francisco Bay. The following measures (based on San Francisco Bay Regional Water Quality Control Board [RWCQB] recommendations) have been included as environmental conditions to reduce potential construction-related water quality impacts.

Environmental Conditions: Implementation of the following measures would reduce the construction impacts on water quality, as applicable:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- A Storm Water Permit will be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB BMPs.
- The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

Currently, the majority of the project site is comprised of impervious surfaces. The Proposed Project would increase the number of landscaped planter boxes on site, reducing the amount of impervious surfaces. The project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 for land uses of concern (which include car washes and gas stations). This policy requires the Proposed Project to include specific source control measures, as stated therein. These measures include the following:

- Industrial uses involving the storage and handling of materials that have the potential to generate polluted stormwater runoff shall be conducted indoors or under a permanent cover to prevent contact with rainfall.
- Trash and recycling storage areas shall be enclosed and graded in accordance with City Trash Enclosure Guidelines. When appropriate, trash enclosures will be plumbed to a permitted sanitary sewer connection.
- Vehicle or equipment fueling areas and loading docks must be covered and paved and the surrounding portions of the site graded to prevent stormwater runoff from contacting and conveying gasoline and other vehicle-related pollutants into the storm drain system.

The design of the Proposed Project already follows these guidelines, and no additional mitigation is required.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less-than-significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB, and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the Proposed Project would have a less-than-significant water quality impact.

(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

(Less Than Significant Impact) The project would not involve substantial ground disturbance or excavation, and therefore groundwater would not likely be encountered at the site during construction. The project does not include installation of new groundwater wells or use of groundwater supplies. As stated previously, the Proposed Project would install additional landscaped planter boxes, which would increase the permeability of the site. For these reasons, the project would not substantially deplete groundwater supplies or interfere with groundwater recharge.

(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;

(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

(e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;

(f) Otherwise substantially degrade water quality;

(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;

(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows;

(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or

(j) Inundation by seiche, tsunami, or mudflow?

(Less Than Significant Impact) There are no waterways on the project site. Development of the project would, therefore, not alter the course of a stream or river. The Proposed Project would not substantially degrade water quality. The project site is designated as Zone AE on the FEMA FIRM map, which is within the 100-year floodplain with base flood elevations determined. Project construction would not alter the grading of the project site, and therefore would not impede or redirect flood flows. The project site is located in a dam inundation area and would; however, the Proposed Project would not change the land use of the site, and would not permanently expose people or structures to a significant risk of loss, injury or death from flooding from a dam failure.

4.5.8 LAND USE AND PLANNING

The project site is located in a residential and commercial area. The site is developed with a gas station, convenience store, and service station. The project site is bordered by Almaden Expressway and Redmond Avenue to the east and south, and commercial buildings to the north and west.

The project site is designated as Neighborhood/Community Commercial (NCC) on the General Plan Land Use diagram. The NCC General Plan Land Use designation allows a mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. The project is also within the Commercial Neighborhood (CN) Zoning District which allows for a gas station and charging station.

Land Use and Planning Impacts

(a) Physically divide an established community?

(No Impact) The Proposed Project would upgrade the existing gas station, convert the existing service bay into a 24-hour convenience store, and construct a new car wash located at the northwest portion of the project site. The site was a gas station and has been operating as a gas station for approximately 50 years. The upgrade of the project site with a new car wash would be similar to the existing uses. The site is also adjacent to existing commercial uses and the project would not be substantially change the characteristics of the area. Therefore, development of the Proposed Project would not physically divide an established community.

(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

(Less Than Significant Impact) The project proposes to reconstruct the existing gas station and convenience store and construct a new car wash, which would be consistent with the general land use pattern of the project area. The proposed development would be consistent with the project site's zoning and General Plan land use designation. The Proposed Project would not conflict with other applicable land use plans, policies or regulations of an agency with jurisdiction over the project.

(b) Conflict with any applicable habitat conservation plan or natural community conservation plan?

(Less Than Significant Impact) As stated in **Section 4.1**, **Biological Resources**, Santa Clara County has adopted a Habitat Plan and the City of San José approved an ordinance implementing the measures and conditions set forth in the Habitat Plan. As discussed in **Section 4.1**, **Biological Resources**, the Proposed Project is not subject to the Habitat Plan; therefore, impacts would be less than significant and no mitigation is required.

4.5.9 MINERAL RESOURCES

The project site is not designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance. Communications Hill in central San José is the only area in the City with this designation.

Mineral Resource Impacts

(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or

(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

(No Impact) The project site is not located on or near Communications Hill and, therefore, would have no significant impact on the loss of availability of a known mineral resource. The project would not result in the loss of availability of a locally important mineral resource recovery site delineated in the City's General Plan or any other City of San José land use plan.

4.5.10 POPULATION AND HOUSING

The City of San José population living in households was estimated to be approximately 1,025,373 with a total of 320,447 occupied housing units in 2016 (US Census, 2016a; US Census, 2016b). The average number of persons per household in San José was estimated at 3.15 (US Census, 2016c).

Population and Housing Impacts

(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);

(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or

(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

(Less Than Significant Impact) The project would not construct new residences or otherwise increase the population in the vicinity of the project site. Implementation of the project would not directly or indirectly induce substantial population growth in the project area. For these reasons the project would not result in a significant impact to population and housing in the City.

4.5.11 PUBLIC SERVICES

Fire and police protection services for the project site are provided by the San José Fire Department (SJFD) and the San José Police Department (SJPD), respectively. The project site is located within the existing service area of both the SJFD and SJPD. The closest station to the project site is Fire Station 22, located less than one mile south of the project site. The SJPD is headquartered at 201 West Mission Street, approximately 8.5 miles north of the project site.

The nearest schools to the project site are Grandma's Montessori Pre-School located approximately 1,000 feet south of the project site and the Holy Spirit School and Church located approximately 350 feet southwest of the project site, located less than one mile southwest of the project site. Nearby parks include Jeffrey Fontana Park, located approximately 1,000 feet north of the project site.

Public Services Impacts

(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, or other public facilities?

(Less Than Significant Impact) The project site is located in an urbanized area within the growth boundaries of the City of San José. Existing development on the project site is already served by the SJFD and SJPD, parks, and other public facilities. The Proposed Project would not significantly impact the response time or performance objectives for public services. The Proposed Project is consistent with the project site's General Plan land use designation and would not substantially increase demand for fire, police, school, park, and other public facilities beyond what was assumed in the General Plan EIR. The Proposed Project would not increase the population of the City of San José, as no residences would be constructed on the project site. Therefore, implementation of the project would have a less-than-significant impact on the City's provision of public services.

4.5.12 RECREATION

The City of San José currently operates more than 100 regional and neighborhood parks, over 53 miles of urban trails, and over 200 miles of on-street bikeways (City of San José, 2017b). Nearby parks include Jeffrey Fontana Park, located approximately 1,100 feet north of the project site and Parma Park located approximately 2,600 feet south of the project site.

Recreation Impacts

(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

(Less Than Significant Impact) As described in **Section 4.4.10**, **Population and Housing**, the project would not induce population growth in the vicinity of the project site. The project would not substantially increase the use of existing neighborhood and regional recreational facilities. The project does not propose or require the construction or expansion of recreational facilities. The Proposed Project would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated due to overuse.

4.5.13 UTILITIES AND SERVICE SYSTEMS

Water service to the project site is provided by the San José Water Company via a water lines on Almaden Expressway and Redmond Avenue. The project site is no located in the vicinity of recycled water pipelines.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF). The RWF is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons per day (MGD) of wastewater. The Facility treats an average of 110 MGD of wastewater and serves 1.4 million residents (City of San José, 2017a).

Sanitary sewer lines in the project area are inspected and maintained by the City of San José Department of Transportation, and rehabilitated and replaced by the Department of Public Works. Existing sewer lines on Almaden Expressway and Redmond Avenue serve the project area.

The project site is developed and consists of both pervious and impervious surfaces. As described in **Section 4.4.7**, **Hydrology and Water Quality**, stormwater runoff from the site flows over land into the City-maintained storm drainage system. Stormwater runoff from the site would be directed to City's existing stormwater system.

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in subsequent years. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2026. Solid waste generated within the County is landfilled at Guadalupe Landfill, Kirby Canyon Landfill, BFI Newby Island Sanitary Landfill, Zanker Materials Processing Facility, and Zanker Road Landfill.

Utilities and Service Systems Impacts

(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;

(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or

(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

(e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

(Less Than Significant Impact) The project is consistent with the General Plan and zoning land use designations for the project site. The General Plan EIR concluded that with the implementation of existing regulations and adopted General Plan policies, any physical impacts resulting from buildout of the General Plan would be less than significant. The proposed car wash is anticipated to result in 90 car wash cycles per day (see **Appendix B**), which would increase the water usage of the project site by approximately 4,412 gallons per day (GPD; 0.004 MGD) and wastewater generation by approximately 425.7 GPD (0.0004 MGD) (the car wash would reclaimed used water, which reduces the total wastewater generated per wash cycle). While this is an increase in demand on the municipal systems, the existing water and wastewater facilities have the capacity to accommodate the Proposed Project. The project would not require upgrades to the sanitary sewer lines that currently serve the Proposed Project or lines that are located downstream of the project. The project would not result in the construction or expansion of existing facilities beyond what was assumed in the General Plan EIR. Additionally, the existing wastewater treatment facilities have adequate capacity to serve the Proposed Project. For these reasons, the project would have a less-than-significant environmental effect on existing wastewater treatment facilities.

(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

(Less Than Significant Impact) As discussed in **Section 4.4.7**, **Hydrology and Water Quality**, implementation of proposed would not increase impervious surfaces, and would not result in an increase in stormwater runoff. Stormwater runoff from the site would be collected via the existing storm drains. The Proposed Project would result in a less than significant impact to existing stormwater drainage facilities.

(f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

(g) Comply with federal, state, and local statutes and regulations related to solid waste?

(Less Than Significant Impact) As concluded in the General Plan EIR, there is sufficient capacity at existing landfills which service the City to serve development under buildout of the General Plan. No new or expanded landfill facilities would be required as a result of this project. Solid waste production at the project site is not expected to substantially increase under the Proposed Project.

4.6 MANDATORY FINDINGS OF SIGNIFICANCE

4.6.1 ENVIRONMENTAL SETTING

The setting for each resource area has been described within the applicable "Environmental Setting" sections, above.

4.6.2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact	Checklist Source(s)
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-8
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐	1-8
c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☒	☐	☐	1-8
d) Does the project have environment effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	1-8

4.6.3 IMPACT DISCUSSION

Question A – Environmental Effects

(Less Than Significant Impact) As discussed in the individual sections, the Proposed Project would not degrade the quality of the environment with the implementation of identified mitigation measures.

Question B – Cumulative Effects

(Less Than Significant Impact) Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The project would not impact agricultural and forest resources and mineral resources. The project, therefore, would not contribute to cumulative impacts to these resources. The project is proposed in an established, developed area and there are no planned or proposed developments in the immediate site vicinity that could contribute to cumulative aesthetic, air quality (including construction-related impacts), biological, land use, noise and vibration, population and housing, public services, recreation, transportation, utilities and service systems impacts.

The project's cultural resources, geology and soils, and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the project would marginally contribute to global GHG emissions, by definition. As discussed in **Section 4.4.6**, **Greenhouse Gas Emissions**, the project's individual GHG emissions would have a less-than-significant (cumulative) GHG impact.

Question C – Short- and Long-Term Goals

(Less Than Significant Impact) The project site is currently developed with a gas station, convenience store, and service shop. The project proposes to demolish and reconstruct the fueling canopy, convert the minor auto repair/service station for use as part of the convenience store, and construct a car wash; these uses would be consistent with the General Plan land use designation of the project site.

The construction phase would require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the building. The operational phase would consume energy for multiple purposes including, building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would also incorporate design features that benefit the community, including but not limited to, pedestrian walkways and landscaping. For these reasons, the project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Question D – Indirect Effects

(Less Than Significant Impact) Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular

individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, flooding, hazardous materials, and noise. Implementation of identified mitigation measures would reduce impacts to human beings to a less-than-significant level.

4.6.4 MITIGATION MEASURES

None required.

Checklist Sources

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
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3. Appendix A, ERAS Environmental, Inc., Phase I Environmental Site Assessment. September 18, 2014.
4. Santa Clara County. 2011. Comprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San Jose International Airport. May 25, 2011. Amended November 16, 2016. Available online at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf. Accessed December 27, 2017.
5. Appendix B, Extant Acoustical consulting LLC, Environmental Noise Assessment, October 10, 2017.
6. Federal Highway Administration (FHWA), 2006. Construction Noise Handbook. Available online at: https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook08.cfm. Accessed August 8, 2017.
7. Federal Transportation Administration (FTA), 2006. Transit Noise and Vibration Impact Assessment, May 2006. Available online at: shttps://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf. Accessed December 27, 2017.
8. Appendix C, Evaluation of Project Conformance with the City of San Jose Greenhouse Gas Reduction Strategy Checklist, December 2017.
9. Appendix D, TJKM, Traffic Impact Analysis, January 4, 2018.

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6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

CITY OF SAN JOSÉ

Department of Planning, Building, and Code Enforcement
David Keyon, Supervising Environmental Planner
Thai-Chau Le, Planner

6.2 CONSULTANTS

ANALYTICAL ENVIRONMENTAL SERVICES – ENVIRONMENTAL CONSULTANT

Project Director: Ryan Sawyer, AICP

Technical Staff: Aileen Mahoney – Environmental Analyst
Katherine Green – Environmental Analyst
Dana Hirschberg – Graphics
Glenn Mayfield – Graphics

EXTANT ACOUSTICAL CONSULTING, LLC – NOISE CONSULTANT

Michael Carr, INCE, CTS

ERAS ENVIRONMENTAL, INC. – HAZARDOUS MATERIALS CONSULTANT

Andrew Savage, Project Geologist
David Siegel, Senior Program Manager

TJKM – TRANSPORTATION CONSULTANTS