

Initial Study

*ARCO Redevelopment Project
2375 Quimby Road
San Jose, California 95122*

*PROJECT FILE NO.: CP17-028
November 2019*

Prepared for:



City of San Jose
200 East Santa Clara Street
Tower, 3rd Floor
San José, CA 95113-1905

In Consultation With:



Antea®Group
505 14th Street, Suite 900
Oakland, CA 94612

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: ARCO Redevelopment Project

PROJECT FILE NUMBER: CP17-028

PROJECT DESCRIPTION: Conditional Use Permit to allow the demolition of an existing 1,647-square foot convenience store, pump island canopy, pump islands, and the removal of underground storage tanks and the construction of a 3,054-square foot, 24-hour convenience store with off-sale of alcohol, a 792-square foot, roll-over car wash, and a 4,860 square foot fueling canopy over eight (8) multi-product dual fuel dispensers on an approximately 0.75-gross acre site.

PROJECT LOCATION: At the northwest corner of Quimby Road and Capitol Expressway at 2375 Quimby Road in San José, California

ASSESSORS PARCEL NO.: 491-48-009

APPLICANT: Ed Hale, Barghausen Consulting Engineers, Inc., 18215 72nd Avenue South, Kent WA 98032

FINDING

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

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

- A. AESTHETICS**—The project would not have a significant impact on aesthetics, therefore no mitigation is required.
- B. AGRICULTURAL AND FORESTRY RESOURCES**—The project would not have a significant impact on agricultural and forestry resources, therefore no mitigation is required.

C. AIR QUALITY—The project would not have a significant impact on air quality resources, therefore no mitigation is required

D. BIOLOGICAL RESOURCES

Impact BIO-1: Construction activities associated with the proposed project could disturb nesting raptors or other migratory birds which could result in the loss of fertile eggs or nest abandonment.

MM 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). If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), preconstruction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or issuance of any grading or demolition permits (whichever occurs first), 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 Department of Planning, Building, and Code Enforcement.

E. CULTURAL RESOURCES—The project would not have a significant impact on cultural resources, therefore no mitigation is required.

F. ENERGY RESOURCES—The project would not have a significant impact on energy resources, therefore no mitigation is required.

G. GEOLOGY AND SOILS—The project would not have a significant impact on geology and soils, therefore no mitigation is required.

H. GREENHOUSE GAS EMISSIONS—The project would not have a significant impact on geology and soils, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Project implementation may encounter residual concentrations of contaminants in soil and groundwater that exceed environmental screening levels during construction activities that could expose construction workers, neighboring uses, and the environment to hazardous materials.

MM HAZ-1: Prior to the issuance of any demolition or grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures.

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval. A copy of the approved SMP shall be submitted to the City of San José Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement and Municipal Compliance Officer of the City's Environmental Services Department for approval prior to the issuance of any grading permits. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;
- Proper mitigation 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;
- Management of underground structures encountered, including utilities and/or the removal of the existing USTs and fuel dispensing system; Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g. USTs, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and

health and safety requirements to minimize work and public exposure to hazardous materials during construction.

SCCDEH or other regulatory agency with oversight will observe the removal and require soil sampling beneath the former tank locations. If the sampling results indicate the USTs have leaked, a new fuel leak case will be opened, and the applicant shall be required to investigate the fuel leak and perform any remediation to meet case closure requirements. Soil with any residual concentration of contaminants shall be removed if encountered pursuant to the SMP.

J. HYDROLOGY AND WATER QUALITY—The project would not have a significant impact on hydrology and water quality, therefore no mitigation is required.

K. LAND USE AND PLANNING—The project would not have a significant impact on land use and planning, therefore no mitigation is required.

L. MINERAL RESOURCES—The project would not have a significant impact on mineral resources, therefore no mitigation is required.

M. NOISE AND VIBRATION

Impact NOI-1: Project implementation may result in potential noise impacts to neighboring properties that could exceed Municipal Code levels.

MM NOI-1: Construction of the car wash building shall include the following elements:

- Prior to issuance of building permit, the project applicant or proponent shall demonstrate to the satisfaction of the Director of PBCE or Director's Designee that the car wash uses polycarbonate doors at the entrance and exit of the car wash tunnel as indicated on the building permit plan set.
- Car wash entrance and exit doors shall remain closed during the entire car wash cycle, to completely enclose the car wash tunnel.

N. POPULATION AND HOUSING—The project would not have a significant impact on population and housing, therefore no mitigation is required.

O. PUBLIC SERVICES—The project would not have a significant impact on public services, therefore no mitigation is required.

- P. RECREATION**—The project would not have a significant impact on recreation, therefore no mitigation is required.
- Q. TRANSPORTATION/TRAFFIC**—The project would not have a significant impact on transportation/traffic, therefore no mitigation is required.
- R. TRIBAL CULTURAL RESOURCES**—The project would not have a significant impact on tribal cultural resources, therefore no mitigation is required.
- S. UTILITIES AND SERVICE SYSTEMS**—The project would not have a significant impact on utilities and service systems, therefore no mitigation is required.
- T. WILDFIRE**—The project would not have a significant impact on wildfire, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

With implementation of the mitigation measures identified above, and the standard permit conditions identified in the Initial Study, the project would not degrade the quality of the environment, substantially affect biological resources, or eliminate important examples of California history or prehistory. The mitigation measures and standard permit conditions would also ensure that the project's contribution to cumulative impacts would not be cumulatively considerable, and the project would not cause substantial adverse effects on human beings, either directly or indirectly.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. Monday, December 2, 2019 any person may:

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

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement

11/6/2019

Date

Arnot Zep

Deputy

Circulation period: Friday, November 8, 2019, and ends on Monday December 2, 2019.
Environmental Project Manager: Adam Petersen

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1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency has prepared this Initial Study for the Atlantic Richfield Company (ARCO) Redevelopment Project located at 2375 Quimby Road in San José, California, in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study 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 Initial Study during the 20-day public review period should be sent to:

City of San José
Department of Planning, Building, and Code Enforcement
Adam Petersen, Contract Environmental Team
Adam.Petersen@sanjoseca.gov
(408) 535-1241

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

ARCO Redevelopment Project

2.2 LEAD AGENCY CONTACT

Adam Petersen, Contract Environmental Team
Department of Planning, Building, and Code Enforcement
City of San José
Adam.Petersen@sanjoseca.gov
(408) 535-1241

2.3 PROJECT PROPONENT

Barghausen Consulting Engineers, Inc., on behalf of BP West Coast Products, LLC.

2.4 PROJECT LOCATION

2375 Quimby Road, San Jose, California

2.5 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS:

- Conditional Use Permit
- Tree Removal Permit
- Public Work Clearance: Grading Permit(s)
- Building Clearance: Demolition Permit(s), Building Permit(s)

3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

The Site is currently an active ARCO operated retail convenience store and fuel dispensing facility located at the northwest corner of Quimby Road and Capitol Expressway in San José, California. Current site facilities include a station building, four dispenser islands, and three gasoline underground storage tanks (USTs). The areas north, west, and south of the site are developed for commercial use, and the area east of the site is developed for residential use.

3.2 PROJECT DESCRIPTION

The proposed project includes the demolition of an existing 1,647 square foot convenience store, pump island canopy, pump islands, and the removal of underground storage tanks at the ARCO gas station located at 2375 Quimby Road, in San José, CA (Figure 1). The redevelopment of the site consists of the construction of a 3,054-square foot ARCO am/pm convenience store, a 792-square foot roll-over car wash, and a 4,860 square foot fueling canopy over eight (8) multi-product dual dispensers serving gas and diesel fuel, on a 0.75-gross acre site (Figure 2).

The site is bounded by Capitol Expressway to the east, a Fresco Supermarket to the west, Evergreen Medical Center to the north, and Quimby Road to the south. The convenience store, car wash and canopy (gas) will have a 24-hour operation for 7 days a week. Parking is proposed as 14 spaces for the convenience store including one ADA space, one electric vehicle space, two vacuum spaces, and 16 spaces at the fueling dispensers. The employees that own an automobile will park on site, those without, will be dropped off or take public transportation.

4.0 INITIAL STUDY

PROJECT FILE NO.: CP17-028

PROJECT DESCRIPTION: The proposed project includes the demolition of an existing 1,647 square foot convenience store, pump island canopy, pump islands, and the removal of underground storage tanks at the ARCO gas station located at 2375 Quimby Road, in San José, CA. The redevelopment of the site consists of the construction of a 3,054-square foot ARCO am/pm convenience store, a 792-square foot roll-over car wash, and a 4,860-square foot fueling canopy over eight (8) multi-product dual dispensers serving gas and diesel fuel, on a 0.75-gross acre site.

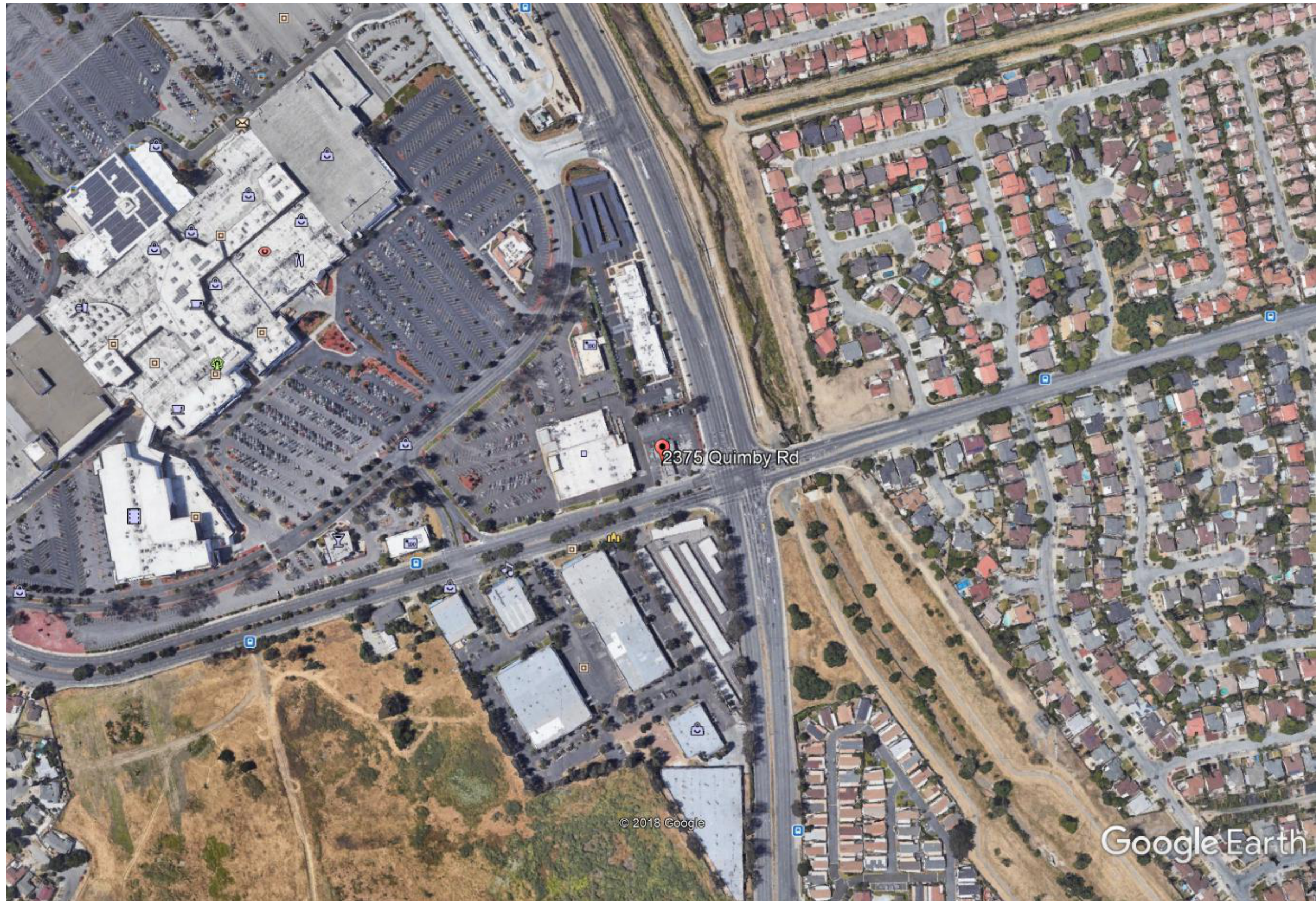


FIGURE 1 - VICINITY MAP

ARCO
2375 Quimby Road
San Jose, CA

PROJECT NO: BPSJCEQA18

DATE: 5/20/2018

SCALE: NTS

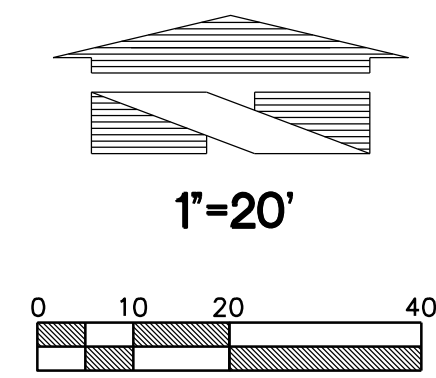
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anteagroup

505 14th Street, Suite 900
Oakland, CA 94612

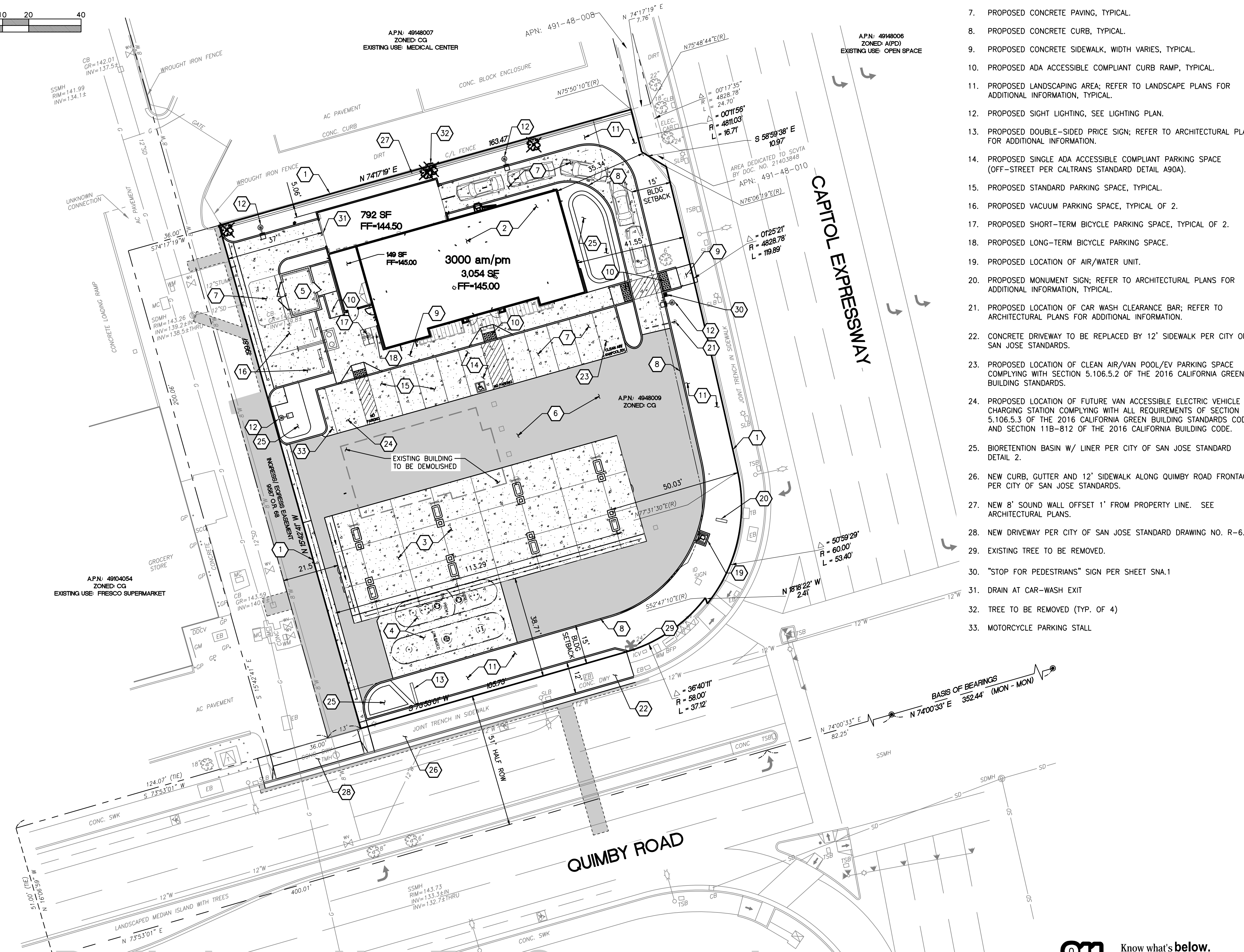
Figure 2 - Site Plan



RESIDENTIAL NEIGHBORHOOD PROXIMITY:

EAST - ACROSS CAPITOL EXPRESSWAY - 550 FEET TO RESIDENTIAL NEIGHBORHOOD.
 SOUTH - ACROSS QUIMBY ROAD ON EAST SIDE OF CAPITOL EXPRESSWAY - 820 FEET TO RESIDENTIAL NEIGHBORHOOD.

SITE PLAN FOR *SAN JOSE ARCO am/pm* SECTION 24, TOWNSHIP 7 SOUTH, RANGE 2 WEST M.D.M. CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA



ACCESSIBLE PATH OF TRAVEL NOTE:

WALKWAYS ALONG ACCESSIBLE ROUTES OF TRAVEL SHALL BE CONTINUOUSLY ACCESSIBLE, A MINIMUM 48" IN WIDTH, HAVE A MAXIMUM 1.5% CROSS SLOPE, AND SHALL HAVE RAMP COMPLIING WITH ACCESSIBLE STANDARDS (SECTION 11B-405) WHERE NECESSARY TO CHANGE ELEVATION AT A LONGITUDINAL SLOPE EXCEEDING 5% (1:20). CURB RAMP WHERE PROVIDED SHALL COMPLY WITH ACCESSIBLE REQUIREMENTS (SECTION 11B-406) AND BE PROVIDED WITH A CONTINUOUS 36" WIDE DETECTABLE WARNING STRIP MEETING ACCESSIBLE REQUIREMENTS (SECTION 11B-705) SHALL BE PLACED WHERE A WALK CROSSES OR ADJOINS A VEHICULAR WAY AND IS NOT SEPARATED BY A CURB, RAILING, OR OTHER ELEMENT MEETING ACCESSIBLE STANDARDS.

KEYED NOTES:

- EXISTING PROPERTY LINE, TYPICAL.
- PROPOSED BUILDING; REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
- PROPOSED FUEL ISLAND WITH OVERHEAD CANOPY; REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- PROPOSED UNDERGROUND STORAGE TANKS.
- PROPOSED TRASH ENCLOSURE; REFER TO ARCHITECTURAL PLANS SHEET TE.1.
- PROPOSED ASPHALT PAVING, TYPICAL.
- PROPOSED CONCRETE PAVING, TYPICAL.
- PROPOSED CONCRETE CURB, TYPICAL.
- PROPOSED CONCRETE SIDEWALK, WIDTH VARIES, TYPICAL.
- PROPOSED ADA ACCESSIBLE COMPLIANT CURB RAMP, TYPICAL.
- PROPOSED LANDSCAPING AREA; REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION, TYPICAL.
- PROPOSED SIGHT LIGHTING, SEE LIGHTING PLAN.
- PROPOSED DOUBLE-SIDED PRICE SIGN; REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- PROPOSED SINGLE ADA ACCESSIBLE COMPLIANT PARKING SPACE (OFF-STREET PER CALTRANS STANDARD DETAIL A90A).
- PROPOSED STANDARD PARKING SPACE, TYPICAL.
- PROPOSED VACUUM PARKING SPACE, TYPICAL OF 2.
- PROPOSED SHORT-TERM BICYCLE PARKING SPACE, TYPICAL OF 2.
- PROPOSED LONG-TERM BICYCLE PARKING SPACE.
- PROPOSED LOCATION OF AIR/WATER UNIT.
- PROPOSED MONUMENT SIGN; REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION, TYPICAL.
- PROPOSED LOCATION OF CAR WASH CLEARANCE BAR; REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- CONCRETE DRIVEWAY TO BE REPLACED BY 12' SIDEWALK PER CITY OF SAN JOSE STANDARDS.
- PROPOSED LOCATION OF CLEAN AIR/VAN POOL/EV PARKING SPACE COMPLYING WITH SECTION 5.106.5.2 OF THE 2016 CALIFORNIA GREEN BUILDING STANDARDS.
- PROPOSED LOCATION OF FUTURE VAN ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION COMPLYING WITH ALL REQUIREMENTS OF SECTION 5.106.5.3 OF THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE AND SECTION 11B-812 OF THE 2016 CALIFORNIA BUILDING CODE.
- BIORETENTION BASIN W/ LINER PER CITY OF SAN JOSE STANDARD DETAIL 2.
- NEW CURB, GUTTER AND 12' SIDEWALK ALONG QUIMBY ROAD FRONTAGE PER CITY OF SAN JOSE STANDARDS.
- NEW 8' SOUND WALL OFFSET 1' FROM PROPERTY LINE. SEE ARCHITECTURAL PLANS.
- NEW DRIVEWAY PER CITY OF SAN JOSE STANDARD DRAWING NO. R-6.
- EXISTING TREE TO BE REMOVED.
- "STOP FOR PEDESTRIANS" SIGN PER SHEET SNA.1
- DRAIN AT CAR-WASH EXIT
- TREE TO BE REMOVED (TYP. OF 4)
- MOTORCYCLE PARKING STALL

CLIENT:

BP WEST COAST PRODUCTS, LLC

BARGHAUSEN
CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

NO.	DATE	REVISION DESCRIPTION

SEAL:

HAL P. OMBB
7814
No. 7814
CIVIL
STATE OF CALIFORNIA

DEVELOPMENT INFORMATION:

ARCO NTI
3000 am/pm
FUEL CANOPY w/ 8 MPD's
24'x48' CAR WASH

SITE ADDRESS:

2375 QUIMBY ROAD
SAN JOSE, CALIFORNIA

FACILITY # TBD

DESIGNED BY:	ALLIANCE ZBOM:
CHECKED BY:	BP REP#:
DRAWN BY:	ALLIANCE PM#:
VERSION:	PROJECT NO.:
	18024

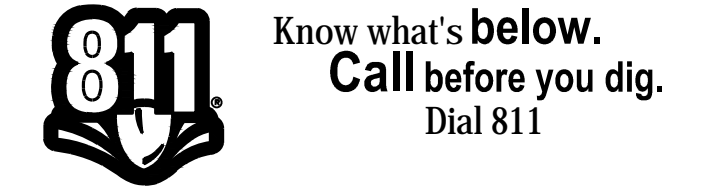
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SITE PLAN

SHEET NO.:

C1.1

Preliminary Not For Construction



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The site is bounded by Capitol Expressway to the east, a Fresco Supermarket to the west, Evergreen Medical Center to the north, and Quimby Road to the south. The convenience store, car wash and canopy (gas) will have a 24-hour operation for 7 days a week. Parking is proposed as 14 spaces for the convenience store including one Americans with Disabilities Act (ADA) space, one electric vehicle space, two vacuum spaces, and 16 spaces at the fueling dispensers. The employees that own an automobile will park on site, those without, will be dropped off or take public transportation.

PROJECT LOCATION: 2375 Quimby Road, San José, California 95122 (APN: 491-48-009)

GENERAL PLAN DESIGNATION: Regional Commercial **ZONING:** Commercial General

SURROUNDING LAND USES/GENERAL PLAN/ZONING:

North: Combined Industrial Commercial (CIC)/Planned Development (A[PD])

South: Industrial Park (IP)/Planned Development (A[PD])

East: Open Space, Parklands and Habitat (OSPH)/All Uses (A)

West: Regional Commercial (RC)/Commercial (CG)

LEAD AGENCY CONTACT:

Adam Petersen, Contract Environmental Team
Department of Planning, Building, and Code Enforcement
City of San José
Adam.Petersen@sanjoseca.gov
(408) 535-1241

PROJECT APPLICANT'S NAME AND ADDRESS: Barghausen Consulting Engineers, Inc., on behalf of BP West Coast Products, LLC:

Barghausen Consulting Engineers, Inc.
18215 72nd Avenue South
Kent, WA 98032
(425) 251-6222

BP West Coast Products, LLC
4 Centerpoint Drive
La Palma, CA 90623
(925) 383-4071

PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS:

- Conditional Use Permit
- Tree Removal Permit
- Public Work Clearance: Grading Permit(s)
- Building Clearance: Demolition Permit(s), Building Permit(s)

EVALUATION OF ENVIRONMENTAL IMPACTS

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

- 4.3 Air Quality
- 4.4 Biological Resources
- 4.9 Hazards and Hazardous Materials
- 4.10 Hydrology and Water Quality
- 4.13 Noise
- 4.17 Transportation
- 4.21 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.
- **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).

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 AESTHETICS

INTRODUCTION:

State Scenic Highways Program

The State Scenic Highways Program¹ is under the jurisdiction of the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. SR 280 from the San Mateo County line to SR17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.

¹ State of California. *Streets and Highway Code, Sections 260 through 263* (Scenic Highway Programs).

City of San José

Various policies in the City's General Plan² have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the following City policies and guidelines:

- San José Outdoor Lighting Policy³, which promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.
- San José Residential Design Guidelines⁴, including the following guidance:
 - Scenic Views: While walls and fences can be used to provide security, privacy, sound attenuation, and control of views, these same goals can often be achieved by other means... Fences and walls should be no more than 7 feet high, except when adjacent to freeways, expressways, railroads, incompatible uses, or when they are required for sound attenuation.
 - Surrounding Land Uses: Commercial uses within mixed use projects should be of the variety that directly serve and support the surrounding neighborhood and or promotes pedestrian traffic or public transit. The design of mixed-use buildings requires special care to accommodate and reflect the diverse uses; to visually integrate the whole; and to present an appropriately urban facade to the street and surrounding community. The scale of mixed-use buildings should reflect the scale of existing or planned surroundings.

² City of San José. *Envision San José 2040 General Plan*. May 2018.

³ City of San José. *Outdoor Lighting Policy* (City Council Policy 4-3).

⁴ City of San José. *Residential Design Guidelines*. 1997

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

FINDINGS:

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

Scenic resources in San José include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands and the urban skyline itself, particularly high-rise development. 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.

As discussed under *Section 4.12 Noise* under Standard Permit Conditions, the project is required to construct an 8-foot tall noise barrier wall along the north side of the property. The barrier would be located between two commercially developed properties and would not block any views from the northern property facing south beyond any blockage caused by the existing or new building structure.

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.

(Less Than Significant Impact)

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

The project site is not located along a state scenic highway. Additionally, there are no rock outcroppings or historic resources on-site and no trees are proposed to be removed.

(No Impact)

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed project includes the demolition of the existing gas station and canopy and the construction of a new gas station, canopy, fuel dispensing system, car wash, and automobile vacuum service island. However, the proposed project would redevelop the existing gas station located on the site, and thus will not cause a significant change in the existing visual character or quality of the site and its surroundings.

(Less Than Significant Impact)

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

Exterior building and parking lot lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting than the existing land use on the site; however it would not adversely affect views in the area. The project would be required to conform to the City's Guidelines and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies and City development guidelines will ensure that aesthetic impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.2 AGRICULTURE AND FORESTRY RESOURCES

INTRODUCTION:

Important Farmland

The State of California Department of Conservation maintains the farmland mapping and monitoring program (FMMP)⁵. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The most recent maps for Santa Clara County available from the Department of Conservation are from the 2014 survey (www.conservation.ca.gov/dlrp/fmmp)

City of San José

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. All future development allowed by the proposed

⁵ State of California Department of Conservation. *Farmland Mapping and Monitoring Program* (www.conservation.ca.gov/dlrp/fmmp). Accessed September 2018.

land use designations would be subject to the agricultural policies listed in the City’s General Plan, including the following:

Policy LU-12.3: Protect and preserve the remaining farmlands within San José’s sphere of influence that are not planned for urbanization in the timeframe of the Envision

General Plan through the following means:

- Limit residential uses in agricultural areas to those which are incidental to agriculture.
- Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
- Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
- Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.

Policy LU-12.4: Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Policy LU-12.5: Encourage appropriate agricultural uses in the hillsides.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5

FINDINGS:

- 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?*
- 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?*

The project site is designated Urban and Built-Up Land in the Farmland Mapping and Monitoring Program (2014) of the California Department of Conservation. The existing project site and surrounding uses are zoned and used for commercial uses in an urban area of San José. Additionally, the site does not have a Williamson Act contract and is not zoned for forest or timberland use. Therefore, the project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

(No Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that agricultural impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.3 AIR QUALITY

The following discussion is based upon an Air Quality Analysis prepared by Antea Group in May 2018. A copy of the report is attached in Appendix A of this document.

INTRODUCTION:

Bay Area Air Quality Management District

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The District is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality studies generally focus on criteria pollutants that are most commonly measured and regulated: ground level ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). The San Francisco Bay Area Air Basin, which the City of San José is located, is a non-attainment area for ozone and particulate matter PM_{2.5} (annual) and PM₁₀ (24-hour and annual) according to California standards, and for ozone and 24-hour PM_{2.5} according to national standards, making these pollutants of greatest concern for this area.

Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments (CAA)). Through the CAA:

- The Environmental Protection Agency (EPA) established primary and secondary national ambient air quality standards (NAAQS)
- States are required to prepare State Implementation Plans for air quality control, which include emissions inventories and rules and regulations

Title III of the CAA Amendments required the EPA to put into effect national emissions standards for hazardous air pollutants (NESHAP), including carbon monoxide, nitrogen oxides, ozone, particulate matter, sulfur oxides, and lead. The NESHAPs are regulated under Code of Federal Regulations (CFR) Title 40 Parts 61 and 63

State regulations for air quality in California are managed by the California Air Resources Board (CARB). The CARB is responsible for oversight of local air pollution control programs within California and implementing plans to maintain National Ambient Air Quality Standards (NAAQS). The CARB implemented the California Clean Air Act in 1988, requiring all air districts to achieve and maintain the California Ambient Air Quality Standards (CAAQS).

The CARB with approval from the EPA has delegated authority for implementation and enforcement of New Source Performance Standards (NSPS) and NESHAPs in the San Francisco Bay Area to the BAAQMD.

California regulates toxic air contaminants (TACs) through the Tanner Air Toxics Act, which set forth a procedure for the CARB to designate substances as TACs. TACs must have control measures to keep emissions below designated thresholds or utilize best available control technology to minimize emissions. TACs are also regulated through the Toxics Hot Spots Information and Assessment Act of 1987, requiring facilities that emit toxic substances above a specified level to prepare a toxic emissions inventory, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

Regionally, the BAAQMD is responsible for maintaining air quality within the San Francisco Bay Area Air Basin (SFBAAB). The clean air strategy of the BAAQMD includes preparation of plans for attainment of CAAQS, issuance of permits for stationary sources of air pollution, inspection of stationary sources of air pollution and response to citizen complaints, monitoring of air quality, and adoption and enforcement of rules and regulations concerning sources of air pollution, with respect to the CAA and its amendments, and the California CAA.

Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how state standards would be met. The BAAQMD's most recently adopted Clean Air Plan (CAP) is the *2017 Clean Air Plan: Spare the Air, Cool the Climate*⁶. The CAP includes applicable regulations regarding:

- **toxic Air Contaminants:** TACs are a class of pollutants that includes hundreds of chemicals hazardous to human health. Long-term exposure to TACs may cause more severe health effects such as neurological damage, hormone disruption, developmental defects and cancer. Because TAC emissions are highly localized, exposure to TACs is a key criterion that the Air District uses to identify communities that are

⁶ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017.

disproportionately impacted by air pollution. The average cancer risk from TACs in the Bay Area has been reduced by 80 percent since 1990. The Air District will continue working to reduce TACs with the goal of eliminating disparities in health risks from TACs among Bay Area communities.

- ***Sensitive receptors:*** Sensitive populations, such as children, the elderly, and those with existing health conditions, are at particular risk to respiratory difficulties, heat exhaustion, non-fatal heat stroke and heat-related mortality.

City of San José

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designations would be subject to the air quality policies listed in the General Plan, including the following:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

In addition to the policies of the City’s General Plan, all future development allowed by the proposed land use designations would be subject to the City’s Grading Ordinance⁷, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6,7,8
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,9
d) Result in other emissions (such as those leading to objectionable odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,9

FINDINGS:

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

The San José General Plan makes choices between conservation and development, and defines the desirable balance between social, environmental, and economic costs in San José. Envision San José 2040 represents the official policy regarding the future character and quality of development and assesses the amount, type, and phasing of development needed to achieve its social, economic, and environmental goals. This project as designed will not be in conflict with the City’s general plan and will implement mitigation measures for construction and operations in accordance with the land use type.

The BAAQMD 2017 CAP provides a regional strategy to protect public health and protect the climate. To protect public health, the CAP describes how the BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas reduction targets for 2030 and 2050 and provides a

⁷ City of San José. *Grading Ordinance* (SJMC 17.04.280 thru 17.04.450).

regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The project as designed will not be in conflict with the CAP by meeting BAAQMD air quality planning requirements designed to:

- Fulfill state ozone planning requirements by incorporating all feasible emissions control measures to reduce emissions of ozone precursors, specifically reactive organic gases (ROG) associated with petroleum distribution.
- Enhance the BAAQMD’s efforts to reduce emissions of fine particulate matter and toxic air contaminants by exceeding the emissions criteria established for the SFBAAB.

(Less than Significant Impact)

b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard?*

Based on the site’s location within the SFBAAB and data obtained from the nearest BAAQMD air quality monitoring stations, air contaminants of particular concern around the site include ozone and particulate matter.

Operational Emissions

The operational emissions for the (post-construction) project would be associated with vehicular and residential related type emissions. Table 1 below presents the estimated daily operational emissions.

Table 1. Estimated Operational Emissions						
	ROG	NOx	PM ₁₀ *	PM _{2.5} *	CO	SOx
Project Emissions (lb/day)	2.52	9.08	2.41	0.68	18.15	0.04
BAAQMD Threshold (lb/day)	54	54	82	54	NA	NA
Exceed Threshold	No	No	No	No	NA	NA

* Includes exhaust plus fugitives

Operational emissions for the proposed project will be below the BAAQMD thresholds for criteria pollutants and result in a less than significant impact.

Carbon monoxide emissions from traffic generated by operation of the post-construction project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. There is an ambient air quality monitoring station in San Jose that measures carbon monoxide concentrations. The highest measured level over any 8-hour averaging period during the last three years is less than or equal to 16 parts per thousand million (pptm). Intersections affected by the project operational traffic would not increase traffic at the affected intersections more than 44,000 vehicles per hour and thus consistent with BAAQMD screening methodology would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards. Based on the discussion above, operation of the project is not anticipated to exceed the significant operational thresholds, violate any air quality standard, contribute substantially to an existing/projected air quality violation, or expose sensitive receptors to substantial air pollutant levels.

Construction Emissions

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Estimated emissions of air pollutants during the construction phase of

the project were compared to the BAAQMD significance criteria, which include thresholds based on total mass emissions on a pound per day basis, health risk-based thresholds for diesel particulate matter, and a concentration threshold for PM_{2.5} on an annual basis.

Construction emissions were estimated for the project using CalEEMod (Version 2016.3.2). Data supplied by the project developer was used and for other parameters that were not provided or not available, CalEEMod default values were utilized. Based on the CalEEMod results, no emissions of criteria pollutants during construction would exceed the BAAQMD daily significance levels. Table 2 below presents the estimated daily construction emissions.

Table 2. Estimated Construction Emissions						
	ROG	NOx	PM ₁₀ *	PM _{2.5} *	CO	SOx
Project Emissions (lb/day)	0.75	5.48	0.38	0.34	4.08	6.25E-03
BAAQMD Threshold (lb/day)	54	54	82	54	NA	NA
Exceed Threshold	No	No	No	No	NA	NA

* Includes exhaust plus fugitives

Most of the dust would occur during excavation and grading activities. The amount of dust generated would be highly variable and would be dependent on the size of the area disturbed at any given time, amount of activity, and soil/weather conditions. In addition to the fugitive dust emissions, emissions of combustion PM_{2.5} would also occur. However, based on CalEEMod, criteria pollutants are much less than BAAQMD thresholds for construction and are insignificant. Implementation of the Standard Permit Conditions listed below will reduce the temporary construction impacts (including dust as PM_{2.5}) to a less than significant level.

Consistent with the 2017 BAAQMD CEQA Air Quality Guidelines⁸, 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 dust and construction emissions.

Cumulative Emissions

Cumulative stationary and mobile source impacts were assessed for the site and immediately surrounding area, to determine how the site may create an environmental impact in combination with nearby sources of pollution. To measure cumulative impacts of multiple air pollution sources within an area, the BAAQMD recommends a search radius of 1,000 feet from the site. No sources were listed within the zone of influence. However, a few sources were identified outside of this radius of concern and include a shopping mall and grocery store located near the site. In addition, the cancer risks and hazard indexes for these nearby sites were below the BAAQMD significance thresholds of 10 in one million for cancer risk and 1.0 as a hazard risk index for stationary sources.

The BAAQMD Highway Screening Analysis Tool was utilized in assessing cumulative impacts from nearby sources. This tool lists PM_{2.5}, cancer risk, and both chronic and acute hazard indexes at heights of either 6 feet or 20 feet, depending on available data, for sections of major roadways. The nearest major roadway listed in the tool is U.S.

⁸ BAAQMD. CEQA Air Quality Guidelines. May 2017.

Highway 101, the nearest links of which are located approximately 6,000 to 7,000 feet from the site. These highway links were identified as far enough away from the site not to warrant further analysis for inclusion with cumulative impacts as they were further than one mile from the site.

Cumulative impacts are not anticipated to exceed BAAQMD significance thresholds for the area within a 1,000-2,000-foot search radius from the site.

Standard Permit Conditions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two or more times per day;
- All haul trucks transporting soil, sand, or 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 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). 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 operation; and
- A publicly visible sign shall be posted with the telephone number and person to contact at the construction site 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.

(Less Than Significant Impact)

c) Expose sensitive receptors to substantial pollutant concentrations?

In addition to the vehicular and residential related type emissions, operational emissions for the (post-construction) project would also be associated with the transfer and storage of unleaded regular gasoline, premium unleaded gasoline, and diesel fuel into underground storage tanks (USTs). Pollutant emissions from the storage of gasoline and diesel are comprised of volatile organic compounds (VOC) and TACs contained in the gasoline and diesel. The facility will be required to obtain a minor stationary source air permit for emissions of VOCs and TACs from fuel transferred for storage and fuel dispensing into customers vehicles.

Stage I Vapor Recovery will be used during the refueling of gasoline storage tanks to reduce hydrocarbon emissions. Vapors in the tank, which are displaced by the incoming gasoline, are routed through a hose into the cargo tanker, instead of being vented to the atmosphere. The facility will utilize dual point submerged fill. Stage II Vapor recovery will be used at the fueling dispensers.

Emissions from gasoline and diesel transfers to USTs was calculated based on the proposed maximum fuel throughput and tank capacities utilizing EPA TANKS 4.09d emissions software. The facility currently utilizes and will continue to utilize Stage I Vapor Control Systems for each UST as well as Stage II Vapor Recovery Systems for fuel dispensing to vehicles from pumps.

Vehicle fueling emissions occur when gasoline vapors are displaced by rising liquid in the vehicle fuel tank during gasoline dispensing. These vapors are adsorbed in a carbon canister installed on vehicles equipped with an on-board refueling vapor recovery system (ORVR). When fueling non-ORVR vehicles, these vapors can be collected by a Phase II vapor recovery system and returned to the storage tank. The facility will install a Stage II vapor recovery system for fuel dispensing; therefore, vehicles equipped with an ORVR will also have additional emissions control with an enhanced vapor recovery program (EVR) utilizing the Stage II vapor recovery system.

Emissions from the dispensing of gasoline were calculated using emission factors developed by the California Air Resources Board published in "Revised Emission Factors for Phase II Vehicle Refueling at California Gasoline Dispensing Facilities", California Air Resources Board⁹. Emission factors for dispensing of diesel is based on AP42, Section 5.1 and the "Gasoline Station Emission Calculator"¹⁰. Based on that publication, the percent of gasoline dispensed to ORVR vehicles in California is estimated at 83% in 2018 and 85% in 2019. The emissions data includes ORVR vehicles and non-ORVR vehicles based on the estimated percent provided in the publication.

Total benzene emissions were calculated at 4.63 pounds per year. Community risk was then calculated based on BAAQMD's *Risk and Hazards Emissions Screening Calculator and Distance Adjustment Multiplier for Gasoline Dispensing Facilities*¹¹. At approximately 500 feet or more to the nearest sensitive receptor (residence), results indicate that the total future fueling operations would result in maximum excess cancer risk of 1.67 in one million with no PM_{2.5} concentration, which would be below BAAQMD thresholds of significance of 10 in one million cancer risk and 0.3 ug/m³ annual PM_{2.5} concentration.

At approximately 500 feet or more to the nearest sensitive receptor (residence), results indicate that the total future fueling operations would result in maximum excess cancer risk of 1.67 in one million with no particulate matter (PM)_{2.5} concentration, which would be below BAAQMD thresholds of significance of 10 in one million cancer risk and 0.3 micrograms per cubic meter (ug/m³) annual PM_{2.5} concentration.

(Less Than Significant Impact)

d) *Result in other emissions (such as those leading to objectionable odors) adversely affecting a substantial number of people?*

During construction, various diesel-powered vehicles and equipment would result in related odors onsite, which would be temporary, lasting only during active construction activities. Operation of the site is not anticipated to

⁹ CARB. *Revised Emission Factors for Phase II Vehicle Refueling at California Gasoline Dispensing Facilities*. December 23, 2013.

¹⁰ State of Colorado Department of Public Health and Environment. *Gasoline Station Emission Calculator* (www.colorado.gov/pacific/sites/default/files/AP_Gasoline-Station-EmissionsCalculator.xlsx). Accessed April 2019.

¹¹ BAAQMD. *Risk and Hazards Emissions Screening Calculator and Distance Adjustment Multiplier for Gasoline Dispensing Facilities*. June 13, 2012.

produce any objectionable odors compared to existing site operations based on Stage I and Stage II Vapor Recovery Systems.

(Less Than Significant Impact)

CONCLUSION: Construction and operation of the project is not expected to exceed the significant operational thresholds, violate any air quality standard, contribute substantially to an existing/projected air quality violation, or expose sensitive receptors to substantial air pollutant levels. A minor source air permit application will be submitted to the BAAQMD for construction and operation of the facility related to gasoline and diesel storage and dispensing when the design of the facility is finalized. Conformance with the above General Plan Policies and the mitigation measures noted below will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.4 BIOLOGICAL RESOURCES

The following discussion is based upon a Natural Resource Review prepared by Antea Group in December 2018. A copy of the report is attached in Appendix B of this document.

INTRODUCTION:

Federal and State Natural Resource Requirements

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities. Table 3 summarizes laws and regulations applicable to the proposed project.

Table 3 Regulation of Biological Resources		
Law/Regulation	Objective(s)	Responsible Agencies
Federal Endangered Species Act California Endangered Species Act	Protect endangered species and their habitat and, ultimately restore their numbers to where they are no longer threatened or endangered.	USFWS, NOAA Fisheries CDFG
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
NOAA = National Oceanic & Atmospheric Administration USFWS = U.S. Fish & Wildlife Service CDFG = California Department of Fish & Game		

The City of San José is also included in the area covered by the Santa Clara Valley Habitat Plan (SCVHP)¹². The SCVHP was approved in 2013 and covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The SCVHP provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The SCVHP will protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species through adaptive management, conservation strategy, and reserve system to protect covered species, natural communities, biological diversity, and ecosystem function.

City of San José

In addition to the laws and regulations listed above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the biological policies listed in the City's General Plan, including the following:

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code¹³), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy ER-4.1: Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist, and mitigation is provided of equivalent value.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

¹² Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Plan*. August 2012.

¹³ City of San José. *Municipal Code*.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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 U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11,12,13
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 14
c) Have a substantial adverse effect on state or federally protected wetlands including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12,14
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,15,16
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11

FINDINGS:

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 U.S. Fish and Wildlife Service?*

No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. The US Fish and Wildlife Service (USFWS) iPAC website was consulted¹⁴. While no critical habitats are located on this site, the following species are known to exist in this area:

¹⁴ United States Fish and Wildlife Service (USFWS) iPAC website (www.ecos.fws.gov/ipac). Accessed September 2018.

- San Joaquin Kit Fox (*Vulpes macrotis mutica*)
- California Least Tern (*Sterna antillarum browni*)
- California Red-legged Frog (*Rana draytonii*)
- California Tiger Salamander (*Ambystoma californiense*)
- Delta Smelt (*Hypomesus transpacificus*)
- Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)
- Contra Costa Goldfields (*Lasthenia conjugens*)
- Metcalf Canyon Jewelflower (*Streptanthus albidus ssp. Albidus*)
- Robust Spineflower (*Chorizanthe robusta var. robusta*)
- Santa Clara Valley (*DudleyaDudleya setchellii*)

The California Natural Diversity Database was checked, and the following two species were also noted to inhabit the quadrangle where the site is located¹⁵:

- Tricolored Blackbird (*Agelaius tricolor*)
- Foothill yellow-legged frog (*Rana boylei*)

During a visit to the site on April 20, 2018, an Antea Group biologist did not find any habitat suitable to these species. While the mature trees on site could provide transient habitat for the Tricolored Blackbird, it would be unlikely any such birds would nest in an area distant from their food source. However as one of these trees will be removed as part of the project, there is a potential for disturbing nesting raptors or other migratory birds on the project site with any construction or tree removal activities.

Therefore, the project site has the potential to provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Although no raptors or nests were observed on the site, mature trees suitable for raptor nesting occur on the site. Despite the disturbed nature of the site, there remains the potential for raptors to nest in these trees. With the implementation of Mitigation Measure BIO-1 below, this impact would be reduced to a less-than-significant level.

(Less Than Significant Impact with Mitigation)

b) *Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

¹⁵ State of California Department of Fish and Wildlife. *California Natural Diversity Database* (www.wildlife.ca.gov/Data/CNDDDB). Accessed September 2018.

Thompson Creek is located just over 200 feet from the edge of the development project. Pursuant to the City's Riparian Corridor Policy¹⁶, the project is located outside of the 100-foot setback from the riparian corridor required for urban infill projects. Lighting from the project will be directed downward on the parking area and is not anticipated to cause additional glare in the riparian corridor beyond existing conditions. While there will be glass windows on the store building, these will general be used as advertising spaces that will not appear as pass through areas to flying birds. The general design of the canopy and station facilities is open to the air and cannot trap or funnel birds into an enclosed space. Therefore, the project is in compliance with the City's Riparian Corridor Policy and not anticipated to have any impact on the riparian corridor.

c) Have a substantial adverse effect on state of federally protected wetlands including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?

The project site is not located on or adjacent to a federally protected wetland.

(No Impact)

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

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.

(No Impact)

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

The trees on and adjacent to the site are part of the City's urban forest. Within the City of San José, the urban forest is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals, as well as providing necessary habitat for beneficial insects. While the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or the best habitat commonly or locally available within urban areas.

There are currently two trees on the site that are ordinance sized¹⁷, which is defined as 38 inches or more in circumference at 4 1/2 feet above ground as noted during Antea Group's April 20, 2018 site visit. The proposed development will result in the removal of one of these ordinance-sized trees located in the northwest corner of the property. The site also contains four non-native ornamental palms (two of which are recently planted and still young) and approximately 11 non-native ornamental bushes.

¹⁶ City of San José. *Riparian Corridor Policy* (Policy Number 6-34).

¹⁷ City of San José. *Tree Ordinance* (Municipal Code 13.32).

Consistent with the General Plan EIR¹⁸, trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, and guidelines, including: City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100), 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 consistent with tree replacement ratios as outlined in the condition below.

(Less than significant impact)

Standard Permit Conditions:

Any tree to be removed will be replaced with new trees in accordance with the City’s Tree Replacement Ratios, as set forth below.

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	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio
 Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.
 A 38-inch tree equals 12.1 inches in diameter.
 A 24-inch box tree = two 15-gallon trees
 Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement.

- If the street tree is missing, a replacement tree (consult with the City Arborist as to the correct species) may be planted within the park strip
- A 24-inch box tree may be planted and count as two 15-gallon replacement trees
- An alternative site is identified for planting. Alternative sites may include local parks or schools or other off-site locations to the satisfaction of the Director of Planning. Applicants may contact the Parks Division at Parks, Recreation and Neighborhood Services at 408-535-3570 for more information on parks planting.

¹⁸ City of San José. *Envision San José 2040 General Plan Environmental Impact Report*. June 2011.

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?*

The project site is located within the SCVHP permit area and designated in the “Urban-Suburban” land cover zone. No special status wildlife and plant species are identified on the project site. The project complies with the SCVHP as it does not impact any areas protected by or requiring enhancement by the plan. The SCVHP focuses on opportunities to protect existing habitat, enhance degraded habitat, and potentially provide urban habitat as mitigation for development projects. The property does not current provide any habitat that may be beneficial beyond transient bird use, and those trees will be protected or replaced under City ordinance. As an infill project, the site development will not impact the riparian corridor, but neither does it provide the opportunity to enhance the corridor since it is separated from the corridor by Capitol Expressway. By not degrading or impacted any valuable habitat resources, in conjunction with the Standard Permit Condition below, the project will not conflict with the SCVHP.

Standard Permit Conditions:

The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permit. The project applicant shall submit a Santa Clara Valley 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.

CONCLUSION: Conformance with the above General Plan Policies, Standard Permit Conditions, and the Mitigation Measures outlined below will ensure that biological impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES:

Impact BIO-1: Construction activities associated with the proposed project could disturb nesting raptors or other migratory birds which could result in the loss of fertile eggs or nest abandonment.

Mitigation Measure 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).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or issuance of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of PBCE or Director's Designee of the Department of Planning, Building, and Code Enforcement.

4.5 CULTURAL RESOURCES

INTRODUCTION:

Federal and State Cultural Resource Protections

The consideration of cultural resources is generally divided into two categories: historic resources that can include burial sites, buildings and the location of habitations, and tribal cultural resources that can include more broad considerations for how indigenous peoples regarded the land they lived in.

Historic Resources

The National Historic Preservation Act of 1966 (as amended), the California Public Resources Code, and CEQA are the basic federal and state regulations governing the preservation of historic and archaeological resources of national, regional, and state significance. National Register of Historic Places The historic significance and eligibility of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- that are associated with events that have made a significant contribution to the broad pattern of our history; or
- that are associated with the lives of persons significant to our past; or
- that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- that have yielded, or may be likely to yield, information important in prehistory or history.
- California Register of Historical Resources

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, state, and regional and/or national levels of significance. A CRHR-eligible resource generally must be greater than 50 years old and significant at the local, state, or national level under one or more of the following four criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to local, California, or national history.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance designated under a local preservation or identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise.

City of San José General Plan

The City’s General Plan also includes historic preservation and archaeological and cultural resources policies regarding preservation of those resources within the City and are applicable to the proposed project, including the following:

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Policy LU-14.5: Continue and strengthen enforcement programs, such as those addressing vacant buildings, to promote the maintenance and survival of all classes of the city’s historic and cultural resources.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16

FINDINGS:

a) *Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines §15064.5?*

The original structure on the project site was constructed in 1971; however, the structure, as it is today, was rebuilt in 2001. The rebuild included alterations to major project elements including the façade and signage as well as a complete rebuild of the canopy and pumps. Due to the severe physical changes to the building in 2001, the structure would not be considered eligible as an historic structure. Additionally, no historic resources are located near the project site. Therefore, the proposed project would have no impact on historic structures.

(Less Than Significant Impact)

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?*

The General Plan EIR identified the project site as archeologically sensitive. However, the property has been heavily disturbed by the past installation of the original tank system and building in 1971. The site was again heavily disturbed in 2003 when the tanks and piping system were replaced. There is no reporting of archeological resources having been encountered during those construction projects. While all areas along riparian corridors and shorelines have the potential to have attracted settlements of native populations, this site is not known to contain any specific resources and is divided from the corridor by the construction and utility installation along Capitol Expressway. The proposed project will occur yet again in this same heavily disturbed area, and as there is no expectation to create major disturbance beyond shallow footings throughout the property outside the tank installation, it is not expected that the project would cause any significant impacts to any archeological resource.

Nevertheless, there is a small probability that earthmoving activities on-site may result in the loss of unknown subsurface archeological resources. Consistent with General Plan Policies ER-10.2 and ER-10.3, the project would to implement the following Standard Permit Conditions project to reduce or avoid impacts to subsurface cultural resources.

(Less Than Significant Impact)

Standard Permit Conditions:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.
- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC

identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

The property has been heavily disturbed by the past installation of the original tank system and building in 1971. The site was again heavily disturbed in 2003 when the tanks and piping system were replaced. There is no reporting of human remains having been encountered during those construction projects. The proposed project will occur yet again in this same heavily disturbed area, and as there is no expectation to create major disturbance beyond shallow footings throughout the property outside the tank installation, it is not expected that the project would cause any significant impacts to any human remains. With the implementation of the Standard Permit Conditions in b) above would reduce or avoid impacts to as yet unidentified human remains.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies and Standard Permit Conditions will ensure that cultural resources impacts would be reduced to a less than significant level at the time of development of the site.

MITIGATION MEASURES: None needed.

4.6 ENERGY

INTRODUCTION:

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. In 2006 under Senate Bill 107, California's 20 percent by 2010 RPS goal was codified. The legislation required retail sellers of electricity to increase renewable energy purchases by at least 1 percent per year with a target of 20 percent renewables by 2010. Publicly owned utilities set their own RPS goals recognizing the intent of the legislature to attain the 20 percent by 2010 target.

On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08 requiring that "...[a]ll retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." The following year, Executive Order S-21-09 directed the California Air Resources Board, under its AB 32 authority, to enact regulations to achieve the goal of 33 percent renewables by 2020.

SBX1-2 was signed by Governor Edmund G. Brown, Jr., in April 2011 to codify the ambitious 33 percent by 2020 goal. This new RPS applied to all electricity retailers in the state including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must adopt the new RPS goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and the 33 percent requirement being met by the end of 2020.

In October 2015, Governor Brown signed Senate Bill 350 to codify ambitious climate and clean energy goals. One key provision of SB 350 is for retail sellers, and publicly owned utilities to procure "half of the state's electricity from renewable sources by 2030."

The *Envision San José 2040 General Plan* sets forth various policies in an effort to reduce the consumption of energy within the City and increase energy efficiency. The goal of the plan is to reduce per capita energy

consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040. These policies include:

MS-14.1: Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

MS-14.2: Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.

MS-14.3: Consistent with the California Public Utilities Commission’s California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

MS-14.4: Implement the City’s Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

MS-14.5: Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS:

a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*

The most significant energy source consumed during construction will be diesel fuel. However, all equipment used will comply with the current EPA tier standards for emissions. As such, it will be the most fuel-efficient equipment currently available. To comply with air regulations, idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, thereby further increasing fuel efficiency. While fossil fuels will be consumed, they will not be consumed in a wasteful or unnecessary manner.

The energy sources consumed during operation will be electricity and natural gas. To reduce the consumption of electricity, the project will comply with the San José Outdoor Lighting Policy that requires lighting associated with

the parking and canopy area to be downward facing and energy efficient. Both the heating of water and drying of cars associated with the car wash operation will be provided by new, energy efficient equipment. No wasteful or unnecessary energy consumption is anticipated to be associated with the operation of the project.

(Less Than Significant Impact)

b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Since this project is not a new development but the rehabilitation of an existing structure, the long-term jobs available at this location neither conflict with nor change their accessibility to City public transit facilities or bike trails. However, the project will comply with all City building codes, including the City's Green Building Policies. The project will purchase all energy supplied from public utilities regulated by the state's RPS standard. As such, it will not conflict with or construct with any state or local plans for renewable energy or energy efficiency.

(Less Than Significant Impact)

CONCLUSION: Conformance with the General Plan Policies will ensure that energy impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.7 GEOLOGY AND SOILS

INTRODUCTION:

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

The tank removal report from Emcon Associates¹⁹ indicates that the site is underlain primarily by clay which contains occasional sand layers in the depth interval of 21 to 25 feet. In some areas the sand layers grade to coarse gravels toward the northwest corner of the site. Clayey materials generally revealed some indication of groundwater saturation within voids to a depth of 16 feet below ground surface. Static water level is a depth of approximately 16 feet below ground surface. The site has been deliberately graded to be generally flat and it wholly paved to contain and direct stormwater runoff.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16,17
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16,17
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,16
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1,16

¹⁹ Emcon Associates. *Tank Removal Report*. June 1985.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16,18
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16

FINDINGS:

a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- 1) *Rupture of a known earthquake fault, as described 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.)*
- 2) *Strong seismic ground shaking?*
- 3) *Seismic-related ground failure, including liquefaction?*
- 4) *Landslides?*

b) *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?*

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

Due to its location within a seismically active region²⁰, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for

²⁰ State of California Department of Conservation. *Geological Survey Geo-Hazard Maps / Alquist Priolo Fault Maps*. (<http://www.conservation.ca.gov/cgs/Pages/Index.aspx>) Accessed September 2018.

liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. The project would require a design-level geotechnical investigation as outlined in the conditions below.

Standard 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."

Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

(Less Than Significant Impact)

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

Ground disturbance would be required for removal of the existing convenience store, pump island canopy, pump islands, and underground storage tanks. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is completed. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and 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 with all applicable City regulatory programs pertaining to construction related erosion.

(No Impact)

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

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.

(No Impact)

f) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

According to the General Plan EIR, the proposed project is located in an area marked as "High Sensitivity At Depth". As the project does not anticipate causing any disturbance at depth, it is not likely that any

paleontological resources will be disturbed. In addition, the major construction on this project will occur in heavily disturbed areas where no paleontological resources have previously been encountered. Construction activities may, therefore, result in the accidental destruction or disturbance of paleontological sites, which could convey important information. Although not anticipated, construction activities associated with implementation of the project could result in a significant impact to paleontological resources, if encountered. Consistent with General Plan Policy ER-10.3, the project would implement the following Standard Permit Conditions project to reduce and avoid impacts to as yet unidentified paleontological resources.

(Less Than Significant Impact)

Standard Permit Conditions:

- If vertebrate fossils are discovered during construction, all work on the site will 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 will be responsible for implementing the recommendations of the paleontological monitor.

CONCLUSION: Conformance with the above General Plan Policies will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality Analysis prepared by Antea Group in May 2018. A copy of the report is attached in Appendix A of this document.

INTRODUCTION:

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Federal Regulations

Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.* ruled that carbon

dioxide (CO₂) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of greenhouse gases (GHGs). Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State Regulations

California Global Warming Solutions Act (Assembly Bill 32)

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and the Climate Change Scoping Plan identifying how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

On September 8, 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32 requires CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state's Climate Change Scoping Plan. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be adopted by CARB 2017.

Senate Bill 375 – Redesigning Communities to Reduce GHGs

Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as *Plan Bay Area*²¹.

Originally adopted in 2013 *Plan Bay Area*, established a course for reducing per-capita GHG emissions through the promotion of compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Building upon the development strategies outlined in the original plan, *Plan Bay Area 2040* was adopted in July 2017 as a focused update with revised planning assumptions based current demographic trends. Target areas in the *Plan Bay Area 2040* Action Plan area related to reducing GHG emissions, improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change (including fostering open space as a means to reduce flood risk and enhance air quality).

Regional Regulations

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to

²¹ Metropolitan Transportation Commission. *Plan Bay Area 2040*. July 2017.

reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Air Quality Guidelines, 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 City of San Jose and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The CEQA Air Quality Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

City of San José

General Plan and Greenhouse Gas Reduction Strategy: The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA *Air Quality Guidelines*, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of 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 and could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG and would not conflict with targets in the currently adopted *Climate Change Scoping Plan* through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan EIR, and as supplemented. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO₂e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City's target for 2035.¹² Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The General Plan EIR disclosed that it will require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future

policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2030 to 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050. The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-14.4 Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code: The City's Municipal Code includes the following regulations designed to reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32): In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

Would the Project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,19

FINDINGS:

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

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

Project-related GHG emissions were compared to current BAAQMD’s CEQA thresholds of significance for operational GHG emissions: 1,100 metric tons (MT) of carbon dioxide equivalents (CO₂e) per year. The analysis evaluated incremental project impacts by netting out emissions from the current use as an 8-pump gas station and convenience store versus the proposed use as a 16-pump gas station and convenience store. Consistent with the approach for estimating operational GHG emissions, the total GHG emissions from current and proposed construction/operations were estimated using the California Emissions Estimation Model (CalEEMod™ Version 2016.3.2).

Emissions for current operations were estimated based on the building size and 8-pump gas station. Traffic patterns and trip rates were based on the results of a Traffic Operations Analysis conducted by KD Anderson and Associates (October 24, 2017). When modeling parameters were unknown, the default values in CalEEMod™ were utilized for modeling GHG emissions from current operations. Demolition and construction phases were estimates as provided by the engineering design group for the project. For indirect source emissions from electricity generation/distribution, water and wastewater treatment, and solid waste disposal, default values were utilized for the model.

The net GHG emissions from project generated traffic, energy, waste and water result in emissions is 547.78 MT of CO₂e per year. The calculated GHG emissions are less than the BAAQMD threshold therefore resulting in a less than significant impact. While there are no CEQA threshold standards for construction emissions, these will be minimized by the same Standard Permit Conditions as outlined in *Section 4.3 Air Quality* to reduce air quality emissions, such as dust and construction emissions.

(Less Than Significant Impact)

CONCLUSION: Construction and operation of the project is not expected to exceed significant thresholds for GHG emissions. While there are no CEQA threshold standards for construction emissions, these will be minimized by the same Standard Permit Conditions as outlined in *Section 4.3 Air Quality* to reduce air quality emissions, such as dust and construction emissions.

MITIGATION MEASURES: None needed.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Hazardous Materials Study prepared by Antea Group in March 2018. A copy of the report is attached in Appendix C of this document.

INTRODUCTION:

Federal and State Regulations

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Table 4 summarizes many of these regulations.

**Table 4
Regulation of Hazardous Materials**

Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires public dissemination information regarding the risk of such emissions.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City's Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

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In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hazards and hazardous materials policies of the City's General Plan, including the following:

Policy MS-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Policy EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5: On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/ or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,20
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16,28
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16

FINDINGS:

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

The proposed project would routinely use and store gasoline, diesel, and other hazardous substances (e.g. fuels, oils, and detergents) that would be present at the site. Materials such as solvents, paints, and fuels could also be utilized during project construction. 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. Furthermore, compliance with applicable federal, state, and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment are created by the routine transport, use, or disposal of these substances.

(Less than Significant Impact)

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?*

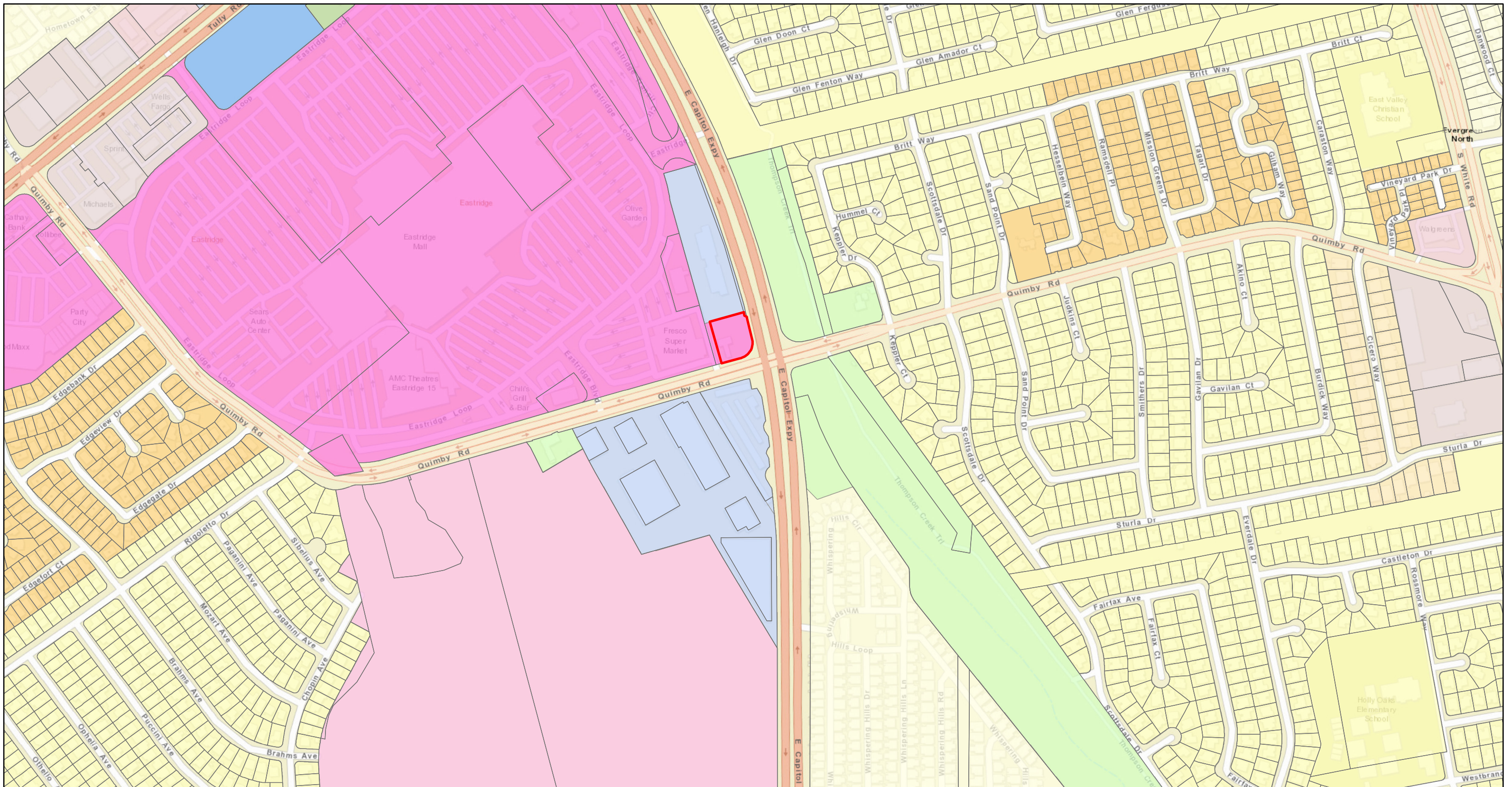
The project site is designated RC – Regional Commercial under the City’s General Plan and is zoned CG – Commercial General. The RC – Regional Commercial General Plan designation allows for a density up to 12.0 FAR and 1 to 25 stories, which the proposed project is consistent. Implementation of the proposed project would result in the redevelopment of a site with the same existing use. This General Plan designation allows commercial uses such as the proposed project and is consistent with development allowed under the existing land use designations. In the CG – Commercial General Zoning District, gasoline service station as a conditional use, which is included in the proposed project. As a result, the project would not conflict with any applicable land use plans, policies, or regulations. (Figures 3 and 4).

Asbestos Containing Materials and Lead-Based Paint

Development of the proposed project will require the demolition of the current gas station, fuel dispensing system, and canopy on the site, which may contain asbestos containing materials (ACM) and/or lead-based paint (LBP) due to the age of the structure and the common use of these materials for building at this time. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of ACM and/or LBP. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to ACM and LBP.

Standard Permit Conditions:

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.



Legend

	2375 Quimby Road		Industrial Park		Planned Development, R-2 Medium to High Density
	Parcel		Planned Development, Commercial		Planned Development, Retail and Park
	Agriculture		Planned Development, Industry		Single-Family Residential
	Commercial General		Planned Development, OS		Two-Family Residential
	Commercial Pedestrian		Planned Development, Residential		

Zoning data from City of San Jose GIS

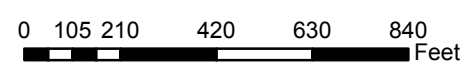
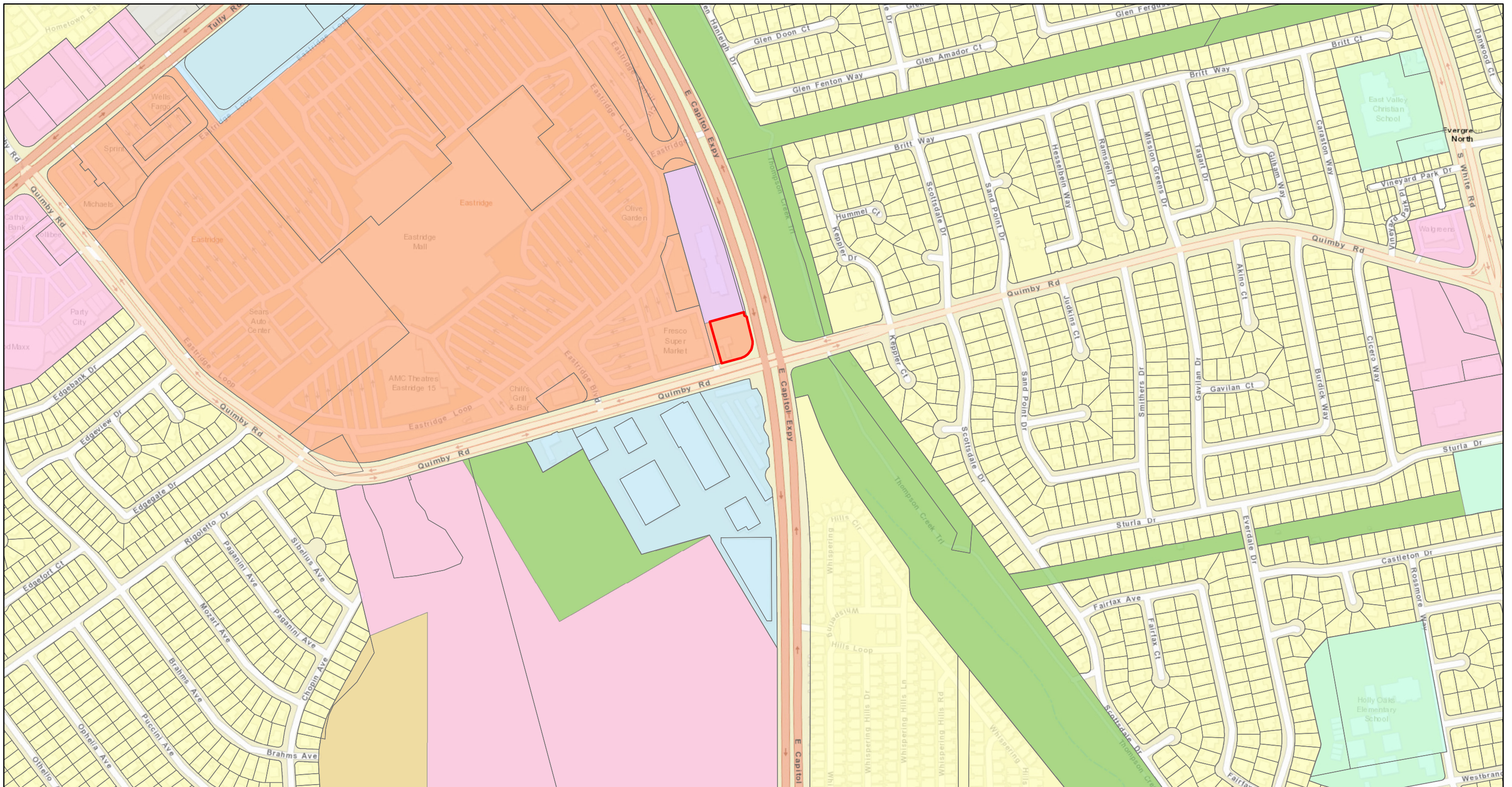


FIGURE 3

San Jose Zoning Map
2375 Quimby Road
San Jose, CA

PROJECT NO. xxxxxxx	PREPARED BY SAA	REF SCALE 1:5,040
DATE 6/11/2018	REVIEWED BY	MAP SCALE 1 inch = 420 feet





Legend

	2375 Quimby Road		Neighborhood/Community Commercial
	Parcel		Open Space, Parklands, and Habitat
	Combined Industrial/Commercial		Public/Quasi-Public
	Industrial Park		Regional Commercial
	Light Industrial		Residential Neighborhood
	Mixed Use Neighborhood		

General Plan data from City of San Jose GIS

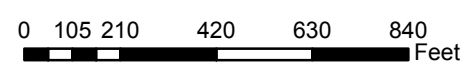


FIGURE 4

San Jose General Plan 2040
2375 Quimby Road
San Jose, CA

PROJECT NO. xxxxxxx	PREPARED BY SAA	REF SCALE 1:5,040
DATE 6/11/2018	REVIEWED BY	MAP SCALE 1 inch = 420 feet



All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Leaking Underground Storage Tanks

Environmental investigations at the property began in February 1985 in response to a gasoline-inventory discrepancy in the underground fuel storage and dispenser system. A fuel leak was discovered at the site after removal of several underground storage tanks in 1985. On February 27, 1985, an estimated loss of 500 to 1,000 gallons of gasoline was reported. During 1985 soil borings were advanced on site to investigate the fuel loss. In March 1985, the three 8,000-gallon capacity underground storage tanks (USTs) were removed and replaced with three new USTs in the same location, and an unknown volume of contaminated soil was excavated, stockpiled, and eventually hauled to a sanitary landfill for disposal. The property was added to the Leaking Underground Storage Tank Program as Case No. 01-045.

Subsequent investigation and remediation have been performed to address the soil and groundwater contamination discovered and the site has met the State's Low-Threat UST closure policy. On October 3, 1995, the Leaking Underground Storage Tank Oversight Program closed Case No. 01-045 and authorized that "no further action related to the underground storage tank release was required" (Leaking Underground Storage Tank Oversight Program, 1995). On November 7, 2000, the California Regional Water Quality Control Board – San Francisco Bay Region (CRWQCB – SFBR) requested a work plan to determine whether Methyl Tertiary Butyl Ether (MTBE) or other fuel oxygenates impacted soil and groundwater as a result of fuel storage and dispensing operations at the site. A work plan was submitted, and in March 2001 a subsurface investigation detected concentrations of MTBE in five of the eight groundwater monitoring wells. On March 30, 2001, the property was again added to the Leaking Underground Storage Tank Program as Case No. 14-624.

Further delineation of the MTBE plume continued. In March 2003, the product piping and associated product dispensers were replaced, and the waste oil piping was removed without replacement. Over-excavation was performed between the fuel dispenser locations due to field observations of staining and petroleum hydrocarbon odor. From June 24 to November 14, 2003, Precision Sampling conducted eight hydrogen peroxide injection remediation events. Groundwater responded well to the hydrogen peroxide injections, and contaminant concentrations decreased significantly over the next five years with the last groundwater sampling event at the Site occurring in 2008.

On May 27, 2011, the County of Santa Clara Department of Environmental Health, in collaboration with the CRWQCB – SFBR, closed Case No. 14-624 and authorized that no further action related to the petroleum release(s) at the site is required. The property meets the Low-Threat UST Case Closure Policy implemented in 2012. Soil collected from 0 to 10 feet below ground surface did not have concentrations of MTBE that exceeded CRWQCB – SFBR’s environmental screening levels (ESL) for Direct Exposure Human Health Risk Levels, Any Land Use / Any Depth Soil Exposure: Construction Worker. Concentrations of MTBE in groundwater have most likely attenuated to below Groundwater Tier 1 ESLs following hydrogen peroxide injection remediation events conducted in 2003.

However, the May 2011 closure letter from the SCCDEH stated that residual contamination remaining on the property needs to be addressed prior to redevelopment. Specifically, that residual contamination in both soil and groundwater may remain at the site that could pose an unacceptable risk under certain site development activities such as site grading, excavation, or the installation of water wells. Therefore, a Site Management Plan is required to be development and implemented for the site development activities. With the implementation of Mitigation Measures HAZ-1 below, this impact would be reduced to a less-than-significant level.

(Less Than Significant Impact with Mitigation)

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

The proposed project is not located within one-quarter mile of a proposed or existing school.

(No Impact)

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?

While the proposed project is a former site of contamination, it has been closed under the Low-Threat Closure Policy. It is not listed on the Cortese List²² pursuant to Government Code Section 65962.5 and with the implementation of HAZ-1 below, any potential contamination encountered is not anticipated to result in a significant impact.

(Less Than Significant Impact with Mitigation)

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?

Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. For the project site, any proposed structure of a height greater than approximately 70 feet above ground level (AGL) would trigger FAR Part 77 safety review by the Federal Aviation Administration (FAA). The maximum height of the proposed project would be well below 70 feet AGL and therefore, would not be subject to FAA review.

²² State of California Department of Toxic Substances Control. *Cortese List pursuant to Section 65962.5* (www.dtsc.ca.gov/SiteCleanup). Accessed September 2018.

The nearest airport is the Reid-Hillview Airport located approximately 0.5 miles north of the project. Although the project is located within the Airport Influence Area, it does not exceed the height of 70 feet AGL that would trigger FAR Part 77 review. It also falls below the 283 feet above mean sea level (MSL) restriction set forth in the Reid-Hillview Airport Comprehensive Land Use Plan²³ (CLUP). The other major airport is the Norman Y. Mineta San José International Airport, which is located approximately 6 miles northwest of the project site. The project site is not located within an airport land use plan referral area for that airport. The proposed project should not result in any safety hazard beyond what current exists at the project site and for the Eastridge Shopping Center.

(No Impact)

f) *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

The proposed project would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

(Less Than Significant Impact)

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project site is not located within a wildland fire hazard area.

(No Impact)

CONCLUSION: Conformance with General Plan Policies and identified mitigation measures will ensure that hazards and hazardous material impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES:

Impact HAZ-1: Project implementation may encounter residual concentrations of contaminants in soil and groundwater that exceed environmental screening levels during construction activities that could expose construction workers, neighboring uses, and the environment to hazardous materials.

Mitigation Measure HAZ-1: The project applicant shall retain a qualified consultant and obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCDEHs) to address soil and groundwater contamination discovered on the property. A Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;

²³ County of Santa Clara, *Reid-Hillview Airport Comprehensive Land Use Plan*. 2016

- Proper mitigation 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;
- Management of underground structures encountered, including utilities and/or the removal of the existing USTs and fuel dispensing system; Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g. USTs, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

SCCDEH or other regulatory agency with oversight will observe the removal and require soil sampling beneath the former tank locations. If the sampling results indicate the USTs have leaked, a new fuel leak case will be opened, and the applicant shall be required to investigate the fuel leak and perform any remediation to meet case closure requirements. Soil with any residual concentration of contaminants shall be removed if encountered pursuant to the SMP.

The SMP shall be submitted to the SCCDEH for review and a copy of the approved SMP shall be submitted to the Director of PBCE or Director's Designee for the Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the Environmental Services Department for approval prior to the issuance of any grading permits.

4.10 HYDROLOGY AND WATER QUALITY

The following discussion is based upon the Supplemental Stormwater Information prepared by Barghausen in October 2017. A copy of the report is attached in Appendix D of this document.

INTRODUCTION:

Federal and State Water Protection Regulations

Clean Water Act and California's Porter-Cologne Water Quality Control Act

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).

NPDES Permit Program

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

Under the provisions of the MRP, development projects that create or replace 10,000 square feet or more of impervious surfaces are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Provision C.3 of the MRP requires fuel service facilities that create or replace greater than 5,000 square feet of impervious surface to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment. If the new/replaced impervious surface will be greater than 50 percent of the pre-project impervious surface area, stormwater treatment for the entire site will be required. If the new/replaced impervious surface for the project will be less than 50 percent of the pre-project impervious surface area, stormwater treatment for only the new/replaced area will be required.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations.

Santa Clara Valley Water District

On September 16, 2014, Governor Jerry Brown signed into law the Sustainable Groundwater Management Act (SGMA). The SGMA lists the Santa Clara Valley Water District (the District) as the exclusive groundwater management agency within its statutory boundary, which includes all of Santa Clara County. The District Board of Directors adopted a resolution to become the Groundwater Sustainability Agency (GSA) for the Santa Clara and Llagas subbasins, the primary subbasins within the county.

SGMA requires preparation of a Groundwater Sustainability Plan (GSP) for all medium and high priority basins. The 2016 Groundwater Management Plan²⁴ for the Santa Clara and Llagas Subbasins (GWMP) describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals.

City of San José

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hydrology impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hydrology policies of the City's General Plan, including the following:

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

²⁴ Santa Clara Valley Water District, *Groundwater Management Plan*, 2016

Policy ER-8.3: Ensure that private development in San José include/es adequate measures to treat stormwater runoff.

Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy ER-9.2: In consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Post-Construction Urban Runoff Management (Policy 6-29): The City has developed policies that implement Provision C.3 consistent with the Municipal Regional Stormwater NPDES Permit (MRP). The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. Per the MRP and Council Policy 6-29, gas stations and car washes are Land Uses of Concern. Source Control Measures are required for Land Uses of Concern uses regardless of project size. This could include creating a 'treatment train' that includes mechanical filtration of urban runoff prior to release to a LID treatment measure.

Post-Construction Hydromodification Management (Policy 8-14): The City's Post-Construction Hydromodification Management Policy (8-14) implements Provision C.3, consistent with the MRP and requires an implementation framework for incorporating measures to control hydromodification impacts from development projects. Based on its location within a catchment and subwatershed greater than or equal to 65% impervious, the project would not be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii. 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; or iv. impede or redirect flood flows? 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16, 29

FINDINGS:

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The project shall comply with applicable provisions of the following City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management. The total impervious area on the site will be reduced from 28,341 square feet to 27,147 square feet and the total pervious area on the site will be increased from 4,251 square feet to 5,445 square feet.

Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project site is approximately 0.75 acres in size and would not disturb more than one acre of soil; therefore, the project would not be required to obtain a NPDES General Permit for Construction Activities.

All development projects in the City are required to comply with the City's Grading Ordinance whether or not the project is required to obtain a NPDES General Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the project shall submit to the Director of Public Works an Erosion Control Plan detailing Best Management Practices (BMPs) that shall prevent the discharge of stormwater pollutants.

Standard Permit Conditions:

- 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.

Because construction of the proposed project would include the Standard Permit Conditions and actions identified above, the project would have a less than significant construction-related water quality impact.

(Less Than Significant Impact)

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The project site is not a designated recharge area and implementation of the project would increase impervious surfaces on-site by approximately 0.03 acres. Development and redevelopment of new commercial uses allowed under the General Plan is not proposed to occur within any of the SCVWD's percolation facilities for groundwater recharge nor would it affect the operation of the percolation or recharge facilities. The project is served by municipal water supplies and will not use groundwater resources. All runoff from the project site will be managed by the City's stormwater program. Implementation of the project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply.

(No Impact)

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. result in substantial erosion or siltation on- or off-site;*
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
- iii. 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; or*
- iv. impede or redirect flood flows?*

The proposed project would not significantly alter drainage patterns on site compared to existing conditions. It would not affect a stream bed or river. As a result, the project would not substantially increase erosion or siltation or increase the rate or amount of stormwater runoff.

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay RWQCB adopted the MRP for 76 Bay Area municipalities, including the City of San José.

The MRP (NPDES Permit No. CAS612008) mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

Provision C.3 of the MRP regulates the following types of development projects:

- projects that create or replace 10,000 square feet or more of impervious surface;
- Special Land Use Categories²⁵ that create or replace 5,000 square feet or more of impervious surface

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

All development projects shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Implementation of the following standard conditions, consistent with NPDES Permit and City Policy requirements, will reduce potential construction and post-construction impacts to surface water quality to less than significant levels:

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the SWRCB's NPDES CGP, as follows:
 1. The applicant shall file a Notice of Intent (NOI) with the SWRCB.
 2. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. The SWPPP shall identify current construction-period Best Management Practices, as described in the CASQA Construction Handbook (August 2011).

²⁵ Special Land Use Categories are defined as uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities, and retail gasoline outlets.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- Typical measures that will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include but are not limited to:
 1. Utilize on-site sediment control BMPs to retain sediment on the project site;
 2. Utilize stabilized construction entrances and/or wash racks;
 3. Implement damp street sweeping;
 4. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 5. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

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.

The project will not have additional impacts that would degrade water quality. See a) above.

(Less Than Significant Impact)

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Based on the effective FEMA Flood Insurance Rate Maps for the City of San José²⁶, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. Flood zone X is an area of moderate or minimal flood hazard. The project would not expose people to flood hazards associated with the 100-year flood. Furthermore, the project does not propose any housing.

While the project site is not located within a 100-year floodplain, portions of the City are susceptible to flooding depending on the control of dams upstream of the City. However, control of these dams is outside of the scope of this project and is governed by agencies. Additionally, the project site is located outside the inundation area for the Anderson Dam²⁷. Implementation of the proposed project would not expose people to additional flood hazards beyond those existing.

Due to the location of the project site, the project would not be subject to seiche or tsunami. In addition, the project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties.

(Less Than Significant Impact)

²⁶ FEMA. *Flood Map Center*. (<http://msc.fema.gov/portal/home>). Accessed September 2018.

²⁷ Santa Clara Valley Water District, *Anderson Dam Inundation Maps*, 2016

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project will obtain its water supplies from the Santa Clara Valley Water District, which is the SGA for the groundwater basin. As such, it will be in compliance with the District's policies and goals. The project will not conflict with or obstruct the District's implementation of the GSP.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies and Standard Permit Conditions will ensure that hydrology and water quality impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.11 LAND USE AND PLANNING

INTRODUCTION:

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the land use policies of the City's General Plan, including the following:

Policy LU-1.1: Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-1.2: Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

Policy LU-6.1: Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.

Policy LU-6.2: Prohibit encroachment of incompatible uses into industrial lands and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Policy LU-6.3: When new uses are proposed in proximity to existing industrial uses, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.

Policy LU-6.4: Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute

patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.

Policy LU-6.7: Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

Policy LU-6.8: Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

Policy LU-9.1: Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities, that do not provide through- and publicly-accessible bicycle and pedestrian connections.

Policy LU-9.5: Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

Policy LU-9.7: Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the *Envision General Plan* Land Use / Transportation Diagram.

Policy LU-9.17: Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use / Transportation Diagram designation and meet Urban Design policies in this Plan.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José Commercial Design Guidelines, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

Existing and Surrounding Land Uses

The 0.75-acre project site is comprised of one parcel (APN 491-48-009) located at the northwest corner of Quimby Road and E. Capitol Expressway in the City of San José. The site is currently occupied and operated as a gas station.

To the north and west of the project site are commercial/retail uses. Directly adjacent to the east of the site is Capitol Expressway and directly adjacent to the south of the site is Quimby Road with commercial across the street. Eastridge Mall is to the northwest of the project site.

Existing Land Use Designation and Zoning

The project site is designated RC – Regional Commercial under the City's General Plan and is zoned CG – Commercial General.

The RC – Regional Commercial General Plan designation supports a very wide range of commercial uses, which may develop at a wide range of densities. These commercial areas attract customers from a regional area and play an important fiscal and economic role for the City. This designation is applied primarily to existing regional shopping centers, though sometimes it may reflect the cumulative attraction of a regional center and one or more nearby community or specialty commercial centers, or two or more community or specialty centers in close proximity whose combined drawing power is of a regional scale. This designation supports a very wide range of commercial uses, which may develop at a wide range of densities. Large shopping malls, and large or specialty commercial centers that draw customers from the greater regional area are appropriate in this designation along with office uses ranging in intensity up to a 12.0 FAR. Hospitals and private community gathering facilities can also be considered in this designation. The Envision General Plan supports intensification and urbanization of Regional Commercial areas in order to promote increased commercial activity and more walkable, urban environments in Regional Commercial districts.

The CG – Commercial General Zoning District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,22,28

FINDINGS:

a) Physically divide an established community?

The proposed project includes the redevelopment of an existing and operating gas station. Therefore, it will not physically divide an established community.

(No Impact)

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is designated RC – Regional Commercial under the City’s General Plan and is zoned CG – Commercial General. The RC – Regional Commercial General Plan designation allows for a density up to 12.0 FAR and 1 to 25 stories, which the proposed project is consistent. Implementation of the proposed project would result in the redevelopment of a site with the same existing use. This General Plan designation allows commercial uses such as the proposed project and is consistent with development allowed under the existing land use designations. In the CG – Commercial General Zoning District, gasoline service station as a conditional use, which is included in

the proposed project. As a result, the project would not conflict with any applicable land use plans, policies, or regulations.

The project also falls with the Airport Influence Area of the Reid-Hillview Airport CLUP. Pursuant to that plan, this area is designated at CG. Since the proposed project will not change the zoning or land use as it is currently designated, and this zoning is in compliance with the CLUP, there is no conflict between the project and the airport CLUP.

The project would not conflict with any habitat conservation plan or natural community conservation plan, as described in *Section 4.4 Biological Resources*.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that land use and planning impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.12 MINERAL RESOURCES

INTRODUCTION:

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating mineral resource impacts resulting from planned development within the City. All future development of extractive resources allowed by the proposed land use designations would be subject to the policies of the City's General Plan, including the following:

Policy ER-11.1: When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

Policy ER-11.2: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

Policy ER-11.3: When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.

Policy ER-11.4: Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.

Policy ER-11.5: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16

FINDINGS:

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?*

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?*

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

The project site is outside of the Communications Hill area and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

(No Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that mineral resource impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed

4.13 NOISE

The following discussion is based upon an Environmental Noise Assessment prepared by Bollard Acoustical Consultants in July 2019. A copy of the report is attached in Appendix E of this document.

INTRODUCTION:

Because excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The City of San José’s General Plan contains goals and policies, which pertain to desired noise levels for various land uses located within the City.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10-decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive. Lmax and Leq are used to define the maximum and average A-weighted noise levels during a measurement period, respectively. DNL (Day Night Average Sound Level) is the average equivalent sound level over a 24-hour period, with a penalty added for noise during the nighttime hours of 22:00 to 07:00; during the nighttime period 10 dB is added to reflect the impact of the noise.

The General Plan cites long-term and short-term exterior DNL goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the DNL is above 60 dBA should be limited to acoustically protected areas. The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA DNL for transportation sources. For stationary sources, the exterior noise goal is 55 dBA DNL at the property line between sensitive land use (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land use (e.g., industrial, commercial, etc.)

The above noise goals notwithstanding, the General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan in certain areas of the City that are affected by noise from aircraft, railroads, and roadway traffic.




Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the noise policies of the City's General Plan, including the following:

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels:

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels:

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value In Decibels					
	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, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
	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 analysis of the noise reduction requirements and noise mitigation features included in the design.					
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)					

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
b) Generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,28

FINDINGS:

a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Bollard Acoustical Consultants (Bollard) prepared an Environmental Noise Assessment for the subject site on July 2, 2019. Noise study is contained in Appendix E. Based on measurements of existing ambient noise levels the exterior maximum ambient noise level was estimated at 68 dBA DNL. The ambient noise is in the conditionally acceptable range of 60 dBA DNL to 75 dBA DNL.

Construction Noise

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various conditions will be incorporated into the permit. Consistent with the General Plan Policy EC-1.7 and Municipal Code, the project proposes to implement the following condition to reduce construction-related noise impacts.

Standard Permit Conditions:

- 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.

Operational Noise

Vacuum Noise

Based upon the manufacturer’s data and the proposed location of the vacuum units, vacuum noise exposure at the nearest commercial and residential locations was calculated assuming standard spherical spreading loss (-6 dB per doubling of distance). In order to calculate ambient DNL noise level increases due to vacuum operations and as the project is proposing 24-hour operation, it was conservatively assumed that vacuum usage would consist of 30 minutes of continuous operation during each daytime hour and 10 minutes of continuous operation during each nighttime hour.

At the residential land use to the east, model data indicate that the project would not significantly increase ambient noise levels given the high existing noise environment of 68 dBA DNL. At the hospital use to the north, the model data indicate that the project would not significantly increase ambient noise levels when assessed at either the property line or at the storefront areas. Increases at the hospital use to the north would be less than 1 dBA DNL and would not exceed the General Plan policies. As a result, no further consideration of noise mitigation measures would be warranted for this aspect of the project relative to the General Plan noise criteria.

The vacuum noise levels at the nearest residential property line are predicted to be 41 dB Lmax, which would satisfy the Municipal Code residential noise level standard of 55 dB Lmax. As a result, no further consideration of vacuum noise mitigation measures would be warranted relative to the residential noise level standard.

Additionally, the vacuum noise levels at the commercial storefronts to the north and to the west would satisfy the Municipal Code commercial noise level standard of 60 dB Lmax.

The vacuum noise levels at the commercial property line to the north is predicted to be 62 dBA Lmax, which would exceed the Municipal Code commercial noise level standard of 60 dB Lmax. Further, at the commercial property line to the west, the predicted vacuum noise level is 69 dB Lmax which would exceed the commercial noise

standard by 9 dBA. However, with the inclusion of a property line 8-foot tall barrier the noise level would be reduced to 53 dBA Lmax. Predicted vacuum noise levels at the commercial property line to the west would satisfy the commercial noise level standard of 60 dB Lmax

The following Permit Condition of Approval below outlines the required barrier to reduce the noise level at the northern and western property line.

Permit Condition of Approval:

- Construct a continuous 8-foot tall masonry noise barrier along the entire northern property line to reduce the noise level below 60 dBA Lmax at the northern property line. The barrier density shall be greater than 4 pounds per square foot, or equivalent. Barrier material that will provide sufficient transmission loss include cast-in-place concrete, brick, or masonry.

Car Wash Noise

The proposed car wash will contain an on-board drying system and noise levels generated by car washes are primarily due to the drying portion of car wash operations. The average wash cycle for the proposed car wash would be 5 minutes in duration and that the dryers would operate during the last 1 minute of the cycle. As a mitigation measure, the car wash will contain polycarbonate doors at the entrance and exit of the car wash tunnel. Because the doors remain closed during the entire car wash cycle, completely enclosing the car wash tunnel, the doors provide a significant amount of dryer noise level attenuation.

At a reference distance of 20 feet, car wash noise levels at the entrance and exit (with the doors in the closed position) is anticipated to be 66 dB and 67 dB, respectively, based on data from a car wash with similar specifications. Based upon this reference noise level data and the proposed location of the car wash tunnel, car wash noise exposure at the nearest commercial and residential locations was calculated assuming standard spherical spreading loss (-6 dB per doubling of distance). Because the project is proposing 24-hour operation, it was conservatively assumed that the car wash would have 12 cycles per hour during daytime hours and 3 cycles per hour during nighttime hours. This equates to 12 minutes of dryer operation per hour during daytime hours and 3 minutes of dryer operation per hour during nighttime hours.

At the residential land use to the east, the model data indicate that the project would not significantly increase ambient noise levels given the high existing noise environment of 68 dBA DNL. At the hospital use to the north, the model data indicate that the project would not significantly increase ambient noise levels when assessed at either the property line or at the storefront areas. Increases at the hospital use to the north would be less than 1 dBA and would not exceed the General Plan policies. As a result, no further consideration of noise mitigation measures would be warranted for this aspect of the project relative to the General Plan noise criteria.

The car wash noise level at the nearest residential property line to the east is predicted to be 40 dBA Lmax which would satisfy the Municipal Code residential noise level standard of 55 dBA Lmax. The car wash noise levels at the commercial storefronts to the north and to the west are predicted to be 60 dBA Lmax which would satisfy the Municipal Code commercial noise level standard.

The car wash noise levels at the commercial property line to the north is predicted to be 67 dBA Lmax, which would exceed the Municipal Code commercial noise level standard of 60 dB Lmax. However, with the inclusion of a property line 8-foot tall barrier the noise level would be reduced to 60 dBA Lmax and meet the Municipal Code

commercial noise level standard. The Standard Permit Condition below above outlines the required barrier to reduce the noise level at the northern property line.

The project would comply with General Plan noise policies including EC-1.1 and EC-1.2 as proposed. With the implementation of NOI-1 below and the inclusion of an 8-foot noise barrier, limitations on the operations and equipment utilized on-site would reduce the noise levels. However, even with the implementation of these conditions, the predicted vacuum noise at commercial property line to the west would exceed the Municipal Code noise level. Through the Conditional Use Permit conditions, findings and noticing, the project will comply with the requirements of the Municipal Code.

(Less Than Significant Impact with Mitigation)

b) Generation of, excessive groundborne vibration or groundborne noise levels?

Groundborne vibration is only expected to occur during construction and demolition. The project would not require extended periods of heavy equipment use or substantial noise-generating activities, such as pile-driving, that would continue for 12 or more months of the construction period. Given the scale and size of the project, and the relatively high ambient noise levels, it is anticipated that the effects of construction noise levels would be reduced to a less-than-significant level with adherence to the City's standard construction hours, which are summarized in the Standard Permit Conditions noted above.

Implementation of these Standard Permit Conditions would avoid potentially significant construction related noise and vibration impacts to adjacent residential receptors during demolition and construction activities; therefore, the proposed project would have a less than significant construction noise impact.

(Less Than Significant Impact)

c) For a project located within the vicinity of a private airstrip or 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?

The project area experiences occasional aircraft overflights largely associated with the aviation operations of Reid-Hillview Airport approximately 0.5 miles north of the airport and from the Norman Y. Mineta San José International Airport, which is located approximately 6 miles northwest of the project site. The site is currently developed as a gas station and the proposed project would continue this use. Though the project site experiences some level of aircraft noise, it is located outside of both airports' 60 dB CNEL noise contour. The proposed project would not be exposed to excessive noise levels from aircraft overflights. The project is not in the vicinity of a private airstrip.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies and implementation of Standard Permit Conditions will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES:

Impact NOI-1: Project implementation may result in potential noise impacts to neighboring properties that could exceed Municipal Code levels.

Mitigation Measure NOI-1: Construction of the car wash building shall include the following elements:

- Prior to issuance of building permit, the project applicant or proponent shall demonstrate to the satisfaction of the Director of PBCE or Director's Designee that the car wash uses polycarbonate doors at the entrance and exit of the car wash tunnel as indicated on the building permit plan set.
- Car wash entrance and exit doors shall remain closed during the entire car wash cycle, to completely enclose the car wash tunnel.

4.14 POPULATION AND HOUSING

INTRODUCTION:

Based on California Department of Finance estimates for 2018 San José has a population of

1,051,316 persons and 324,285 households, with an average of 3.2 persons per household²⁸. According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

The General Plan envisions adding 382,000 jobs by 2040. To meet the current and projected housing needs in the City, the General Plan identifies areas for residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the General Plan EIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current

²⁸ State of California Department of Finance. *Estimates for 2018* (www.dof.ca.gov/Forecasting/Demographics/Estimates). Accessed September 2018.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,23
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,23
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,23

FINDINGS:

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

The proposed project would not induce substantial population growth because it does not involve the construction of any housing project nor does it significantly change employment levels in the community. Implementation of the project would not directly or indirectly induce substantial population growth in the project area. Therefore, the project would not result in an impact to population and housing.

(No Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that any potential impacts to population and housing would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.15 PUBLIC SERVICES

INTRODUCTION:

All future development allowed by the proposed land use designation changes will be subject to the following state law and City ordinances that offset the demand created by residential development upon schools and parkland, respectively:

Policy FS-5.6: When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.

Policy FS-5.7: Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16

FINDINGS:

a) *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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?

Other Public Facilities?

The project site is located in an urbanized area of San José, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by Fire Station No. 16 within 2 miles (approximately 7 minutes response time). The scope of the proposed project is redeveloping an existing gas station which is currently served by police and fire services. 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 and police beyond what was assumed in the General Plan EIR.

(Less Than Significant Impact)

The proposed project would not increase the population of the City of San José, as the project does not consist of housing and no residents would reside on the project site. Therefore, implementation of the project would have no impact on the City's school, parks, and library services.

(No Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that public service impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed

4.16 RECREATION

INTRODUCTION:

All future development allowed by the proposed land use designation changes will be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS:

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 that might have an adverse physical effect on the environment?*

The project does not consist of housing and no residents would reside on the project site. Therefore, is not expected to impact the use of existing parks or recreation centers such that deterioration would occur or be accelerated.

(No Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that recreation impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.17 TRANSPORTATION

The following discussion is based upon a Traffic Operational Analysis prepared by KD Anderson in July 2018. A copy of the report is attached in Appendix F of this document.

INTRODUCTION:

Regional Policies

Metropolitan Transportation Commission: Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency of the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian

facilities in the region. MTC and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2040 in July 2017, which includes the area's RTP, *Transportation 2035: Change in Motion*²⁹.

City of San José

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the transportation policies of the City's General Plan, including the following:

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- **Vehicular Traffic Mitigation Measures.** Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
- **Area Development Policy.** An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.
- **Small Projects.** Small projects may be defined and exempted from traffic analysis per the City's transportation policies.
- **Special Strategy Areas.** In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.

²⁹ Metropolitan Transportation Commission. *Transportation 2035: Change in Motion*. April 2009.

*City Council Policy 5-1 Transportation Analysis Policy (2018)*³⁰: The City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

*Council Policy 5-3 Transportation Level of Service Policy*³¹: The City of San José uses the same level of service (LOS) method for assessing transportation impacts as the VTA's CMP, although the City's standard is LOS D, rather than the LOS E standard within the CMP. According to this policy and General Plan Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore the level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City's Transportation Impact Policy (also referred to as the LOS Policy) also protects pedestrian and bicycle facilities from undue encroachment by automobiles.

Criteria for the Review of Drive-through Uses (City Council Policy 6-10): This policy requires that the following issues be assessed under Section I. TRAFFIC for Conditional Use Permit for the drive-through car wash:

- a) Primary ingress and egress to the drive-through type use parking lots should be from at least a four-lane major street.
- b) The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major aisles of any parking lot. Overflow capacity shall be 50 percent of required stacking for overflow restricted to the parking lot and 100 percent of required stacking if the overflow is directed to the street.
- c) No ingress and egress points shall conflict with turning movements of street intersections.

³⁰ City of San José. *Transportation Analysis Policy* (Council Policy 5-1).

³¹ City of San José. *Transportation Level of Service Policy* (Council Policy 5-3).

- d) No drive-through use shall be approved with ingress or egress driveways within 300 feet of a signalized intersection operating at a Level of Service D, E, or F unless a traffic analysis demonstrates, to the satisfaction of the Director of Public Works, that vehicles entering or leaving said use will not impair the efficiency or operation of the intersection.
- e) The drive-through stacking lane shall be separated physically from the user's parking lot and shall have a capacity of: Self-Service Car Washes - 5 cars per lane
- f) No pedestrian crossing of the drive-through lane shall be allowed.
- g) Proposed drive-through uses at or near signalized intersections may compound existing traffic congestion and make it intolerable even if the intersection meets the Transportation LOS Policy. In these situations, proposed drive-through uses should be discouraged.

Under Section VII. LOCATION the policy notes:

- C. Buildings with drive-through facilities shall be located with a minimum separation of 500 feet from any structure containing a drive-through facility.

Self-service car washes which are proposed in conjunction with existing gasoline service stations may be exempted from this locational criterion provided the traffic criteria in I TRAFFIC above are satisfied.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16, 25, 26
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,24,25
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,24
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS:

- a) *Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?*

Pedestrian volumes along Quimby Road and Capitol Expressway are relatively low; therefore, any necessary sidewalk closures/pedestrian detours would have very little effect on the overall pedestrian circulation in the area. In addition, the bike lanes end before the east driveway that will be closed; thus, no bicycle facilities would be affected. No transit facilities are located along the site frontage and no impact would occur during construction.

The project is proposing to retain the existing sidewalk along the project frontage on both adjacent roads.

The project is not proposing to make any modifications to the existing bicycle network. The project does not support large numbers of employees that might utilize mass transit and uses on site specifically cater to automobile traffic. The small increase in transit demand generated by the proposed project could be accommodated by the current available ridership capacities of the transit services in the project area, and no project-sponsored transit related improvements would be necessary.

(Less Than Significant Impact)

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The site is located in the northwest quadrant of the Capitol Expressway / Quimby Road intersection. An 8-fueling position ARCO gas station with two service bays is currently located on the project site; the service bays are used for smog testing only. Capitol Expressway is a north-south divided 8-lane arterial roadway, with the outside lane in each direction reserved for high occupancy vehicles (HOV) during peak periods. Quimby Road is an east-west four-lane divided arterial roadway. The Capitol Expressway / Quimby Road intersection includes the following geometrics:

- Northbound Capitol Expressway: Two left turn lanes, Two through lanes, One free right turn lane
- Southbound Capitol Expressway: Two left turn lanes, Two through lanes, One free right turn lane
- Eastbound Quimby Road: One left turn lane, Two through lanes, One free right turn lane
- Westbound Quimby Road: Two left turn lanes, Two through lanes, One free right turn lane

Right turning vehicles along Capitol Expressway use the HOV lane to begin and end right turns. The southbound free right turn lane merges with westbound Quimby Road traffic at the existing easterly ARCO driveway. A field review was conducted at the site and the adjacent Capitol Expressway / Quimby Road intersection on February 28 and March 1, 2017. The field visits were conducted during a.m. and p.m. peak hours to observe the operation of the intersection and the project's driveways. The Capitol Expressway / Quimby Road intersection appeared to operate acceptably with a drive through of the intersection being completed during both peak hours³². Few pedestrians and

bicycles were observed as the area does not appear conducive to these travel modes, given the high-speed roadway. Additionally, other than the Eastridge Transit Center, there is little commerce along Capitol Expressway between Quimby Road and Tully Road.

Santa Clara Valley Transit Authority (VTA) operates buses throughout the East San Jose area. The Eastridge Transit Center is located about ¼ mile north of the project site. The transit center serves seven local bus routes, one community bus route, two express routes and one rapid route.

Class 2 bike lanes (providing restricted right-of-way for bicycle use) are present along Capitol Expressway in both northbound and southbound directions. Bike lanes are also present along Quimby Road west of Capitol Expressway. The bike lanes include buffer zones, totaling about 8' in width. The bike lanes are dropped prior to the intersection due to the free right turn lanes on all approaches. The lanes begin along the departure legs after the

³² City of San José. *Criteria for the Review of Drive Through Uses* (Policy 6-10).

weave area for through and side street right turning traffic. The westbound bike lane along Quimby Road begins on the west side of the existing easterly driveway, within the merge for westbound Quimby Road traffic and southbound to westbound right turning Capitol Expressway traffic.

Sidewalk is present along both north and south sides of Quimby Road east and west of Capitol Expressway. Sidewalk is present along the east side of Capitol Expressway south of Quimby Road and along the west side of Capitol Expressway north of Quimby Road. Pedestrians walking along Capitol Expressway, therefore, have to cross the street at this intersection.

Trip Generation and Distribution:

The development of this project will attract additional traffic to the project site. The amount of additional traffic on a particular section of the street network is dependent upon two factors:

- Trip Generation, the number of new trips generated by the project, and
- Trip Distribution and Assignment, the specific routes that the new traffic takes.

Trip generation is determined by identifying the type and size of land use being developed. Recognized sources of trip generation data may then be used to calculate the total number of trip ends. An 8-vehicle fueling position (VFP) gas station currently exists on the site and will be replaced by a 16 VFP gas station with convenience store and car wash.

The trip generation of the project was computed using trip generation rates published in *Trip Generation*³³ based on the existing and projected uses of the site. City of San José staff indicated that project trip generation should be based on the combination of Land Use 853, Convenience Store with Gas Pumps and Land Use 948, Automated Car Wash.

The project is expected to generate 265 a.m. peak hour trips and 319 p.m. peak hour trips. The existing site generates 97 a.m. peak hour trips and 111 p.m. peak hour trips. Trips generated by commercial projects fit into two categories. Some trips will be made by patrons who would not otherwise be on the local street system and who go out of their way to reach the site. These are “new” trips. Other trips will be made by patrons who are already in the roadway network and are therefore not adding “new” trips to the overall system. “Pass-by” trips would be made by motorists who are already driving by the site as part of another trip. Peak hour pass-by trips are common on commuter routes as motorists stop inbound and outbound. They are made by patrons who are already driving by the site and simply interrupt a trip already being made to other destinations. An example of this type of trip is stopping to refuel a vehicle. ITE research has suggested typical “pass-by” percentages for various land uses where appreciable background traffic occurs. The share of project trips falling into each category varies over the day. Application of typical pass-by reductions these rates yields a total of 168 ‘pass-by’ a.m. peak hour trips and 202 ‘pass-by’ p.m. peak hour trips for the new project and 57 a.m. trips and 48 p.m. trips under current conditions. After accounting for pass-by traffic, the project is expected to generate 57 ‘new’ a.m. peak hour trips and 54 ‘new’ p.m. peak hour trips as shown in Table 5.

³³ Institute of Transportation Engineers. *Trip Generation, 9th Edition*. 2012.

Table 5 Project Trip Generation									
Land Use	Amount	Trip Rate				Trips			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Projected Trips at Project Site									
Convenience Store with Gas Pumps (LU)	16 VFP	16.57		19.07		265		305	
Automated Car Wash (LU 948)	0.971 KSF	N/A		14.12		N/A		14	
Total Trips						265		319	
		In	Out	Out	In	Out	In	Out	In
		50%	50%	50%	50%	133	133	160	160
Pass-By Trip Reduction – Gas Station ¹						84	84	101	101
New Trips – Proposed Site						49	49	59	59
Existing Trips at Project Site									
Gas Station (LU 944)	8 VFP	12.16		13.87		97		111	
		In	Out	In	Out	In	Out	In	Out
		51%	49%	50%	50%	50	48	56	56
Pass-By Trip Reduction – Gas Station ²						(29)	(28)	(24)	(24)
Existing Trips – Existing Site						21	20	32	32
Net New Trips						28	29	27	27

The distribution of project traffic in Table 6 was developed based on existing traffic counts, the travel patterns in the area and the proximity to commute routes, residential housing, employment centers and schools. Based on the driveway location relative to the site layout all traffic is expected to enter and exit onto Quimby Road.

Table 6 Project Trip Distribution		
Route	% of Total Trips	
	AM	PM
To / from Capitol Expressway – north	23%	28%
To / from Capitol Expressway – south	28%	25%
To / from Quimby Road – east	40%	32%
To / from Quimby Road – west	9%	15%
Total	100%	100%

The net new trips generation presented in Table 5 does not represent a significant impact to the intersection of Quimby Road / Capitol Expressway.

Projects and plans (including Area Development Plans) that already have commenced environmental review under the previous City Council Policy 5-3 that analyzed LOS remain subject to the existing Policy 5-3. The City of San José Council Policy 5-3 “Transportation Impact Policy” was the adopted threshold for CEQA traffic impacts at the onset of the traffic study for the project. For this reason, the project would not conflict with CEQA Guidelines Section 15064.3(b), which calls for evaluation of a project’s transportation impacts based on VMT.

Consistent with the Council Policy 5-3, Level of Service (LOS) was analyzed for the Capitol Expressway/Quimby Road intersection under Existing conditions. Under existing conditions, the intersection operates at LOS D (41.2 seconds of delay) in the a.m. peak hour and LOS E (71.2 seconds of delay) in the p.m. peak hour. The driveway access is downstream of the adjacent intersection. Eliminating the easternmost driveway will improve sight visibility for the southbound to westbound free right turn from Capitol Expressway to Quimby Road. The Capitol Expressway / Quimby Road intersection should experience improved operation for westbound departing traffic as customer vehicles that were occasionally observed to queue on Quimby Road at the intersection will be relocated to the driveway 150' from the intersection. The realigned site should allow these vehicles to enter the site and eliminate on-street queuing. The driveway, which exists today, would not affect the operation of the intersection.

(Less Than Significant Impact)

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

Existing conditions were reviewed specifically relative to the two driveways currently used to enter and depart the site. The proposed site will remove the easterly driveway and re-orient the fueling positions. The site is located in the northwest quadrant of the Capitol Expressway / Quimby Road intersection in San José. Access to the current gasoline station is provide by two driveways along Quimby Road providing right-in, right-out only access. The easterly driveway is located at the edge of the curb return of the northwest quadrant of the intersection while the westerly driveway is located about 110 feet centerline to centerline from the east driveway

The proposed project will eliminate the east driveway and maintain the west driveway as the primary access to the new gas station and convenience store; secondary access from Eastridge Loop will remain. The convenience store and car wash will be situated at the north side of the site with the fueling positions oriented north-south. The fueling positions will be situated with the southerly most positions about 53 feet from the Quimby Road curb, double what currently exists. The fueling position access will be made in a one-way direction from south to north, and signage and striping will be provided to direct customers to the fueling lanes.

The removal of the east driveway will require all customers to use the west driveway, which is situated about 155 feet west of the crosswalk at Capitol Expressway. Based on the distance available between Capitol Expressway and the driveway motorists traveling behind customers preparing to enter the driveway will be able to change lanes as necessary. The driveway configuration and placement of the fuel pumps will also improve access into the site. The proposed layout will allow customers to enter the site and choose an aisle after having cleared the driveway. The flow of gasoline customer traffic should be south to north. Exiting customers will circle back to the south between the fuel pumps and the convenience store, and this should not interfere with inbound traffic.

Traffic heading to the convenience store will most likely proceed down the drive aisle past the fueling positions to enter the parking area. The additional fueling positions with the larger queuing area should alleviate queuing that currently can back up onto Quimby Road as customers should be able to find available pumps quicker. Car wash traffic is likely to approach the car wash by either traveling along the southern and eastern perimeter of the site or be traversing past the convenience store, depending on where customers can pay for a car wash.

Overall, it is expected that queues along Quimby Road will not worsen for vehicles entering the site and proceeding to the gas station or office building; however, as the driveway also provides a drive aisle to the adjacent supermarket queues are likely to continue to develop when an inbound supermarket customer is waiting

for a gap in outbound driveway traffic. While more traffic is projected to be generated by the project there is more distance between the driveway and the Capitol Expressway intersection to allow trailing vehicles to bypass those vehicles entering the site.

Fuel truck access will occur via the single driveway located on the west side of the site. The fuel tanks will be located just east of the driveway north of the landscape area adjacent to Quimby Road. Fuel trucks will enter the driveway from the east and make a 180° turn to the fuel tanks. Upon completion the fuel trucks will circle the site in a counterclockwise direction, pass between the fueling positions and convenience store and head south along the main access driveway where they will exit the site to the west.

Garbage trucks will be able to enter the site from the Quimby Road driveway or through an interior drive aisle on the north side of the Fresco supermarket. The trash enclosure will be located on the west side of the convenience store. It is expected that the garbage trucks will have front end forks for dumpster pick-up. The truck operator may either position the dumpster perpendicular to the drive aisle with the truck facing either north or south or parallel to the drive aisle with the truck facing the convenience store to empty the dumpster. Upon leaving, the truck operator may choose to depart via the Quimby Road driveway or to the north and the Eastridge Loop. The arrival and departure will be based on the operator's route through the area.

With regard to City Council Policy 6-10 the proposed car wash is located at the northmost portion of the site, furthest away from Quimby Road. Car washes on gas station sites are typically ancillary uses with minimal new traffic generated by the use. Most users are either fueling vehicles or visiting the convenience store. The proposed stacking lane is separated from the other on-site uses with five to six cars accommodated.

With these design features it will not substantially increase hazards, therefore the project would not result in a significant impact.

(Less Than Significant Impact)

d) Result in inadequate emergency access?

The City of San José Fire Department requires that all portions of the buildings are within 150 feet of a fire department access road and requires a minimum of six feet clearance from the property line along all sides of the buildings. The proposed buildings on the site would be within 150 feet of a fire access road, and the project would meet the six-foot requirement for building clearance on all sides. Further, the proposed project would not interfere with emergency response access on adjacent public roads and would not result in inadequate emergency access or response.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that traffic impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed.

4.18 TRIBAL CULTURAL RESOURCES

INTRODUCTION:

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. The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area. 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.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Would the project 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,26
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16

FINDINGS:

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),

Pursuant to the City General Plan, there are no known resources eligible for listed pursuant to Section 5020.1 (k) located in this area. Due to the disturbed nature of the site, it is unlikely that any eligible resources would be present on the proposed project’s location.

(Less Than Significant Impact)

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.*

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 in Coyote Valley. Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies and Standard Permit Conditions will ensure that cultural resources impacts would be reduced to a less than significant level at the time of development of the site.

MITIGATION MEASURES: None needed.

4.19 UTILITIES AND SERVICE SYSTEMS

INTRODUCTION:

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utilities and services policies of the City's General Plan, including the following:

Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City's Integrated Waste Management Program, which minimizes solid waste.

Electrical service to the site is provided by Pacific Gas and Electric Company. Sanitary and storm sewer are provided by the City of San José. Potable water is provided by San José Water Company.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or expansion of existing facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16

FINDINGS:

a) *Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or expansion of existing facilities, the construction or relocation of which could cause significant environmental effects?*

b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

While the estimated number of gallons used per wash at the car wash facility will be 60-70 gallons, approximately 60 percent of that water (36 to 42 gallons) will be reclaimed and re-used for the next wash. As a result, the increase in water is estimated at approximately 7,800 gallons per day or 2.8 million gallons per year. While this will require a new wastewater permit from the City, it is not anticipated to exceed any treatment requirements or require new or expanded entitlements/facilities for water usage.

(Less Than Significant Impact)

c) *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?*

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San José Urban Service Area where such facilities exist and have the capacity to serve the proposed project.

The General Plan FEIR determined that the three water suppliers for the City could serve planned growth under the City's General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply. The proposed project would be consistent with planned growth in the General Plan; therefore, implementation of the proposed project would have a less than significant impact on the City's water supply.

(Less Than Significant Impact)

d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Operation of the proposed project is anticipated to generate approximately the same amount of solid waste as the current use on site use. 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.

(Less Than Significant Impact)

CONCLUSION: Conformance with the above General Plan Policies will ensure that utility and service system impacts would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed

4.20 WILDFIRE

INTRODUCTION:

Fire is a primary driving force that has shaped California's ecosystems for millennia, recurring at varying intervals in virtually all vegetation types. It is estimated that between 4.5 and 12 million acres burned annually prior to Euro-American settlement, although there was significant variability in pre-settlement fire regimes across vegetation types and regions. Wildland fire activity always has been closely connected to climate and continues to be an endemic part of natural systems of much of the state. Our continuing quest to manage these systems in the face of fire's inevitability requires both looking backward for patterns and successes and looking forward for new innovations and strategies.

California Department of Forestry and Fire Protection (Cal Fire)

The *California Fire Plan*³⁴ was developed by Cal Fire in 2018 as the state's road map for reducing the risk of wildfire. The Fire Plan was a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection. By placing the emphasis on what needs to be done long before a fire starts, the Fire Plan looks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health.

The plan set forth eight goals, and each goal is meant to build upon the previous one (e.g., Goal 3 builds upon the accomplishments in Goals 1 and 2):

1. Identify and evaluate wildland fire hazards and recognize life, property and natural resource assets at risk, including watershed, habitat, social and other values of functioning ecosystems. Facilitate the collaborative development and sharing of all analyses and data collection across all ownerships for consistency in type and kind.
2. Promote and support local land use planning processes as they relate to: (a) protection of life, property, and natural resources from risks associated with wildland fire, and (b) individual landowner objectives and responsibilities.
3. Support and participate in the collaborative development and implementation of local, county and regional plans that address fire protection and landowner objectives.
4. Increase fire prevention awareness, knowledge and actions implemented by individuals and communities to reduce human loss, property damage and impacts to natural resources from wildland fires.
5. Integrate fire and fuels management practices with landowner/land manager priorities across jurisdictions.
6. Determine the level of resources necessary to effectively identify, plan and implement fire prevention using adaptive management strategies.
7. Determine the level of fire suppression resources necessary to protect the values and assets at risk identified during planning processes.
8. Implement post-fire assessments and programs for the protection of life, property, and natural resource recovery.

Cal Fire also produces maps depicting the Very High Fire Hazard Severity Zones³⁵ for that various counties in California.

City of San José

The overall mission of the San José Fire Department is "To serve the community by protecting life, property, and the environment through prevention and response." The Bureau of Fire Prevention (BFP) contributes to this mission through its primary focus on key areas of responsibility that include; public education and outreach

³⁴ California Department of Forestry and Fire Protection (Cal Fire). *2018 Strategic Fire Plan for California*. 2018

³⁵ California Department of Forestry and Fire Protection (Cal Fire). *Very High Fire Hazard Severity Zones*. 2008.

services, investigation of fires to determine cause and origin, and code compliance activities such as plan review and inspection. The BFP administers the Chapter 17-12 of the City code, Fire Code, among other code oversight.

The Envision San José 2040 General Plan sets forth various policies to help prevent wildland and urban fire hazards to help protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.

EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

EC-8.4: Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,30
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,30
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,30,31
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,30,31

FINDINGS:

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*
- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project is the redevelopment of an existing facility that is situated in an urban area and as such is serviced by existing fire protection agencies from the City of San José. As such, it will not require any additional development of infrastructure nor will it interfere with any adopted emergency response plans.

(No Impact)

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project is located in a flat area that is designated by Cal Fire as a non-fire hazard risk zone. There are no significant slopes or other factors that would exacerbate a fire on the site. While the facility will involve the dispensing of gasoline (a flammable liquid) all installations will comply with local and state building and fire codes and include the installation of fire suppression equipment as required.

(Less Than Significant Impact)

CONCLUSION: Conformance with the City building and fire codes will ensure that risk from wildfire would be reduced to a less than significant level at the time of future development of the site.

MITIGATION MEASURES: None needed

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,10

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS:

a) *Does the project have the potential to substantially 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, substantially 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?*

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to biological resources, hazardous materials, and noise. For biological resources, the project may impact migratory bird species therefore compliance with the MBTA, through project scheduling or nesting bird pre-construction survey. Development for review and approval of a SMP to manage sampling and potential disposal of site soils will reduce impacts regarding hazardous materials. The SMP will detail the management and potential disposal of stockpile, stormwater runoff, and worker health and safety. With the implementation of the mitigation measures noted in the individual sections, these impacts would be reduced to less than significant.

(Less Than Significant With Mitigation Incorporated)

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.*

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, forestry, mineral, or recreational resources. Therefore, the project would not contribute to cumulative impacts to these resources. There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic, traffic, and noise and vibration impacts. The project's geology and soils, hazardous materials, hydrology and water quality, and noise impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. There will not be a reduction in the number of jobs at the site could result in a contribution to a cumulative impact.

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution and GHG emissions are largely a cumulative impact. The project-level air quality thresholds identified by BAAQMD are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The project would have a less than significant impact on air quality. For this reason, the project would have a less than significant cumulative impact on air quality overall.

Overall, since the project will not conflict with any local or regional plans there is no expectation that there will be cumulative impacts. The purpose of the local and regional planning process is to avoid cumulative impacts by planning development of the City in a way that avoids such impacts. By complying with these plans the project ensures it will not result in cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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 hazardous materials and noise. With the implementation of General Plan policies, standard measures, and procedures described in this Initial Study, the proposed project would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

CONCLUSION: Conformance with the above General Plan Policies and mitigation measures outlined below will ensure that impacts would be reduced to a less than significant level at the time of development of the site.

INFORMATION SOURCES

1. Envision San José 2040 General Plan
2. San José Outdoor Lighting Policy (City Council Policy 4-3)
3. San José Residential Design Guidelines
4. Scenic Highway Program in the Streets and Highway Code, Sections 260 through 263
5. Department of Conservation Farmland Mapping and Monitoring Program (www.conservation.ca.gov/dlrp/fmmp)
6. BAAQMD's 2017 Clean Air Plan: *Spare the Air, Cool the Climate*
7. BAAQMD's 2017 CEQA Air Quality Guidelines
8. CARB Revised Emission Factors for Phase II Vehicle Refueling at California Gasoline Dispensing Facilities, December 23, 2013
9. Colorado Department of Public Health and Environment, Gasoline Station Emission Calculator
10. BAAQMD's Risk and Hazards Emissions Screening Calculator and Distance Adjustment Multiplier for Gasoline Dispensing Facilities, June 13, 2012
11. Santa Clara Valley Habitat Plan
12. US Fish and Wildlife Service (USFWS) iPAC website (www.ecos.fws.gov/ipac)
13. California Natural Diversity Database (www.wildlife.ca.gov/Data/CNDDDB)
14. San José Riparian Corridor Policy (Policy Number 6-34)
15. San José Tree Ordinance (Municipal Code 13.32)
16. Envision San José 2040 General Plan EIR
17. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
18. Emcon Associates, Tank Removal Report
19. MTC Plan Bay Area 2040
20. Cortese List pursuant to Section 65962.5 (www.dtsc.ca.gov/SiteCleanup)
21. FEMA Flood Map Center (msc.fema.gov/portal/home)
22. City of San José Title 20 Zoning Ordinance
23. California Department of Finance estimates for 2018 (www.dof.ca.gov/Forecasting/Demographics/Estimates),
24. City's Transportation Level of Service Policy (Council Policy 5-3)
25. City's Criteria for the Review of Drive Through Uses (Policy 6-10)
26. MTC Transportation 2035: Change in Motion
27. Institute of Transportation Engineers, Trip Generation, 9th Edition
28. Comprehensive Land Use Plan, Reid-Hillview Airport. 2016.
29. Santa Clara Valley Water District. Groundwater Management Plan. 2016
30. Cal Fire Very High Fire Hazard Severity Zones, 2008
31. Cal Fire 2018 Strategic Fire Plan for California

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State of California. *Streets and Highway Code, Sections 260 through 263* (Scenic Highway Programs).

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State of California Department of Toxic Substances Control. *Cortese List pursuant to Section 65962.5* (www.dtsc.ca.gov/SiteCleanup). Accessed September 2018.

State of Colorado Department of Public Health and Environment. *Gasoline Station Emission Calculator* (www.colorado.gov/pacific/sites/default/files/AP_Gasoline-Station-EmissionsCalculator.xlsx). Accessed April 2019.

United States Fish and Wildlife Service (USFWS) iPAC website (www.ecos.fws.gov/ipac). Accessed September 2018.

PHOTOGRAPHIC LOG

Figure 1: View facing east on Qumiby Road toward Capitol Expressway



Figure 2: View of drainage and residences east of Capitol Expressway, looking south



Figure 3: View of drainage and residences east of Capitol Expressway, looking north.



Figure 4: Southeast corner of Capitol Expressway and Quimby Road



Figure 5: Southwest Corner of Capitol Expressway and Qumiby Road



Figure 6: Supermarket property west of project site.



Figure 7: Project property at 2375 Quimby Road



Figure 8: Project property looking west across Capitol Expressway



Figure 9: Project property looking west across Capitol Expressway



Figure 10: View from project property looking southwest across Quimby Road



Figure 11: Aerial photo of project area at the corner of Capitol Expressway and Quimby Road

