INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

PROPOSED HYDROGEN FUELING STATION
510 SANTA CLARA STREET
SAN JOSE, CALIFORNIA

CITY FILE NUMBER H21-017

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

SEPTEMBER 2021

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: East Santa Clara Street Hydrogen Fueling Station Project

PROJECT FILE NUMBER: H21-017/ER21-066

PROJECT DESCRIPTION: Site Development Permit for the installation of a hydrogen fueling facility within an existing gas station on a 0.44-acre site in San José. The proposed hydrogen fueling station would be similar in construction and appearance to the existing gasoline fueling station and would include two new hydrogen fuel dispensers, a hydrogen equipment area, valve panels and related electric equipment. The existing 400 square foot (sf) convenience store, fueling bays canopy, and associated gasoline fueling equipment would remain on site. The project would not interfere with the previously entitled convenience store or the existing 1,044 sf auto service center.

PROJECT LOCATION: 510 East Santa Clara Street, San Jose

ASSESSORS PARCEL NO.: 467-26-109 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: First Element Fuel, Inc. (ATTN: Dave Logan); 5281 California Avenue, Irvine, CA 92617; 740-604-0050.

FINDING

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

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

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

C. **AIR QUALITY** – The project would not have a significant impact on this resource, therefore

no mitigation is required.

D. BIOLOGICAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

G. GEOLOGY AND SOILS – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Potential contamination could be discovered during the course of grading activities.

MM HAZ-1: Prior to the issuance of any grading permit, the project applicant shall submit a Soil Management Plan (SMP) to the Director of Planning, Building and Code Enforcement or Director's designee and the City's Environmental Compliance Officer in the Department of Environmental Services for their review.

At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

The SMP shall be submitted to the City of San Jose Director of Planning, Building and Code Enforcement or Director's Designee and the Environmental Compliance Officer of Department of Environmental Services Department for review prior to issuance of any grading permits.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this

resource, therefore no mitigation is required.

L. **MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. **NOISE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

N. **POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. **PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. **RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. **TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. **TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

S. **UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. **WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. **MANDATORY FINDINGS OF SIGNIFICANCE.**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, September 28, 2021** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

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

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

9/1/2021
Date

Deputy

Thai-Chau Le
Environmental Project Manager

Circulation period: September 7, 2021 to September 28, 2021

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SAN JOSE, CALIFORNIA

1.0 EXECUTIVE SUMMARY

Salem Engineering Group, Inc. (SALEM) performed an Initial Study –Mitigated Negative Declaration for the Proposed Hydrogen Fueling Station located at 510 East Santa Clara Street in San Jose, California (subject property). The subject property comprises an approximate 0.44-acre square-shaped parcel (Santa Clara County Assessor's Parcel Number [APN] 467-26-109) located on the northwest corner of East Santa Clara Street and South 11th Street. The Initial Study will satisfy the requirements of the California Environmental Quality Act (CEQA) and the regulations of the City of San José.

2.0 BACKGROUND

2.1 Project Location

The approximately 0.44-acre project site is located on the northwest corner of the intersection of East Santa Clara Street and South 11th Street in the southeastern area of the City of San José. The street address is 510 East Santa Clara Street. The assessor's parcel number is 467-26-109. Figure 1 shows the site location in a regional context. Figure 2 shows the location of the site relative to the surrounding area.

2.2 General Plan Designation

The project site is designated as Neighborhood/Community Commercial under the City's General Plan, titled *Envision San José 2040* (City of San José 2011a). The project site is designated Neighborhood/Community Commercial within the approved East Santa Clara Street Urban Village. Properties in this designation are intended to provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use, and public interaction.

3.0 PROJECT CONTACT INFORMATION

CONTACT	AFFILIATION	RESPONSIBILITY
City of San José Department of Planning, Building and Code Enforcement Attn: Thai-Chau Le, Thai-Chau.Le@sanjoseca.gov 200 East Santa Clara Street, 3rd Floor San José, CA 95113	City of San José	Lead Agency Contact
Kristi Kandel, President and Founder I&D Consulting 13900 Palawan Way #28 Marina Del Rey, California 90292	Project Applicant	Project Applicant

4.0 SURROUNDING LAND USES

The project site is developed with a convenience store and gas station as well as associated improvements including parking. East Santa Clara Street runs along the northeastern boundary of the site and North 11th Street runs along the southwestern boundary of the site. Single-family residential development lies to the south and southeast of the project site. Commercial uses lie to the northeast across South 12th St; to the

northwest across East Santa Clara Street; and directly adjacent to the northeast. Commercial uses are also located to the southwest and northwest. A bus stop is located adjacent to the site between the existing fuel station and the adjacent restaurant immediately northeast.

5.0 DESCRIPTION OF PROJECT

The proposed project involves the installation of a hydrogen fueling facility within an existing gas station in San José. The proposed hydrogen fueling station would be similar in construction and appearance to the existing gasoline fueling station and would include two new hydrogen fuel dispensers, a hydrogen equipment area, valve panels and related electric equipment. The existing 400 square foot (sf) convenience store, fueling bays canopy, and associated gasoline fueling equipment would remain on site. The project would not interfere with the previously entitled convenience store or the existing 1,044 sf auto service center.

The hydrogen dispensers would be located on the northern and western portions of the site adjacent to the existing fueling canopy and dispensers. The location is currently paved with asphalt. The hydrogen equipment area would be approximately 363 square feet in size. Hydrogen equipment would be installed on a prefabricated equipment skid to the northeast of the existing service bays. The proposed conceptual site plan is shown below.

The project also includes installation of an ADA path between the sidewalk along East Santa Clara Street and the existing convenience store. A total of 6 existing parking stalls would remain, inclusive of one ADA stall, with seven existing stalls removed.

Figure 1 Site Location Map

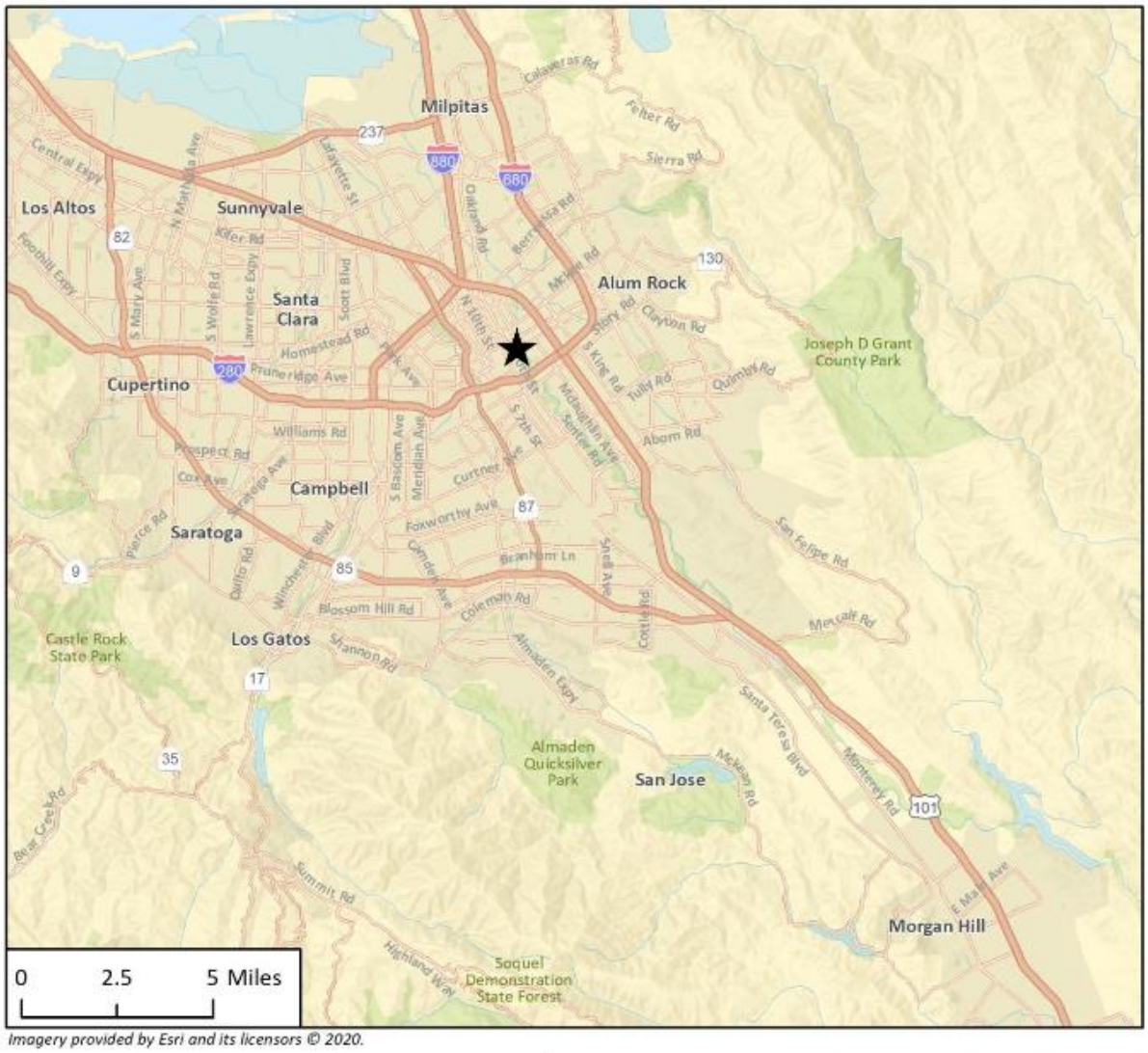
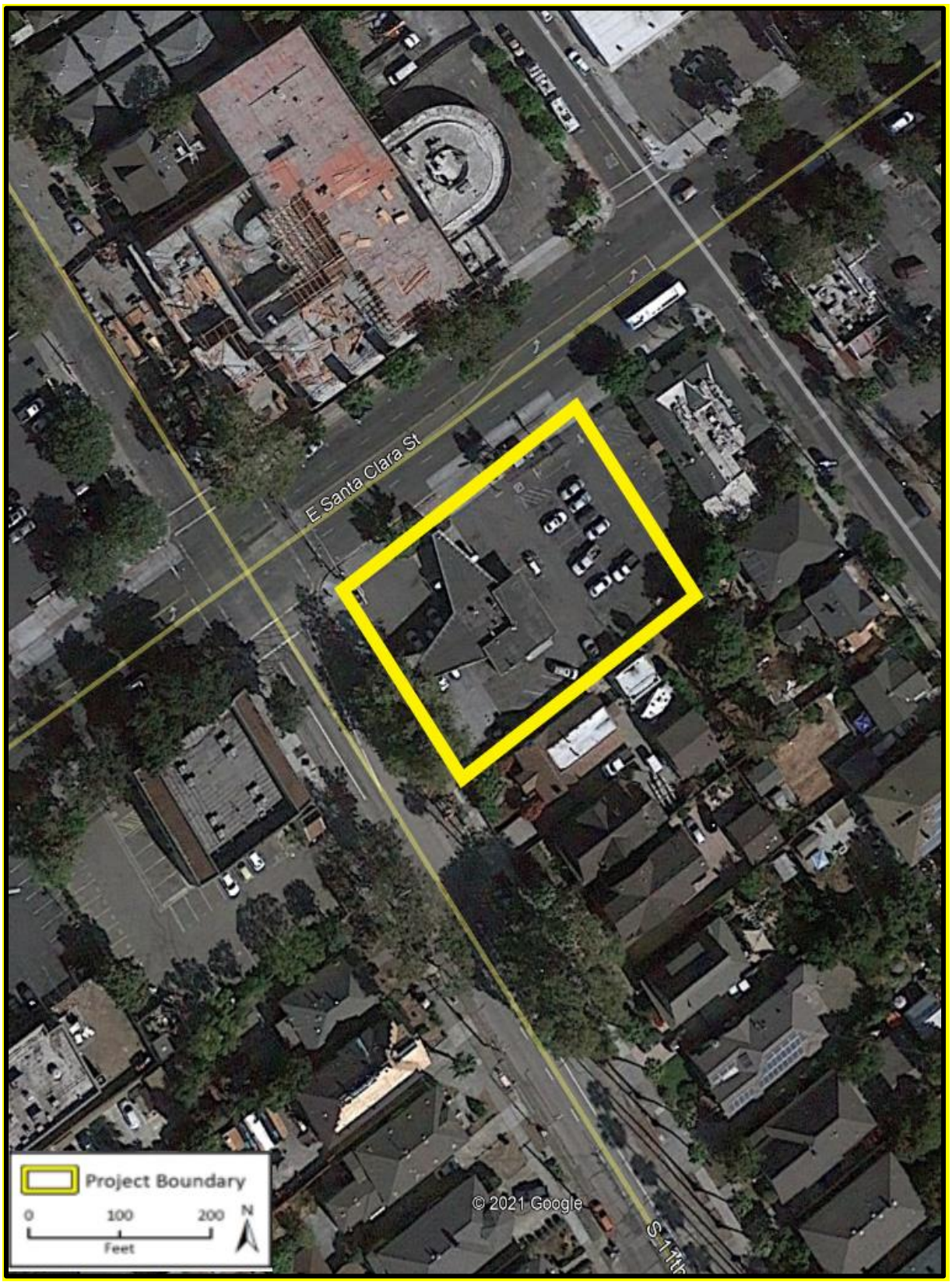


Figure 2 Project Location



5.1 Project Construction

Project construction activities would include installation of the equipment area and excavation as part of installation of fuel pumps and related infrastructure. Construction activities would be completed in approximately 10 weeks, including 2 weeks for installation of the hydrogen equipment area, 4 weeks for trenching and pipeline installation, 2 weeks for utilities installations, 2 weeks for dispenser installation. The maximum excavation depth would be eight feet for the dispenser, canopy piers, and vent stack foundation. Excavation at the hydrogen equipment area would extend to six feet below ground surface and excavation for the pipeline between the hydrogen equipment area and hydrogen dispensers would be four feet below ground surface.

Installation would require excavation and installation of pipelines and supply infrastructure and the repaving of the affected area. The project would be constructed within an area that is currently paved with asphalt concrete or that is landscaped. Pavement that is damaged or demolished during construction, such as the required excavation, would be restored.

5.2 Project Operation

The proposed hydrogen fueling station would operate 24 hours a day, 7 days a week, consistent with the operational hours of the existing convenience store and gasoline fueling facilities on-site. Based on data collected at existing hydrogen fuel facilities, the proposed project would generate approximately 13 vehicle trips during the AM peak hour and approximately 17 vehicle trips during the PM peak hour, with a daily trip generation of approximately 137 trips. Cars that operate using hydrogen are known as fuel-cell electric vehicles (FCEV). As FCEVs become more popular and common, the number of daily trips to the hydrogen fueling station could increase.

Hydrogen gas would be delivered to the site, as needed, based on supply and demand. Tractor trailer trucks designed to transport liquid and gaseous substances, commonly known as tanker trucks, would deliver fuel to the site. Deliveries would occur approximately three times per week. Delivery frequency could increase as FCEVs become more common and the demand for hydrogen fuel increases. Maximum delivery frequency, based on maximum possible demand, would be once, daily.

The proposed hydrogen fueling facilities would not change current operations of the existing convenience store and gasoline fueling station.

6.0 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

The proposed project would require the following entitlements, permits, and/or approvals:

- City of San José Planned Development Permit Amendment
- City of San José Grading Permit
- City of San José Building Permit

7.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

□	Aesthetics	□	Agriculture and Forestry Resources	□	Air Quality
□	Biological Resources	□	Cultural Resources	□	Energy
□	Geology/Soils	□	Greenhouse Gas Emissions	■	Hazards and Hazardous Materials
□	Hydrology/Water Quality	□	Land Use/Planning	□	Mineral Resources
□	Noise	□	Population/Housing	□	Public Services
□	Recreation	□	Transportation	□	Tribal Cultural Resources
□	Utilities/Service Systems	□	Wildfire	□	Mandatory Findings of Significance

8.0 DETERMINATION

Based on this initial evaluation:

□ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

□ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

□ I find that the proposed project MAY have a "potentially significant impact" or "less than significant with mitigation incorporated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

□ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

9.0 ENVIRONMENTAL CHECKLIST

9.1 Aesthetics

		POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Except as provided in Public Resources Code Section 21099, would the project:					
a.	Have a substantial adverse effect on a scenic vista?	□	□	■	□
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	□	□	□	■
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 a 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?	□	□	■	□
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	□	□	□	■

a. Would the project have a substantial adverse effect on a scenic vista?

Based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are scenic features framing the horizon of the San José portion of the Santa Clara Valley. The project site and the surrounding area are relatively flat. Prominent viewpoints, other than the surrounding buildings, are limited. The project area has limited views of the Silver Creek Hills, Diablo foothills, and Santa Cruz Mountains. Views from the project site are primarily of surrounding commercial and residential development, but some views of the upper elevations of the Silver Creek Hills are visible in the distance. The proposed hydrogen fueling facilities would appear similar to the existing gasoline fueling facilities on the project site and adjacent to the site and would therefore be consistent with the urban design landscape of the surrounding industrial area where the project is located. The proposed hydrogen fueling facilities would be no taller or massive than existing facilities on the project site. Therefore, existing views of the Silver Creek Hills from the site or through the site would not be obstructed. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no state-designated scenic highways in San José. In Santa Clara County, the only state-designated scenic highway is State Route (SR) 9 from the Los Gatos City Limit to the Santa Cruz County line (Caltrans 2019). The roadway segment is approximately eight miles west of the project site. The site is not within the scenic highway or visible from SR 9.

Eligible State Scenic Highways that are not officially designated include: SR 17 from SR 9 to the Santa Cruz County line, SR 35 from SR 9 to the Santa Cruz County line, Interstate 280 from SR 17 to the San Mateo County line, and the entire length of SR 152 within the County (Caltrans 2019). The project site is approximately eight miles from the nearest of these roadway segments. There would be no impact.

NO IMPACT

c. Would the project, 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 a 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 project site consists of an existing convenience store and gas station in an establish commercial, urbanized area of San José. The project would add hydrogen fueling facilities to the existing gas station. The hydrogen fueling facilities would appear like existing gasoline fueling facilities, such as fuel dispenser machines. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The proposed project would add hydrogen fueling facilities to the existing gas station and would retain the existing lighted canopy over the proposed hydrogen fuel dispensers to aid customers in refueling during the night. All lighting on the project site would be retained under the proposed project and no new lighting would be installed. Canopy lighting would remain the same and is currently directed downward toward the fuel dispensers. Because the project area is urbanized with many sources of lights, and all existing lighting would be retained the project would not create a substantial source of new light. The proposed project would not involve the use of reflective materials that create glare. No impact would occur.

NO IMPACT

9.2 Agriculture and Forestry Resources

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project?				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on 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 or conversion of forest land to non-forest use?	□	□	□	■

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

b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

c. Would the project 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. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The project site is an existing gasoline station that is in an urbanized area of San José. Neither farmland nor forested lands occur on or adjacent to the project site. The site is not zoned for agriculture, forest land, nor timberland production. The project would add hydrogen fueling facilities to an existing fueling station and not convert any existing land use. There would be no impact.

NO IMPACT

9.3 Air Quality

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	□	□	■	□
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	□	□	■	□
c. Expose sensitive receptors to substantial pollutant concentrations?	□	□	■	□
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	□	□	■	□
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	□	□	■	□

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines set forth criteria for determining consistency with the Bay Area 2017 Clean Air Plan (CAP) (BAAQMD 2017). In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. The 2017 CAP control measures generally try to reduce vehicle trips by increasing transit use and active transportation modes, utilizing low-energy design in buildings, and reducing excess waste. Control measures also encourage preservation of trees and planting of urban street trees.

The proposed project would not increase demand for transit use nor result in a reduction of vehicle trips in San José. However, the hydrogen fueling facilities would be used solely for FCEV, which do not generate pollutants

that degrade air quality. A tanker truck would deliver hydrogen fuel to the site. The tanker truck would be a conventional diesel tractor trailer. However, the project site would be one stop on the overall route that the truck currently makes to deliver hydrogen fuel in the region. The proposed project would not require removal any trees located on site or along the project perimeter. Therefore, the proposed project would facilitate transportation in San José that supports the goals of the 2017 CAP. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Construction activity required for the proposed project would be approximately 10 weeks total and therefore, would be short-term and temporary, resulting in negligible to no net increase of criteria pollutants in the region. Hydrogen is not a regulated pollutant, so the storage of hydrogen fuel in tanks would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. Stations that merely accept hydrogen fuel deliveries would likely not need air permits for hydrogen fuel storage tanks, as they would have no regulated emissions. Additionally, construction of the proposed project would be subject to the following City of San José Standard Permit Conditions.

Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

a. Water active construction areas at least twice daily or as often as needed to control dust emissions.
b. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
c. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
e. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
f. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
g. Replant vegetation in disturbed areas as quickly as possible.
h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
i. Minimize idling times either by shutting off equipment 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). Provide clear signage for construction workers at all access points.
j. Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
k. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

With implementation of required Standard Permit Conditions, this impact would be less than significant.
LESS THAN SIGNIFICANT IMPACT

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Construction of the proposed project would involve the use of heavy equipment powered by diesel fuel, such as a backhoe. Diesel exhaust contains various pollutants that can be harmful to the environment or human health. Construction of the project would be short term and temporary for approximately 10 weeks. As previously mentioned, construction activities would be completed in approximately 10 weeks, including 2 weeks for installation of the hydrogen equipment area, 4 weeks for trenching and pipeline installation, 2

weeks for utilities installations, 2 weeks for dispenser installation. The maximum excavation depth would be eight feet for the dispenser, canopy piers, and vent stack foundation. Excavation at the hydrogen equipment area would extend to six feet below ground surface and excavation for the pipeline between the hydrogen equipment area and hydrogen dispensers would be four feet below ground surface. Because the site is an existing gasoline station, construction equipment would primarily be operated on asphalt pavement, resulting in minimal dust emissions. Additionally, implementation of the City's Standard Permit Conditions, described above, would be required during construction activities and reduce construction emissions. Accordingly, construction emissions would not expose sensitive receptors to substantial pollutant concentrations.

Hydrogen gas would be delivered to the site by tanker trucks during the operational life of the project. Like construction equipment, tanker trucks also generate diesel exhaust. Initially, delivery would occur approximately three times per week. Delivery frequency could increase as FCEVs become more common and the demand for hydrogen fuel increases. Maximum delivery frequency, based on maximum possible demand, would be once, daily. A daily increase of a single tanker truck trip on Capitol Expressway or Snell Avenue would not generate substantial pollutant concentrations.

As described above, hydrogen is not a regulated pollutant; therefore, the project is not expected to expose sensitive receptors to substantial pollutant concentrations. Trips made to the site in order to refuel would be by FCEV. As electric vehicles, FCEVs generate no pollutant emissions. For the reasons explained above, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Hydrogen is an odorless gas. Therefore, the hydrogen fuel would result in no adverse odors. However, construction and delivery vehicles, such as a backhoes and tanker trucks, would require use of diesel equipment. Diesel exhaust may be described by some as an adverse odor. However, construction would be temporary and the standard permit conditions stated above would be applied to reduce temporary construction effects. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.4 Biological Resources

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	□	□	□	■
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	□	□	□	■

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

a. Would the project 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 Wildlife or U.S. Fish and Wildlife Service?

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project site is an existing gasoline station that is in an urbanized area of San José. There are no vegetated areas on or adjacent to the project site that could support special status species or habitat. Furthermore, the proposed project would not alter any green space. Riparian habitat or other sensitive natural communities are not present at the site. Therefore, the proposed project would have no impact on special-status species, riparian habitat, or other sensitive species or natural communities.

NO IMPACT

c. Would the project 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?

Neither wetlands nor hydrological features occur within the site and therefore the proposed project would have no impact on such features.

NO IMPACT

d. Would the project 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?

There are no streams or other surface waters on or adjacent to the project site. The site is fully paved and there is no vegetation of note on site. Therefore, the project site is not used for fish migration or movement. Therefore, the project site has no value to wildlife movement or migration, and it is not a native wildlife nursery. The proposed project would have no impacts.

NO IMPACT

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed project would not require tree removal, nor any long-term effect on biological resources. No trees or other landscaped areas would be affected during project construction and operations. The proposed project would have no impact.

NO IMPACT

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

According to the Santa Clara Valley Habitat Agency (2012), the project site is located within Area 4: Private Development Area, Urban-Suburban Land Cover area, and is not within any special fee zones within the Santa Clara Valley Habitat Plan (SCVHP) (http://www.hcpmaps.com/habitat/). However, the project is still considered a Covered project and would be subject to the following City Standard Permit Condition:

> **Santa Clara Valley Habitat Plan:** The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

With implementation of the City's Standard Permit Condition, this impact is considered less than significant.

LESS THAN SIGNIFICANT IMPACT

9.5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	□	□	■	□
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	□	□	■	□
c. Disturb any human remains, including those interred outside of formal cemeteries?	□	□	■	□

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

The building at 510 East Santa Clara Street is in the Naglee Park City Conservation Area and is listed as the "Associated Oil Service Station" as a Structure of Merit (SM) on the City of San Jose Historic Resources Inventory, which is a "structure determined to be a resource through evaluation by the City of San Jose Historic Landmarks Commission's historic evaluation criteria and which preservation should be a high

priority". Based on the survey, it is recommended that the property at 510 East Santa Clara Street is eligible for listing as a San Jose City Landmark under Criteria 6 and 8 as a local example of the Phillips 66 "New Look" service stations that utilized elements of Googie roadside architecture and that retains a high level of historic integrity to its original construction and period of significance (1967).

Therefore, the Phillips 66 "New Look" Googie-style service station property at 510 East Santa Clara Street is eligible for listing in the NRHP, is listed in the CRHR, and is eligible for listing as a City of San Jose Historic Landmark and is a historical resource for the purposes of CEQA.

As stated in the Cultural Resources Assessment, a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources. The character-defining features of the historical resource are the footprint and massing of the building, the two upward-slanting triangular-shaped canopies extending from the building, three sets of metal poles with metal cross-bracing under the canopy and in the concrete gas pump islands, the upward slanted glass and metal window commercial storefront, the concrete block building material, flat roof of the storefront and garage bays, wide parapet/cornice around the garage bays, and the concrete base free-standing signage at the northwest corner of the parcel.

The Project proposes to add two hydrogen refueling dispensers in the existing concrete gas pump islands and add an approximately 363-square-foot equipment and electrical storage structure on the northeast side of the existing 1967-constructed service station building. The proposed project would not result in changes to the character defining feature of the site and therefore, would not result in a substantial adverse change to the historical resource.

According to the General Plan 2040, the project site is not located within an archeological sensitive area. No archaeological resources were encountered during the pedestrian survey or revealed to be within the Project site based on background research; however, it is always possible that unexpected finds may occur during project construction. In the event that previously unidentified cultural resources are unearthed during construction, construction work should cease within 50 ft of the find and directed away from the discovery until a Secretary of the Interior-qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the City, should make the necessary plans for treatment of the find(s) if the resource is eligible for listing on the NRHP or the CRHR.

Following the requirements of the California Health and Safety Code (HSC) 7050 and Public Resources Code (PRC) Section 5097.94, if human remains are encountered (or suspected) during any project-related activity, the following steps should be followed:

- Stop all work within 100 feet;
- Immediately contact a qualified archaeologist to assess whether the find represents human remains;
- If remains are confirmed as human, notify the Santa Clara County Coroner;
- Do not remove associated spoils or pick through them. Record the location and keep notes of all calls and events; and
- Treat the find as confidential and do not publicly disclose the location.

If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. The Most Likely Descendant should work with the property owner, a qualified archaeologist, and any interested agencies to develop a program for re-interment or other disposition of the human remains and any associated artifacts. No additional work should

take place within the immediate vicinity of the find until the Most Likely Descendant and a qualified archaeologist give approval.

The project would involve construction within a fully developed and previously disturbed site. Construction of the existing gasoline station on the site required excavation and disturbed native soils, reducing the potential for subsurface archaeological resources to remain intact on-site. The potential for archaeological resources or human remains to be encountered is low. However, because the proposed project would involve subsurface construction activities, there is the possibility to encounter intact archaeological deposits or undocumented human remains during construction. If encountered, construction could damage or destroy these resources or remains. The project would be required to implement the following City of San José Standard Permit Conditions:

Standard Permit Conditions:

Subsurface Cultural Resources: If 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 (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains: If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will determine as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of the identified City Standard Permit Conditions, the project would have a less than significant impact on cultural resources.

LESS THAN SIGNIFICANT IMPACT

9.6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	□	□	■	□
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	□	□	■	□

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction of the proposed project would require the consumption of fuel energy. However, the project site is nearly flat and would require minimal use of grading equipment for project construction. Construction would be short-term (10 weeks) and would not require substantial quantities of equipment. Therefore, project construction would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Operation of the project would require electricity to power hydrogen fuel dispensers and other project components. However, the energy required to power two fuel dispensers and other associated project components would be negligible. Additionally, the project would facilitate the use of FCEVs, which utilize less energy to operate than traditional gasoline-powered vehicles. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Electricity required for operation of the proposed project would be provided by San José Clean Energy (SJCE). SJCE is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity, and the Pacific Gas and Electric (PG&E) Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 86 percent carbon-free electricity (SJCE 2020). Therefore, energy used for operation of the project would be largely from renewable sources. SJCE plays a crucial role in fulfilling the nine strategies of the Climate Smart San José, which is the City's plan for addressing climate change. The proposed project would be consistent with Climate Smart San José Strategy 2.3:

> **Strategy 2.3:** New technology can enable clean, electric, and personalized mobility choices that make it convenient to move between any two points in the city.

Additionally, the provision of hydrogen fueling facilities would facilitate the use of FCEVs, potentially reducing gasoline consumption. Therefore, the proposed project would not conflict with state or local plans for renewable energy or energy efficiency. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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 delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	□	□	■	□
2. Strong seismic ground shaking?	□	□	■	□
3. Seismic-related ground failure, including liquefaction?	□	□	■	□
4. Landslides?	□	□	□	■
b. Result in substantial soil erosion or the loss of topsoil?	□	□	■	□
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	□	□	■	□
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	□	□	■	□
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?	□	□	□	■
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	□	□	■	□

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Earthquake faults in the San Francisco Bay, specifically the San Andreas, Calaveras, and Hayward faults are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake. No active faults or fault zones have been mapped on site (USGS 2020). Therefore, the risk of fault rupture at the project site is low.

The greatest risk during strong seismic ground shaking is structural collapse, leading to falling objects, such as roofing rafters or retaining walls. The proposed project would not involve the construction of new building with occupancy or retaining walls. Hydrogen fueling facilities would largely be at ground level to several feet above ground level and not present a toppling risk during shaking. Additionally, the project

would be constructed consistent with the most current California Building Code, which requires seismic stability measures be incorporated into design and construction. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction generally occurs as a result of strong ground shaking in areas where granular sediment or fill material either contains, or is located immediately above, high moisture content. The ground shaking transforms the material from a solid state to a temporarily liquid state and can result in settlement, flow failure, and lateral spreading. Liquefaction is a serious hazard because buildings in areas that experience liquefaction may sink or suffer major structural damage. These geological and groundwater conditions are prevalent in the San Francisco Bay Area, including through parts of San José. According to the California Geological Survey, the project site is in a liquefaction zone (California Department of Conservation [DOC] 2020). However, the site is developed with an existing gas station, which required proper soil compaction and grading when the station was constructed consistent with mandatory regulations and requirements, such as the California Building Code. The proposed project would also be constructed consistent with all regulations pertaining to safety and stability, such as the California Building Code, which addresses seismic safety. Additionally, the project would be required to implement the following City of San José Standard Permit Condition:

Seismic Damage

a. To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

b. Schedule all excavation and grading work in dry weather months or weatherize construction sites.

c. Cover stockpiles and excavated soils with secured tarps or plastic sheeting.

d. Install ditches to divert runoff around excavations and graded areas if necessary.

e. Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

With adherence to building regulations and implementation of Standard Permit Conditions, impacts to people or structures resulting from seismic-related ground failure and liquefaction would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Landslides are the downward and outward movements of slope-forming materials including rock, soil, artificial fill, or combinations of such materials under the direct influence of gravity. The proposed project

site is nearly level, and there are no hills adjacent to the site. There are no known landslides near the site, nor is the site in the path of any known or potential landslides (DOC 2020). The proposed project does not involve substantial mounding of earth or other substantive changes to grade that would create slope instability hazards. Therefore, the proposed project would have no impact.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The project site is relatively flat and would require little to no grading to install the proposed hydrogen fueling facilities. Excavation would be required but would be minimal. Most of the site would remain covered in either asphalt or structures during project construction, and all disturbance would be repaved following construction. Therefore, the potential for soil erosion or loss would be negligible. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project 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?

The proposed project would be constructed on existing engineered fill (Natural Resources Conservation Service [NRCS] 2020) that was graded and prepared when the existing gasoline station was constructed on the project site. The proposed project would involve trenching to install electrical conduit and hydrogen fuel lines. These trenches would be backfilled and compacted in accordance with the California Building Code. Additionally, the project would be subject to standard permit conditions, described above, which require preparation and adherence to a geotechnical investigation to ensure ground stability. Therefore, the proposed project would not lead to unstable geology or soils. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils have a potential to undergo significant changes in volume in the form of either shrinking or swelling due to changes in moisture content. Periodic shrinking and swelling of expansive soils can cause extensive damage to buildings, other structures, and roads. The Uniform Building Code (UBC) requirements (defined in UBC Table 18-1-B) were primarily designed to test stability of foundations to avoid substantial risks to life or property. The proposed project would not require a building foundation; furthermore, on-site drainage features and compliance with existing building code requirements would ensure that surface flows do not impact underlying subgrade support characteristics. Additionally, the site underwent grading and preparation when the existing convenience store and gas station was constructed to ensure proper soil compaction and stability. Soils on the project site are engineered fill and are not expansive soils (NRCS 2020). For these reasons, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project 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 proposed project involves installation and subsequent operation of hydrogen fueling facilities. The proposed project would not require the septic tanks or alternative wastewater disposal systems. There would be no impact.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project would involve construction within a fully developed and previously disturbed site. Construction of the existing gasoline station on the site required excavation and disturbed native soils, reducing the potential for subsurface paleontological resources to remain intact on-site. According to Figure 3.11-1 of the City's General Plan Environmental Impact Report, the project site is in an area of high sensitivity at depth for paleontological resources (geologic unit Qhb – basin deposits) (City of San José 2011b). Project construction would require excavation to depths of up to 8 feet. Therefore, there is possibility for intact paleontological deposits to be discovered during construction. However, the project would be required to implement the following City of San José Standard Permit Condition:

> **Paleontological Resources:** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning or Director's designee of the of the City of San José Department of Planning, Building and Code Enforcement shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, 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 applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.

With implementation of the identified Standard Permit Condition, the project would have a less than significant impact on paleontological resources.

LESS THAN SIGNIFICANT IMPACT

9.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	□	□	■	□

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

In August 2020, the City of San José created the 2030 Greenhouse Gas Reduction Strategy (the 2030 GHGRS) in order to develop a 2030 GHG emissions target, analyze past, present and future GHG emission inventories, identify measures to reduce GHG emissions, provide a roadmap by which the City can reduce

its GHG emissions, and serve as a GHG reduction plan to streamline GHG analysis of future development. The 2030 GHGRS serves as a qualified Climate Action Plan for the Reduction of Greenhouse Gases as defined in California's CEQA Guidelines Section 15183.5. The goals of the 2030 GHGRS, which are consistent with the State's SB 32 target, are to reduce the Citywide GHG emissions per service population by 26 percent below the 2017 levels and reduce the absolute emissions by 7 percent below the 2017 levels by the year 2030. The 2030 GHGRS aims to achieve the GHG reduction targets by reducing GHG emissions from the following topic areas: San José Clean Energy, Zero Net Carbon Residential Construction, Renewable Energy Development, Existing Building Retrofits – Natural Gas, Zero Waste Goal, Caltrain Modernization Project, and Water Conservation. A project's consistency with the 2030 GHGRS is determined through the Development Compliance Checklist.

The proposed project would result in a temporary increase in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Because construction would be temporary (10 weeks), the project would not result in a permanent increase in emissions nor would project construction interfere with the implementation of Assembly Bill 32 or Senate Bill 32.

Operation of the proposed hydrogen fueling facilities would require consumption of electricity, which would result in a negligible increase in GHG emissions considering how little energy would be required. Additionally, hydrogen-powered vehicles, such as those that would use the proposed hydrogen fueling facilities, omit no GHGs, particulate matter, or other harmful tailpipe emissions (emissions are water and warm air). Therefore, this project would result in negligible GHG emissions that have no significant impacts on the environment. As described in Section 6, *Energy*, the proposed project would be consistent Climate Smart San José Strategy 2.3:

> **Strategy 2.3:** New technology can enable clean, electric, and personalized mobility choices that make it convenient to move between any two points in the city.

Climate Smart San José is the City's plan for addressing climate change and reducing GHG emissions. Impacts would be less than significant.

City of San Jose GHG Thresholds

Table A: General Plan Consistency

Development Type: ☒ Commercial ☐ Residential ☐ Office ☐ Other: Specify

1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	**Yes**	**No**
Is the proposed Project consistent with the Land Use/Transportation Diagram?	☒	☐
If not, and the proposed project includes a General Plan Amendment, does the proposed amendment decrease GHG emissions (in absolute terms or per capita, per employee, per service population) below the level assumed in the GHGRS based on the existing planned land use? (The project could have a higher density, mix of uses, or other features that would reduce GHG emissions compared to the planned land use).[1]	☐	☐

[1] For example, a General Plan Amendment to change use from single-family residential to multi-family residential or a General

If not, would the proposed project and the General Plan Amendment increase GHG emissions (in absolute terms or per capita, per employee, per service population)? Project is not consistent with GHGRS, and further modeling will be required to determine if additional mitigation measures are necessary.	☐	☐

Response documentation:

The proposed Project would convert an existing gasoline fueling station to a clean energy hydrogen fueling station. It is not expected that construction would generate significant GHG emissions as detailed in the attached CalEEMod outputs and long-term operations would involve clean energy hydrogen-fueled vehicles refueling at the station as an alternative to gasoline-burning vehicles that emit GHGs.

2) Implementation of Green Building Measures	**Yes**	**No**
***MS-2.2**: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	☐	☐
Not applicable	☒	☐
The Project involves replacing gasoline pumps with hydrogen fueling equipment for the purpose of refueling zero emissions hydrogen vehicles. The Project itself is a renewable energy project and no significant amounts of energy would be expected to be consumed either during installation of the pumps or their long-term operation.		
***MS-2.3**: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.*	☐	☐
Not applicable	☒	☐
As the Project proposes the installation of hydrogen pumps that would themselves lead to a reduction in vehicle emissions via providing infrastructure for zero-emissions vehicles and would require negligible amounts of energy to install and operate, solar panels and landscaping measures are not applicable.		
***MS-2.7**: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.*	☐	☐
Not applicable	☒	☐
As stated above, the Project would develop hydrogen fueling pumps to service zero-emissions vehicles. As such there is not a need or opportunity for solar panels and thus this does not apply.		
***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*	☐	☐

Plan Amendment to change the use from regional-serving commercial to mixed-use urban in a transit-served area might reduce travel demand, and therefore GHG emissions from mobile sources.

cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).		
Not applicable	☒	☐
The proposed Project consists of hydrogen pumps and no building construction would be necessary such that green building practices could apply.		
***MS-16.2**: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.*	☒	☐
Not applicable	☐	☐
The Project proposes the installation and operation of hydrogen fuel pumps for zero emissions vehicles and as such directly promotes the distribution of clean and renewable energy.		
3) Pedestrian, Bicycle & Transit Site Design Measures	**Yes**	**No**
***CD-2.1**: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.*		
a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.	☐	☐
b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.	☐	☐
c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.	☐	☐
Not applicable	☐	☒
Existing sidewalks abutting the Project site would be unaffected by Project implementation. As a result, no impacts to pedestrian facilities or experiences would occur.		
***CD-2.5**: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.*	☐	☐
Not applicable	☒	☐
As the Project consists primarily of replacing gasoline pumps with hydrogen pumps, no		

major changes to the site's infrastructure would occur outside of pump replacement.		
	Yes	**No**
CD-2.11*: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.*	☐	☐
Not applicable	☒	☐
The implementation of the proposed Project would not affect intensity of land use but rather devote the existing use to the servicing of GHG-reducing hydrogen fueling infrastructure.		
CD-3.2*: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.*	☐	☐
Not applicable	☒	☐
As stated above, no aspect of the proposed Project would affect pedestrian or bicycle connections or off-site uses such as schools or commercial areas. The installation of hydrogen pumps to service zero-emissions vehicles does not have the ability to impact the City's prioritization of pedestrian and bicycle transit connections.		
CD-3.4*: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.*	☐	☐
Not applicable	☒	☐
As stated above, no aspect of the proposed Project would affect pedestrian or bicycle connections. The installation of hydrogen pumps to service zero-emissions vehicles does not have the ability to impact the City's prioritization of pedestrian and bicycle transit connections.		
LU-3.5*: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.*	☐	☐
Not applicable	☒	☐

As stated above, no aspect of the proposed Project would affect pedestrian or bicycle connections or parking. The installation of hydrogen pumps to service zero-emissions vehicles does not have the ability to impact the City's prioritization of pedestrian and bicycle transit connections.		
	Yes	**No**
TR-2.8: *Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.*	☐	☐
Not applicable	☐	☐
As the proposed Project would install hydrogen pumps for servicing hydrogen-fueled vehicles specifically, there would be no need as result of Project implementation for bicycle storage or showers as the use is dedicated to clean-energy automobiles specifically.		
TR-7.1: *Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.*	☐	☐
Not applicable	☒	☐
The proposed hydrogen fueling station could not be considered a large employer.		
TR-8.5: *Promote participation in car share programs to minimize the need for parking spaces in new and existing development.*	☐	☐
Not applicable	☒	☐
A hydrogen fueling station as proposed would not be subject to car share programs as it is proposed to fuel zero-emissions vehicles specifically.		
4) Water Conservation and Urban Forestry Measures	**Yes**	**No**
MS-3.1*: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.*	☐	☐
Not applicable	☒	☐
No new landscaping is proposed on site for which water-efficiency measures would apply.		

	Yes	No
***MS-3.2**: Promote the 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.*	☐	☐
Not applicable	☒	☐
As no new major construction is proposed, green building technology and techniques would not apply.		
***MS-19.4**: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.*	☐	☐
Not applicable	☒	☐
Water uses at the site would not be significant or significantly different from existing conditions. The Project proposes the exchange of gasoline fueling pumps for clean-energy hydrogen pumps.		
***MS-21.3**: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.*	☐	☐
Not applicable	☒	☐
No aspect of the proposed hydrogen fueling station has the ability to negatively impact the City's Community Forest. Rather, it will help ensure zero-emissions vehicles that do not emit GHG during their operation have fueling opportunities within the City.		
***MS-26.1**: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.*	☐	☐
Not applicable	☒	☐
The implementation of the proposed Project would not affect street trees on the Project site as the scope of the Project would be limited to the site's interior.		

	Yes	No
ER-8.7*: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.*	☐	☐
Not applicable	☒	☐

The site's grading and stormwater drainage would be unaffected by the installation and operation of hydrogen pumps.

GHGRS Strategies

GHGRS #1: The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.

GHGRS #2: The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the city's new construction toward zero net carbon (ZNC) buildings.

GHGRS #3: The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.

GHGRS #4: The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.

GHGRS #5: As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.

GHGRS #6: The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the city's air quality.

GHGRS #7: The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water-efficient technology and systems.

Table B: General Plan Consistency

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
PART 1: RESIDENTIAL PROJECTS ONLY		
Zero Net Carbon Residential Construction 1. Achieve/exceed the City's Reach Code, and 2. Exclude natural gas infrastructure in new construction, or 3. Install on-site renewable energy systems or participate in a community solar program to offset 100% of the project's estimated energy demand, or 4. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project until which time SJCE achieves 100% carbon-free electricity for all accounts. **Supports Strategies**: GHGRS #1, GHGRS #2, GHGRS #3	The proposed Project is not residential in nature.	☐ Proposed ☒ Not Applicable ☐ Not Feasible* ☐ Alternative Measure Proposed ** The 2030 GHGRS assumed this strategy would be feasible for 50% of residential units constructed between 2020 and 2030.*
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS		
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or	The Project consists primarily of the installation and operation of hydrogen fuel pumps that use minimal amounts of electricity and the infrastructure of which could not support solar panels.	☐ See Part 1 (Residential projects only) ☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. **Supports Strategies**: GHGRS #1, GHGRS #3		
Building Retrofits – Natural Gas[2] This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or 2. Replace an existing natural gas appliance with a high-efficiency model **Supports Strategies:** GHGRS #4	The Project does not propose a significant retrofit of any existing structure.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement. **Supports Strategies:** GHGRS #5	The implementation of the proposed hydrogen fueling pumps would not generate waste.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed

[2] GHGRS Strategy #4 applies to existing building retrofits and not to new construction; Strategy #2 applies to new construction to reduce natural gas related GHG emissions

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
Caltrain Modernization 1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. **Supports Strategies:** GHGRS #6	The proposed Project would not involve tenants, is designed to service clean-energy private vehicles, and therefore could not have any effect on Caltrain.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed
Water Conservation 1. Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or 2. Provide access to reclaimed water for outdoor water use on the project site. **Supports Strategies:** GHGRS #7	The proposed Project would not generate significant water demand such that water conservation measures for appliances/fixtures or reclaimed water for outdoor use would be applicable.	☐ Proposed ☒ Not Applicable ☐ Not Feasible ☐ Alternative Measure Proposed

LESS THAN SIGNIFICANT IMPACT

9.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	□	□	■	□
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?	□	□	■	□
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	□	□	■	□
d. Be located on a site that is included on a list of hazardous material 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?	□	■	□	□
e. For a project located in 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 or excessive noise for people residing or working in the project area?	□	□	■	□
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	□	□	□	■
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	□	□	□	■

Environmental Setting

Regulatory Framework:

The storage, use, generation, transport, and disposal of hazardous materials and waste are regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the federal Environmental Protection Agency (EPA) has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Federal

Comprehensive Environmental Response, Compensation, and Liability Act:

CERCLA, commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act:

RCRA is a federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

Cortese List:
Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. Government Code Section 65962.5 was originally enacted in 1985, and per subsection (g), the effective date of the changes called for under the amendments to this section was January 1, 1992. While Government Code Section 65962.5 refers to the preparation of a "list," many changes have occurred related to web-based information access since 1992 and this information is now available on the websites of the responsible organizations. Two of which are the California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB), which are responsible for updating the EnviroStor and GeoTracker databases, respectively. Information in these databases is considered part of the Cortese List. Refer to the description of these organizations in the state regulation section below for more information. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements.

Federal Aviation Regulations:
Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. Particularly, FAR Part 77 restricts the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground.

State
California Department of Toxic Substances Control:
DTSC is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products. DTSC is responsible for publishing and revising hazardous substance release sites selected for, and subject to, a response action for inclusion in the EnviroStor database, which is considered part of the Cortese List described above.
State Water Resources Control Board:
The SWRCB is responsible for compiling and updating all underground storage tanks for which an unauthorized release report is filed. These are referred to as Leaking Underground Storage Tanks (LUST). The Health and Safety Code Division 20, Chapters 6.7 and 6.75, gives local agencies the authority to oversee investigation and cleanup of underground storage tank leak sites. The San Francisco Bay RWQCB is one of nine regional boards of the California State Water Resources Control Board and is the lead agency responsible for identifying, monitoring and remediating LUST's in the Bay Area and for updating the GeoTracker database, which is considered part of the Cortese List described above.

California Department of Industrial Relations, Division of Occupational Safety and Health:
Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA)

enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

California Accidental Release Prevention Program:
The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. Facilities that are required to participate in the CalARP Program use or store more than a threshold quantify of toxic and flammable substances (hazardous materials) must develop a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce the potential of accidents occurring. The County of Santa Clara Hazardous Materials Compliance Division reviews CalARP RMPs as the CUPA.

Asbestos-Containing Materials and Lead-Based Paint:
Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of nonfriable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Local
Bay Area Air Quality Management District Rules:
BAAQMD regulates the demolition and renovation of buildings and structures that may contain asbestos, and the manufacture of materials known to contain asbestos. Demolition of existing buildings and structures are subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). BAAQMD Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste material generated or handled during these activities. The rule addresses the national emissions standards for asbestos along with some additional requirements. The rule requires the lead agency and its contractors to notify BAAQMD of any regulated renovation or demolition activity. By complying with BAAQMD Regulation 11, Rule 2, which minimizes the release of airborne asbestos emissions, demolition activity would not result in a significant impact to air quality.

Envision San José 2040 General Plan
The General Plan includes the following hazards and hazardous materials policies and actions applicable to the proposed project.

Policy EC-6.1 Require all users and producers of hazardous materials and wastes to clearly identify and inventory that hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.

Policy EC-6.2 Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually

innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Requires proper disposal of hazardous materials and wastes at licensed facilities.

Policy EC-6.4 Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

Policy EC-6.7 Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

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-7.3 Where a property is located in proximity to known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

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-7.8 When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9 Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

Existing Conditions

Project Site
The project site is currently developed with a convenience store and gasoline station. Due to the existing uses, gasoline fuel is the primary hazardous material currently stored and used on the project site. Gasoline is delivered to the site by tanker truck and stored in underground tanks connected to fuel dispensers. The gasoline station includes mandatory safety measures, such as emergency shut-off switches for the fuel dispensers. In addition to gasoline, hazardous substances may be used in the car wash fluids. Additionally, minor quantities of cleaning fluids and products are stored and used in the convenience store.

Impact Assessment

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The routine transport, use, and disposal of hazardous materials is a normal part of the existing operation and maintenance of the gasoline station. As a gasoline station in continual (24 hours a day) operation, the project site regularly receives deliveries of fuel. Delivery complies with all applicable federal, state, and local laws and regulations designed to protect the public from both health risks and environmental hazards.

The proposed project would result in a slight increase in the routine transport associated with hydrogen deliveries, and may require minor quantities of lubricants, paints, solvents, and other products to maintain the hydrogen fueling equipment and enclosures. However, the hydrogen fuel deliveries would be infrequent and based on market demand, which is expected to be low at first and slowly increase. Additional materials would be like those currently kept and managed on site for existing maintenance and operations. The proposed project would therefore have a minimal and incremental impact on the routine transport, use, and disposal of hazardous materials. The gas station would continue to comply with all applicable federal, state, and local laws and regulations. For these reasons, the impact of the project on public hazards resulting from transport, use, or disposal of hazardous materials would be less than significant.

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b. Would the project 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?

Reasonably foreseeable upset and accident conditions involving the release of hazardous materials to the environment would consist of the potential for hydrogen equipment to leak, rupture or malfunction, leading to the risk of fire or explosion. Hydrogen is a colorless, odorless, tasteless, highly flammable diatomic gas with the molecular formula H2. The vapors are lighter than air, and it is flammable over a wide range of vapor/air concentrations. Hydrogen is not toxic but can be an asphyxiation risk by displacing oxygen in the air. Hazardous events associated with hydrogen gas releases would include jet fires, flash fires, and vapor cloud explosions.
The proposed hydrogen fueling system design is in conformance with the National Fire Protection Association (NFPA) 2 – Hydrogen Technologies Code [2020], as stated on project plans. The purpose of NFPA 2 is to provide fundamental safeguards for the generation, installation, storage, piping, use, and handling of hydrogen in compressed gas (GH2) form or cryogenic liquid (LH2) form. One of the requirements of NFPA 2 is that radiant impacts greater than 1,500 British thermal units per hour per square foot (Btu/hr·ft2) are not allowed off site. It is this requirement that necessitates the installation of solid barrier walls designed to prevent flame or explosion hazards around the hydrogen equipment enclosure area, if they were to occur, from extending off site. The NFPA 2 also provides setback standards to prevent hydrogen hazards from affecting adjacent uses or groups. The proposed project has been designed to

achieve these standards, and fire hazard exposure would not extend beyond on-site setback areas. The design, installation and testing of the hydrogen fueling station in accordance with NFPA 2, applicable safety regulations, and professional engineering standards of care means that the risk of fire or explosion from hydrogen equipment would be low.

Furthermore, the proposed project would include safety precautions to prevent such accidents from occurring and to minimize the consequence of such an accident. Accident prevention measures included in project plans consist of the installation of guard posts to protect appurtenant facilities from being struck by vehicles and provision of adequate ventilation systems and pressure release valves. The hydrogen fueling facilities would also include hydrogen-specific flame detectors and gas detectors, and emergency shutoff switches, designed to stop the flow or release of hydrogen gas if ignited.

Given that the risk of accident and upset conditions associated with the proposed project would be low, and not more severe than that associated with the existing site, and that the project would implement numerous safety, accident prevention, and response measures, the risk of exposure to hazardous materials from accident conditions associated with operation of the project would be low. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

There are no schools within 0.25 mile of the project site. Therefore, the project would not involve use, storage, transportation, or disposal of hazardous materials within 0.25 mile of an existing or proposed school site. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on a site that is included on a list of hazardous material 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?

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized release from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis.

Salem Engineering Group has performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Practice E1527-13 of the Arco Gasoline Service Station located at 510 East Santa Clara Street in San Jose, California, the *subject property* (Santa Clara County APN 467-26-109). Any exceptions to, or deletions from, this practice are described in Section 13 of this *report*. During the course of this assessment, SALEM identified the following evidence of a REC in connection with the subject property as defined by ASTM E1527-13:

The subject property has been occupied by a gasoline service station since 1930. The three existing USTs on the subject property including one 20,000-gallon gasoline; one 12,000-gallon gasoline; and one 8,000-gallon diesel was installed on October 29, 1999. Also, in October 1999, five soil borings were advanced to a depth of approximately 15 feet bgs at the subject property for the purpose of assessing soil and groundwater beneath the subject property. Groundwater was reported to have been encountered at a depth of between 11 and 13 feet bgs. Elevated concentrations (96 mg/kg) of TPH-g were detected at a depth of 11 feet bgs in soil boring SB-3 advanced near the former waste oil UST location and 250 mg/kg in soil boring SB-1 advanced near the northern dispenser island. Elevated concentrations (530 mg/kg) of TPH-o

were detected at a depth of 12 feet bgs in soil boring SB-2 advanced near the north corner of the subject building. No significant concentrations of BTEX or MTBE were reported to have been detected in the soil samples analyzed. Elevated concentrations of TPH-g (1,400 µg/L) were reported to have been detected in a groundwater sample collected from soil boring SB-1 advanced near the northern dispenser island; 160 µg/L in soil boring SB-2 advanced near the north corner of the subject building; and 140 µg/L in SB-3 advanced near the former waste oil UST. Benzene was detected in SB-1 at a concentration of 14 µg/L. BTEX and MTBE were not detected at significant concentrations in the remaining groundwater samples analyzed. The consultant that conducted the 1999 environmental investigation concluded that a release of petroleum hydrocarbons had impacted the soil and groundwater beneath the subject property and that the highest concentrations of petroleum hydrocarbons were present in the northwest corner of the subject property near the northern dispenser island and near the former waste oil UST. The soil sample analytical results indicated that the former waste oil UST and former northern dispenser island were the potential source areas. The consultant noted that the subject property had received a "case closed" designation from the SCVWD in November 1998 following the removal of the previous generation of two 8,000-gallon gasoline USTs and one 550-gallon waste oil UST in May 1993, but based upon the analytical results of the October 1999 soil and groundwater samples collected during their investigation which indicated elevated concentrations of TPH-g and benzene were present in groundwater, further delineation of the groundwater plume may be required by the SCVWD. The elevated concentrations of TPH-g and benzene detected in groundwater during the most recent environmental investigation conducted in October 1999 present an REC to the subject property. Therefore, SALEM recommends conducting a LSA to assess on-site shallow soils for potential petroleum hydrocarbon impacts in the areas where construction activities including, grading, and trenching, will be conducted associated with the proposed hydrogen refueling station equipment installation.

Additionally, the following HREC was identified in connection with the subject property as defined by ASTM E1527-13:

In May 1993, under the regulatory agency supervision of the SCVWD, SJFD, and RWQCB, one 550-gallon single-walled steel waste oil UST and two 8,000-gallon gasoline USTs were removed from the subject property. Significant concentrations of petroleum hydrocarbons were detected beneath one of the gasoline USTs. According to RWQCB records, soil samples collected from beneath the fuel dispensers did not contain detectable concentrations of petroleum hydrocarbons. The petroleum hydrocarbon-impacted soil in the tank pit was excavated and aerated. In October 1998, at the direction of the SCVWD a preliminary site investigation was conducted. Five borings were advanced in the southwest corner of the subject property around the former tank pit and one boring was advanced in the location of the former waste oil UST. No significant concentrations of petroleum hydrocarbons were reported to have been detected in the soil or groundwater near the former gasoline USTs. However, elevated concentrations of TPH-g (1,300 µg/L) were detected in the groundwater collected near the former waste oil UST. No significant concentrations of petroleum hydrocarbons were reported to have been detected in the soil sample collected near the former waste oil UST. On November 18, 1998, the SCVWD issued a "case closed" designation concluding that the SCVWD did not believe a significant threat to groundwater existed and that residual soil and groundwater contamination in the vicinity of the waste oil UST appeared to be localized.

SALEM recommends preparation of a SMP to be distributed to construction personnel in the event that petroleum hydrocarbon-affected soils are encountered during construction activities associated with the proposed hydrogen refueling station equipment installation. The SMP will establish protocols for handling, sampling, storage, and disposal of any suspected hydrocarbon-affected soils generated during construction activities.

In addition, a subsequent Phase II Environmental Site Assessment (Phase II ESA) was performed by SALEM Engineering Group, dated February 22, 2021. Laboratory analytical results for soils at the site

were as follows:

• TPH was identified above laboratory method detection limits at concentrations ranging from 11 mg/kg to 450 mg/kg. TPH-g (carbon range C6-C12) was identified at concentrations ranging from 1.3 mg/kg to 20 mg/kg. TPH-d (carbon range C10-C24) was identified at concentrations ranging from 11 mg/kg to 23 mg/kg. Additional TPH-o (carbon range C23-C32) was detected at concentrations ranging from 16 mg/kg to 450 mg/kg.

• VOCs were not identified above laboratory method detection limits in the analyzed soil samples.

• Title 22/CAM 17 metals detected included: arsenic at concentrations ranging from below laboratory detection limits (4.0 mg/kg) to 5.5 mg/kg; barium at concentrations ranging from 86 to 390 mg/kg; cobalt at concentrations ranging from 13 to 29 mg/kg; chromium at concentrations ranging from 45 to 270 mg/kg; copper at concentrations ranging from 27 to 50 mg/kg; nickel at concentrations ranging from 51 to 480 mg/kg; lead at concentrations ranging from 9.5 to 89 mg/kg; vanadium at concentrations ranging from 30 to 49 mg/kg; and zinc at concentrations ranging from 68 to 230 mg/kg.

The final results of the Phase II ESA are as follows:

• Based upon RWQCB records for the Arco branded gasoline service station (subject property) LUST site at 510 East Santa Clara Street, shallow groundwater was reported to be encountered at a depth of between approximately 11 to 13 feet bgs with a groundwater flow gradient direction reported as trending towards the northwest. Groundwater was not encountered during the course of this investigation.

• On February 3, 2021, SALEM installed six soil borings to depths ranging from 4 to 8 feet bgs near the proposed hydrogen equipment enclosure (SB-1 and SB-2), near the proposed locations of the hydrogen dispensers (SB-3 and SB-4), near the proposed hydrogen supply piping trench (SB-5) and in the proposed hydrogen storage tube location (SB-6).

• Generally, soil types consisted of soft, moist, brown clay and silt to the maximum depth investigated of 8 feet bgs.

• TPH was identified above laboratory method detection limits in 4 of the 11 soil samples analyzed. TPH-g (carbon range C6-C12) was identified at concentrations ranging from 1.3 mg/kg to 20 mg/kg. TPH as diesel (TPH-d, carbon range C10-C24) was identified at concentrations ranging from 11 mg/kg to 23 mg/kg. Additional TPH detected was consistent with TPH-o at concentrations ranging from 16 mg/kg to 450 mg/kg. TPH concentrations were below their respective established RWQCB-SF Commercial/Industrial ESLs set at 100 mg/kg for TPH-g, 260 mg/kg for TPH-d, and 1,600 mg/kg for TPH-o.

• VOCs were not identified above laboratory method detection limits in any of the soil samples analyzed.

• Arsenic was detected in the soil sample collected at 3 feet bgs in SB-4 (5.5 mg/kg). This value exceed the RWQCB-SF Commercial/Industrial ESL set at 0.31 mg/kg for cancer risk but is within the regional arsenic concentrations in Santa Clara County (Scott, 1995) that range from 0.2 to 5.5 mg/kg.

• Additional Title 22 metals detected included barium, cobalt, chromium, copper, nickel, lead, vanadium, and zinc at concentrations below their respective established RWQCB-SF Commercial/ Industrial ESLs. No other Title 22/CAM 17 metals were detected above laboratory detection limits.

Based on these results, SALEM believes that no additional assessment activities are required. No

engineering controls are necessary in the areas sampled within the proposed project additions. Based on the potential of encountering areas of elevated TPH and Title 22/CAM 17 metals SALEM recommend that an SMP be prepared and available during earthwork and construction activities at the site.

Impacts would be less than significant with the implementation of a Soils Management Plan (SMP), identified as **MM HAZ-1**.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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 or excessive noise for people residing or working in the project area?

The Norman Y. Mineta San José International Airport is located approximately 1.8 miles northwest of the project site. There are no private airstrips or other airports within 2 miles of the project site. Because the use at the site would not change, impacts would be less than significant.

NO IMPACT

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project would have no effect on an adopted emergency response plan or emergency evacuation plan because it is an addition to an existing facility and would not block roads or interfere with circulation. There would be no impact.

NO IMPACT

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is an existing gasoline station in an urbanized area of San José. Wildland fuels, such as forest, chaparral, or annual grasslands do not occur on or near the project site. There would be no impact.

NO IMPACT

Mitigation Measure HAZ -1: Soils Management Plan

Prior to the issuance of any grading permit, the project applicant shall submit a Soil Management Plan (SMP) to the Director of Planning, Building and Code Enforcement or Director's designee and the City's Environmental Compliance Officer in the Department of Environmental Services for their review.

At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

The SMP shall be submitted to the City of San Jose Director of Planning, Building and Code Enforcement or Director's Designee and the Environmental Compliance Officer of Department of Environmental Services Department for review prior to issuance of any grading permits.

9.10 Hydrology and Water Quality

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	□	□	■	□
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	□	□	□	■
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 off-site;	□	□	□	■
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?	□	□	□	■
d. a. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	□	□	□	■
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	□	□	■	□

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction of the proposed project would require ground disturbance, which would increase the potential for soil erosion. Erosion can lead to sedimentation of surface waters. However, pursuant to the City's Standard Permit Conditions, the following measures, based on Regional Water Quality Control Board (RWQCB) recommendations, would be included in the project entitlement to reduce potential construction-related water quality impacts:

Construction-related water quality:

- 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 covered and all trucks shall 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.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- 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. Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.

Because the proposed project would be constructed in an asphalt pavement area, construction equipment would largely be operated on pavement. This would reduce the potential for construction vehicles to carry soil or dust onto adjacent streets, such as Snell Avenue. With implementation of the identified City Standard Permit Conditions, project construction would have a less than significant impact on water quality.

Operation of the proposed project would not substantially alter the amount or type of pollutants in stormwater runoff. Land use would not change, because the proposed new fueling facilities would be added to the existing gasoline station at the site. Similar to existing conditions, stormwater runoff would occur as sheet flow, which would be transmitted into subdrains that would drain into a curb and gutter system. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The proposed project would be constructed in an existing impervious area of the site currently paved with asphalt. Therefore, the proposed project would not increase the amount of impervious surface on site, or the resultant volume of water that is able to infiltrate the ground. The proposed project would have no impact.

NO IMPACT

c.(i) Would the project 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 result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

c.(iii) Would the project 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 that would 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?

c.(iv) Would the project 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 impede or redirect flood flows?

As described above for criterion b), the proposed project would not increase the impervious surface area on the project site. There would be no change to existing drainage patterns on the site. There are no streams or rivers on the site. There would be no impact.

NO IMPACT

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

The proposed project is not a 100-year flood zone (Federal Emergency Management Agency 2009). There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami (Association of Bay Area Governments 2009). Additionally, hydrogen fuel is not a pollutant of concern because water is comprised of hydrogen and oxygen. The proposed project would have no impact.

NO IMPACT

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As described above for criterion a), the City's Standard Permit Conditions would prevent soil erosion and sedimentation of surface waters during project construction. Operation of the project would result in no new impervious surface area on the site. Therefore, there would be no change to precipitation and runoff infiltration and groundwater. The proposed project would not generate increased demand for water. As described above for criterion d), hydrogen is not a pollutant of concern because water is comprised of hydrogen and oxygen. Emissions of FCEVs using the hydrogen fueling facilities would be water. Therefore, the proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.11 Land Use and Planning

		POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:					
a.	Physically divide an established community?	□	□	□	■
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?	□	□	■	□

a. Would the project physically divide an established community?

The proposed project would not include construction of a physical barrier that would physically divide the existing area surrounding the proposed project site. No freeways, railroad tracks, or any kind of physical obstruction is included as part of the proposed project. Construction associated with the project would not result in major changes to any public roadways. The proposed hydrogen fueling facilities would be compatible with the existing variety of uses in the project vicinity, including the existing gasoline station on the project site. Therefore, the project would not physically divide an established community and there would be no impact.

NO IMPACT

b. Would the project 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 as Neighborhood/Community Commercial under the City's General Plan, entitled *Envision San José 2040*. This designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and residential land uses. (City of San José 2011). The project site is not located in sensitive habitat area and all work would be kept within the existing developed footprint.

The proposed project is an addition to the existing gas station and would be consistent with existing uses of the project site. Therefore, the proposed project would be consistent with the land use designation and future development of the site area. As described throughout the Initial Study, there would be no significant environmental impacts resulting from the proposed project with implementation of applicable mitigation measures and Standard Permit Conditions. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.12 Mineral Resources

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
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?	□	□	□	■

a. Would the project 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. Would the project 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?

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate

materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

The project site is an existing gasoline station and is in a developed urbanized area of San José. The site is not used for mineral extraction and does not contain any known or designated mineral resources. The project site is not within the Communications Hill area, and thus is outside of this regional resource area. Implementation of the project would not result in the loss of availability of any known mineral resources. There would be no impact.

NO IMPACT

9.13 Noise

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
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?	□	□	■	□
b. Generation of excessive groundborne vibration or groundborne noise levels?	□	□	■	□
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?	□	□	□	■

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL. L_{eq} is a measurement of average energy level intensity of noise over a given period of time. DNL is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. CNEL includes an additional 5 dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within 1 dBA of each other. Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Environmental Setting

Regulatory Framework

Federal and State

Federal Transit Administration Vibration Limits:
The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table **1**, below. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

Table 1
FTA Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (Vibration Decibels: VdB)		
	Frequent Events	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65 VdB	65 VdB	65 VdB
Category 2: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category 3: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB
Frequent events: More than 70 vibration events from the same source per day Occasional events: Between 30 and 70 vibration events from the same source per day Infrequent events: Fewer than 30 vibration events of the same kind per day Source: FTA 2018			

LOCAL

Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 2 below.

Table 2
City of San José Land Use Compatibility Guidelines

Land Use Category	Noise Exposure Levels (DNL, dBA)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Residential, Hotels and Motels, Hospitals and Residential Care	<60	60-75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	<65	65-80	>80
Schools, Libraries, Museums, Meeting Halls, and Churches	<60	60-75	>75
Office Buildings, Business Commercial, and Professional Offices	<70	70-80	>80
Sports Arena, Outdoor Spectator Sports	<70	70-80	>80

Land Use Category	Noise Exposure Levels (DNL, dBA)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters	N/A	70 or less	>70

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.
Source: Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

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

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other 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 potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of

generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José 2040 Municipal Code

The City's Municipal Code contains a Zoning Ordinance that limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. The code is not explicit in terms of the acoustical descriptor associated with the noise level limit. However, a reasonable interpretation of this standard, which is based on policy EC-1.3 of the City's General Plan, would identify the ambient base noise level criteria as a day-night average noise level (DNL). Section 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. and 7:00 p.m. Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Existing Conditions

Ambient Noise

The project site is currently developed with a convenience store and gasoline station. Other sources of noise include car doors closing, people shopping, and fuel dispensers.

The primary noise source in the project area is roadway traffic noise on adjacent streets.

Sensitive Receivers

According to the 2040 General Plan, sensitive receivers to noise and vibration include picnic and recreation areas, playgrounds, active sports areas, parks residences, motels, hotels, schools, churches, libraries, and hospitals. The nearest sensitive receivers to the project site are the residential areas within 25 meters of the project site.

a. Would the project result in 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?

Construction Impacts

Construction of the proposed project would require trenching, which would use heavy machinery, such as a backhoe. Heavy machinery would generate noise during various stage of construction. The Federal Highway Administration's Roadway Construction Noise Model (RCNM) was used to estimate construction noise for the proposed project (Appendix B). Noise levels are conservatively based on a backhoe and truck operating simultaneously on the project site. This combination of equipment would generate at the loudest hour a noise level of approximately 58 dBA Leq at noise sensitive receivers 350 feet from the project site. According to the City's General Plan Policy EC1.7, the project would be considered to have a significant impact if it generates substantial noise continuing for more than 12 months within 500 feet of a residence or 200 feet of commercial or office use or does not use best available suppression devices and techniques.

Construction activities would be completed in approximately 10 weeks, including 2 weeks for installation

of the hydrogen equipment area, 4 weeks for trenching and pipeline installation, 2 weeks for utilities installations, 2 weeks for dispenser installation. Construction would be conducted between the hours of 7 a.m. and 7 p.m., consistent with Section 20.100.450 of the Municipal Code. Because construction would be temporary, lasting less than three months, and conducted during daytime hours on weekdays when most people are not sleeping, the project would not conflict with General Plan policies, particularly Policy EC-1.7, pertaining to construction noise and would follow Section 20.100.450 of the City's Municipal Code. Additionally, construction of the proposed project would be subject to the following City of San José Standard Permit Conditions.

Construction-Related Noise: Noise minimization measures include, but are not limited to, the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction 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.

Therefore, with implementation of Standard Permit Conditions, project construction impacts would be less than significant.

Operational Impacts

The proposed project would result in additional stationary and mobile noise sources at the project site. The primary stationary sources would be the proposed hydrogen fueling equipment such as the hydrogen compression system. Noise levels generated by the hydrogen fueling equipment are anticipated to be 70 dBA at three feet from the equipment (G. Sleiman, personal communication, June 19, 2020). Table 3 shows the noise levels of the hydrogen equipment at various distances based on this information.

Table 3
Hydrogen Fueling Equipment Noise Measurements

Distance from Hydrogen Equipment	L_{eq} dBA
3 feet	70.0
100 feet	39.5
200 feet	33.5
350 feet[1]	28.7

Source: Personal communication with Ghassan Sleiman from FirstElement Fuel, Inc. June 19, 2020
[1] Distance to nearest sensitive receiver

As shown in Table 3, noise levels generated by the hydrogen fueling equipment would be 28.7 dBA at approximately 350 feet from the hydrogen fueling equipment, where the nearest sensitive receiver is located. A noise level of 28.7 dBA is well below the 55 dBA standard for residences set forth in Chapter 20.30.700 of the City of San José Municipal Code. This would also be consistent with General Plan Policy EC-1.3, which establishes a noise level of 55 dBA for residential uses.

FCEVs do not generate exhaust noise like conventional gasoline-powered cars. However, the operation of FCEVs on roadways does generate traffic noise from the friction of tires on the road surface, like conventional vehicles. Based on data collected at existing hydrogen fuel facilities, the proposed project would generate approximately 13 vehicle trips during the AM peak hour and approximately 17 vehicle trips during the PM peak hour, with a daily trip generation of approximately 137 trips.[3] Peak hours are likely when the most FCEV trips to the project site would occur, as refueling would likely occur as accessory stop to regional commutes in the area.

Traffic volumes must approximately double on roadway for a 2 to 3 dBA increase in traffic noise levels (Crocker 2007). The additional 13 and 17 vehicle trips generated during AM and PM peak hours would not double the existing large volume of traffic on project area roadways. Therefore, FCEV trips generated by the project would not result in a noticeable increase in traffic noise levels at receptors. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction of the proposed project would require the use of standard construction equipment, such as a backhoe for trenching and a paver to restore asphalt surfaces after trenching.
Table 4 provides typical vibration levels for construction equipment based on data from the FTA (2018).

Table 4
Vibration Source Levels for Construction Equipment

	in/sec PPV				
Equipment	**25 feet**	**50 feet**	**100 feet**	**150 feet**	**350 feet**
Air Compressor	0.045	0.023	0.011	0.008	<0.001
Backhoe	0.04	0.02	0.01	0.007	<0.001

[3] Trip generation data based on average traffic counts: 6.67 AM Peak Hour trips per fueling position, 8.67 PM Peak Hour trips per fueling position, and 68.67 daily trips pe fueling position (RK Engineering Group 2020).

	in/sec PPV				
Equipment	**25 feet**	**50 feet**	**100 feet**	**150 feet**	**350 feet**
Compactor (ground)	0.057	0.028	0.014	0.01	<0.001
Concrete Mixer	0.071	0.036	0.018	0.013	<0.001
Dump Truck	0.025	0.013	0.006	0.004	<0.001
Excavator	0.045	0.023	0.011	0.008	<0.001
Flat Bed Truck	0.02	0.01	0.005	0.004	<0.001
Front End Loader	0.036	0.018	0.009	0.006	<0.001
Generator	0.045	0.023	0.011	0.008	<0.001
Paver	0.113	0.057	0.028	0.02	0.002
Pickup Truck	0.023	0.011	0.006	0.004	<0.001
Pneumatic Tools	0.071	0.036	0.018	0.013	<0.001
Roller	0.04	0.02	0.01	0.007	<0.001
Saw	0.013	0.006	0.003	0.002	<0.001
Welder/Torch	0.02	0.01	0.005	0.004	<0.001

As shown in Table 4, use of a paver would generate the greatest vibration levels during project construction. Vibration levels at the nearest sensitive receiver, approximately 350 feet southeast of the project site, would be approximately 0.002 in/sec PPV when the paver is in use. This vibration level would be well below the City's vibration limit of 0.08 in/sec PPV near historic structures and 0.20 in/sec PPV near buildings of normal conventional construction. Use of the paver would not be a frequent event. Other equipment, as shown in Table 4, would generate less groundborne vibration than the paver. Accordingly, impacts of construction would be less than significant.

Operation of the project would not generate groundborne vibration. Therefore, groundborne vibration and noise impacts resulting from implementation of the project would be less than significant.

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 Norman Y. Mineta San José International Airport is located approximately two miles northwest of the project site. The project site is within the adopted Airport Comprehensive Land Use Plan for the airport (Santa Clara County Airport Land Use Commission 2011), but the land use and intensity at the site would not change upon project implementation. There are no private airstrips or other airports within two miles of the project site. There would be no impact.

NO IMPACT

9.14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	□	□	□	■
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	□	□	□	■

a. Would the project induce substantial unplanned 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. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project would involve the addition of hydrogen fueling facilities to an existing gasoline station. Residential units do not exist on the site, nor are any proposed as part of the project. The project would not induce population growth directly or indirectly because it does not include the expansion of infrastructure or roads and does not include educational or large-scale employment opportunities. The altered facility would provide additional fueling opportunities for the City of San José. The project would not impact population growth and would not displace housing units or people, necessitating the construction of replacement housing elsewhere. There would be no impact.

NO IMPACT

9.15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or 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:				
1. Fire protection?	□	□	■	□
2. Police protection?	□	□	□	■
3. Schools?	□	□	□	■
4. Parks?	□	□	□	■
5. Other public facilities?	□	□	□	■

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The proposed project would not involve the construction of new or expanded fire protection facilities or the construction of residences which could increase demand on fire protection services through unplanned population growth. Given its proximity to the site, the Fire Department would respond to a fire on-site within minutes. Therefore, no new fire protection facilities would be required to maintain acceptable response times.

Operation of the proposed project would not result in increased demand for fire protection services. The project is required to comply with the International Fire Code (Chapter 7, Gaseous Hydrogen Systems), which includes piping design and construction requirements, and hydrogen system location requirements. Conformance with this code reduces the severity of hydrogen fires, especially to offsite property or people. The San José Fire Department would review project plans prior to issuance of building permits to ensure compliance with all applicable fire and building safety codes. Therefore, impacts to fire protection services would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The proposed project does not involve the construction of new or expanded police protection facilities or the construction of residences which could increase demand on police protection services through unplanned population growth. The proposed project would add hydrogen fueling facilities to an existing gasoline station. Therefore, the proposed project would not generate new demand for police protection facilities or services because it would be an addition to an existing business. The proposed project would have no impact.

NO IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The proposed project does not involve the construction of new or expanded school facilities or the construction of residences which could increase demand on school facilities through unplanned population growth. The proposed project would involve hydrogen fueling facilities for FCEVs, which would not generate population growth that could in turn increase enrollment at schools. The proposed project would have no impact on schools.

NO IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The proposed project does involve the construction of new or expanded park facilities or the construction of residences which could increase demand on park facilities through unplanned population growth. The

proposed project would provide hydrogen fueling facilities at an existing gasoline station in a shopping center. There would be no increased use of parks resulting from implementation of the proposed project. The proposed project would have no impact.

NO IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The proposed project does not involve the construction of new public facilities, such as libraries, or the construction of residences which could increase demand on other public facilities through unplanned population growth. The proposed project would serve to fuel FCEVs, which would not generate population growth resulting in increased need or demand for public facilities. There would be no impact.

NO IMPACT

9.16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	□	□	□	■
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	□	□	□	■

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

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

The proposed project would involve the addition of hydrogen fueling facilities to an existing gasoline station; it would not include the construction of residential units and would not generate substantial numbers of people in the area. Therefore, the project would not increase the use and deterioration of existing recreational facilities or require the construction or expansion of additional facilities. The proposed project would have no impact.

NO IMPACT

9.17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	□	□	□	■
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	□	□	■	□
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	□	□	□	■
d. Result in inadequate emergency access?	□	□	□	■

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Transit facilities in the project area include bus stop located adjacent to the site. The proposed project would add hydrogen fueling facilities to the existing gasoline station on the project site and would not involve work at the bus stop.

Bicycle facilities in the project area include Class II bicycle lanes. The proposed project would not involve work within these bicycle lanes. The proposed hydrogen fueling facilities would not be used by bicycles. Therefore, there would be no change in number of cyclists using bicycle facilities in the project area. The proposed project would have no impact to bicycle circulation.

Pedestrian facilities in the project area consist of sidewalks along the streets in the immediate vicinity of the project site. The proposed project would not involve changes to sidewalks adjacent to the project site and all pedestrian facilities would be retained. The proposed project would have no impact to pedestrian facilities.

NO IMPACT

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

Section 15064.3 of the *CEQA Guidelines* provides guidance on evaluating a project's transportation impacts. According to Section 15064.3, vehicle miles traveled (VMT) is generally the most appropriate measure of transportation impacts, with the exception of projects consisting of the addition of travel lanes to roadways. VMT refers to the amount and distance of automobile travel attributable to a project, regardless of the type of vehicle or number of occupants in a vehicle. Section 15064.3(b) establishes metrics and thresholds by which VMT can be evaluated for land use projects and transportation projects.

The proposed project would add hydrogen fueling facilities to an existing gasoline station. The hydrogen fueling facilities would be used exclusively by FCEVs. it is expected that as the number of hydrogen-powered vehicles increases, the number of gasoline-powered vehicles will decrease proportionately. Therefore, vehicle trips to gas stations could remain unchanged.

A Trip Generation Memorandum was prepared for the Project by Urban Systems Associates, Inc. dated August 2, 2021, and is appended to this document. The findings of that study are below:

The proposed project includes the integration of two hydrogen fuel dispensers (4 vehicle fuel positions) to an existing gas station located at 510 East Santa Clara Street in the City of San Jose. The proposed hydrogen fuel dispensers would supplement standard gasoline fueling dispensers at the existing site. To determine the trip generation of the hydrogen station, similar approved land use projects were referenced. The trip generation methodology from the Fountain Valley Traffic Report dated November 14, 2018, for a hydrogen fueling station was utilized in determining the trip generation for the proposed project. In that study, traffic volumes were obtained from three other operating hydrogen fueling stations throughout Southern California. Counts were conducted to obtain an average daily trip, AM, and PM peak hour volumes for each station. A trip generation rate of 83 trips per vehicle fueling position (VFP) was calculated to be the average rate for all three stations. An AM rate of 8.5 trips per VFP and PM rate of 7.5 trips per VFP were also determined.

Additionally, volumes for average daily trips, AM and PM peak hours were conducted in 2019 and 2020 at three more hydrogen fueling stations in Southern California. The volumes from those sites had an average daily trip of 67 vehicles per VFP with 3 trips per VFP in the AM, and 3 trips per VFP in the PM. This represents a slight decrease over time compared to the 2018 study. It is likely that hydrogen fuel trip rates will remain relatively stable with small yearly fluctuations for the immediate future.

Although the volumes for hydrogen fuel use have fluctuated over time (2018 to 2020) with the 2018 volumes being the highest and 2020 the lowest, the 2018 volumes are the most conservative and representative of what traffic is expected to be for hydrogen use. The traffic demand for hydrogen use is expected to remain stable for the future.

Vehicle Miles Traveled (VMT)
The City of San Jose has adopted Council Policy 5-1 in order to ensure compliance with State Law (SB743) and appropriately screen and analyze proposed projects. Projects which do not meet the screening criteria must complete a VMT analysis. These requirements are outlined in the City's Transportation Analysis Handbook (April 2020).

As discussed above, the proposed project is expected to generate 332 ADT. Therefore, the proposed project would not qualify as a "Small Infill Project" under the screening criteria in Table 1. Likewise, the project does not fall into the "Local-Serving Public Facilities" category and is not a residential or office project.

However, as a fueling station, the proposed project falls into the "Local-Serving Retail" category. As discussed in the OPR Technical Advisory (April 2018), "By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact". In this case, fueling stations have commonly been defined as a "Local-Serving Retail" development falling under this guidance. It is assumed that by providing fueling services directly where people live, there is a reduction in travel distance as people can obtain services locally. This would reduce Vehicle Miles Traveled. The proposed project would not alter the retail square footage which qualifies as a retail use less than 100,000 sf.
The fuel dispensers require parking of vehicles, and no drive-through operations are present as defined by the City under Council Policy 6-10. The project meets the screening criteria for CEQA Transportation Analysis for Development Projects outlined in the City of San Jose, Transportation Analysis Handbook and consistent with Council Policy 5-1. Therefore, no additional CEQA Transportation analysis would be necessary.

Based on the information provided above, the project would cause a de-minimis increase in traffic with no additional improvements necessary. Likewise, the project would be screened out of CEQA Transportation analysis. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

The proposed project would retain the existing driveways and existing sidewalks for the site. The proposed project would not involve any changes to traffic circulation patterns and all construction activities would be contained on the project site. The hydrogen fueling facilities would be used for FCEVs, which operate and travel at speeds consistent with conventional vehicles on roadways. There would be no impact.

NO IMPACT

d. Would the project result in inadequate emergency access?

The proposed project would change no emergency access routes because there would be no change to circulation. There would be no impact.

NO IMPACT

9.18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either 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, and that is:				
a. 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	□	□	■	□
b. 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.	□	□	■	□

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is 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)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is 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?

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for listing, in the national, state, or local register of historical resources. Additionally, a tribal cultural resource may also be a resource that the lead

agency determines, in its discretion, is a tribal cultural resource.

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. The legislation includes new requirements for consultation regarding projects that may affect a tribal cultural resource, a definition of what may be considered to be a tribal cultural resource, and a list of recommended mitigation measures. AB52 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 mitigate or avoid a significant impact on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

AB 52 requires a tribe that is traditionally and culturally affiliated to the geographic area where a project is located must request notification, in writing, that the tribe be notified projects in the tribe's area of traditional and cultural affiliation (Public Resource Code § 21080.3.1 (b)). 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 within 14 days of determining if a project is a (Mitigated) Negative Declaration or Environmental Impact Report. No notice was received at the time this project was determined to be a potential Mitigated Negative Declaration. Subsequently, the City received a formal request from Tamien Nation for notification under AB 52 for all projects in San Jose on May 28, 2021. Although no requests for formal notification were received from Tamien Nation at the time the environmental review for the project commenced, the City sent notification of this project on July 19, 2021 during the preparation of the Initial Study. No responses from Tamien Nation was received prior to the public circulation of this document.

As described in Section 5, *Cultural Resources*, the project would involve construction within a fully developed and previously disturbed site. There is no notable vegetation on site and any removal of existing vegetation would be minimal. Construction of the existing gasoline station on the site required excavation and disturbed native soils, reducing the potential for subsurface cultural resources to remain intact on-site. Therefore, the potential for tribal cultural resources to be encountered is low. However, the project would involve subsurface construction activities, and there is always possibility for intact resources or undocumented human remains to be discovered during construction. If encountered, the project would be required to implement the City's Standard Permit Conditions listed in Section 5, *Cultural Resources*, which would require stop-work until an archeologist and a Native American representative determine significance of the finds. Furthermore, if human remains are encountered, these conditions require contacting the NAHC in the event remains are uncovered, as well as protecting resources in place until further evaluation and protection, as applicable, are implemented. With Standard Permit Conditions, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.19 Utilities and Service Systems

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Would the project:				
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, 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?	□	□	□	■
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?	□	□	■	□
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?	□	□	■	□

a. Would the project 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, the construction or relocation of which could cause significant environmental effects?

The proposed project consists of hydrogen fueling facilities that would not require water to operate. Operation of the hydrogen fueling facilities would also not generate wastewater or change storm drainage patterns on site. No natural gas or telecommunication facilities would be required for the proposed project.

Electrical power would be necessary for operation of the proposed hydrogen fueling facilities. The project site has existing electrical facilities, as it currently operates as a convenience store and gasoline station. Connections would be beneath existing asphalt concrete on the site. Therefore, the proposed project would have a less than significant impact.

LESS THAN SIGNIFICANT IMPACT

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The proposed project consists of hydrogen fueling facilities for FCEVs. Refueling FCEVs would generate no demand for water. Therefore, the proposed project would have no impact.

NO IMPACT

c. Would the project 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 consists of hydrogen fueling facilities for FCEVs. The hydrogen fuel facilities, such as the fuel dispensers, would generate no wastewater. While stopped at the gasoline station, FCEV customers may choose to use restroom facilities at the existing convenience store on the site. The increase in customers per day when the project becomes operational would not be a substantial generator of wastewater, as it would be only an incremental increase in the number of restroom visits. As the popularity of FCEVs increases and more people utilize the proposed hydrogen fueling facilities, the net number of customers to the site would remain relatively consistent with existing conditions, as FCEVs would replace conventional cars. Accordingly, the proposed project would not generate wastewater in excess of existing treatment capacity. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project 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. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed project consists of hydrogen fueling facilities for FCEVs. Refueling FCEVs would generate no new sources of solid waste. However, while stopped at the gasoline station, FCEV customers may choose to discard small amounts of solid waste from their vehicles or from goods purchased in the existing convenience store on the site. However, the increase in customers per day when the project becomes operational would not be a substantial generator of solid waste. As the popularity of FCEVs increases and more people utilize the proposed hydrogen fueling facilities, the net number of customers to the site would remain relatively consistent with existing conditions, as FCEVs would replace conventional cars. Accordingly, the proposed project would not generate solid waste in excess of state or local standards or the capacity of local infrastructure. The proposed project would comply with regulations related to solid waste. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9.20 Wildfire

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	■	□	□	■
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?	□	□	□	■
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?	□	□	□	■

d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	□	□	□	■

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, 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?

c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is not in or within two miles of a state responsibility areas or lands classified as very high fire hazard severity zones. The nearest state responsibility area or lands classified as very high fire hazard severity zones are several miles east of the project site (California Department of Forestry & Fire Protection 2007). The project site is a developed gasoline station consisting primary of asphalt and structural concrete. The project is surrounded by urban and build up lands with generally flat topography. The project site is not adjacent to wildland fuels, such as forest, chaparral, or annual grasslands. Therefore, the proposed project would have no impact.

NO IMPACT

9.21 Mandatory Findings of Significance

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
Does the project:				
a. 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?	□	□	■	□
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)?				
b.	Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	□	□	■	□

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 descried in Section 4, *Biological Resources*, the proposed project would have no impact on fish or wildlife or plant communities. This is because the project site is currently a gasoline station with a convenience store and car wash.

LESS THAN SIGNIFICANT IMPACT

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)?

The proposed project involves minimal construction disturbance at an existing gasoline station. As described throughout this document, impacts of construction would be less than significant either with or without mitigation. Operation of the project would involve minor increases in noise, generally limited to the project site and within surrounding roadways. There are no other known projects in the area that would contribute to these impacts, increase severity. Therefore, impacts of the proposed project would not be cumulatively considerable. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

In general, environment effects which can be adverse human beings are associated with air quality, hazards and hazardous materials, noise, and wildfire. As discussed in Section 3, *Air Quality*, the project would not conflict with an air quality plan, result in cumulatively considerable net increase in pollutants, or expose sensitive receptors to substantial concentrations of pollutants or odors. In addition, compliance with the City's Standard Permit Conditions for construction emissions would further reduce this already less than significant impact.

A discussed in Section 9, *Hazards and Hazardous materials*, construction and operation of the proposed project would not create a significant hazard to the public or the environment or result in the accidental release of hazardous materials. Operation of the proposed project would not involve the handling or transport of hazardous materials. Therefore, impacts to humans and the environment from hazards and hazard materials would be less than significant.

As discussed in Section 13, *Noise*, neither construction nor operation the proposed project would result in substantial increases in ambient noise levels at the nearest sensitive receptors. Likewise, groundborne vibration generate during construction would not exceed FTA standards at the nearest sensitive receiver to the project site. Impacts to humans from noise and vibration would be less than significant. Compliance with the City's Standard Permit Condition for noise would further reduce this less than significant impact.

The project site is not in or near state responsibility areas or lands classified as very high fire hazard severity zones. The nearest state responsibility area or lands classified as very high fire hazard severity zones are several miles east of the project site (California Department of Forestry & Fire Protection 2007). The project site is a developed gasoline station consisting primary of asphalt and structural concrete. The project is surrounded by urban and build up lands with generally flat topography. The project site is not adjacent to wildland fuels, such as forest, chaparral, or annual grasslands. Therefore, the proposed project would have no impact on humans related to wildfire.

LESS THAN SIGNIFICANT IMPACT

10.0 REFERENCES

- Association of Bay Area Governments. 2009. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region* [online map database]. Retrieved on June 11, 2020 from http://quake.abag.ca.gov/tsunamis
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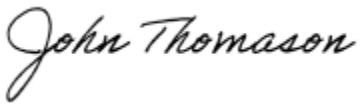
If you have any questions, or if we may be of further assistance, please do not hesitate to contact our office at (408) 577-1090.

Respectfully submitted,

SALEM Engineering Group, Inc.



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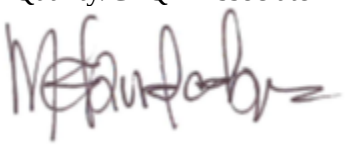
Air Quality/CEQA Associate



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