

# Summary Form for Electronic Document Submittal

**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: \_\_\_\_\_

Project Title: 6211 Santa Teresa Boulevard Fuel Station Project

Lead Agency: City of San Jose

Contact Name: Cassandra van der Zweep

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Phone Number: 408-535-7659

Project Location: San Jose, CA

*City*

Santa Clara County

*County*

Project Description (Proposed actions, location, and/or consequences).

File No: CP18-011 (Conditional Use Permit)

Project Description: The 6211 Santa Teresa Boulevard Fuel Station Project would demolish all existing structures, remove the existing underground fuel tanks, and construct a 3,056 square foot convenience store with 24-hour use, a fuel canopy with four dispensers, two under ground tanks, and site improvements (paving, exterior lighting, landscaping, and the removal of up to 14 trees of which 11 are ordinance size) on an approximately 0.47-gross acre site.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See attached (following page for mitigation measures)

Impact BIO-1: Implementation of the Project (specifically demolition and construction activities, including the removal of trees from the project site), could impact nesting migratory birds.

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

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

### **BIOLOGICAL RESOURCES.**

**Impact BIO-1:** Implementation of the Project (specifically demolition and construction activities, including the removal of trees from the project site), could impact nesting migratory birds.

**MM BIO-1:** Initial site disturbance activities, including vegetation removal, shall not occur during the general avian nesting season (February 1 – August 31, inclusive). If construction activities cannot be scheduled to avoid breeding season, the project applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to avoid direct and indirect impacts to nesting birds. To avoid the destruction of active nests and protect the reproductive success of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, nesting bird surveys shall be performed not more than 14 days prior to vegetation clearance and structure demolition.

Following commencement of construction activities, no additional nesting bird surveys would be required. If active nests are discovered, a 300-foot radius avoidance buffer for raptors, and 50-foot radius avoidance buffers for other birds, shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed breeding/nesting is complete and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 30 and February 1, inclusive.

### **HAZARDS AND HAZARDOUS MATERIALS.**

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

**MM HAZ-1:** Prior to the issuance of any demolition or grading permits, the applicant shall contact the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent, to discuss the proposed redevelopment project and perform any other necessary investigations and studies to address the potential residual contamination as deemed necessary. The regulatory agency may require a Site Management Plan (SMP), or similar document, to manage the cleanup of potentially contaminated soils. If applicable, a SMP shall be prepared prior to construction to reduce or eliminate exposure risk to human health and the environment, specifically, potential risks associated with the presence of contaminated soils. If required, the SMP shall include, but is

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not limited to, the following elements to mitigate potential risks associated with environmental conditions:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection.

The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. The SMP, or similar document, shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent, for review and approval. A copy of the documentation shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee and Municipal Compliance Officer of the City of San José Environmental Services Department for approval prior to the issuance of any grading permits.

**MM HAZ-2:** Prior to any Underground Storage Tank (UST) removal activities, including excavation, the project applicant shall contact the San José Fire Department and the SCCDEH and coordinate any necessary field inspections with any required permits and paperwork from both agencies. The project applicant must coordinate with the oversight agency any pre and post removal sampling of the UST and surrounding soil/and or groundwater. The project applicant must also complete and submit an Underground Storage Tank System Closure Permit Application with the SCCDEH and an Underground Storage Tank System Closure Application (UN-003) with the City of San José Fire Department.

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If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

n/a

Provide a list of the responsible or trustee agencies for the project.

n/a