



**World Oil Fueling Station No. 51
Project**

Initial Study

August 17, 2022

Prepared for:

City of San José
Planning Division
200 E. Santa Clara Street
City Hall, 3rd Floor
San José, CA 95113


Prepared by:

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WORLD OIL FUELING STATION NO. 51 PROJECT

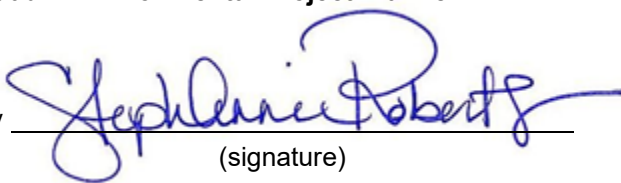
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Abbreviations

APN	Assessor's Parcel Number
ATCM	Air Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practices
CARB	California Air Resources Board
CAAQS	California Ambient Air Quality Standards
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
CAA	Clean Air Act
CFR	Code of Federal Regulations
CN	Commercial Neighborhood
CARE	Community Air Risk Evaluation
CNEL	community noise equivalent level
DPM	diesel particulate matter
dB	decibel
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
EOP	Emergency Operations Plan
EO	Executive Order
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transportation Administration
FIRM	Flood Insurance Rate Maps
GIS	Geographic Information Systems
GWP	Global Warming Potential
GHG	Greenhouse Gas Emissions
GHGRS	Greenhouse Gas Emissions Reduction Strategy
HAP	Hazardous Air Pollutant
HRA	Health Risk Assessment
HSP	Health and Safety Plan
IS	Initial Study
IS/MND	Initial Study/ Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
IWMP	Integrated Waste Management Plan
Ldn	day-night sound level
Leq	equivalent sound level
Lmax	maximum sound levels
Lmin	minimum noise levels
LOS	level of service
LRA	Local Responsibility Area
LUST	leaking underground storage tank
MEI	maximally exposed individual
MND	Mitigated Negative Declaration



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MTBE	methyl tertiary butyl ether
NAAQS	National Ambient Air Quality Standards
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NAHC	Native American Heritage Commission
NOA	Naturally Occurring Asbestos
NCC	Neighborhood Community Commercial
NOT	Notice of Termination
NWIC	Northwest Information Center
OEHHA	California Office of Environmental Health Hazard Assessment
OITC	Outside Inside Transmission Class
PG&E	Pacific Gas and Electric
PM	particulate matter
PPM	parts per million
PPV	peak particle velocity
ROW	right of way
RCNM	roadway construction noise model
SJCE	San Jose Clean Energy
SJPD	San Jose Police Department
SMP	Site Management Plan
SP	Service Population
sf	square feet, square foot
SWRCB	State Water Resources Control Board
SWPPP	Stormwater Pollution Prevention Plan
SMARA	Surface Mining and Reclamation Act
TAC	Toxic Air Contaminant
TCR	Tribal Cultural Resource
TPH-g	total petroleum hydrocarbons as gasoline
UST	Underground Storage Tank
USFWS	United States Department of Fish and Wildlife Service
USGS	United States Geologic Survey
VMT	vehicle miles traveled
VHFHSZ	Very High Fire Hazard Severity Zone



WORLD OIL FUELING STATION NO. 51 PROJECT

Introduction

1.0 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José (City), as the Lead Agency, has prepared this Initial Study (IS) for the World Oil Fueling Station No. 51 Project (Project) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations [CCR] §15000 et. seq.) and the regulations and policies of the City of San José, California.

The Project would demolish an existing kiosk and remove an existing Healy Tank to construct a new 1,486 square-foot convenience store at the existing World Oil fueling station, located at 1165 S. Bascom Avenue, in San José. The Project would also include the construction of landscape planters and a trash enclosure, upgrades to existing paving and parking striping, planting of 13 new trees, and installation of a trellis covered walkway with decorative lighting along the Bascom Avenue frontage of the new store.

1.1.1 Public Review Period

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

Bethelhem Telahun, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-5624
Bethelhem.Telahun@sanjoseca.gov

1.1.2 Consideration of the Initial Study and Project

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



WORLD OIL FUELING STATION NO. 51 PROJECT

Project Information

2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

World Oil Fueling Station No. 51 Project

2.2 LEAD AGENCY CONTACT

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

Environmental Review

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Planning, Building and Code Enforcement
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Email: Bethelhem.Telahun@sanjoseca.gov

2.3 PROJECT APPLICANT/PROPONENT

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Email: jhundley@worldoilcorp.com

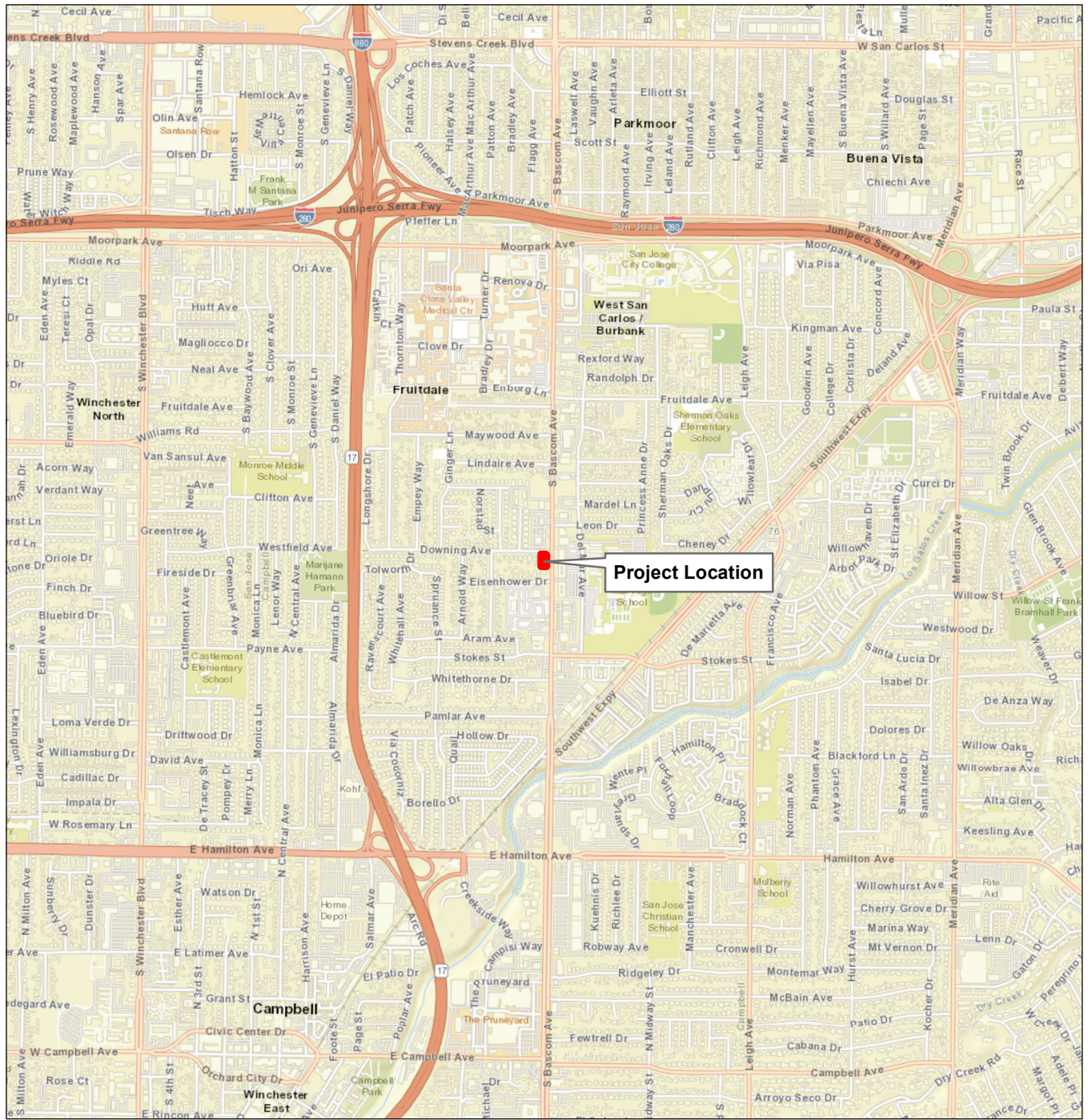
2.4 PROJECT LOCATION

The Project site is located at 1165 S. Bascom Avenue, on the southeast corner of the intersection of Downing Avenue and Bascom Avenue, in the City of San José. Figure 1 shows the location of the Project site and surrounding uses.

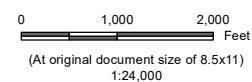
2.5 ASSESSOR'S PARCEL NUMBER

Assessor's Parcel Number (APN) 282-12-022.





 Project Location



Project Location
1165 South Bascom Avenue
San Jose, California

Prepared by DL on 2021-10-11
TR by SET on 2021-10-11
IR by CA on 2021-10-11

Client/Project
World Oil Marketing Company
World Oil Fueling Station No. 51 Project
World Oil Fueling Station No. 51 Project Initial Study

Figure No.
1

Title
Project Location

Notes

1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
2. Data Sources: Parcel modified from City of San Jose 2021.
3. Background: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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Project Information

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The Project site has an Envision San José 2040 General Plan (General Plan) land use designation of Neighborhood/Community Commercial (NCC) and zoning of Commercial Neighborhood (CN).

2.7 HABITAT PLAN DESIGNATION

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



WORLD OIL FUELING STATION NO. 51 PROJECT

Project Description

3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The Initial Study (IS) provides project-level CEQA review for World Oil Fueling Station Project (Project), consisting of the construction of a new 1,486 square-foot (sf) convenience store at the existing World Oil Fueling Station No. 51, located at 1165 S. Bascom Avenue, in San José. The Project would also include the demolition of an existing cashier's kiosk, the removal of an existing Healy Clean Air Separator (Healy Tank), construction of landscaping planters and a trash enclosure, upgrades to existing paving and parking striping, and planting of 13 new trees. A trellis covered walkway will be installed with decorative lighting along the Bascom Avenue frontage of the new store. The Project does not propose any changes to the existing fuel system, including the fuel canopy, fuel dispensers or underground fuel tanks.

3.2 EXISTING SETTING

The Project area is located in a commercial area within a larger suburban residential area, in the City's Fruitdale neighborhood. The Project site is bordered to the south by commercial land uses and on the west by a residential neighborhood. The Project site is bounded on the east and north by Bascom Avenue and Downing Avenue, respectively, and more commercial land uses to the east and north. As shown in Figure 2, the Project site is currently developed with a World Oil fueling station with a small cashier's kiosk. Additionally, the site includes ornamental landscape areas, consisting of ornamental and non-native shrubs and bushes. The Project site has a General Plan land use designation of Neighborhood/Community Commercial (NCC) and zoning of Commercial Neighborhood (CN).

3.3 PROJECT DESCRIPTION

3.3.1 Site Design

The City proposes the re-development of the existing and operating World Oil Fueling Station No. 51, located at 1165 S. Bascom Avenue. Figure 3 provides the Project site plan. The Project would consist of the following:

- Demolition and removal of the 56-square-foot (sf) cashier kiosk, 282-sf restroom building, 76-sf trash enclosure, an above-ground Healy tank, five bollards, underground storage tank (UST) above ground vent pipes, concrete paving, curbs, and ornamental landscaping.
- Construction of a 1,486-sf convenience store, a 99-sf trash enclosure, paving, ornamental landscaping, security cameras, 15 parking spaces, installation of a vapor filter processor, and installation of a direct walkway with trellis and decorative lighting to the building located off Bascom Avenue.

WORLD OIL FUELING STATION NO. 51 PROJECT

Project Description

- Removal and replacement of public right-of-way (ROW) improvement to include sidewalks and driveway approaches, as well as reconstruction of existing access driveways, consisting of two driveways along Bascom Avenue and one driveway along Downing Avenue, and one new driveway along Bascom.

The existing overhead fuel canopy, six fuel dispensers, underground storage tank (UST) system and underground piping, with the exception of the removal of the above-ground Healy tank and installation of a vapor filter processor, would remain unchanged throughout Project construction.

The fueling station currently operates between the hours of 6:00 AM to 10:00 PM, seven days per week, and employs a total of three employees. The Project proposes to increase the hours of operation by one hour, from 6:00 AM to 11:00 PM, seven days per week.

The Project site is located at the intersection of Bascom Avenue and Downing Avenue. The site would continue to be accessed from either roadway. Regional access to the Project site is provided by State Route 17 (SR 17) and Interstate 280 (I 280; the Sinclair Freeway).

The Project would continue to utilize the existing municipal water and wastewater utility connections. Electricity and gas would continue to be provided by Pacific Gas & Electric (PG&E), and solid waste would continue to be collected by Republic Services via contract with the City.

3.3.2 Demolition and Construction

Project demolition and construction would occur over approximately six months. Demolition and construction would take place Monday through Friday, from 7:00 AM to 4:00 PM, and there would be no work on Saturdays and Sundays. The Project site is entirely paved and previously disturbed. Existing paving in the fueling area remain unchanged.

Demolition would consist of the existing cashier kiosk structure within a total area of 2,270 sf of existing paving to allow for the preparation of a ground base to receive the new 1,486-sf convenience store. An area of approximately 2,270 sf of soil would be over-excavated and recompact. Over-excavation would occur as deep as five feet below the existing grade to accommodate the new building foundation.

3.3.3 Project-Related Approvals, Agreements, and Permits

The Project-related approvals, agreements and permits include, but may not be limited to, the following:

- Grading Permit
- Demolition Permit
- Public Street Improvement Permit
- Other Public Works Clearances



Property Boundary

0 50 100 Feet
(At original document size of 8.5x11)
1:1,200



Project Location 1165 South Bascom Avenue
San Jose, California
Prepared by DL on 2021-10-11
TR by SET on 2021-10-11
IR by CA on 2021-10-11

Client/Project World Oil Marketing Company
World Oil Fueling Station No. 51 Project
World Oil Fueling Station No. 51 Project Initial Study
Figure No. 2
Title

Aerial View of Existing Project Site

Notes

1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
2. Data Sources: Parcel modified from City of San Jose 2021.
3. Background: © 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS

WORLD OIL FUELING STATION NO. 51 PROJECT

Evaluation of Environmental Impacts

4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

This section provides an evaluation of impacts related to the following environmental impact subjects in their respective evaluations below:

- 4.1 Air Quality
- 4.2 Cultural Resources
- 4.3 Greenhouse Gas Emissions
- 4.4 Hazards and Hazardous Materials
- 4.5 Noise
- 4.6 Transportation/Traffic

The evaluations below include a description of the regulatory setting, the CEQA checklist in accordance with Appendix G of the CEQA Guidelines, and an impact discussion based on the thresholds of significance, as provided in the CEQA Checklist. Mitigation measures are identified, as applicable, to reduce or avoid any significant impacts related to Project implementation.

Section 4.7 below provides a discussion of the remaining topics included in Appendix G of the CEQA Guidelines, all of which have little to no environmental impacts related to Project implementation.

Important Note to the Reader

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

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

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

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Evaluation of Environmental Impacts

4.1 AIR QUALITY

The discussion of air quality and related health risks is partially based on the Air Quality/Greenhouse Gases Assessment (Stantec 2021), which is included as Appendix A to this IS.

4.1.1 Regulatory Setting

4.1.1.1 Federal

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) handles global, international, national, and interstate air pollution issues and policies. EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans, provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS), also known as federal standards or national standards. There are national standards for six common air pollutants, called criteria air pollutants, which were identified from provisions of the Clean Air Act (CAA) of 1970. The criteria pollutants are:

- Ozone
- Particulate matter (particulate matter 10 microns or less in aerodynamic diameter [PM₁₀] and particulate matter 2.5 microns or less in aerodynamic diameter [PM_{2.5}])
- Nitrogen dioxide (NO₂)
- Carbon monoxide (CO)
- Lead
- Sulfur dioxide (SO₂)

The national standards were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants. Primary national standards are the levels of air quality necessary with an adequate margin of safety to protect public health as discussed in Ambient Air Quality Standards (AAQS) summary prepared by the California Air Resources Board (CARB).

4.1.1.2 State

California Air Resources Board

A State Implementation Plan is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain national standards. The State Implementation Plan for the State of California is administered by CARB, which has overall responsibility

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Evaluation of Environmental Impacts

for statewide air quality maintenance and air pollution prevention. The CARB also administers California Ambient Air Quality Standards (CAAQS) for the ten air pollutants designated in the California Clean Air Act (CCAA). The ten state air pollutants are the six national standards listed above as well as the following: visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The NAAQS and CAAQS are summarized in Table 4-1.

Table 4-1: California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹	National Standards ²	
		Concentration	Primary ³	Secondary ⁴
Ozone ⁵	1 Hour	0.09 ppm (180 µg/m³)	—	Same as Primary Standard
	8 Hour	0.070 ppm (137 µg/m³)	0.070 ppm (137 µg/m³)	
Respirable Particulate Matter ⁶	24 Hour	50 µg/m³	150 µg/m³	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m³	—	
Fine Particulate Matter ⁶	24 Hour	—	35 µg/m³	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m³	12 µg/m³	
Carbon Monoxide	1 Hour	20 ppm (23 mg/m³)	35 ppm (40 mg/m³)	—
	8 Hour	9.0 ppm (10 mg/m³)	9 ppm (10 mg/m³)	—
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)	—	—
Nitrogen Dioxide	1 Hour	0.18 ppm (339 µg/m³)	100 ppb (188 µg/m³)	—
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	0.053 ppm (100 µg/m³)	Same as Primary Standard
Sulfur Dioxide ⁷	1 Hour	0.25 ppm (655 µg/m³)	75 ppb (196 µg/m³)	—
	3 Hour	—	—	0.5 ppm (1300 µg/m³)
	24 Hour	0.04 ppm (105 µg/m³)	0.14 ppm (for certain areas)	—
	Annual Arithmetic Mean	—	0.030 ppm (for certain areas)	—
Lead ^{8, 9}	30-Day Average	1.5 µg/m³	—	—
	Calendar Quarter	—	1.5 µg/m³	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m³	
Visibility-Reducing Particles ¹⁰	8 Hour	See Footnote 1	No National Standards	
Sulfates	24 Hour	25 µg/m³		

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Evaluation of Environmental Impacts

Pollutant	Averaging Time	California Standards ¹	National Standards ²	
		Concentration	Primary ³	Secondary ⁴
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)		
Vinyl Chloride ⁸	24 Hour	0.01 ppm (26 µg/m ³)		

Notes:

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the CCR.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over 3 years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard.
3. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
4. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
5. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
6. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
7. On June 2, 2010, a new 1-hour SO₂ standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
8. The CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
9. The national standard for lead was revised on October 15, 2008, to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
10. In 1989, the CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

mg/m³ = micrograms per cubic meter

CARB = California Air Resources Board

mg/m³ = milligrams per cubic meter

PM_{2.5} = particulate matter 2.5 microns in diameter or less

PM₁₀ = particulate matter 10 microns in diameter or less

ppb = parts per billion

ppm = parts per million

SO₂ = sulfur dioxide

Source: CARB 2016

Applicable Toxic Air Contaminant Regulation

CARB's toxic air contaminant (TAC) program traces its beginning to the criteria pollutant program in the 1960s. For many years, the criteria pollutant control program has been effective at reducing TACs since many volatile organic compounds and PM constituents are also TACs. During the 1980s, the public's concern over toxic chemicals heightened. As a result, citizens demanded protection and control over the

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release of toxic chemicals into the air. In response to public concerns, the California legislature enacted the Toxic Air Contaminant Identification and Control Act governing the release of TACs into the air. This law charges CARB with the responsibility for identifying substances as TACs, setting priorities for control, adopting control strategies, and promoting alternative processes. CARB has designated almost 200 compounds as TACs. Additionally, CARB has implemented control strategies for a number of compounds that pose high health risk and show potential for effective control.

The CARB's Diesel Risk Reduction Plan has led to the adoption of new state regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce diesel particulate matter (DPM) emissions by about 90 percent overall from year 2000 levels, as stated on page 1 of the Diesel Risk Reduction Plan. The emission benefits associated with the full implementation of the Diesel Risk Reduction Plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010 and 85 percent by 2020 (CARB 2000).

In 2005, CARB approved an Air Toxics Control Measure (ATCM) to limit diesel-fueled commercial motor vehicle idling to reduce emissions of toxics and criteria pollutants. The driver of any vehicle subject to this section (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location and (2) shall not idle a diesel-fueled auxiliary power system for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

Clean Air Plan

The Clean Air Plan guides the region's air quality planning efforts to attain the CAAQS. The Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan is the current Clean Air Plan, which contains district-wide control measures to reduce ozone precursor emissions (i.e., reactive organic gas [ROG] and nitrogen oxides [NOx]), particulate matter, and greenhouse gas (GHG) emissions (BAAQMD 2017a). The primary goals of the 2017 Clean Air Plan are to protect public health through the attainment air quality standards and protect the climate.

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air and climate pollutants in the Bay Area. For purposes of consistency with climate planning efforts at the state level, the control strategy in the Clean Air Plan is based upon the same economic sector framework used by the CARB for its Climate Change Scoping Plans.

4.1.1.3 Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from projects. The following policies are applicable to the Project (City of San José 2018a):

- **Goal MS-10-Air Pollutant Emission Reduction:** Minimize air pollutant emissions from new and existing development.

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- **Policy MS-10.1:** Assessed air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to State and federal standards. Identify and implement feasible air emission reduction measures.
- **Policy MS-10.2:** Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
- **Policy MS-10.4:** Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support federal and State regulations to improve automobile emission controls.
- **Policy MS-10.7:** Encourage regional and Statewide air pollutant emission reduction through energy conservation to improve air quality.
- **Goal MS-11-Toxic Air Contaminants:** Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
 - **Policy MS-11.1:** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
 - **Policy MS-11.2:** For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
 - **Policy MS-11.5:** Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
- **Goal MS-13-Construction Air Emissions:** Minimize air pollutant emissions during demolition and construction activities.
 - **Policy MS-13.1:** Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

San José Municipal Code

In addition to the goals and policies of the General Plan, the Project would also be subject to the City's Grading Ordinance, Chapter 17.04.280 of the Municipal Code, which requires that all earth moving activities control fugitive dust through steps such as regular watering of the ground surface, cleaning of nearby streets, and planting any areas left vacant for extensive periods of time.

Bay Area Air Quality Management District

The BAAQMD is the public agency that regulates stationary sources of air pollution in the nine counties that make up the San Francisco Bay Area: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma. BAAQMD attains and maintains air quality conditions in Napa County through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of BAAQMD includes the preparation of plans and programs for the attainment of NAAQS and CAAQS, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

As mentioned above, BAAQMD adopts rules and regulations. All projects are subject to BAAQMD's rules and regulations in effect at the time of construction. Specific rules applicable to project construction may include, but are not limited to:

- **Regulation 2, Rule 1, General Permit Requirements:** Includes criteria for issuance or denial of permits, exemptions, appeals against decisions of the Air Pollution Control Officer and BAAQMD actions on applications.
- **Regulation 2, Rule 2, New Source Review:** Applies to new or modified sources and contains requirements for Best Available Control Technology and emission offsets. Rule 2 implements federal New Source Review and Prevention of Significant Deterioration requirements.
- **Regulation 6, Rule 1, General Requirements:** Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity.
- **Regulation 7, Odorous Substances:** Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. A person (or facility) must meet all limitations of this regulation but meeting such limitations shall not exempt such person from any other requirements of BAAQMD, state, or national law. The limitations of this regulation shall not be applicable until BAAQMD receives odor complaints from 10 or more

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complainants within a 90-day period alleging that a person has caused odors perceived at or beyond the property line of such person and deemed to be objectionable by the complainants in the normal course of their work, travel, or residence. When the limits of this regulation become effective as a result of citizen complaints described above the limits shall remain effective until such time as no citizen complaints have been received by BAAQMD for 1 year. The limits of this regulation shall become applicable again if BAAQMD receives odor complaints from five or more complainants within a 90-day period. BAAQMD staff shall investigate and track all odor complaints they receive and shall attempt to visit the site, identify the source of the objectionable odor, and assist the owner or facility in finding a way to reduce the odor.

- **Regulation 8, Rule 3, Architectural Coatings:** Limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within BAAQMD.
- **Regulation 8, Rule 7, Gasoline Dispensing Facilities:** The purpose of this rule is to limit emissions of organic compounds from gasoline dispensing facilities.

BAAQMD CARE Program

The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area. The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust, which is a major contributor to airborne health risk in California. The CARE program is an ongoing program that encourages community involvement and input. The technical analysis portion of the CARE program is being implemented in three phases that include an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TACs, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses will be used to focus emission reduction measures in areas with high TAC exposures and a high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area.

For commercial and industrial sources, the BAAQMD regulates TACs using a risk-based approach. This approach uses a health risk assessment (HRA) to determine what sources and pollutants to control as well as the degree of control. An HRA is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances to provide a quantitative estimate of health risks. As part of ongoing efforts to identify and assess potential health risks to the public, BAAQMD has collected and compiled air toxics emissions data from industrial and commercial sources of air pollution throughout the Bay Area. BAAQMD has identified seven impacted communities, including portions of Santa Clara County and areas of San José and the Project site, which have been identified as an affected community.

The Project is located within an area identified as a cumulative impact area (BAAQMD 2013). This is an area where TACs, fine particulate matter, and ozone have the greatest impacts on health.

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BAAQMD CEQA Guidelines

The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017b) were prepared to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHG emissions.

In May 2017, the BAAQMD published the 2017 CEQA Air Quality Guidelines which include thresholds to evaluate project impacts to protectively evaluate the potential effects of the Project on air quality. These protective thresholds are appropriate in the context of the size, scale, and location of the Project.

4.1.2 Environmental Setting

The Project is in the City of San José in Santa Clara County, which lies entirely within the San Francisco Bay Area Air Basin (Air Basin). The Air Basin is approximately 5,600 square miles in area and consists of nine counties that surround the San Francisco Bay, including all of Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County, Santa Clara County, and Napa County, the southwestern portion of Solano County and the southern portion of Sonoma County. Its terrain and geographical location determine the distinctive climate of the Air Basin, as the Air Basin is a coastal plain with connecting valleys and low hills. The local agency with jurisdiction over air quality in the Air Basin is the BAAQMD.

Attainment Status

EPA and CARB designate air basins where AAQS are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Each standard has a different definition, or “form” of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual standard for PM_{2.5} is met if the 3-year average of the annual average PM_{2.5} concentration is less than or equal to the standard.

Table 4-2 summarizes the most recent designations for criteria pollutants in the Air Basin.

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Table 4-2: San Francisco Bay Area Air Basin Attainment Status

Pollutant	Designation/Classification	
	Federal Standards ^a	State Standards ^b
Ozone – One hour	No Federal Standard	Nonattainment
Ozone – Eight Hour	Nonattainment	Nonattainment
PM ₁₀	Unclassified	Nonattainment
PM _{2.5}	Nonattainment	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	No information available

Notes:

a See 40 Code of Federal Regulations Part 81

b See CCR Title 17 Sections 60200-60210

Source: BAAQMD 2021

Air Pollutants

Toxic Air Contaminants

A TAC is a hazardous air pollutant (HAP) that is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is no threshold level below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set AAQS.

According to the California Almanac of Emissions and Air Quality, most of the estimated health risk from TACs for the State of California, can be attributed to relatively few compounds, the most important of which is DPM from diesel-fueled engines.

Asbestos

Asbestos is listed as a TAC by CARB and as a HAP by EPA. Naturally occurring asbestos areas are identified by the type of rock found in the area. Asbestos-containing rocks found in California are ultramafic rocks, including serpentine rocks. Crushing or breaking these rocks, through construction or other means, can release asbestos form fibers into the air. Asbestos emissions can result from the sale or

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use of asbestos-containing materials, road surfacing with such materials, grading activities, and surface mining. The risk of disease is dependent upon the intensity and duration of exposure. When inhaled, asbestos fibers may remain in the lungs and with time may be linked to such diseases as asbestosis, lung cancer, and mesothelioma.

According to the California Division of Mines and Geology, naturally occurring asbestos (NOA) has been known to be present in 44 of California's 58 counties, including Santa Clara County. Based on the map provided by the Division of Mines and Geology, there is no NOA in the City.

Diesel Particulate Matter

CARB identified the PM emissions from diesel-fueled engines as a TAC in August 1998 under California's TAC program. The State of California, after a ten-year research program, determined in 1998 that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic (long-term) health risk. The California Office of Environmental Health Hazard Assessment (OEHHA) recommends using a 30-year (residential) and 25-year (worker) exposure duration for determining cancer risks. DPM is emitted from both mobile and stationary sources. In California, on-road diesel-fueled vehicles contribute approximately 40 percent of the statewide total, with an additional 57 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units.

Air Quality

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the. Table 4-3 summarizes published monitoring data from 2018 through 2020, the most recent 3-year period available for the nearest monitoring station is in San José (Jackson Street). The data shows that during the past few years, the Air Basin has exceeded the ozone, PM₁₀, and PM_{2.5} standards.

Table 4-3: Ambient Air Quality Summary

Air Pollutant	Averaging Time	Item	2018	2019	2020
Ozone	1 Hour ^a	Max 1 Hour (ppm)	0.078	0.095	0.106
		Days > State Standard (0.09 ppm)	0	1	1
	8 Hour	Max 8 Hour (ppm)	0.061	0.081	0.085
		Days > State Standard (0.070 ppm)	0	2	2
		Days > National Standard (0.070 ppm)	0	2	2
		Days > National Standard (0.075 ppm)	0	1	1
Inhalable coarse particles (PM ₁₀)	Annual (National)	Annual Average (µg/m ³)	20.9	18.4	24.1
	Annual (State)	Annual Average (µg/m ³)	23.1	19.1	24.8
	24 Hour	24 Hour (µg/m ³) (National)	115.4	75.4	134.9

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Air Pollutant	Averaging Time	Item	2018	2019	2020
		24 Hour ($\mu\text{g}/\text{m}^3$) (State)	121.8	77.1	137.1
		Days > State Standard ($50 \mu\text{g}/\text{m}^3$)	12.2	11.8	29.9
		Days > National Standard ($150 \mu\text{g}/\text{m}^3$)	0.0	0.0	0.0
Fine particulate matter ($\text{PM}_{2.5}$)	Annual (National)	Annual Average ($\mu\text{g}/\text{m}^3$)	12.8	9.1	11.5
	Annual (State)	Annual Average ($\mu\text{g}/\text{m}^3$)	12.9	9.1	11.5
	24 Hour	24 Hour ($\mu\text{g}/\text{m}^3$) (National)	133.9	27.6	120.5
		24 Hour ($\mu\text{g}/\text{m}^3$) (State)	133.9	34.4	120.5
		Days > National Standard ($35 \mu\text{g}/\text{m}^3$)	15.5	0	12.0

Notes:

Bold = exceedance

> = exceed

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

a = The Federal 1 hour Ozone Standard was revoked in June 2005; California retained a 1 hour Ozone Standard

ID = insufficient data

max = maximum

ppm = parts per million

State Standard = CAAQS

National Standard = NAAQS

Sulfur dioxide is reported on a statewide basis as it is no longer monitored locally.

Sources: CARB 2021

Local Sources of Air Pollution

The Project site is located within a developed commercial, residential, and institutional area in San José. The main sources of air pollution are mobile sources traveling along the nearby roadways that surround the Project site.

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. For purposes of CEQA, the BAAQMD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. Consistent with BAAQMD HRA guidelines, impacts to receptors within 1,000 feet of the Project boundary were evaluated in the HRA. The nearest sensitive receptors are existing residences bordering the Project site to the west and south.

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4.1.3 Environmental Checklist and Discussion of Impacts

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY: Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Air Basin. The applicable thresholds are presented in Table 4-4.

Table 4-4: BAAQMD Thresholds of Significance

Pollutant	Construction-Related	Operational-Related	
Criteria Air Pollutants and Precursors (Regional)	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tpy)
ROG	54	54	10
NOx	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
PM ₁₀ /PM _{2.5} (fugitive dust)	Best Management Practices	None	

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Pollutant	Construction-Related	Operational-Related	
Criteria Air Pollutants and Precursors (Regional)	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tpy)
GHGs	None	Compliance with a Qualified GHG Reduction Strategy OR 1,100 MT of CO ₂ e/yr or 4.6 MT CO ₂ e/SP (for 2020) or 660 MT of CO ₂ e/yr or 2.76 MT CO ₂ e/SP (for 2030)*	

Notes:

lbs/day = pounds per day

MT = metric tons

ROG = reactive organic gases

NO_x = oxides of nitrogen

PM₁₀ = particulate matter 10 microns or less in aerodynamic diameter

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

SP = Service Population

*BAAQMD does not have a recommended post-2020 GHG Threshold.

Source: BAAQMD, CEQA Air Quality Guidelines, May 2017.

4.1.4 Impact Discussion

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

(Less Than Significant Impact with Mitigation Incorporated) The applicable air quality plans associated with the Project site include the 2017 BAAQMD Clean Air Plan (BAAQMD 2017a). The primary goals of the 2017 BAAQMD Clean Air Plan are to attain air quality standards and reduce population exposure to unhealthy air and to protect public health in the Bay Area. The BAAQMD has developed its air quality thresholds with the understanding that they are protective of public health.

Consistency with the Clean Air Plan can be determined if the project: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The 2017 Clean Air Plan includes a control strategy that encompasses 85 individual control measures that describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources. The control measures are categorized based upon the economic sector framework used by the Air Resources Board for the AB 32 Scoping Plan Update. The sectors include:

- Stationary (Industrial) Sources
- Transportation
- Energy
- Buildings
- Agriculture
- Natural and Working Lands
- Waste Management
- Water
- Super-GHG Pollutants

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Table 4-5 provides a summary of applicable control measures and the Project's compliance with those measures. As shown below, the Project would comply with applicable control measures from the Clean Air Plan.

Table 4-5: Consistency with Clean Air Plan

Clean Air Plan Control #	Clean Air Plan Control Measure Description	Project Compliance
TR9 Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The Project will include bicycle parking onsite in accordance with City municipal code and will not impede any pedestrian or bicycle access along adjacent sidewalks and roadways.
TR 22 Construction, Freight and Farming Equipment	Provide incentives for the early deployment of electric, Tier 3 and 4 off-road engines used in construction, freight and farming equipment. Support field demonstrations of advanced technology for off-road engines and hybrid drive trains.	The Project will be contracting Tier 4 construction equipment which helps provide a market for these early deployments.
EN 2 Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The Project will comply with the current Title 24/CALGreen standards for buildings which will decrease the amount of electrical energy demanded by the Project.
BL 1 Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The Project will comply with the current Title 24/CALGreen standards for buildings which will decrease the amount of electrical energy demanded by the Project.
WA 4 Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The Project will include recycling receptacles in accordance with City and State codes that will help contribute to a reduction in waste materials.
WR2 Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The Project will comply with City and State water conservation regulations which will reduce water demand.

Overall, construction and operations of the Project would not result in a significant increase in criteria pollutant emissions. As shown in Table 4-6 and Table 4-7, daily average construction, annual operational, and daily average operational emissions would be well below BAAQMD significance thresholds for criteria

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pollutants. Additionally, with implementation of MM AIR-1 (as discussed in Impact c), the Project would not expose sensitive receptors to significant health risks. Implementation of the Project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 Climate Action Plan. Based on this, the Project would not conflict with or obstruct implementation of applicable air quality plans; therefore, impacts would be less than significant with mitigation incorporated.

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

(Less Than Significant Impact) Consistent with its General Plan Goal MS-10: Air Pollutant Emission Reduction, the City of San José has developed standard permit conditions to control dust and exhaust at project sites. The standard permit condition incorporated into the Project and the analysis is provided below.

Standard Permit Conditions: 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.

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- j. Maintain and properly 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.

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Project construction and operational impacts are assessed separately below.

Construction Emissions

Emissions from construction-related activities are generally short-term but may still cause adverse air quality impacts. The Project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. These construction emissions include criteria air pollutants from the operation of heavy construction equipment.

Annual construction emissions are shown in Table 4-6. The average daily construction emission results are shown in Table 4-7. The construction emissions are well below the recommended thresholds of significance. Emissions from construction would be a less than significant impact.

Table 4-6: Annual Construction Emissions (Unmitigated)

Construction Year	Tons/Year			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
2021 Construction Emissions	0.02	0.17	0.01	0.01
2022 Construction Emissions	0.04	0.28	0.01	0.01
Total Construction Emissions*	0.05	0.45	0.02	0.02

Notes:

* Numbers may not add up due to rounding.

ROG = reactive organic gases

NO_x = oxides of nitrogen

PM₁₀ = particulate matter 10 microns or less in aerodynamic diameter

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

Source: CalEEMod Output (Appendix A)

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Table 4-7: Construction Emissions (Unmitigated)

Parameter	Air Pollutants			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
Total Emissions (tons)	0.05	0.45	0.02	0.02
Total Emissions (pounds)	109.80	893.20	47.06	43.38
Average Daily Emissions (pounds/day) ¹	0.89	7.26	0.38	0.35
Significance Threshold (pounds/day)	54	54	82	54
Exceeds Significance Threshold?	No	No	No	No

Notes:

1. Calculated by dividing the total number of pounds by the total 123 working days of construction for the six-month construction period.

Calculations use rounded totals.

NO_x = oxides of nitrogen; ROG = reactive organic gases; PM₁₀ = particulate matter 10 microns or less in aerodynamic diameter;

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

Source of thresholds: BAAQMD 2017b; Source of emissions: CalEEMod Output (Appendix A)

Operational Emissions

Operational emissions would occur over the lifetime of the Project and would be from two main sources: area sources and motor vehicles, or mobile sources. It was assumed that the first full year of operations would be 2024 to provide a conservative estimate of operational emissions. If a later buildout year were used, the emissions would be lower due to cleaner vehicles from increasing regulations. Therefore, using an earlier year would provide a more conservative scenario of emissions.

As discussed in the transportation evaluation prepared for the Project, the addition of the new convenience store is not anticipated to result in additional traffic beyond the current baseline conditions from the existing fuel station. The Institute of Transportation Engineers (ITE) description of land use category Gasoline/Service Station (Category 944) indicates that the trip rates apply to sites which can include up to 2,000 square feet of convenience market. The proposed 1,486-square foot convenience market falls under the Gasoline/Service Station category and by itself would not generate any additional trips since the description for the rate category states that the gas station sites included in the case studies “generally have a small building (less than 2,000 gross square feet) that houses a cashier and limited space for motor vehicle maintenance supplies and general convenience products.” A market of this size is simply an ancillary use to the primary function of the site as a gas station and generates a minimal number of trips on its own, accordingly, mobile source emissions are assumed to result in zero increase from current baseline conditions.

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Operational emissions are compared to the BAAQMD Criteria Air Pollutant Significance thresholds. Annual emissions from Project operations are provided in Table 4-8, and the estimated average daily net emissions are provided in Table 4-9.

Table 4-8: Annual Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area	0.007	0.00	0.00	0.00
Energy	<0.001	<0.001	<0.001	<0.001
Mobile (Motor Vehicles)	0.00	0.00	0.00	0.00
Total Project Annual Emissions	0.007	<0.0001	<0.0001	<0.0001
Thresholds of Significance	10	10	15	10
Exceeds Significance Threshold?	No	No	No	No

Notes:

NO_x = oxides of nitrogen

ROG = reactive organic gases

PM₁₀ = particulate matter 10 microns or less in aerodynamic diameter

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

Source: CalEEMod Output (Appendix A)

Table 4-9: Average Daily Operational Emissions (Unmitigated)

Emissions Source	Pounds Per Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Area	0.04	<0.001	0.00	0.00
Energy	<0.001	<0.001	<0.001	<0.001
Mobile (Motor Vehicles)	0.00	0.00	0.00	0.00
Total	0.04	<0.001	<0.001	<0.001
Thresholds of Significance	54	54	82	54
Exceeds Significance Threshold?	No	No	No	No

Notes:

NO_x = oxides of nitrogen

ROG = reactive organic gases

PM₁₀ = particulate matter 10 microns or less in aerodynamic diameter

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

Source: CalEEMod Output (Appendix A)

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The Project would not result in operational-related air pollutants or precursors that would exceed BAAQMD's thresholds of significance, indicating that ongoing Project operations would not have the potential to generate a significant quantity of air pollutants. Therefore, the Project would not 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, and this would be a less than significant impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

(Less Than Significant Impact with Mitigation Incorporated) This discussion addresses whether the Project would expose sensitive receptors to construction-generated fugitive dust (PM₁₀), NOA, construction-generated DPM, operational related TACs, or operational CO hotspots. According to BAAQMD, some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emission's source, or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The Project site is not considered a sensitive receptor. The nearest sensitive receptors are existing residences bordering the Project site to the west and northwest.

Construction Emissions

Fugitive Dust PM₁₀

Fugitive dust (PM₁₀) would be generated from site grading and other earth-moving activities. Most of this fugitive dust would remain localized and would be deposited near the Project site. However, the potential for impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from the Project site. The Project would implement best management practices (BMPs) consistent with the standard permit conditions for Air Quality, which requires fugitive dust control measures. As such, the Project's construction-generated fugitive dust impacts would be less than significant.

Naturally Occurring Asbestos

Construction in areas of rock formations that contain NOA could release asbestos to the air and pose a health hazard. BAAQMD enforces CARB's air toxic control measures at sites that contain ultramafic rock. The air toxic control measures for construction, grading, quarrying and surface mining operations were signed into state law on July 22, 2002, and became effective in the Air Basin in November 2002. The purpose of this regulation is to reduce public exposure to NOA. A review of the map with areas more likely to have rock formations containing NOA in California indicates that there is no asbestos in the immediate Project area (USGS 2011). Therefore, it can be reasonably concluded that the Project would not expose sensitive receptors to NOA. Impacts would be less than significant.

Diesel Particulate Matter

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A construction HRA was prepared for the Project. The HRA evaluated DPM, represented as exhaust PM_{2.5} emissions generated during construction of the Project and the related health risk impacts for sensitive receptors located within 1,000 feet of the Project boundary.

According to the BAAQMD, a project would result in a significant impact if it would individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in 1 million, an increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient PM_{2.5} increase greater than 0.3 micrograms per cubic meter (µg/m³). A significant cumulative impact would occur if the Project, in combination with other projects located within a 1,000-foot radius of the Project site, would expose sensitive receptors to TACs, resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient PM_{2.5} increase greater than 0.8 µg/m³ on an annual average basis.

The Project site is located within 1,000 feet from existing sensitive receptors that could be exposed to diesel emission exhaust during the construction period. The nearest sensitive receptors are existing residences bordering the Project site to the west. To estimate the potential cancer risk associated with construction of the Project from equipment exhaust (including DPM), a dispersion model was used to translate an emission rate from the source locations to concentrations at the receptor locations of interest (i.e., sensitive receptors at nearby residences and schools). The maximally exposed individual (MEI) was determined to be an existing residence located less than ten feet northwest of the Project site.

The HRA was conducted in accordance BAAQMD and the OEHHA guidelines. The HRA evaluated potential cancer and non-cancer health risks over the duration of Project construction. As shown in Table 4-10, the Project would exceed BAAQMD health risk thresholds for a residential receptor. As shown in Table 4-11 and Table 4-12, implementation of MM AIR-1 would reduce the health risks to below BAAQMD thresholds. Appendix A contains detailed information for the HRA.

Results of the analysis of the unmitigated scenario are summarized and compared to the applicable thresholds. Calculations and AERMOD output data used in the construction HRA are included in Appendix A.

Table 4-10: Health Risks from Unmitigated Project Construction at the Maximally Exposed Individual

Health Impact Metric	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual PM _{2.5} Concentration (µg/m ³)
Risks and Hazards at the MEI¹ - Unmitigated (Includes Incorporation of Standard Conditions)			
Risks and Hazards at the MEI: Infant (3 rd Trimester)	7.72	0.114	0.568
Risks and Hazards at the MEI: Infant (Age Zero)	46.6	0.114	0.568
Risks and Hazards at the MEI: Child	7.34	0.114	0.568
Risks and Hazards at the MEI: Adult	1.12	0.114	0.568
BAAQMD Significance Threshold	10	1.0	0.3

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Health Impact Metric	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual PM _{2.5} Concentration (µg/m ³)
Exceeds Individual Source Threshold?	Yes	No	Yes

Notes:

µg/m³ = micrograms per cubic meter

MEI = maximally exposed individual

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

1. The MEI is located at an existing residence located less than 10 feet west of the Project site.

2. Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as PM_{2.5} exhaust) by the REL of 5 µg/m³.

Source: Appendix A.

As indicated in Table 4-10, construction of the Project would exceed the applicable BAAQMD thresholds for two of the three health impact metrics prior to incorporation of mitigation. Specifically, the cancer risk from construction of the Project would exceed the applicable cancer risk significance threshold at the MEI for the infant age zero scenario, and the annual PM_{2.5} concentration would exceed the annual PM_{2.5} concentration threshold for all age group scenarios. Therefore, the Project would be required to implement MM AIR-1 to reduce health risk impacts. MM AIR-1 would require the use of cleaner off-road construction equipment that would reduce particulate matter exhaust emissions.

Table 4-11: Health Risks from Mitigated Project Construction at the Maximally Exposed Individual

Health Impact Metric	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual PM _{2.5} Concentration (µg/m ³)
Risks and Hazards at the MEI¹ - Mitigated (Tier IV Option)			
Risks and Hazards at the MEI: Infant (3 rd Trimester)	0.47	0.007	0.035
Risks and Hazards at the MEI: Infant (Age Zero)	2.84	0.007	0.035
Risks and Hazards at the MEI: Child	0.45	0.007	0.035
Risks and Hazards at the MEI: Adult	0.06	0.007	0.035
BAAQMD Significance Threshold	10	1.0	0.3
Exceeds Individual Source Threshold?	No	No	No
Risks and Hazards at the MEI¹ - Mitigated (Level 3 Filters Option)			
Risks and Hazards at the MEI: Infant (3 rd Trimester)	1.22	0.018	0.090
Risks and Hazards at the MEI: Infant (Age Zero)	7.35	0.018	0.090
Risks and Hazards at the MEI: Child	1.16	0.018	0.090
Risks and Hazards at the MEI: Adult	0.16	0.018	0.090
BAAQMD Significance Threshold	10	1.0	0.3
Exceeds Individual Source Threshold?	No	No	No

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Health Impact Metric	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Annual PM _{2.5} Concentration (µg/m ³)
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Notes:

µg/m³ = micrograms per cubic meter

MEI = maximally exposed individual

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

1. The MEI is located at an existing residence located less than 10 feet west of the Project site.

2. Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as PM_{2.5} exhaust) by the REL of 5 µg/m³.

Source: Appendix A

As indicated in Table 4-11, construction of the Project would not expose nearby sensitive receptors to substantial pollutant concentrations after incorporation of MM AIR-1, and impacts would be less than significant with mitigation incorporated.

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. A cumulative HRA was performed that examined the cumulative impacts of the Project's construction emissions and sources of TAC emissions within 1,000 feet of the Project. For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. The BAAQMD-provided tools that were used to assess the potential cumulative impacts from TACs during Project construction at the MEI are described below.

- **Stationary Source Risk and Hazard Screening Tools.** The BAAQMD prepared a Geographic Information System (GIS) tool with the location of permitted sources. For each emissions source, the BAAQMD provides conservative estimates of cancer risk and PM_{2.5} concentrations. Based on information from the GIS tool, there are three BAAQMD-permitted stationary sources within 1,000 feet of the Project site.
- **Health Risks for Local Roadways.** The BAAQMD pre-calculated concentrations and the associated potential cancer risks and PM_{2.5} concentration increases for each county within their jurisdiction for roadways that carry at least 30,000 average daily trips. For certain areas, the BAAQMD also included local roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. The latest available screening tool is in the form of a GIS raster file.
- **Freeway Screening Analysis Tool.** The BAAQMD prepared a GIS raster file that contains pre-estimated cancer risk and PM_{2.5} concentration increases for highways within the Bay Area.
- **Rail Screening Tool.** The BAAQMD prepared a GIS raster file that contains estimated cancer risks and PM_{2.5} concentrations from railroad operations at any point within the Air Basin.

The cumulative health risk results, including health risks from the existing TAC sources, are summarized during Project construction in Table 4-12. The MEI lies near several existing stationary sources but lies over 1,000 feet from major roadways sources. Cumulative health risk results shown therein are

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representative of the health risks to the MEI, which would experience the highest concentration of pollutants.

Table 4-12: Summary of the Cumulative Health Impacts at the Maximally Exposed Individual during Project Construction

Source	Cancer Risk in One Million	Chronic Inhalation Hazard Index	Annual PM _{2.5} Concentration (µg/m ³)
Project Construction			
Project Construction – Unmitigated	46.6	0.114	0.568
Project Construction – Mitigated (Tier IV Option)	2.84	0.007	0.035
Project Construction – Mitigated (Level 3 Filters Option)	7.35	0.018	0.090
Existing Sources			
World Oil Marketing – Fuel Dispensing	22.3	0.100	0.00
San José Water Company	0.39	0.00	0.00
San José Water Company – 3 Mile	63.93	0.280	0.080
Cumulative Health Risks at the MEI¹			
Cumulative Total with Unmitigated Project Construction	133.22	0.494	0.648
BAAQMD's Cumulative Thresholds of Significance	100	10	0.8
Threshold Exceedance in Unmitigated Scenario?	No	No	No
Cumulative Total with Mitigated Project Construction (Tier IV Option)	89.46	0.387	0.115
Cumulative Total with Mitigated Project Construction (Level 3 Filters Option)	93.97	0.398	0.170
BAAQMD's Cumulative Thresholds of Significance	100	10	0.8
Threshold Exceedance in Either Mitigated Scenario?	No	No	No

Notes:

µg/m³ = micrograms per cubic meter

MEI = maximally exposed individual

ND = no data available

PM_{2.5} = particulate matter 2.5 microns or less in aerodynamic diameter

1. The MEI is located at an existing residence located less than 10 feet northwest of the Project site.

Source: Appendix A

As noted in Table 4-12, the cumulative impacts from the Project construction and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance after incorporation of MM AIR-1. Thus, with the implementation of MM AIR-1, the cumulative health risk from Project construction would be less than significant with mitigation incorporated.

IMPACT AIR-1: Construction activities associated with the proposed Project would expose the off-site receptors to cancer risk and PM_{2.5} emissions in excess of BAAQMD thresholds. The project would need to achieve a minimum of a 78.6% reduction in PM_{2.5} exhaust emissions to bring the cancer risk below a

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threshold of 10 in a million. The following mitigation measure shall be implemented during all phases of construction to reduce potential exposure of diesel particulate matter (DPM) and particulate matter less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}) emissions to sensitive receptors located near the Project site.

MM AIR-1: Cleaner Off-road Construction Equipment. Prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction - operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's designee. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:

- For all construction equipment larger than 25 horsepower used at the site, equipment shall meet U.S. EPA Tier 4 emission standards. Tier 4 Interim engines shall, at a minimum, meet United States Environmental Protection Agency or California Air Resources Board (CARB) particulate matter emissions standards for Tier 4 Interim engines.
- Alternatively, use of CARB-certified Level 3 diesel particulate filters on off-road equipment with engines greater than 75 horsepower can be used in lieu of Tier 4 Interim engines or in combination with Tier 4 Interim engines.
- The construction contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest).

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

(Less Than Significant Impact)

Construction

Diesel exhaust and ROG/volatile organic compounds would be emitted during construction of the Project from equipment exhaust, painting, and paving activities, which are objectionable to some; however, construction activities would be minimal, and emissions would disperse rapidly from the Project site and therefore would not create objectionable odors affecting a substantial number of people. As such, construction odor would be a less than significant impact.

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Operation

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The Project does not contain land uses typically associated with emitting objectionable odors.

The BAAQMD's 2017 Air Quality Guidelines Table 3-3 provides recommended odor screening distances for a variety of land uses. Projects that would site an odor source or a receptor farther than the applicable screening distance would not likely result in a significant odor impact. The Project site is not located within the screening distances recommended by BAAQMD to any potential odor sources and is not a source of odors itself, and as such, this would be less than significant impact.

4.2 CULTURAL RESOURCES

The discussion of cultural resources presented herein is partially based on the Cultural Resources Assessment and Archival Records Search Summary (Stantec 2021) prepared as part of the Project, and it is included as Appendix B to this IS. Cultural resources can consist of neighborhoods, buildings, structures, or engineering accomplishments such as bridges, canals or dams etc., travel corridors such as roads and trails, prehistoric features such as milling stations, trails, weirs, archaeological sites such as lithic or pottery scatters, rock art from prehistoric times, or campsites and trash dumps from the historic period. Generally, cultural resources are at least 50-years old or older; however, in some cases resources younger than 50 years of age may be considered due to their unique style and/or significance.

4.2.1 Regulatory Setting

Federal

Section 106 of the National Historic Preservation Act

While this IS falls under the guidelines and regulations of CEQA, this section is provided for informational purposes only as federal involvement with this Project is not anticipated. However, in some cases archaeological sites found eligible under CEQA may be also found significant and eligible to the National Register of Historic Place (NRHP). Federal protection of historic properties is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the NRHP. Section 106 of the NHPA and related regulations (36 CFR Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA. The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level.

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State

California Register of Historical Resources

CEQA (Public Resources Code Sections 21000 etc.) requires that before approving most discretionary projects, the Lead Agency must identify and examine any significant adverse environmental effects that may result from activities associated with such projects (Public Resources Code Sections 21083.2 and 21084.1). CEQA explicitly requires that the initial study examine whether the project may have a significant effect on “historical resources” and “unique archaeological resources.” Under these requirements, a cultural resources inventory was conducted to determine impacts of the proposed Project on cultural resources potentially eligible for nomination to the California Register of Historic Resources (CRHR).

CEQA (California Public Resources Code Section 21000 et seq.) (1970) established that historical and archaeological resources are afforded consideration and protection by the California Environmental Quality Act (CEQA) (14 CCR Section 21083.2, 14 CCR Section 15064). CEQA Guidelines define significant cultural resources under three regulatory designations: historical resources, tribal cultural resources (TCRs), and unique archaeological resources. These designations permit for a fair amount of overlap.

A historical resource is a “resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR”; or “a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code”; or “any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the agency’s determination is supported by substantial evidence in light of the whole record” (14 CCR Section 15064.5[a][3]). Historical resources automatically listed in the CRHR include California cultural resources listed in or formally determined eligible for the NRHP and California Registered Historical Landmarks from No. 770 onward (PRC 5024.1[d]). Locally listed resources are entitled to a presumption of significance unless a preponderance of evidence in the record indicates otherwise.

TCRs are similar to the traditional cultural property designation within the National Historic Preservation Act guidance. These can be sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Tribe. To qualify as a TCR, it must either be 1) listed on or eligible for listing on the California Register or a local historic register or, 2) or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines should be treated as a TCR (PRC Section 21074). TCRs can include “non-unique archaeological resources” (see “unique archaeological resource” below) that, rather than being important for “scientific” value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and

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significance of tribal cultural resources within their traditionally and cultural affiliated geographic area (PRC Section 21080.3.1(a)).

Under CEQA, a resource is generally considered historically significant if it meets the criteria for listing in the CRHR. A resource must meet at least one of the following criteria (PRC 5024.1; 14 CCR Section 15064.5[a][3]):

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Title 14, CCR Section 4852(b)(1) adds, "is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States."
2. Is associated with the lives of persons important in our past. Title 14, CCR Section 4852(b)(2) adds, "is associated with the lives of persons important to local, California, or national history."
3. Embodies the distinctive characteristics of a type, period, region, or method of construction; or represents the work of an important creative individual; or possesses high artistic values. Title 14, CCR 4852(b)(3) allows a resource to be CRHR eligible if it represents the work of a master.
4. Has yielded, or may be likely to yield, information important in prehistory or history. Title 14, CCR 4852(b)(4) specifies that importance in prehistory or history can be defined at the scale of "the local area, California, or the nation."

Historical resources must also possess integrity of location, design, setting, materials, workmanship, feeling, and association (14 CCR 4852[c]).

An archaeological artifact, object, or site can meet CEQA's definition of a unique archaeological resource even if it does not qualify as a historical resource (PRC 21083.2[g]; 14 CCR 15064.5[c][3]). An archaeological artifact, object, or site is considered a unique archaeological resource if "it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria (PRC 21083.2[g]):

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person."

Public Resources Code 5097.98. This section discusses the procedures that need to be followed upon the discovery of Native American human remains. The NAHC, upon notification of the discovery of human remains is required to contact the County Coroner pursuant to subdivision (c) of Section 7050.5 of the

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Health and Safety Code and shall immediately notify those persons it believes to be most likely descended from the deceased Native American.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating tribal impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy ER-10.2:** Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
- **Policy ER-10.3:** Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.2.2 Environmental Setting

The Project site currently operates as a fueling station and is almost entirely covered with developed areas with pavement, underground storage tanks, fuel pump systems and other small structures, such as a cashier's kiosk and fueling canopy. No archaeological or historical resources have been identified within the Project area. The Project area has been developed as a gas service station since approximately 1975, and since that time, the canopy and fuel pumps have been replaced. The primary structures on the Project site are not 50 years or older, and the property and structures are not considered a historical resource under CEQA Guidelines Section 15064.5. The Project would continue the operation of the site as a fueling station, with the addition of a small convenience store.

A records search of the Study Area was conducted on August 26, 2021, by the Northwest Information Center (NWIC) (see Appendix B). The search entailed a review of all previously recorded prehistoric and historic archaeological sites, as well as a review of all known cultural resources survey reports, excavation reports, and regional overviews within the Study Area, which consists of a one-half-mile radius around the Project site. Results of the records search indicated no cultural resource studies have been conducted within the Project area; however, fifteen cultural resource studies were conducted within the Study Area. Five of those studies yielded positive results and include survey (Hill et al. 1999), archaeological excavation (Unknown 2015), site evaluation (Cartier et al. 1994, Hill 1999) and a cultural resource review (Harmon 2000). A summary of previously conducted studies within the Study Area is provided in Table 4-13.

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Table 4-13: Summary of Cultural Resource Studies Previously Conducted within the Study Area

Author	Year	Level of Investigation	Results	Report Reference No.
Garaventa, Donna et al.	1982	Cultural Resources Assessment	-	S-004994
Cartier, Robert	1984	Site Evaluation	-	S-006540
Chavez, David	1976	Field Reconnaissance	-	S-008404
Chavez, David and Jan M. Hupman	1990	Survey	Negative	S-012437
Cartier, Robert and et al.	1994	Site Evaluation	Positive	S-016730, S-016730a*
Unknown	1995	Windshield Survey and Cultural Resource Assessment	-	S-018894
Unknown	1999	Survey	Negative	S-022610
Hill, Ward	1999	Cultural Resource Assessment	Positive	S-023102, S-023102a
Harmon, Robert M.	2000	Cultural Resource Review	Positive	S-023558
Hill, Ward et al.	1999	Survey and excavation	Positive	S-025680, S-025680(a-e*)
Unknown	2002	Archival Report	-	S-026200
Travers, Aniela	2010	Cultural Resource Assessment	-	S-035649
King, Thomas M.	1978	Historic Inventory	-	S-044027
Unknown	2015	Excavation	Positive	S-046367
Losee, Carolyn	2018	Survey	Negative	S-050166, S-050166a*

*Indicates addendums to the original report.

Results of the records search indicate no known previously recorded archaeological resources are located within the Project area; however, one historic resource (P-43-002692) is located within the Study Area (Table 4-14). This resource is the Santa Clara Valley Medical Center Cemetery, located 0.5-mile northwest of the Project area. In 2015, this site was excavated by unknown authors with URS Corp. (Unknown 2015). According to aerial imagery, this resource no longer exists and the Santa Clara Valley Medical Center and associated medical buildings have been built over this resource.

Table 4.-14: Known Cultural Resources Previously Documented within the Current Study Area

Quad	Primary No.	Trinomial	Component	Description	County
San Jose West	P-43-002692	CA-SCL-000920H	Historic	Santa Clara Valley Medical Center Cemetery	Santa Clara

As part of the archival research at the NWIC, the following sources were consulted: the California Archaeological Inventory Records, NRHP, California Historic Landmark Registry, California Points of

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Historical Interest, Inventory of Historic Structures, and Historical Landmarks for Fresno and Kings counties. Additionally, the following topographic quadrangles were examined for the presence of historic period features within the current APE: Avenal, CA (1957, 1967), Canoas Creek, CA (1930, 1934, 1950), La Cima, CA (1930, 1957, 1967), and Middle Dome, CA (1930). No built environment historical resources were identified on historic period maps.

4.2.3 Environmental Checklist and Discussion of Impacts

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.2.4 Impact Discussion

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

(No Impact) There are no historical resources located within the Project area, and there are no historic resources related to the built environment located on historic period maps. Based on the Project characteristics, and the results of the records search, there would be no impact to any historical resources.

A detailed background research of historic period maps, and archaeological repository located at Sonoma State University did not reveal any built-environment and/or historical resources within the Project area. Based on the background research, and the Project characteristics, there would be no impacts to any historical resources as defined in §15064.5.

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

(Less Than Significant Impact) A review of archaeological site records, survey reports, and regional overview for the Study Area did not reveal any archaeological resources within the Project area. While several positive cultural resources studies have been previously completed within the Study Area, cultural resources were documented more than one mile from the current Project area. In addition, the proposed

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work associated with this Project would involve only minor ground-disturbing activities, not to exceed three to four feet in depth, to repave the construction area and conduct shallow trenching to connect to existing utilities. No excavation is proposed to the fueling area where USTs are located. The likelihood of encountering unknown archaeological resources as a result of Project construction is remote. The Project site has already been completely excavated when the USTs and fueling systems were installed, and no areas of previously undisturbed soils exist at the Project site. The following measures have been included as Standard Permit Conditions to reduce potential construction-related impacts to prehistoric or historic resources.

Standard Permit Condition: If prehistoric or historic resources are encountered during excavation and/or grading of the Project 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 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.

As results of the records search indicated that no known previously recorded archaeological resources are located within the Project Area, and there would be minimal possibility of disturbing the only other identified historical resource in the area (which now lies under the Santa Clara Valley Medical Center), this impact would be less than significant.

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

(Less Than Significant Impact) The Project would involve only minor ground-disturbing activities to repave the construction area and conduct shallow trenching to connect to existing utilities. No excavation is proposed to the fueling area where USTs are located. The Project would comply with standard permit conditions in regard to cultural resources and human remains.

Standard Permit Condition: 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 make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC)

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within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 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.

As results of the records search indicated that no known previously recorded buried resource resources or cemeteries are located within the Project Area, the likelihood of encountering unknown buried remains as a result of Project construction is remote. The Project site has already been completely excavated when the USTs and fueling systems were installed, and no areas of previously undisturbed soils exist at the Project site. Therefore, impacts would be less than significant.

4.3 GREENHOUSE GAS EMISSIONS

The discussion of greenhouse gas emissions is partially based on the Air Quality/Greenhouse Gases Assessment (Stantec 2021), which is included as Appendix A to this IS.

4.3.1 Regulatory Setting

4.3.1.1 Federal

The United States has historically had a voluntary approach to reducing GHG emissions. However, on April 2, 2007, the United States Supreme Court ruled that the USEPA has the authority to regulate carbon dioxide emissions under the federal Clean Air Act. While there currently are no adopted federal regulations for the control or reduction of GHG emissions, the USEPA commenced several actions in 2009 to implement a regulatory approach to global climate change.

This includes the 2009 USEPA final rule for mandatory reporting of GHGs from large GHG emission sources in the United States. Additionally, the USEPA Administrator signed an endangerment finding action in 2009 under the Clean Air Act, finding that six GHGs (carbon dioxide, CH₄, N₂O, HFCs, PFCs, SF₆) constitute a threat to public health and welfare, and that the combined emissions from motor vehicles cause and contribute to global climate change, leading to national GHG emission standards.

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4.3.1.2 State

In the absence of federal regulations, control of GHGs is generally regulated at the state level and is typically approached by setting emission reduction targets for existing sources of GHGs, setting policies to promote renewable energy and increase energy efficiency, and developing statewide action plans.

California has adopted statewide legislation addressing various aspects of climate change and GHG emissions mitigation. Much of this legislation establishes a broad framework for the state's long-term GHG reduction and climate change adaptation program. The governor has also issued several executive orders (EOs) related to the state's evolving climate change policy. Of particular importance are the following:

Assembly Bill 32

AB 32, also known as the Global Warming Solutions Act of 2006 (codified in HSC, Division 25.5), requires CARB to establish a statewide GHG emissions cap for 2020 based on 1990 emission levels. AB 32 required CARB to adopt regulations that identify and require selected sectors or categories of emitters of GHGs to report and verify their statewide GHG emissions, and CARB is authorized to enforce compliance with the program. Under AB 32, CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels set in 1990, which must be achieved by 2020. The 2020 GHG emissions limit is 431 million metric tons of carbon dioxide equivalent (MMTCO_{2e}).

Toward achieving the maximum technologically feasible and cost-effective GHG emission reductions, AB 32 permits the use of market-based compliance mechanisms and requires CARB to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism that it adopts.

Senate Bill 32

On September 8, 2016, Senate Bill (SB) 32 was signed by Governor Brown; this bill would require the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.

Executive Order B-30-15

EO B-30-15 provides an interim 2030 goal with the ultimate goal of reducing emissions by 80 percent below 1990 levels by 2050. The EO B-30-15 interim 2030 emission reduction goal is consistent with SB 32 and represents substantial progress towards the 2050 emissions reduction goal.

Executive Order S-03-05

EO S-03-05 directs the state to reduce GHG emissions to 80 percent below 1990 levels by 2050.

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Climate Change Scoping Plan

In December 2008, CARB approved the AB 32 Scoping Plan outlining the state's strategy to achieve the 2020 GHG emissions limit. The Scoping Plan estimates a reduction of 174 MMTCO₂e (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high climate-change-potential sectors, and proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify California's energy sources, save energy, create new jobs, and enhance public health. The Scoping Plan must be updated every 5 years to evaluate the implementation of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. The First Update to the Climate Change Scoping Plan was approved by the CARB on May 22, 2014. In 2016, the Legislature passed SB 32, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, the CARB approved the Second Update to the Climate Change Scoping Plan, the 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target.

Clean Air Plan

The Clean Air Plan guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD 2017 Clean Air Plan is the current Clean Air Plan, which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_x), particulate matter, and GHG emissions (BAAQMD 2017b). The primary goals of the 2017 Clean Air Plan are to protect public health through the attainment air quality standards and protect the climate.

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air and climate pollutants in the Bay Area. For purposes of consistency with climate planning efforts at the state level, the control strategy in the Clean Air Plan is based upon the same economic sector framework used by the CARB for its Climate Change Scoping Plans.

4.3.1.3 Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating GHG impacts from projects. The following policies are applicable to the Project (City of San José 2018a):

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

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- **MS-14.1:** Promote jobs and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
- **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 increase in bicycle and pedestrian activity.
- **CD-5.1:** Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Air Quality Guidelines and standards for “qualified plans” as set forth by BAAQMD.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and readopted the City’s GHG Reduction Strategy in the General Plan. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City’s GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed developments and others are voluntary. Voluntary measures could be incorporated as mitigation measures for Project, at the City’s discretion.

2030 Greenhouse Gas Reduction Strategy (2030 GHGRS)

The City of San José has updated its strategy for greenhouse gas reduction in alignment with Senate Bill (SB) 32, which established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18).

SB 32 expands upon Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40% below the 1990 levels by 2030.

The City’s 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) is a comprehensive update to the city’s original GHGRS and reflects the plans, policies, and codes as approved by the City Council. The strategy builds on the City’s Envision San José 2040 General Plan and Climate Smart San José -- these plans expanded the City’s Green Vision to advance urban sustainability. Leveraging these existing plans and supporting policy and program frameworks, the 2030 GHGRS provides a set of strategies and additional actions for achieving the 2030 target.

The 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The Development Compliance Checklist serves to apply the relevant General Plan and

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2030 GHGRS policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. The Project is consistent with applicable measures from the City's compliance checklist. The Project's checklist is provided below and in Appendix A.

Green Vision

In 2007, the City adopted the Green Vision, a 15-year sustainability plan that focused on economic growth while reducing GHG emissions. The strategy included goals to increase energy efficiency and reduce consumption along with creating clean tech jobs, diverting waste from landfills and converting waste into energy, increase electricity consumption from renewable sources, and plant 100,000 new trees. Significant progress has been made and as the program approaches its horizon year, the City plans to incorporate goals of the Green Vision into its Climate Smart San José's program.

Climate Smart San José

This program was adopted in 2018 to continue the City's efforts to reduce the impacts of climate change. In addition to addressing climate change issues, the program's strategies would reduce air pollution, save water, and improve the quality of life communitywide. The program is the first in the country to provide a plan for achieving greenhouse gas reductions consistent with those in the Paris Agreement.

San José Municipal Code

The City's Municipal Code includes the Green Building Regulations for Private Development which are intended to advance GHG reductions and other sustainability strategies in the City's Green Vision. The Green Building regulation would reduce energy and water consumption, divert waste from landfills, and provide power from renewable sources. The City determined that reduction of total energy and peak energy use as a result of incremental energy efficiency measures resulted in positive cost-benefits for building owners.

4.3.2 Environmental Setting

Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans in recent decades. There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of GHGs that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass traps heat in a greenhouse. The Earth's climate is changing because human activities, primarily the combustion of fossil fuels, are altering the chemical composition of the atmosphere through the buildup of GHGs. GHGs are released by the combustion of fossil fuels, land clearing, agriculture, and other activities, and lead to an increase in the greenhouse effect. Just as the glass in a greenhouse lets heat from sunlight in and reduces the heat escaping, greenhouse gases like carbon dioxide, methane, and nitrous oxide in the atmosphere keep the Earth at a relatively even temperature. Without the greenhouse effect, the Earth would be a frozen globe; thus, although an excess of greenhouse gas results in global warming, the naturally occurring greenhouse effect is necessary to keep our planet at a comfortable temperature.

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Carbon Dioxide (CO₂)

In the atmosphere, carbon generally exists in its oxidized form, as CO₂. Natural sources of CO₂ include the respiration (breathing) of humans, animals and plants, volcanic outgassing, decomposition of organic matter and evaporation from the oceans. Anthropogenic sources of CO₂ include the combustion of fossil fuels and wood, waste incineration, mineral production and deforestation. Anthropogenic sources of CO₂ amount to over 30 billion tons per year, globally. Natural sources release substantially larger amounts of CO₂. Nevertheless, natural removal processes, such as photosynthesis by land and ocean-dwelling plant species, cannot keep pace with this extra input of man-made CO₂, and consequently, the gas is building up in the atmosphere.

Methane (CH₄)

Methane is produced when organic matter decomposes in environments lacking sufficient oxygen. Natural sources include wetlands, termites, and oceans. Decomposition occurring in landfills accounts for the majority of human-generated CH₄ emissions in California and in the United States as a whole. Agricultural processes such as intestinal fermentation, manure management, and rice cultivation are also significant sources of CH₄ in California.

Nitrous Oxide (N₂O)

Nitrous oxide is produced naturally by a wide variety of biological sources, particularly microbial action in soils and water. Tropical soils and oceans account for the majority of natural source emissions. Nitrous oxide is a product of the reaction that occurs between nitrogen and oxygen during fuel combustion. Both mobile and stationary combustion produce N₂O, and the quantity emitted varies according to the type of fuel, technology, and pollution control device used, as well as maintenance and operating practices. Agricultural soil management and fossil fuel combustion are the primary sources of human-generated N₂O emissions in California.

Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), and Sulfur Hexafluoride (SF₆)

HFCs are primarily used as substitutes for ozone depleting substances regulated under the Montreal Protocol (Montreal Protocol 1987). The Montreal Protocol is an international treaty that was approved on January 1, 1989, and was designated to protect the ozone layer by phasing out the production of several groups of halogenated hydrocarbons believed to be responsible for ozone depletion. PFCs and SF₆ are emitted from various industrial processes including aluminum smelting, semiconductor manufacturing, electric power transmission and distribution, and magnesium casting. There is no primary aluminum or magnesium production in California; however, the rapid growth in the semiconductor industry leads to greater use of PFCs.

The magnitude of the impact on global warming differs among the GHGs. The effect each GHG has on climate change is measured as a combination of the volume of its emissions, and its global warming potential (GWP), expressed as a function of how much warming would be caused by the same mass of CO₂. Thus, GHG emissions are typically measured in terms of pounds or tons of CO₂ equivalents. HFCs,

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PFCs, and SF₆ have a greater “global warming potential” than CO₂. In other words, these other GHGs have a greater contribution to global warming than CO₂ on a per mass basis. However, CO₂ has the greatest impact on global warming, because of the relatively large quantities of CO₂ emitted into the atmosphere.

4.3.3 Environmental Checklist and Discussion of Impacts

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

Impact Discussion

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

(Less Than Significant Impact)

The City of San José adopted its Greenhouse Gas Reduction Strategy (GHGRS) in 2020 to outline the actions the City would take to achieve its proportional share of State greenhouse gas (GHG) emission reductions for the interim target year of 2030. The 2030 GHGRS presents the City’s comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR. Additionally, the 2030 GHGRS leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City’s target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases. Accordingly, the City of San José’s 2030 GHGRS represents San José’s qualified climate action plan in compliance with CEQA. Accordingly, the City has established a compliance checklist for projects to demonstrate conformance with the GHGRS.

Consistency with City of San José GHG Reduction Strategy

The City of San José 2030 GHGRS includes strategies focused on green building, renewable energy, transportation and land use, education, and waste management.

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The General Plan and the City's GHGRS contain goals and policies adopted for the purpose of reducing GHG emissions. Measures are either mandatory for proposed development projects, or they are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City. Mandatory GHG reduction criteria and its applicability to the Project is detailed below.

- Consistency with the Land Use/Transportation Diagram (Land Use and Density)
- Implementation of Green Building Measures (GP Policies: MS-2.3., -2.3, -2.7, -2.11, -16.2)
 - Renewable Energy
 - Solar Orientation
 - Solar Panels
 - Architectural Design
 - Construction Techniques
 - Consistency with Green Building Ordinance and Policies
- Pedestrian, Bicycle and Transit Site Design Measures (GP Policies: CD-2.1, - 2.5, -2.11, -3.2, - 3.4, LU-3.5, TR-2.8, -7.1, -8.5)
- Water Conservation and Urban Forestry Measures (GP Policies: MS-3.1, -3.2, -19.4, -21.3, -26.1, ER-8.7)

Prior to Project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the Project's compliance with the City of San José 2030 GHGRS. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies), shown below as Table 4-15 and Table 4-16. Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions).

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS. As shown in Table 4-15 and Table 4-16, the Project would comply with the 2030 GHGRS; therefore, the Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The impact would be less than significant.

Table 4-15 2030 GHGRS Table A – Project Compliance with General Plan Policies

General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	Is the proposed Project consistent with the Land Use/Transportation Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project is consistent with the Land Use/Transportation Diagram.
	MS-2.2: Encourage maximized use of on-site generation of	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Not consistent. The proposed Project's building size limits the

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
2) Implementation of Green Building Measures	renewable energy for all new and existing buildings.				feasibility of rooftop solar and ground-level solar is limited due to transportation circulation requirements.
	MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The convenience store is oriented for maximum solar exposure, which should help minimize energy use.
	MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project includes minimal parking.
	MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project would comply with the Green Building Ordinance. The convenience store is oriented for maximum solar exposure, which should help minimize energy use.
	MS-16.2: Promote neighborhood-based distributed clean/renewable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project requires minimal electricity and does

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
	energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.				not include infrastructure that could support energy generation facilities.
3) Pedestrian, Bicycle & Transit Site Design Measures	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project is not a roadway project; therefore, it would not alter existing street, pedestrian walkways, or bike lanes.
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project would comply with the Green Building Ordinance. The convenience store is oriented for maximum solar exposure, which should help minimize energy use. Parking would be shaded by a canopy.
	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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project is not within the Downtown and Urban Village Overlay areas.

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
	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.				
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project would include walkways to connect to the public sidewalk and also provides bicycle parking at the convenience store.
	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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project would include walkways to connect to the public sidewalk.

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
	interruptions by parking areas and curb cuts.				
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project is not in the Downtown area.
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project includes a small building footprint and would not require many employees. The Project includes connections to public walkways and will include onsite bicycle parking.
	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 carsharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project is not a large employer.

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
	TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project does not have many employees and includes minimal parking for customers.
4) Water Conservation and Urban Forestry Measures	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project would comply with applicable ordinances to reduce water use.
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project would comply with applicable green building standards and includes landscaping that would minimize water use.
	MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project does not have a need for recycled water due to minimal landscaping needs. There are no recycled water lines near the Project site to allow the use of recycled water.
	MS-21.3: Ensure that San José's	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project will

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General Plan Measure	General Plan Policies	Yes	No	Not Applicable	Project Compliance
	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.				comply with San José's landscape ordinance which includes climate appropriate plantings to reduce water use.
	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable. The proposed Project doesn't include modifications to the existing street scape, should modifications be required, the Project would comply with the City's regulations and guidelines.
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistent. The proposed Project includes a Stormwater Pollution Prevention Plan that is compliant with City regulations.

Table 4-16 2030 GHGRS Table B – GHGRS Compliance

GHGRS Strategy and Consistency Options	Project Conformance
Zero Net Carbon Residential Construction <ol style="list-style-type: none"> 1. Achieve/exceed the City's Reach Code, and 2. Exclude natural gas infrastructure in new construction, or 	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Not Feasible*

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GHGRS Strategy and Consistency Options	Project Conformance
<p>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</p> <p>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.</p> <p>Supports Strategies: GHGRS #1, GHGRS #2, GHGRS #3</p>	<p><input type="checkbox"/> Alternative Measure Proposed</p> <p>This category is for residential projects only.</p>
<p>Renewable Energy Development</p> <p>1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or</p> <p>2. Participate in community solar programs to support development of renewable energy in the community, or</p> <p>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.</p> <p>Supports Strategies: GHGRS #1, GHGRS #3</p>	<p><input type="checkbox"/> Proposed</p> <p><input type="checkbox"/> Not Applicable</p> <p><input checked="" type="checkbox"/> Not Feasible*</p> <p><input type="checkbox"/> Alternative Measure Proposed</p> <p>The proposed Project's building size limits the feasibility of rooftop solar and ground-level solar is limited due to transportation circulation requirements. The Project receives its energy from PG&E which continues to increase its renewable energy percentage.</p>
<p>Building Retrofits – Natural Gas</p> <p>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.</p> <p>1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or</p> <p>2. Replace an existing natural gas appliance with a high- efficiency model</p> <p>Supports Strategies: GHGRS #4</p>	<p><input type="checkbox"/> Proposed</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Not Feasible*</p> <p><input type="checkbox"/> Alternative Measure Proposed</p> <p>The proposed Project does not include retrofits to any existing building.</p>
<p>Zero Waste Goal</p> <p>1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or</p> <p>2. Exceed the City's construction & demolition waste diversion requirement.</p> <p>Supports Strategies: GHGRS #5</p>	<p><input checked="" type="checkbox"/> Proposed</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Not Feasible*</p> <p><input type="checkbox"/> Alternative Measure Proposed</p> <p>The proposed Project would comply with existing regulations for construction and demolition waste diversion.</p>

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GHGRS Strategy and Consistency Options	Project Conformance
Caltrain Modernization <ol style="list-style-type: none"> 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 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. 	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Not Feasible* <input type="checkbox"/> Alternative Measure Proposed The proposed Project is not located within ½ mile of a Caltrain station.
Supports Strategies: GHGRS #6	
Water Conservation <ol style="list-style-type: none"> Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or Provide access to reclaimed water for outdoor water use on the project site. 	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Not Feasible* <input type="checkbox"/> Alternative Measure Proposed The proposed Project would comply with green building standards that includes measures to reduce water use through high efficiency fixtures and water-sensitive landscaping.
Supports Strategies: GHGRS #7	

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

(Less Than Significant Impact) The Project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in the CARB Scoping Plan. Notably, the City's GHGRS includes goals and policies to reduce GHG emissions from existing and new land use development consistent with CARB's reduction targets in its Scoping Plan. As shown in Impact 4.3.4a, the Project complies with the City's GHGRS which is qualified action plan under CEQA for purposes of reducing GHG emissions.

CARB Scoping Plan

CARB issued the Final 2017 Scoping Plan Update in November 2017. The Scoping Plan establishes emissions reduction strategies necessary to meet SB 32's 2030 reduction goals. Table 4-17 identifies the policies of the Scoping Plan that are applicable to the proposed Project. As shown, the Project would be consistent with the Scoping Plan.

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Table 4-17 Project Consistency with Applicable 2017 Scoping Plan Greenhouse Gas Reduction Strategies

Measure Name	Measure Description	Consistency Determination
SB 350 50% Renewable Mandate.	Utilities subject to the legislation will be required to increase their renewable energy mix from 33% in 2020 to 50% in 2030.	Consistent. The proposed Project will purchase electricity from a utility subject to the SB 350 Renewable Mandate.
Low Carbon Fuel Standard	This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	Consistent. Vehicles accessing the Project site will use fuel containing lower carbon content as the fuel standard is implemented.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario)	Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by 2030 and increasing numbers of ZEV trucks and buses.	Consistent. Employees and inbound and outbound customer vehicles can be expected to purchase increasing numbers of more fuel efficient and zero emission cars and trucks each year. The Project site will include a space that can accommodate an EV charging station in the future.
Recycling and Waste Management	Reduce methane emissions at landfills. Increase waste diversion, composting and other beneficial uses of organic materials, and mandate commercial recycling. Move toward zero-waste	Consistent. The proposed Project would include waste receptacles in compliance with City standards to promote waste reduction through waste diversion.
Post-2020 Cap-and-Trade Program	The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	Consistent. The post-2020 Cap-and-Trade Program indirectly affects people who use the products and services produced by the regulated industrial sources, when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap- and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the program's first compliance period.

Source of Measures: CARB, 2017

Source of Consistency Determination: Stantec Consulting Services Inc, 2021

As shown above, the Project would not conflict with the applicable GHG measures in the CARB Scoping Plan. The Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels set by the

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Executive Order B-30-15 and codified by SB 32. GHG emissions from long-term operation of the Project would be less than significant.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the Project would benefit from implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Conclusion

The Project would not conflict with applicable plans, policies, or regulations for reducing GHG emissions and would not emit GHG emissions that would have a significant impact on the environment; therefore, impacts would be less than significant.

4.4 HAZARDS/HAZARDOUS MATERIALS

The discussion of hazards and hazardous materials is partially based on the Phase I Environmental Site Assessment (Apex 2020), which is included as Appendix C to this IS.

4.4.1 Regulatory Setting

Definition of Terms

Hazardous Materials and Wastes

For purposes of this section, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined in the Code of Federal Regulations (CFR) as “a substance or material that...is capable of posing an unreasonable risk to health, safety, and property when transported in commerce” (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

Hazardous material means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous wastes are defined in California Health and Safety Code Section 25141(b) as wastes that:

Because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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Section 25532(j) of the Health and Safety Code defines "regulated substances accident risk" to mean a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

Section (j) defines "regulated substance" to mean any substance that is either of the following (20 CFR Article 2 section 25532):

- (1) A regulated substance listed in Section 68.130 of Title 40 of the CFR pursuant to paragraph (3) of subsection (r) of Section 112 of the CAA (42 United States Code Section 7412(r)(3)).
- (2) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the CFR that is any of the following:
 - i. A gas at standard temperature and pressure.
 - ii. A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.
 - iii. A solid that is one of the following:
 - I. In solution or in molten form.
 - II. In powder form with a particle size less than 100 microns.
 - III. Reactive with a National Fire Protection Association rating of 2, 3, or 4
 - iv. A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

Acute Hazardous Wastes

Acute hazardous wastes have been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral lethal dose (LD) 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness (CFR 40 261.11).

On-Site Sources of Contaminations

Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive, and irritant, or strong sensitizer. Hazardous substances include all chemicals regulated under the United States Department of Transportation "hazardous materials" regulations and the U.S. Environmental Protection Agency (EPA) "hazardous waste" regulations. Hazardous wastes require special handling and disposal because of their

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potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use, or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations. Specific hazardous materials known on-site are discussed in further detail below.

Hazardous Air Pollutants

The EPA defines hazardous emissions, also known as Hazardous Air Pollutants (HAP), as those pollutants that are known or suspected to cause cancer or other serious health effects (EPA 2017). These pollutants can come from sources such as gasoline, motor oils, asbestos, and paint strippers and can be inhaled or ingested. Fuels such as diesel and gasoline required for the operation of construction equipment are considered Class three, flammable liquid, hazardous materials which can lead to fires or explosions if handled incorrectly. Additionally, oils and lubricants for operation of equipment are also considered Class three hazardous materials. The Project currently operates heavy equipment and vehicles that use diesel, oils, and lubricants and would continue to do so with implementation of the Project.

Cortese List Government Code Section 65962

As discussed in the regulatory setting above, the Cortese list, which is compiled pursuant to Government Code Section 65962, is used to confirm compliance with CEQA requirements, providing a list of known locations of hazardous material release sites. The Envirostor database, which is managed by the DTSC, and the GeoTracker database, which is managed by the State Water Resources Control Board (SWRCB) are used to determine the proximity of a project to the nearest hazardous materials site. The Project site is not located on any Cortese listed sites.

Schools

The nearest school to the site is Del Mar High School, located at 1224 Del Mar Avenue, approximately 0.10 mile from the Project site to the east. The site has been developed and operated as a gas station since 1963 and does not propose a new use that would represent a new hazard to the school. All fueling stations, USTs and piping systems would remain unchanged during construction and operation of the Project.

Airports

There are no airports within two miles of the Project site. The closest airports, airstrips, and helipads to the Project site include the Norman Y. Mineta San José International Airport (3.24 miles north), a helipad at Good Samaritan Hospital (3.7 miles south), and the Reid-Hillview County Airport (6.5 miles northeast). The Project is not located within the Airport Influence Area of either of these airports (Santa Clara County 2016).

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Emergency Response and Emergency Evacuation Plans

The City's EOP and General Plan do not identify any specific emergency evacuation routes within the City. However, there are many freeways, expressways, state routes, and other local roadway infrastructure that could serve as evacuation routes for large evacuation events (i.e., from fires, earthquakes, or other natural or man-made disasters requiring the movement of large amounts of people and vehicles) or for local emergency personnel for everyday use for local emergency situations around the City.

Major expressways and freeways near the Project site that could serve as emergency access or an evacuation route during mass evacuations include I-280 and SR 17. Roadways directly surrounding the Project site could provide access for emergency personnel through the area to reach various emergency situations in this portion of the City.

Fire Hazard

There are no wildlands located within the City. According to the California Department of Forestry and Fire Protection (CAL FIRE), there are not any very high fire hazard severity zones within the LRA in proximity to the Project site. Likewise, there are no moderate, high, or very high fire hazard severity zones in the SRAs in the vicinity of the Project site (CAL FIRE 2008).

4.4.1.2 Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy EC-6.1:** Require all users and producers of hazardous materials and wastes to clearly identify and inventory the 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. Require proper disposal of hazardous materials and wastes at licensed facilities.
- **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

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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-7.8:** Where 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 applied to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
- **Policy 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.
- **Policy 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.
- **Policy EC-7.11:** Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center. San José City Council adopted their EOP in August 2004 and the latest revision to the EOP was in November of 2018. The EOP addresses emergencies such as floods, heat waves, power outages, terrorism, earthquakes, and fires (City of San José 2018).

4.4.2 Environmental Setting

Historic and Current Uses of the Site and Surrounding Areas

The Project has historically been associated with agriculturally-used land. It was around 1963 when the site was first developed into a vehicle service and fueling stations. It was remained an active fueling station since this time. In 1970, World Oil was first listed as the occupant of the site and is still occupying the existing fueling station. Onsite operations consist of the sale of fuel and approximately 226-sf kiosk for

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the sale of convenience items. The kiosk is located on the northwestern portion, while the approximately 800-sf restroom/storage building is located on the southern end. A tank field, consisting of four, double-walled, 12,000-gallon underground storage tanks (USTs), is located on the western portion of the site, while one fuel canopy, three fuel islands, and 12 pump dispenses are located on the eastern portion. The USTs are connected to vent pipes that are located on the southwestern portion of the Project site. The USTs were installed in May 1997. The UST system is currently equipped with a Veeder Root leak detection monitoring system (Appendix C). The majority of the Project site is asphalt-paved/gravel parking areas with minimal ornament landscaping. The station is currently in compliance with all state requirements and monitoring system certifications. The areas adjacent and surrounding the Project site are comprised mixed-use of residential and retail/commercial businesses.

Soil sampling in 1985 identified elevated levels of total petroleum hydrocarbons as gasoline (TPH-g) and benzene were observed in backfill soils. In 1997, methyl tertiary butyl ether (MTBE) was detected in the surrounding soils and it was determined the USTs had leaked. Shortly after, the four USTs, product piping, and electrical conduit were removed and replaced on the site. Extensive investigations and remediation have been performed on the site. In May 2009, a Leaking UST (LUST) case closure was issued since petroleum hydrocarbon had not been detected in Site wells since August 2005; soil and groundwater had been adequately defined; and approximately 1,065.2 tons of petroleum hydrocarbon-impacted soils were over excavated for off-site disposal during the initial tank removal activities in 1996. The regulatory agency, Santa Clara County Department of Environmental Health (SCCDEH), closed the fuel leak case in 2009 with the following condition:

Site Management Requirements: Residual contamination in both soil and groundwater may remain at the site that could pose an unacceptable risk under certain site development activities such as site grading, excavation, or the installation of water wells. Therefore, the impact of the disturbance of any residual contamination or the installation of a water well near the areas of residual contamination shall be assessed and appropriate action taken so that there is no significant impact to human health, safety, or the environment. This could necessitate additional sampling, health risk assessment, and mitigation measures. The County of Santa Clara Department of Environmental Health and the appropriate planning and building department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells. This notification shall include a statement that residual contamination exists at the property and list all mitigation actions, if any, necessary to ensure compliance with this site management requirement. The levels of residual contamination and any associated site risk are expected to reduce with time.

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4.4.3 Environmental Checklist and Discussion of Impacts

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use compatibility plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the Project Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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4.4.4 Impact Discussion

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

(Less than Significant Impact with Mitigation Incorporated) The Project would routinely use and store gasoline, diesel, and other hazardous material related to the operation of a gas station. The Project could result in accidental chemical release from hazardous materials use, storage, or transport. However, the storage capacity and use of hazardous materials on the Project site would not change from the existing storage and use of materials on the Project site. Similar to the existing site and conditions, current regulations and programs for regulated hazardous materials use would remain in effect for the Project. Thus, with the implementation of MM HAZ-1, the cumulative hazard to the public from Project construction would be less than significant with mitigation incorporated.

Impact HAZ-1: Due to the agricultural history, there is a potential that the shallow soil contains residual organochlorine pesticides and/or pesticide-based metals, arsenic and lead from historic pesticide application. If pesticides are present and not mitigated, construction of the Project could result in exposure of construction workers, adjacent properties, and future site workers to pesticide contamination.

MM HAZ-1: Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate past agricultural use. The Phase II shall include shallow soil sampling and analysis for organochlorine pesticides and pesticide-based metals, arsenic, and lead to determine if these chemicals are present above Regional Water Quality Control Board environmental screening levels for construction worker safety and residential uses. The results of the soil sampling and testing must be provided to the Supervising environmental Planner of the City of San José Planning, building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

If the Phase II results indicate soil concentrations above the environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identified remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, building, and Code Enforcement of Director's designee and the Environmental Compliance Officer in the city of San José Environmental Services Department.

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

(Less than Significant Impact with Mitigation Incorporated) The Project site is an existing fueling station which currently has the potential for accidental conditions involving the release of hazardous materials in the environment. Project construction and operation would not increase these risks, as the fueling stations, USTs, and piping system would remain unchanged.

Soils on the Project site have historically been known to contain elevated concentrations of petroleum hydrocarbons and other similar contaminants. Remediation included removing over 1,000 tons of hydrocarbon impacted soil. Residual hydrocarbons remaining in the soil were determined to not be a health or environmental risk to the current site use. The County issued a LUST case closure in 2009 with conditions requiring notification of the County and the appropriate planning and building department prior to any changes in land use, grading activities, excavation, and installation of water wells. There is slight potential for contaminated soils to be exposed during construction or operation of the Project. Although petroleum hydrocarbons have not been detected in site wells since 2005, and the existing USTs have been in compliance with current regulations and programs, there is still a small potential for contaminated soils to occur onsite. With implementation of MM HAZ-2, the cumulative hazard to the public through accidental release of hazardous materials into the environment from Project construction would be less than significant with the following mitigation incorporated.

Impact HAZ-2: The Project site includes a closed leaking UST case. Remediation has been performed and the site may contain residual petroleum contamination in the soil.

MM HAZ-2: Prior to demolition or issuance of grading permits, the project applicant shall retain a qualified environmental consultant to evaluate the proposed site improvements and the potential to encounter residual soil contamination. The evaluation must include whether there is a potential for vapor intrusion conditions beneath the proposed building. A Site Management Plan (SMP) shall be developed to address existing and unknown contamination that may be encountered during development. The SMP shall be developed to establish management practices for handling contaminated soil or other materials encountered during construction activities. The SMP shall identify potential health, safety, and environmental exposure considerations associated with development activities and shall identify appropriate mitigation measures. The project applicant shall notify the SCCDEH and City's Planning, Building, and Code Enforcement or the Director's designee prior to construction and provide a copy of the SMP.

The SMP must be in place to inform the contractor of site conditions to ensure they are aware of procedures to follow during construction if previously unexpected contamination is discovered. The SMP shall include procedures to ensure that an environmental professional is on-call to assist with evaluating the extent of soil contamination, if found. The environmental professional shall make the determination if it requires notification to

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the County. If petroleum contamination is found and below environmental screening levels and/or is a very small pocket, then no notification is required. The County shall be notified if extensive contamination previously not discovered is found.

Additionally, the project applicant and contractor shall prepare a Health and Safety Plan (HSP) for construction activities planned at the site as part of the SMP prior to the issuance of grading permits for project construction to address potential health and safety hazards associated with implementation of the work plan and the proposed development activities. The HSP shall govern activities of all personnel present during field activities. Any contractor performing a task not covered in the HSP shall be required to develop a job hazard analysis specific to that task prior to performing the task.

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

(Less than Significant Impact) The nearest school to the site is Del Mar High School, located approximately 0.10 mile from the Project site to the east. The site has been developed and operated as a gas station since 1963 and does not propose a new use that would represent a new hazard to the school. All fueling stations, USTs and piping systems would remain unchanged during construction and operation of the Project. The Project would comply with current local and state regulations regarding operations with hazardous materials. Therefore, the use of hazardous materials would not substantially change under expansion of the existing use on the Project site, and impacts would be less than significant.

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

(Less than Significant Impact) The Project site is not located on a list of hazardous materials site pursuant to Government Code Section 65962.5. The Project site is listed on the California State Water Resources Control Board (SWRCB) Geotracker database as a LUST clean-up site (case closed). As mentioned under Impact b), remedial actions were implemented including removing some of the contaminated soil. A LUST case closure was issued in 2009 with conditions requiring notification of the County and the appropriate planning and building department prior any changes in land use or redevelopment of the site and the existing USTs have been in compliance with current regulations and programs. Therefore, there is negligible risk of contaminated soils being exposed during construction or operation of the Project. As the site is an existing fueling station, the Project would not substantially increase hazards to the public or the environment.

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

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(No Impact) The Project site is not located within an airport land use compatibility plan and is over two miles from the nearest airport or airstrip. Therefore, the Project would not result in a safety hazard related to a public or private airstrip for people working in the Project area, and there would be no impact.

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

(No Impact) The Project is located within a developed area and would not require the change of the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. Additionally, the Project is not anticipated to add traffic to the surrounding transportation network. As such, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan.

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

(No Impact) The Project site is within an urbanized, developed area and is not adjacent to wildland areas. According to the California Department of Forestry and Fire Protection (CalFIRE), the Project site is not located within a severe fire hazard zone and does not anticipate exposure to hazards associated with wildland fires.

4.5 NOISE

The discussion of noise and vibration is partially based on the Noise Evaluation (Stantec 2021), which is included as Appendix D to this IS.

Noise Fundamentals and Terminology

Noise is generally defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health. Because noise is an environmental pollutant that can interfere with human activities, evaluation of noise is necessary when considering the environmental impacts of a Project.

Sound is mechanical energy (vibration) transmitted by pressure waves over a medium such as air or water. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an existing sound level.

Although the decibel (dB) scale, a logarithmic scale, is used to quantify sound intensity, it does not accurately describe how sound intensity is perceived by human hearing. The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called A-weighting,

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written as dB(A) and referred to as A-weighted decibels. There is a strong correlation between A-weighted sound levels and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. Table 4-18 summarizes typical A-weighted sound levels for different common noise sources.

Table 4-138: Typical A-Weighted Sound Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet flyover at 1,000 Feet	-110-	Rock band
Gas lawnmower at 3 Feet	-100-	
	-90-	
Diesel truck at 50 Feet at 50 MPH		Food blender at 3 Feet
Noisy urban area, daytime	-80-	Garbage Disposal at 3 Feet
Gas lawnmower, 100 Feet		
Commercial area	-70-	Vacuum Cleaner at 10 Feet
Heavy traffic at 300 Feet		Normal Speech at 3 Feet
	-60-	
Quiet urban daytime		Large business office
	-50-	Dishwasher in next room
Quiet urban nighttime		
Quiet suburban nighttime	-40-	Theater, large conference room (Background)
Quiet rural nighttime	-30-	Library
		Bedroom at night, concert hall (Background)
	-20-	
	-10-	Broadcast/recording studio
	-0-	

Source: Caltrans, Technical Noise Supplement Traffic Noise Analysis Protocol, September 2013 (<https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf>)

Different types of measurements are used to characterize the time-varying nature of sound. These measurements include the equivalent sound level (Leq), the minimum and maximum sound levels (Lmin and Lmax), percentile-exceeded sound levels (such as L10, L20), the day-night sound level (Ldn), and the community noise equivalent level (CNEL). Ldn and CNEL values often differ by less than 1 dB. As a matter of practice, Ldn and CNEL values are considered to be equivalent and are treated as such in this assessment. Table 4-19 defines sound measurements and other terminology used in this report.

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Table 4-149: Definition of Sound Measurements

Sound Measurements	Sample Heading
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.
A-Weighted Decibel (dB(A))	An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
C-Weighted Decibel (dB(C))	The sound pressure level in decibels as measured using the C- weighting filter network. The C-weighting is very close to an unweighted or flat response. C-weighting is only used in special cases when low-frequency noise is of particular importance. A comparison of measured A- and C-weighted level gives an indication of low frequency content.
Maximum Sound Level (Lmax)	The maximum sound level measured during the measurement period.
Minimum Sound Level (Lmin)	The minimum sound level measured during the measurement period.
Equivalent Sound Level (Leq)	The equivalent steady state sound level that in a stated period of time would contain the same acoustical energy.
Percentile-Exceeded Sound Level (Lxx)	The sound level exceeded xx % of a specific time period. L10 is the sound level exceeded 10% of the time. L90 is the sound level exceeded 90% of the time. L90 is often considered to be representative of the background noise level in a given area.
Day-Night Level (Ldn)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 p.m. to 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
Peak Particle Velocity (Peak Velocity or PPV)	A measurement of ground vibration defined as the maximum speed (measured in inches per second) at which a particle in the ground is moving relative to its inactive state. PPV is usually expressed in inches/second.
Frequency: Hertz (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure.

Source: Federal Highway Administration Construction Noise Handbook, 2006¹

¹ U.S. Department of Transportation, Federal Highway Administration, Construction Noise Handbook. Available at: https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook02.cfm. Accessed September 30, 2021.

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With respect to how humans perceive and react to changes in noise levels, a 1 dB(A) increase is imperceptible, a 3 dB(A) increase is barely perceptible, a 5 dB(A) increase is clearly noticeable, and a 10 dB(A) increase is subjectively perceived as approximately twice as loud. These subjective reactions to changes in noise levels were developed on the basis of test subjects' reactions to changes in the levels of steady-state pure tones or broadband noise and to changes in levels of a given noise source. These statistical indicators are thought to be most applicable to noise levels in the range of 50 to 70 dB(A), as this is the usual range of voice and interior noise levels. Numbers of agencies and municipalities have developed or adopted noise level standards, consistent with these and other similar studies to help prevent annoyance and to protect against the degradation of the existing noise environment.

For a point source such as a stationary compressor or construction equipment, sound attenuates based on geometry at a rate of 6 dB per doubling of distance. For a line source such as free-flowing traffic on a freeway, sound attenuates at a rate of 3 dB per doubling of distance. Atmospheric conditions including wind, temperature gradients, and humidity can change how sound propagates over distance and can affect the level of sound received at a given location. The degree to which the ground surface absorbs acoustical energy also affects sound propagation. Sound that travels over an acoustically absorptive surface, such as grass, attenuates at a slightly greater rate than sound that travels over a hard surface, such as pavement. The increased attenuation is typically in the range of 1–2 dB per doubling of distance. Barriers, such as buildings and topography that block the line of sight between a source and receiver, also increase the attenuation of sound over distance.

Decibel Addition

Because decibels are logarithmic units, sound pressure levels cannot be added or subtracted through ordinary arithmetic. On the dB scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two identical sources are each producing sound of the same loudness, their combined sound level at a given distance would be 3 dB higher than one source under the same conditions. For example, if one source produces a sound pressure level of 70 dB(A), two identical sources would combine to produce 73 dB(A). The cumulative sound level of any number of sources can be determined using decibel addition.

Vibration Standards

Vibration is like noise such that vibration involves a source, a transmission path, and a receiver. While related to noise, vibration differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system that is vibrating.

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocity in inches per second (PPV). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV.

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Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 4-20 notes the general threshold at which human annoyance could occur is 0.1 PPV for continuous/frequent sources. Table 4-21 indicates the threshold for damage to typical residential and commercial structures ranges from 0.3 to 0.5 PPV for continuous/frequent sources.

Table 4-20: Guideline Vibration Annoyance Potential Criteria

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Sources
Barely perceptible	0.035	0.012
Distinctly perceptible	0.24	0.035
Strongly perceptible	0.90	0.10
Severe	2.0	0.40

Notes: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seal equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, April 2020

Table 4-215: Guideline Vibration Damage Potential Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.30	0.12
Historic and some old buildings	0.50	0.20
Older residential structure	0.70	0.30
New residential structures	1.2	0.50
Modern industrial/commercial buildings	2.0	0.50

Notes: Transient sources again create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seal equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, April 2020

The operation of heavy construction equipment, particularly pile driving and other impact devices, such as pavement breakers, create seismic waves that radiate along the surface of the ground and downward into

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the earth. These surface waves can be felt as ground vibration. Vibration from the operation of this equipment can result in effects ranging from annoyance of people to damage of structures. Varying geology and distance will result in different vibration levels containing different frequencies and displacements. In all cases, vibration amplitudes will decrease with increasing distance. Perceptible groundborne vibration is generally limited to areas within a few hundred feet of construction activities.

Table 7-4 “Vibration Source Levels for Construction Equipment” in the 2018 Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA Report No. 0123 September 2018) lists vibration source levels for the construction equipment most likely to generate high levels of ground vibration. The equipment listed in the FTA table includes impact and sonic pile drivers, clam shovel drops, hydromills, vibratory rollers, hoe rams, large and small bulldozers, caisson drilling, loaded trucks, and jackhammers. Table 4-22 below summarizes typical reference vibration levels generated by select construction equipment proposed for this Project.

Table 4-16: Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 Feet
Vibratory roller	0.210
Large bulldozer	0.089
Loaded trucks	0.076
Small bulldozer	0.003

Notes: PPV = peak particle velocity

Source: Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual, September 2018

Vibration amplitude attenuates over distance and is a complex function of how energy is imparted into the ground and the soil conditions through which the vibration is traveling. Equation 7-2 in the FTA 2018 Transit Noise and Vibration Impact Assessment Manual can be used to estimate the vibration level at a given distance for typical soil conditions. “PPVref” is the reference PPV from Table 4.5-5 and “Distance” is the distance between the source and the receptor:

$$PPV = PPV_{ref} \times (25/Distance)^{1.5}$$

4.5.1 Regulatory Setting

Federal, state, and local agencies regulate different aspects of environmental noise. Generally, the federal government sets standards for transportation-related noise sources closely linked to interstate commerce. These include aircraft, locomotives, and trucks. No federal noise standards are directly applicable to this Project. The state government sets standards for transportation noise sources such as automobiles, light trucks, and motorcycles. Noise sources associated with industrial, commercial, and construction activities are generally subject to local control through noise ordinances and general plan

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policies. Local general plans identify general principles intended to guide and influence development plans.

4.5.1.1 State

California Green Building Standards (CalGreen)

The California Green Building Standards Code (CalGreen) establishes interior noise insulation standards for non-residential occupied buildings. CalGreen Section 5.507 “Environmental Comfort”, states the following:

5.507.4.1 Exterior noise transmission. Wall and roof-ceiling assemblies exposed to the noise source making up the building or addition envelope or altered envelope shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 in the following locations:

1. Within the 65 CNEL noise contour of an airport

Exceptions:

1. Ldn or CNEL for military airports shall be determined by the facility Air Installation Compatible Land Use Zone (AICUZ) plan.
2. Ldn or CNEL for other airports and heliports for which a land use plan that has not been developed shall be determined by the local general plan noise element.
3. Within the 65 CNEL or Ldn noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source as determined by the Noise Element of the General Plan.

5.507.4.1.1 Noise exposure where noise contours are not readily available. Buildings exposed to a noise level of 65 dB Leq-1-hr during any hour of operation shall have building, addition or alteration exterior wall and roof-ceiling assemblies exposed to the noise source meeting a composite STC rating of at least 45 (or OITC 35), with exterior windows of a minimum STC of 40 (or OITC 30).

5.507.4.2 Performance method. For buildings located as defined in Section 5.507.4.1 or 5.507.4.1.1, wall and roof-ceiling assemblies exposed to the noise source making up the building or addition envelope or altered envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (Leq -1Hr) of 50 dBA in occupied areas during any hours of operations.

5.507.4.2.1 Site features. Exterior features such as sound walls or earth berms may be utilized as appropriate to the building, addition, or alteration project to mitigate sound migration to the interior.

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5.507.4.2.2 Documentation of compliance. An acoustical analysis documenting complying interior sound levels shall be prepared by personnel approved by the architect or engineer of record.

5.507.4.3 Interior sound transmission. Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 40.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) Guidelines, Appendix G, indicates a significant noise impact may occur if a project exposes persons to noise or vibration levels in excess of local general plans or noise ordinance standards, or cause a substantial permanent or temporary increase in ambient noise levels. CEQA standards are discussed more below under Section 4.5.5, Impact Discussion.

4.5.1.2 Local

Envision San José 2040 General Plan

Chapter 3 “Environmental Leadership” of the December 18, 2018 Envision San José 2040 General Plan document identifies land use compatibility noise standards for noise-sensitive land uses affected by transportation and non-transportation noise sources. As shown in Figure 4, the ranges for commercial land uses that are affected by transportation noise sources are as follows:

- “Normally Acceptable” – 50-70 dB(A) Ldn
- “Conditionally Acceptable” – 70-80 dB(A) Ldn
- “Unacceptable” – Higher than 80 dB(A) Ldn

For noise-sensitive residential uses, the land use compatibility noise standards are reduced to the following:

- “Normally Acceptable” – 50-60 dB(A) Ldn
- “Conditionally Acceptable” – 60-75 dB(A) Ldn
- “Unacceptable” – Higher than 75 dB(A) Ldn

Sites with ambient noise at “conditionally acceptable” levels may be permitted only after a detailed analysis of the noise reduction requirements and needed noise insulation features included in the design. New construction with exterior noise levels in the “Unacceptable” range are discouraged because mitigation is usually not feasible to comply with the noise element policies.

The Envision San José 2040 General plan also lists several policies relating to noise including the following:

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- EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and City noise standards and guidelines as a part of new development review.
- 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 Ldn at noise sensitive receptors to increase by five (5) dB(A) Ldn or more where the noise levels would remain “Normally Acceptable”; or
 - Cause the Ldn at noise sensitive receptors to increase by three (3) dB(A) Ldn or more where noise levels would equal or exceed the “Normally Acceptable” level.

Figure 4: City of San José Land Use Compatibility Standards

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San José

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS (DBA))					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						

¹Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

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 needed noise insulation 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.

- EC-1.3: Mitigate noise generation of new non-residential land uses to 55 dB(A) Ldn at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
- 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.

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

EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction...A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the 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 Municipal Code

Paragraph 20.40.600.B "Performance Standards", Table 20-105 "Noise Standards" in the City of San José Municipal Code sets criteria for noise generated by commercially zoned properties that is received by other adjacent properties. The table lists a maximum noise level of 55 dB(A) at the property line of all adjacent residentially zoned properties and a maximum noise level of 60 dB(A) at the property line of all commercially zoned or other non-residential uses.

Paragraph 20.40.600.C states there shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

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4.5.2 Environmental Setting

4.5.2.1 Existing Noise Environment

Sensitive Receptors

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are considered to be more sensitive to noise intrusion than are commercial or industrial activities. Ambient noise levels can also affect the perceived desirability or livability of a development. As shown in Figure 5, the Project site (within the yellow polygon) is surrounded by a mix of land uses, including single family residential homes to the west, northwest, and southwest (within the aqua-hatched areas in Figure 5) and commercial buildings to the direct north, direct south, and east across S. Bascom Avenue. The closest noise-sensitive receptor (red pin in Figure 5) is the single-family home at 686 Downing Avenue directly to the west of the Project site.

Figure 5: Project Site and Neighboring Sensitive Receptors



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Existing Ambient Noise Levels

The existing or ambient, noise environment in a Project area is characterized by the area's general level of development. Areas which are not urbanized are relatively quiet, while areas which are more urbanized are noisier as a result of roadway traffic, industrial activities, and other human activities.

The City is exposed to several sources of noise, including traffic on major highways, such as CA-17, noise from traffic on busy arterial roads, such as Camden Avenue and S. Bascom Avenue, noise from railways, and noise from the Norman Y. Mineta San José International Airport. Traffic noise depends primarily on traffic speed (tire noise increases with speed), proportion of medium and large truck traffic (trucks generate engine, exhaust, and wind noise in addition to tire noise), and number of speed control devices, such as traffic lights (accelerating and decelerating vehicles and trucks can generate more noise).

Changes in traffic volumes can also have an impact on overall traffic noise levels. For example, it takes 25 percent more traffic volume to produce an increase of only 1 dB(A) in the ambient noise level. For roads already heavy with traffic volume, an increase in traffic numbers could even reduce noise because the heavier volumes could slow down the average speed of the vehicles. A doubling of traffic volume results in a 3 dB(A) increase in noise levels.

Typically, the existing ambient noise environment at a project site would be determined through a noise measurement survey consisting of long term (24-hour) measurement locations to calculate day-night noise levels (Ldn) and additional short term (15-minute) measurements to extrapolate the noise levels across the Project site and at the closest noise-sensitive receptors. Due to current conditions in California associated with closures and modified work conditions from the COVID-19 pandemic, traffic volumes on the roadways are currently lower than is experienced during normal times. If ambient noise level measurements were taken at the Project site now, the noise levels measured would be less than what is anticipated to be present during normal conditions.

Therefore, a multi-step approach was taken to determine the ambient noise levels at the 1165 S. Bascom Avenue site and the surrounding area. First, 2035 future traffic noise contours for the neighborhoods within San José are shown in Appendix C "Environmental Noise Assessments" in the December 7, 2010 "Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment" document². Figure 16 "Willow Glen 2035 Noise Contour Map" shows future noise contours along S. Bascom Avenue, including the edge of the Project site. From Figure 16, noise levels at the edge of the Project site are shown to be between 65-70 dB(A) Ldn.

Second, noise levels at the Project site and surrounding properties were estimated using measured ambient noise levels from the February 20, 2020 "2375 and 2395 S. Bascom Avenue Assisted Living and Memory Care Project Noise and Vibration Assessment" document prepared by Illingworth & Rodkin, Inc. The ambient noise levels from this Project were referenced because of the timing of the measurements,

² Envision San José 2040, General Plan Comprehensive Update, Environmental Noise Assessment, December 7, 2021. Available at: <https://www.sanjoseca.gov/home/showdocument?id=22053>, Last Accessed September 30, 2021.

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the proximity to the 1665 S. Bascom Avenue site (approximately 1.8 miles south of the Project site) and the short distance between the measurement locations and S. Bascom Avenue.

The February 2020 Illingworth & Rodkin document states the existing noise environment along S. Bascom Avenue is dominated by traffic noise from the local roadways and Highway 17. Aircraft flyovers associated with Mineta San José International Airport operations also affect the noise environment.

A noise monitoring survey at the 2375 and 2395 S. Bascom Avenue was conducted between Tuesday, October 8 and Thursday, October 10, 2019. The ambient noise measured approximately 50 feet west of the centerline of S. Bascom Avenue during daytime hours ranged between 67 to 75 dB(A) and the day-night average noise level measured was 72 dB(A) Ldn.

The edge of the 1165 S. Bascom Avenue Project site is approximately 58 feet from the centerline of S. Bascom Avenue. Accounting for distance attenuation from a line source, expected ambient noise levels at the fueling station would range between 66 to 74 dB(A) during daytime hours with a day-night noise level of 71 dB(A) Ldn. This estimate also matches well with the data presented in the General Plan Comprehensive Update Environmental Noise Assessment document.

The closest noise-sensitive receptor at 686 Downing Avenue is about 135 feet from the centerline of S. Bascom Avenue. Again, accounting for distance attenuation from a line source, expected ambient noise levels at the residence would range between 63-71 dB(A) during daytime hours with a day-night noise level of about 68 dB(A).

Therefore, the estimated ambient noise levels at the Project site and at the closest residential receptor are already within the “Conditionally Acceptable” range for both commercial and residential uses according to the City of San José Land Use Compatibility Standards (Figure 4.5-1).

4.5.2.2 Methodology for Analysis

As noted in the above Existing Ambient Noise Levels section, Appendix D “Environmental Noise Assessments” in the December 7, 2010 “Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment” document and the February 20, 2020 “2375 and 2395 South Bascom Avenue Assisted Living and Memory Care Project Noise and Vibration Assessment” document prepared by Illingworth & Rodkin, Inc., were used to provide baseline noise conditions at nearby sensitive receptors and within the Project site vicinity. For the purpose of this analysis, potential sensitive receptors were determined by reviewing current aerial photography.

Impacts from future Project-related traffic were estimated using the September 2, 2021 “Bascom Avenue World Oil Convenience Market – Transportation Evaluation” memo, prepared by Stantec.

Impacts from the operation of the convenience store, such as from fixed-source mechanical equipment, are therefore required to comply with the requirements listed in the Envision San José 2040 General Plan and the City of San José Municipal Code.

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The FHWA Roadway Construction Noise Model (RCNM) was used to estimate the impact from short-term construction activities. The RCNM is used as the FHWA's national standard for predicting noise generated from construction activities. The RCNM analysis includes the calculation of noise levels at a defined distance for a variety of construction equipment. The spreadsheet inputs include acoustical use factors and distance to receptors and calculates the expected Lmax values and Leq values at the selected receptor.

EPA Guidelines

The EPA has established guidelines (Environmental Protection Agency Region 10 Environmental Impact Statement Guidelines, April 1973³) for assessing the impact of an increase in noise levels. These guidelines have been used as industry standard for several years to determine the potential impact of noise increases on communities. Most people will tolerate a small increase in background noise (up to about 5 dB(A)) without complaint, especially if the increase is gradual over a period of years (such as from gradually increasing traffic volumes). Increases greater than 5 dB(A) may cause complaints and interference with sleep. Increases above 10 dB(A) (heard as a doubling of judged loudness) are likely to cause complaints and should be considered a serious increase. Table 4-23 defines each of the traditional impact descriptions, their quantitative range, and the qualitative human response to changes in noise levels.

Table 4-17: EPA Impact Guidelines

Increase over Existing or Baseline Sound Levels	Impact Per EPA Region Guidelines	Qualitative Human Perception of Difference in Sound Levels
0 dB to 5 dB	Minimum Impact	Imperceivable or Slight Difference
6 dB to 10 dB	Significant Impact	Significant Noticeable Difference – Complaints Possible
Over 10 dB	Serious Impact	Loudness Changes by a Factor of Two or Greater. Clearly Audible Difference – Complaints Likely

³ United States Environmental Protection Agency, National Service Center for Environmental Publications (NEPIS), Environmental Impact Statement Guidelines Region X, Revised Edition, April 1973. Available at: <https://nepis.epa.gov/Exe/ZyNET.exe/2000RZBX.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000002%5C2000RZBX.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>. Accessed September 30, 2021

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4.5.3 Environmental Checklist and Discussion of Impacts

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE: 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.5.4 Impact Discussion

- 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?**

Exterior Traffic Noise

(Less Than Significant Impact) The September 2, 2021 “Bascom Avenue World Oil Convenience Market – Transportation Evaluation” memo by Stantec states the following:

“The proposed Project consists of a 1,486-square foot convenience market. City staff has confirmed that the Project is exempt from a detailed CEQA VMT analysis since it is a local-serving retail development less than 100,000 square feet. The trip generation analysis, which was performed for the proposed convenience market, confirms that the Project is not anticipated to add traffic to the surrounding transportation network.”

Since the Project will not add traffic to the surrounding transportation network, there will be no noise increases associated with traffic. Therefore, the Project should not cause increased traffic noise levels over the baseline conditions at the neighboring sensitive receptors, and this would be a less than significant impact relative to this topic.

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Project Fixed-Source and Operational Noise Fixed-Source Noise

Typical commercial operation would often involve new rooftop mechanical equipment, such as exhaust fans and air handling units. This equipment would generate noise that would radiate to the neighboring properties. The noise from this equipment would be required to comply with Policies EC-1.2, EC-1.3, and EC-1.6 in the Envision San José 2040 General Plan and with the maximum noise levels listed in Paragraph 20.40.600.B “Performance Standards”, Table 20-105 “Noise Standards” in the City of San José Municipal Code. In accordance with General Plan Policy EC-1.3, mechanical noise from the hotel would be limited to 55 dB(A) DNL at the neighboring residential property lines.

Noise from HVAC equipment can vary greatly, depending on the size of the equipment and the type of equipment used. The Applicant has not designed and selected the actual mechanical systems for the Project. When the actual on-site equipment is selected, the equipment would be designed to incorporate measures as needed, such as shielding, barriers, and/or attenuators, to reduce noise levels that may affect nearby properties. Specific details on the mechanical equipment are not known at this time and would be chosen prior to Project construction, therefore, the following standard permit condition will be included to ensure conformance with Policy EC-1.3.

Standard Permit Condition: Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City’s 55 dB(A) noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City’s noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the edges, where feasible.

With the implementation of the standard permit condition, mechanical equipment operational noise at adjacent residential receptors would be reduced to below both 55 dB(A) DNL and 55 dB(A) and the impact of fixed-source noise to the neighboring properties would be less than significant.

Fuel Pump Operation

As stated in the Project Description earlier in this report, the Project does not propose any changes to the existing fuel system, including the fuel canopy, fuel dispensers or underground fuel tanks. The current hours of operation of the fuel pumps are between 6:00 AM to 10:00 PM, seven days per week. The Project will increase the hours of operation of the fuel pumps one hour in the evening, between 6:00 AM to 11:00 PM, seven days a week. Therefore, no changes to noise generated from the operation of the fuel pumps is anticipated. Therefore, this would be a less than significant impact relative to this topic.

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Trash Enclosure

The trash area for the current gas station property is currently located on the southwest corner of the site, directly adjacent to the shared property line with the home at 686 Downing Avenue. Looking at satellite imagery, the existing trash area consists of an open dumpster located below a “carport-type” roof. No screening besides the residential chain link fence exists around the current dumpster.

With the addition of the convenience store, the trash dumpster will be shifted to the north along the west property line. The dumpster will be enclosed on all sides in a new solid 8” thick CMU wall, including the west edge which faces the residential property. The solid CMU wall will be 6’-9” high to completely screen the dumpster and trash area. The door to the trash enclosure will face to the east, away from the shared residential property line. Noise generated from trash dumping activity should therefore be more shielded than currently experienced and therefore would have a less than significant impact.

Activity from garbage truck traffic and trash pickup would remain the same as currently experienced with the commercial use already on the site and noise from trash pickup should have a less than significant impact.

Short Term Construction Noise

Construction activities would include demolition, site preparation, grading, building construction, and paving. Each construction stage has its own mix of equipment, and consequently, its own noise characteristics. The various construction operations would change the character of the noise generated at the Project site and therefore, the noise level as construction progresses. The loudest stages of construction include the building construction and demolition stages, as the noisiest construction equipment is typically earthmoving and grading equipment.

The construction of the Project would be conducted in six stages and each stage will use different construction equipment. The main types of noise-producing equipment for each construction stage are shown in Table 4.5-7.

Table 4-18: Construction Stage Equipment

Construction Stage	Construction Equipment
Demolition	<ul style="list-style-type: none">• Concrete Saw• Rubber-Tired Dozer• Tractor
Site Preparation	<ul style="list-style-type: none">• Rubber-Tired Dozer• Mini-Excavator
Grading / Excavation	<ul style="list-style-type: none">• Rubber-Tired Dozer• Mini-Excavator• Tractor
Trenching / Foundation	<ul style="list-style-type: none">• Tractor• Mini-Excavator
Building Construction - Exterior	<ul style="list-style-type: none">• Crane• Forklift

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Construction Stage	Construction Equipment
	<ul style="list-style-type: none"> Tractor
Paving	<ul style="list-style-type: none"> Paving Equipment Roller Tractor
Building Construction - Interior	<ul style="list-style-type: none"> Air Compressors (2) Aerial Lifts (2)

Table 4.5-8 lists the types of construction equipment and the maximum and average operational noise level as measured at 7 feet from the operating equipment. The 7-foot distance represents the approximate distance between the Project and the closest residential receptor at 686 Downing Avenue.

Table 4-19: Summary of Federal Highway Administration Roadway Construction Noise Model

Construction Equipment Source at the Project Site	Distance to Nearest Noise-Sensitive Receptor	Sound Level at Receptor		
		Lmax, dB(A)	Acoustical Use Factor (%)	Leq, dB(A)
Concrete Saw	7 feet	106.7	20	99.7
Crane	7 feet	97.6	16	89.7
Compressor (air)	7 feet	94.7	40	90.8
Dozer	7 feet	98.7	40	94.8
Excavator	7 feet	97.8	40	93.8
Forklift	7 feet	100.5	40	96.5
Man (Aerial) Lift	7 feet	94.3	50	91.3
Paver	7 feet	94.3	50	91.3
Roller	7 feet	97.1	20	90.1
Tractor	7 feet	101.1	40	97.1

Source: Stantec 2021, Federal Highway Administration RCNM v1.1 2008

A worst-case condition for construction activity would assume all noise-generating equipment was operating at the same time and at the same distance from the closest noise-sensitive receptor. Using this assumption, the RCNM program calculated the following combined Leq and Lmax noise levels from each stage of construction as shown in Table 4-24:

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Table 4-20: Calculated Noise Level from Each Construction Stage

Construction Phase	Distance to Closest Noise Sensitive Receptor, ft	Calculated Lmax, dB(A)	Calculated Leq, dB(A)
Demolition	7 feet	108.3	102.4
Site Preparation	7 feet	101.3	97.3
Grading / Excavation	7 feet	104.2	100.2
Trenching / Foundation	7 feet	102.8	98.8
Building Construction – Exterior	7 feet	104.8	100.2
Paving	7 feet	103.2	98.7
Building Construction - Interior	7 feet	99.5	94.8

Although noise levels from construction could fall into the “Unacceptable” range as defined in Figure 4.5-1 in the December 18, 2018, Envision San José 2040 General Plan, increases in noise levels from construction activities would be temporary (a six-month duration period) and construction activities would be limited to the restrictions set by the Envision San José 2040 General Plan. To recap, Policy EC-1.7 in the Envision San José 2040 General Plan states the following:

- EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or offices 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 residential and other uses.

The Project will also conform to the following Standard Permit Conditions:

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

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construction activities are permitted on the weekends at sites within 500 feet of a residence.

- b. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- d. Prohibit unnecessary idling of internal combustion engines.
- e. 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.
- f. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- g. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site.
- h. 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.
- i. 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.
- j. 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.
- k. 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.

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The Project would result in substantial noise resulting from construction activity that could fall into the “Unacceptable” range as defined in Figure 4.5-1 in the December 18, 2018, Envision San José 2040 General Plan; however, the Project is not large or complex, as it involves the construction of a 1,486-sf convenience store at an existing fueling station. The Project would not involve substantial noise-generating activities continuing for more than 12 months. Earthmoving activities, such as site grading, would last approximately five working days, and the entire Project construction duration would be approximately six months.

Although the Project is not considered large or complex, the Project would still conform to the Standard Permit Conditions. A solid construction fence will be constructed along the border to the neighboring residences to the west of the project site and will remain in place for the duration of construction. The solid fence will have no holes or gaps and will be constructed out of a material that has a minimum weight of 2.5 pounds per square foot, such as ¾” exterior grade plywood, 16-gauge sheet metal, or OSB sheathing.

In conclusion, construction noise would be short-term and intermittent. Furthermore, construction noise would comply with the City’s construction noise standards; therefore, impacts would be less than significant with the incorporation of the City’s construction noise measures.

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

(Less Than Significant Impact with Mitigation Incorporated) During construction of the Project, equipment such as trucks, bulldozers, and rollers may be used as close as 7 feet from the nearest sensitive receptor at 686 Downing Avenue. Equipment used during Project construction could generate vibration levels between 0.02 PPV and 1.42 PPV at 7 feet, as shown below in Table 4.-25. The groundborne vibration levels for a loaded truck, and roller could be at or above the Caltrans vibration threshold at which human annoyance could occur of 0.10 PPV and the threshold for building damage of 0.50 PPV.

Table 4-21: Estimated Vibration Levels for Construction Equipment

Type of Equipment	Peak Particle Velocity at 7 Feet	Threshold at which Human Annoyance Could Occur	Threshold at which Building Damage Could Occur	Potential for Proposed Project to Exceed Thresholds
Loaded Trucks	0.51	0.10	0.50	Yes
Small Bulldozer	0.02	0.10	0.50	None
Vibratory Roller	1.42	0.10	0.50	Yes

Source: Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual, September 2018

Although vibration levels from construction could theoretically exceed the threshold at which human annoyance and building damage could occur, construction activities would be temporary (six-month

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duration) and would be limited to the vibration restrictions set by the Envision San José 2040 General Plan. To recap, Policy EC-2.3 in the Envision San José 2040 General Plan states the following:

- EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction...A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the 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... 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.

Impact NOI-1: Construction-related vibration levels could exceed the City's construction vibration threshold of 0.2 in/sec PPV at the non-historical buildings surrounding the site.

MM NOI-1: Construction Vibration. The following measures shall be implemented where vibration levels due to construction activities would exceed 0.2 in/sec PPV at nearby buildings to reduce the impact to a less-than-significant level:

- Prohibit the use of large, heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings.
- Prohibit the use of large, loaded trucks within 13 feet of any vibration-sensitive receptors.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent commercial buildings. Only use the state compaction mode when compacting materials within 15 feet of residential buildings.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent residential buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Prior to the issuance of any the issuance of any demolition, grading or building permits, the project applicant shall prepare a confirmation plan that describes the notification process to neighboring property owners and tenants of scheduled construction activities. A copy of the notification plan shall be submitted to the Directory of Planning, Building, and Code Enforcement or Director's designee for review and approval.

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To summarize, vibration associated with construction activities would be short-term and intermittent and would comply with the City's construction standards. Therefore, with incorporation of the City's measures and Mitigation Measure MM NOI-1 to ensure reduction of vibration during construction, groundborne vibration impacts would be less than significant with mitigation incorporated.

- 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?**

(No Impact) The closest airports, airstrips, and helipads to the Project site include the Norman Y. Mineta San José International Airport (3.24 miles north), a helipad at Good Samaritan Hospital (3.7 miles south), and the Reid-Hillview County Airport (6.5 miles northeast). The Project site is located outside the 2037 CNEL noise contours published by the San José International Airport.⁴ The Project's location is also outside of the takeoff and landing areas of the airport (i.e., which run in a general northwest to southeast direction). Therefore, the location of airports or helipads would not expose people residing or working in the Project area to excessive noise levels, and there would be no impact.

4.5.4.2 Non-CEQA Evaluation of Interior Noise Impacts

Interior Traffic Noise Level Impacts

CalGreen states that if an occupied non-residential space is exposed to a noise level of 65 dB(A) Leq 1-hour during any hour of operation, the exterior façade design shall incorporate features to reduce noise inside the spaces to a maximum of 50 dB(A) Leq 1-hour. Given that the Project site will be exposed to noise levels up to 71 dB(A) Ldn, a one-hour noise level of 65 dB(A) or greater is possible and the building would be subject to the CalGreen requirements.

Assuming a worst-case condition of a room with a hard-surfaced floor, exposed structure, and 50 percent of the front wall being glass, windows with a minimum Outside-Inside Transmission Class (OITC) rating of OITC 20 would be required to help achieve the code-dictated maximum 50 dB(A) 1-hour Leq noise level. A typical 1-inch-thick insulating glass unit constructed of ¼-inch glass – ½-inch airspace – ¼-inch glass has an expected rating of OITC 26. Therefore, standard construction would be acceptable for the convenience store to achieve the CalGreen code requirements, and interior traffic noise levels would be less than significant.

4.6 TRANSPORTATION

The discussion of transportation is partially based on the Traffic Memorandum (Stantec 2021), which is included as Appendix E to this IS.

⁴ Norman Y. Mineta San José International Airport, 2037 CNEL Contours Airport Master Plan (amended 4/28/20), July 28, 2020). Available at: https://www.flysanjose.com/sites/default/files/noise/2037_CNEL.pdf. Accessed September 21, 2021.

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4.6.1 Regulatory Setting

4.6.1.1 Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy TR-1.1:** Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled [VMT].
- **Policy TR-1.2:** Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- **Policy TR-1.4:** Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

City of San José Transportation Analysis Policy

The City of San José requires a transportation analysis for new development projects consistent with the City's Transportation Analysis Policy (Council Policy 5-1) and the City's Transportation Analysis Handbook (City of San José 2020).

Council Policy 5-1 aligns with California Senate Bill 743 (SB 743) that establishes the threshold for transportation impacts under the CEQA, removing transportation "Level of Service" (LOS) based on delay and congestion and replacing it with "Vehicle Miles Traveled" (VMT). VMT refers to the amount of and distance of automobile travel in a day attributed to a development project. VMT is measured by multiplying the total vehicle-trips generated by a development project by the average distance of those trips. In the City of San José, VMT is calculated using the Origin-Destination VMT method, which measures the full distance of vehicle travel with one end within the Project.

The City chose a net increase in the total existing VMT for the region (i.e. the Bay Area's Metropolitan Planning Organization's boundaries) as the determination of significant transportation impact. For development projects that do not meet the City's screening criteria, the VMT analysis consists of a comparison of the project's potential impacts related to VMT and other significance criteria. For retail developments, the total VMT for the region without and with the Project is calculated. The threshold for significance for retail project is a net increase in the existing regional total VMT.

A detailed CEQA transportation analysis is not required if a project meets the City's screening criteria. New retail development typically redistributes existing trips instead of creating new trips. Local-serving retail projects may shorten vehicle-trips and reduce VMT by diverting trips from existing local retail to new

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local retail without measurably increasing trips outside the local area. The City has defined a retail project below 100,000 sf as local-serving shopping centers. Therefore, it is presumed that retail projects no larger than 100,000 sf will have a less than significant impact and do not require detail CEQA transportation analysis (Appendix E).

The Project consists of a 1,486-sf convenience market. As the Project consists of a local-serving retail development less than 100,000 sf, a detail CEQA VMT analysis is not required.

City of San José Transportation Analysis Handbook

The City's Transportation Analysis Handbook (2018) outlines the procedure for analyzing a development project's potential local transportation effects on transportation, access, circulation, and related safety elements in the proximate area of the Project.

The Institute of Transportation Engineers (ITE) description of land use category Gasoline/Service Station (Category 944) indicates that the trip rates apply to site which can include up to 2,000 sf of convenience market. The proposed 1,486-sf convenience market falls under the Gasoline/Service Station category and by itself would not generate any additional trips since the description for the rate category states that the gas station site included in the case studies "generally have a small building (less than 2,000 gross square feet) that houses a cashier and limited space for motor vehicle maintenance supplies and general convenience products." A market of this size is an ancillary use to the primary function of the site as a gas station and generates a minimal number of trips on its own.

4.6.2 Environmental Setting

Regional access to the Project area is provided primarily by I 280, located approximately 0.8 mile north of the Project site, and SR 17, located approximately 0.5 mile west of the Project site. The Project site is located at the southwest intersection of S. Bascom Avenue, along the eastern property boundary, and Downing Avenue, along the northern property boundary. Project access is located along four existing driveways – one on Downing Avenue and three on S. Bascom Avenue. These access points would not change as a result of Project implementation.

4.6.3 Environmental Checklist and Discussion of Impacts

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION: Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.6.4 Impact Discussion

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

(No Impact) The Project is consistent with the General Plan land use designation for the Project site and is not anticipated to increase traffic and transportation services to the surrounding transportation network. Due to the lack of increase of Project-generated trips, the Project would not result in a significant change to traffic volumes in the area and would not adversely affect the transportation system.

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

(No Impact) CEQA Guidelines section 15064.3 subdivision (b) indicates that lead agencies may analyze a project's VMT through a transportation technical study. The City (CEQA lead agency) requires a detailed transportation analysis for retail-projects of 100,000-sf or more. The Project consists of a 1,486-sf convenience market. As the Project consists of a local-serving retail development less than 100,000-sf, a detailed CEQA VMT analysis is not required, and the Project would not conflict with CEQA Guidelines section 15064.3 subdivision (b).

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

(No Impact) The Project is located at the site of the existing World Oil fueling station, located at 1165 S. Bascom Avenue (APN 282-12-022). All Project construction would occur within the existing fueling location and would not alter the existing drive pattern or access to the fueling station or adjacent streets. Due to its small development size, the Project is not anticipated to add traffic to the surrounding transportation network. The existing driveways may be repaved/improved as part of the Project; however, the same driveways will be used to access the Project site. Therefore, there would be no increase in the level of traffic and circulation along S. Bascom Avenue or Downing Avenue. Additionally, the Project is

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consistent with the existing land use designation and would not increase hazards from incompatible uses, as the proposed uses and access points are the same as existing conditions. Therefore, the Project would not increase hazards to a geometric design feature or incompatible use.

d) Result in inadequate emergency access?

(No Impact) The existing World Oil fueling station has three driveway or points of access – one from westbound Downing Avenue on the north portion of the site, and two from southbound S. Bascom Avenue along the eastern portion of the site. As the Project does not include modifications to these driveways, the Project would not result in inadequate emergency access to the fueling station.

4.7 OTHER ENVIRONMENTAL TOPICS

Section 4.7 provides a discussion of the remaining topics included in Appendix G of the CEQA Guidelines, all of which have little to no environmental impacts related to Project implementation. These resource topics include aesthetics, agriculture and forestry resources, biological resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire.

4.7.1 Aesthetics

Scenic resources in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the bay lands and the urban skyline, particularly high-rise development.

The Project site consists of a gas station and a small cashier's kiosk. No trees are located on the Project site. The closest scenic corridor, designated in the General Plan, is a rural scenic corridor located along Hicks Road, starting at Camden Avenue (approximately 5.6 miles south of the Project site). The nearest state-designated scenic highway is at the State Route 9, approximately 5.9 miles southwest of the Project site.

Aesthetic Impacts

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

(No Impact) The Project, located in a developed area and bounded by existing development on all sides, is not located in an area considered to be a scenic vista. The Project site is not located along a Caltrans-designated scenic highway or City of San José scenic gateway. Due to its location on the valley floor and surrounding development, views of the Project site are limited to the immediate area. Views of the foothills and nearby open space preserves from the Project site are obstructed by existing development.

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

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(No impact) There are no trees, rock outcroppings, or historic resources on-site (refer to Section 4.2, Cultural Resources). As a result, the Project would not impact scenic resources.

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

(Less than Significant Impact) No new structures would be greater than one story in height, which is consistent with the existing development on the Project site, and adjacent commercial development. The site is not in a prominent elevated position and the new residences would primarily be visible to the immediate vicinity. The final design of the residences would be subject to the City's design review process and would conform to current architectural and landscaping standards. Development of the convenience store, trash enclosure, ornamental landscaping including new trees, and installation of a direct walkway with trellis and decorative lighting would enhance the visual character of the Project site, compared to existing conditions. Although construction of the Project is anticipated to affect visual quality in the area, given the six-month construction duration, impacts would temporary and are considered less-than-significant. The Project would not substantially increase light and glare due to the reconstructed buildings and new car wash. Lighting would be consistent with what is currently experienced on the Project site.

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

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

4.7.2 Agriculture and Forestry Resources

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

The Project site is not zoned or used for agricultural purposes; nor is it the subject of a Williamson Act contract. The site is located within an urban area of San José, and there is no property used for

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agricultural purposes adjacent to the Project site. The Project site does not contain any forest land and no forest or timberland is located in the vicinity of the Project site.

Agriculture and Forestry Resources Impacts

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

(No Impact) The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, because the Project is not zoned or used for agricultural purposes. As such, there would be no impact.

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

(No Impact) The Project would not conflict with agricultural operations or a Williamson Act contract, because it is not the subject of a Williamson Act contract and is not currently zoned or used for agricultural purposes. Therefore, there would be no impact.

- 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));**

(No Impact) The Project would not 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)). No forest land exists on the Project site or in the vicinity, nor is it zoned as such. Therefore, there would be no impact.

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

(No Impact) The Project would not result in a loss of forest land. The Project site is an existing fueling station, and no forest uses exist that could be converted for Project implementation. Therefore, there would be no impact.

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

(No Impact) The Project would not 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. There are no agricultural or forest uses on the Project site or vicinity which could be affected by Project implementation. Therefore, there would be no impact.

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4.7.3 Biological Resources

The Project site is currently located in a heavily-urbanized area and developed with a fueling station, and there are no native, sensitive or wetland habitats existing on-site. As such, impacts to special-status species are notice expected to occur.

Biological Resources Impacts

- 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?**

(Less Than Significant Impact) As discussed further in Section 3.3, the Project is to redevelop an existing World Oil Gas Station. No suitable habitat for candidate, sensitive, or special status species as defined in local plans, regulation, or by California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) are located on the Project site. Trees in the Project area could provide nesting habitat for birds, including migratory birds. However, there are no existing trees on the Project site. No trees would be removed during demolition or construction that would cause disturbance to a nesting bird. As a result, impacts would be less than significant.

- 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 Game or U.S. Fish and Wildlife Service?**

(Less Than Significant Impact) The Project site is located in an urban, residential, and commercial setting with minimal native habitats. There are no riparian habitats or other sensitive natural communities on or adjacent to the site. Therefore, impacts resulting in the substantial adverse effect on any riparian habitat or other sensitive natural community would be less than significant.

- 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?**

(No Impact) The Project site is not located on or adjacent to a federally protected wetland. Consequently, no impacts on state or federally protected wetlands would occur from the Project.

- 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?**

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

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

(No Impact) Within the City of San José, the urban forest (including on-site trees) as a whole is considered an important biological resource because most mature trees provide nesting, cover, and foraging habitat for a variety of species that are tolerant of humans. While the urban forest is not as favorable an environment for native wildlife as native habitats, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

As stated above, there are no existing trees on the Project site; however, the Project would plant 13 new trees on-site. As a result, the Project would not impact local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.

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

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

Standard Permit Condition: The Project shall implement the following condition to reduce the impacts to endangered and threatened species:

- 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 (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

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4.7.4 Energy

Energy Impacts

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

(Less Than Significant Impact) Project construction would include the operation of construction vehicles and debris removal and would be short-term, lasting approximately six months. The overall construction schedule and process is designed to be energy efficient, and fueled equipment is not used wastefully due to the added expense associated with renting the equipment, as well as maintaining and fueling it. During Project construction, equipment operation would comply with BAAQMD basic construction measures recommended for all projects that are aimed at reducing air pollution, such as minimizing idling of construction off-road equipment and maintaining all equipment in accordance with manufacturer standards. The Project would also comply with the state's anti-idling regulation which would result in a more efficient use of diesel fuel consumption. Such measures would minimize the wasteful consumption of energy resources during construction. Additionally, the Project would comply with the solid waste diversion requirements, including the City's Construction and Demolition Debris Program, which requires a minimum of 75 percent of nonhazardous construction and demolition waste be recycled. With implementation of existing standards, the Project would not result in wasteful or unnecessary consumption of energy during construction, and impacts would be less than significant.

The Project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and applicable standard efficiency regulations. Title 24 requires projects to meet a number of conservation standards, including installation of water-efficient fixtures. Title 24 also regulates energy consumption for the heating, cooling, ventilation, and lighting of residential and nonresidential buildings, as enforced by the City. Compliance with Title 24 would ensure reduction in the use of fuel, water, and energy by the Project. Furthermore, the Project would comply with CALGreen and the City of San José City Municipal Code requirements related to energy and water conservation to reduce energy use associated with the convenience store. The Project would not result in an increase in vehicle trips that currently access the Project site to use the fuel station, as such potential long-term operational energy demand from vehicles would be considered minimal. Therefore, the Project would not result in inefficient, wasteful, and unnecessary consumption of energy, and the impact is less than significant.

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

(Less Than Significant Impact) The City's General Plan and the Greenhouse Gas Reduction Strategy (GHGRS) include energy goals and policies to reduce the reliance on nonrenewable energy sources in existing and new commercial, industrial, and public structures through implementation of energy resource policies to encourage the use of renewable energy and decrease energy demand. The City's GHGRS includes strategies focused on green building, renewable energy, transportation and land use, education, and waste management.

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The Project would not conflict with the energy objectives of the General Plan, nor the strategies in its GHGRS. The Project would constitute development within an established community and would not be opening up a new geographical area for development such that it would draw mostly new trips, or substantially lengthen existing trips.

The Project would comply with the versions of CCR Titles 20 and 24, including CALGreen, that are applicable at the time that building permits are issued and with all applicable City measures. It would also comply with CARB's Airborne Toxic Control Measure and reduce fuel consumption during idling events. For the above reasons, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

4.7.5 Geology and Soils

The soil on the western half of the Project site is well drained sandy loam (NRCS 2019). The site is not located within a liquefaction zone, and on-site soils have a low expansion potential. The nearest liquification zone is located approximately 0.27-mile to the east.

The Project site is located within the seismically active San Francisco Bay Region. The Project site is not located in a defined Alquist-Priolo Earthquake Zone and no known active faults are located on the Project site. The site is not located within a fault rupture hazard zone. Due to the presence of active faults in the region, it is anticipated that the Project site would experience strong ground shaking in the event of an earthquake. The nearest major active fault is the San Andreas Fault, approximately 8.5 miles southwest of the Project site.

Geology and Soils Impacts

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

- i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

(Less Than Significant Impact) The Project site is not located in an Alquist-Priolo Earthquake Fault Zone. As stated above, the nearest major active fault is the San Andreas Fault, and it is located approximately 8.5 miles southwest of the Project site. Therefore, potential impact resulting from rupture of a known earthquake fault would be less than significant.

- ii. **Strong seismic ground shaking?**

(Less Than Significant Impact) The Project site is located within a seismically active region, however; and, as a result, strong ground shaking would be expected during the lifetime of the proposed Project. While no active faults are known to cross the Project site, ground shaking on the site could damage future buildings and other structures and expose people to injury. As disclosed in the General Plan EIR, differential settlement during seismic shaking can be a hazard to buildings, roadways, and hardscape

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improvements. Incorporation of the permit conditions, as described below, would ensure that any potential impacts due to strong seismic ground shaking would remain less than significant.

Standard Permit Conditions: Implementation of the following measures would reduce the construction impacts on seismicity and liquefaction, as applicable:

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance 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.
- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained 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.

Compliance with the City's regulatory policies and permit conditions pertaining to strong seismic ground shaking would ensure that construction and operation of the Project would have a less than significant impact in this regard.

iii. **Seismic-related ground failure, including liquefaction?**

(Less than Significant Impact)

The Project site is not located in an area of potential seismic-related ground failures such as liquefaction zone. Implementation of the Project would involve demolition activities that would require minimal ground disturbance. The following measures have been included as Geology Standard Permit Conditions to reduce potential construction-related seismic and liquefaction impacts.

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Compliance with the City's regulatory policies and permit conditions pertaining to seismic shaking and seismic-related ground failures, as described above, would ensure that construction and operation of the Project would have a less than significant impact in this regard.

iv. Landslides?

(Less Than Significant Impact) The Project site is relatively flat and would not expose adjacent or nearby properties to landslide hazards. Implementation of the Project would require ground minimal disturbance despite the proposed demolition of the existing of the existing kiosk.

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

The Project site is not located in an area of potential seismic-related ground failure such as a liquefaction zone or a landslide zone. As a result, potential impacts from the proposed Project would be less than significant.

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

(Less Than Significant Impact) The Project would comply with the applicable City regulatory programs related to erosion. Therefore, implementation of the Project would have a less than significant impact from soil erosion or the loss of topsoil.

c) Be located on a geological 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?

(Less Than Significant Impact) As stated above, the Project site is not located in an area of potential seismic-related ground failure such as a liquefaction zone or a landslide zone. The Project site is relatively flat and would not expose adjacent or nearby properties to landslide hazards. Implementation of the Project would require ground minimal disturbance despite the proposed demolition of the existing of the existing kiosk. As a result, potential impacts from the proposed Project would be less than significant.

d) Be located on expansive soil, as classified in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?

(Less Than Significant Impact) Incorporation of the permit conditions, as described above, which include compliance with the California Building Code and the requirements of applicable City ordinances, would reduce potential impacts resulting from ground shaking to a less than significant level.

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- 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?**

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

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

(Less Than Significant Impact) The proposed Project would redevelop an existing fueling station including demolition of an existing cashier's kiosk and construction of a new convenience store. As described above, demolition and construction activities would require ground minimal disturbance and is not expected to disturb areas beyond what have been previously disturb. Additionally, the Project would comply with the following Standard Permit Condition to reduce potential impacts on paleontological resources.

Standard Permit Conditions: Implementation of the following measure would reduce the construction impacts on paleontological resources, as applicable:

- If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning, Building and Code Enforcement (PBCE) or Director's designee 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 PBCE or Director's designee.

As a result, impacts to unique paleontological resources or site or unique geologic features would be less than significant.

4.7.6 Hydrology and Water Quality

The Project site is located within the Guadalupe River watershed, which is part of the Santa Clara Basin and the larger San Francisco Bay Basin. There are no waterways on the Project site. The closest waterway to the Project site is Alamitos Creek, located approximately 0.49 mile southeast of the Project site. Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), the Project site is located in Flood Zone D (FEMA, 2009). Zone D is designated on the flood map, to indicate that while flood risk remains, the probability of that flood risk has not been quantified.

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

Hydrology and Water Quality Impacts

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

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

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- 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.

Project Conditions:

- A Storm Water Permit will be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which

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addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB BMPs.

- The SWPPP shall be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

Currently, the majority of the Project site is comprised of impervious surfaces. A Stormwater Evaluation was conducted for the Project indicating that there would be approximately 14.42 percent reduction in impervious areas. The Project would comply with the City of San José's Post-Construction Urban Runoff Policy 6- 29 for land uses of concern (which includes gas stations). This policy requires the proposed Project to include specific source control measures, as stated therein. These measures include the following:

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

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

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

(Less Than Significant Impact) The Project would not involve substantial ground disturbance or excavation, and therefore groundwater would not likely be encountered at the site during construction. The Project does not include installation of new groundwater wells or use of groundwater supplies. As stated previously, the proposed Project would reduce the total impervious areas of the Project site, which

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would increase the permeability of the site. For these reasons, the Project would not substantially deplete groundwater supplies or interfere with groundwater recharge.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river 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?**
 - v. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**
 - vi. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

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

4.7.7 Land Use and Planning

The Project site is located in a residential and commercial area. The site is currently developed with a gas fueling station and small cashier's kiosk. The Project site is bordered by S. Bascom Avenue to the east, Downing Avenue to the north, residential area to the west, and commercial buildings to the south.

The Project site is designated as Neighborhood/Community Commercial (NCC) on the General Plan Land Use Map (City of San José 2021b). The NCC land use designation supports a broad range of commercial activities that serves the communities in neighboring areas. The Project site is also within the Commercial Neighborhood (CN) Zoning District which allows for gas and charging stations.

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Land Use and Planning Impacts

a) Physically divide an established community?

(No Impact) The Project involves modifications to the existing gas station and the construction of a new convenience store with associated parking area. The modifications to the Project site would be similar to the existing use. The Project site is adjacent to existing commercial use and would not substantially change the characteristics of the area. Therefore, the Project would not 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?

(No Impact) The Project is consistent with existing zoning and land use designations; therefore, it would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.7.8 Mineral Resources

The Project site is not designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits of regional significance. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits. Communications Hill area (bounded by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue) is the only area in San José designated by and subjected to SMARA (City of San José 2021a).

Mineral Resources Impacts

a) Result in the loss of availability of a known mineral resource classified MRZ-2 by the State Geologist 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, b – No Impact) The Project site is not located on or near Communications Hills and would not have a significant impact on the loss of availability of a known mineral resource. Therefore, the Project would not result in the loss of a known mineral resource or known mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

4.7.9 Population and Housing

The City of San José population living in households was estimated to be approximately 1,021,795 with a total of 325,114 occupied housing units in 2019 (US Census, 2019). The average number of persons per household in San José was estimated at 3.12.

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Population and Housing Impacts

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

(a, b – No Impact) The Project does not propose to construct any new residences or otherwise increase the population in the vicinity of the Project site. Additionally, this type of project is not conducive to population growth. The Project would not displace any population. Implementation of the Project would not directly or indirectly induce substantial population growth in the Project area. For these reasons, the Project would not result in no impact to population and housing in the City.

4.7.10 Public Services

Fire and police protection services for the Project site are provided by the San José Fire Department (SJFD) and the San José Police Department (SJPd), respectively. The Project site is located within the existing service area of both the SJFD and SJPd. The closest station to the Project site is Fire Station 4, located less than one mile northeast of the Project site. The SJPd is headquartered at 201 West Mission Street, approximately 3.3 miles north of the Project site.

The nearest schools to the Project site are Del Mar High School located approximately 485 feet east of the Project site and San José Christian School located approximately 0.85 mile south of the Project site, located less than one mile from the Project site. Nearby parks include Marijane Hamann Park, located approximately 0.49 mile east of the Project site.

Public Services Impacts

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impact, in order to maintain acceptable service ratios for any of the public services:**

- i. **Fire protection**

(Less Than Significant Impact) The Project site is located in an urbanized area within the growth boundaries of the City. Existing development on the Project site is already served by the San José Fire Department (SJFD). The Project would not significantly impact the response time or performance objectives of the local fire department. The Project is consistent with the Project site's General Plan land use designation and would not substantially increase demand for fire protection beyond what was assumed in the General Plan EIR. The Project would not increase the population of the City, as no residences would be constructed on the Project site. Therefore, implementation of the Project would have a less than significant impact on the City's need for fire protection.

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ii. Police protection

(Less Than Significant Impact) As described above, the Project site is located in an urbanized area within the City. Existing development on the Project site is already served by the San José Police Department (SJPD). The Project would not significantly impact the response time or performance objectives of the SJPD. The Project would not substantially increase demand for police protection beyond what was assumed in the General Plan EIR. For this reason and the reasons described above, potential impacts from the proposed Project on the City's police protection would be less than significant.

iii. Schools

(Less Than Significant Impact) The purpose of the Project is to re-develop existing and operating gas station within the City. The Project would not increase the population of the City. The Project is consistent with the City's General Plan land use designation and would not increase demand for additional schools within the Project vicinity. As a result, the Project would have a less than significant impact on local schools.

iv. Parks

(Less Than Significant Impact) The Project is located in an urbanized area. Existing development on the Project site is already served by the City's Department of Parks, Recreation, and Neighborhood Services. The Project is utilizing an existing gas station and is consistent with the Project site's General Plan land use designation. No additional residences are proposed for development. Consequently, any impacts on the City's parks associated with the Project are expected to be less than significant.

v. Other public facilities?

(Less Than Significant Impact) As described above, the purpose of the Project is to re-develop an existing gas station within the City. The existing facility is already served by the SJFD and SJPD, parks, and other public facilities. The proposed Project would not substantially increase demand for additional public facilities beyond what was assumed in the General Plan EIR. Therefore, potential impacts from the Project to the City's other public facilities would be less than significant.

4.7.11 Recreation

The City of operates and maintains an array of recreational parks and facilities to provide a high quality of life. The City maintains approximately 3,537 acres of parks, community gardens, and open space lands. As mentioned in the Envision San José 2040 General Plan, the City has plans to implement a 100-mile network of multi-use trails (City of San José 2021a). Additionally, the City manages 48 community facilities to serve the indoor recreational needs of the growing urban population. Nearby parks include Marijane Hamann Park, located approximately 0.5 mile west of the Project site, and St. Elizabeth Park and Los Gatos Creek Trail, both located approximately one mile east of the Project site.

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Recreation Impacts

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

(a, b – Less than Significant Impact) As discussed in Section 4.7.10, Population and housing, the Project is located in an urbanized. Existing development on the Project site is already served by the City's Department of Parks, Recreation, and Neighborhood Services. The Project consists of modifications to an existing gas station and would remain consistent with the current General Plan land use designation and zoning. No additional residences are proposed for development. Any impacts to the City's parks or recreational facilities associated with the proposed Project would be less than significant.

4.7.12 Tribal Cultural Resources

Tribal Cultural Resources Impacts

- a) **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
 - i. **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
 - ii. **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

(i, ii – No Impact) Considering the limited scope of the Project, its location, the minimal amount and shallow nature of ground-disturbing activities, that no native soils would be disturbed, and the fact that there are no listed or eligible historical or archaeological resources are identified on the Project site, there are no known TCRs which could be impacted as a result of Project implementation. Notification regarding the proposed Project was sent to the Native American Heritage Commission (NAHC) on August 2, 2021, and the Muwekma Ohlone Indian Tribe was identified as a tribe of interest. The City has undertaken tribal outreach, pursuant to Assembly Bill 52, in order to determine if substantial evidence is provided demonstrating the presence of a TCR, pursuant to the criteria set forth in Subsection (c) of Public Resources Code Section 5024.1. There was no substantial evidence of TCRs presented by tribal

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representatives that was associated with the Project site. Furthermore, Standard Permit Conditions related to the discovery of unknown prehistoric or historic cultural resources, as well as to the accidental discovery of human remains, which also includes a requirement to contact the NAHC in case of a discovery, are already applicable to the Project. Therefore, there would be no impact related to TCRs.

4.7.13 Utilities and Service Systems

Wastewater from the Project area is currently treated at the San José/Santa Clara Regional Wastewater Facility. The regional wastewater treatment facility serves 1.4 million residents in eight cities and four sanction districts: City of San José, Santa Clara, Milpitas; Cupertino Sanitary District and West Valley Sanitary District; Count Sanitation Districts 2-3; and Burbank Sanitary District. The San José/Santa Clara Regional Wastewater Facility provides primary, secondary, and tertiary wastewater treatment and has the ability to treat 110 million gallons of wastewater a day (mgd), with a maximum capacity up to 167 mgd.

Water service to the Project site is provided by the San José Water Company. As described in Section 4.7.6, Hydrology and Water Quality stormwater runoff from the site flows south over land into the City-maintained storm drainage system, which is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. The Project site is comprised primarily of impervious surfaces, with the exception of several ornamental landscape areas.

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and revised in subsequent years. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2026. Solid waste generated within the County is landfilled at Guadalupe Landfill, Kirby Canyon Landfill, BFI Newby Island Sanitary Landfill, Zanker Materials Process Facility, and Zanker Road Landfill (County of Santa Clara 1995).

Utilities and Service Systems Impacts

- 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?**

(Less than Significant Impact) The Project is consistent with the current 2040 Envision San José General Plan, zoning, and land use designations for the Project site. The Project would not result in or require the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. The Project would connect to existing utilities infrastructure.

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

(Less than Significant Impact) Small amounts of water will be used during construction for dust suppression as mentioned in Impact b) of Section 4.1.4, Air Quality. The Project includes the demolition

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of the existing 56-sf cashier kiosk and 282-sf restroom and construction of a 1,486-sf convenience market with a single bathroom. Although the new convenience market would be larger in size, the water required to supply the Project during operation would not be substantially greater than current water use at the Project site. Water used for new landscaping would also be minimal, and watering fixtures for landscaping would comply with all applicable requirements related to efficiency. This incremental increase in water use would result in a negligible increase in water demand. The existing municipal water connections and system have the capacity to continue supplying water to serve the Project. As such, the Project would result in less than significant impacts with respect to water supplies.

- 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?**

(No Impact) During construction and operation, there would be no substantial increase in services by the wastewater treatment provider. At its current capacity, the municipal systems have the ability to serve the Project's projected demand.

- 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?**

(d, e – Less than Significant Impact) As indicated in the Envision San José 2040 General Plan, there is sufficient capacity at existing landfills that provide service to the City to serve the solid waste generation needs of the Project. Generation of solid waste is not anticipated to substantially increase during construction and operation of the Project. Additionally, during construction and operation, the Project would comply with the City's Green Vision, which outlines the following goals: supporting new development of new clean technology industries; becoming more energy efficient; producing and using electricity from clean and renewable resources; building green buildings; diverting waste from landfills; and expanding the use of recycled water (City of San José 2021a). The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, and would comply with federal, state, and local management and reduction statutes and regulations. As such, the Project would result in a less than significant impact.

4.7.14 Wildfire

The Project site is not located in a State or Federal Responsibility Area for Fire Hazard Severity. However, the Project site is located within a Local Responsibility Area (LRA). Within the LRA, the Project site is not located a Very High Fire Hazard Severity Zone (VHFHSZ) (CalFIRE 2021).

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Wildfire Impacts

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**

(No Impact) Construction of the proposed Project would occur over six months. During this time, Downing Avenue and South Bascom Avenue will still be accessible to all emergency first responders. The Project would not 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?**

(No Impact) As the Project site is not located within a VHFHSZ, the proposed Project would not expose occupants to pollutant concentration from a wildfire or the uncontrolled spread of a wildfire as a result of slope, prevailing winds, or other factors.

- 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?**

(No Impact) The Project includes the construction of a new 1,486-sf convenience store. This store will be constructed and equipped in accordance with all applicable construction and fire safety standards. Project operation would not require the installation or maintenance of infrastructure that may exacerbate fire risk or may result in temporary or ongoing impacts to the environment.

- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

(No Impact) The Project is located in a Zone D, an area with Flood Risk due to Levee. The Project site is located approximately 0.5-mile from Los Gatos Creek which is designated as a special flood hazard area. The Project is located in a residential and commercially used area. Due to its location and its characteristics, the Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes.

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4.8 MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.8.1 Impact Discussion

- 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?

(Less Than Significant Impact) As discussed above in the evaluations for Biological Resources (Section 4.7.3), Cultural Resources (Section 4.2) and Tribal Cultural Resources (Section 4.7.12), there are no potentially significant impacts related to these resources identified for the Project. The Project would not

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reduce habitat, impact special status species, or damage or disturb any cultural resources. All potential impacts to biological, cultural, and tribal cultural resources were found to either have less than significant or no impacts; therefore, impacts would be less than significant.

- 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)?**

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

As discussed in this IS, the Project would not result in substantial impacts to any resources that could not be reduced with the incorporation of mitigation. The only impacts that require mitigation are with respect to construction air quality, construction vibration, and hazards and hazardous materials, all of which would be temporary in duration. Therefore, the Project would not considerably contribute to cumulative impacts. Additionally, the Project includes limited ground disturbing activities and changes in operation at the site would be limited in nature; therefore, even when analyzed incrementally, the Project would not result in any substantial impacts or contribute to any cumulative impacts from other projects in the region. Therefore, with respect to cumulative impacts, the Project would have a less than significant impact with mitigation incorporated.

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

(Less Than Significant Impact with Mitigation Incorporated) The only potentially significant Project impacts are related to construction air quality and construction vibration, as well as hazards and hazardous materials, and all of these impacts would be reduced to a less than significant level with incorporation of mitigation measures. All other environmental effects analyzed in this IS were found to either have no impact or a less than significant impacts. Therefore, there would be a less than significant impact with mitigation incorporated related to adverse effects on human beings.

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Report Preparation

6.0 REPORT PREPARATION

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