

Initial Study

1299 Piedmont Car Wash Project

File No. PD18-005

Prepared by



In Consultation with



March 2020

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA**

Project Name: 1299 Piedmont Car Wash Project

File No.: PD18-005

Description: Planned Development permit to add an approximately 1,120-square-foot automatic car wash building along the west edge of the project site. The car wash building is approximately 52 feet long and 17 feet tall. The existing overhead canopy, five fuel dispensers, and food mart would remain on an approximately 0.65-gross acre site.

Location: The project is located at 1299 Piedmont Road, which is situated on the northwest corner of Piedmont Road and Sierra Road in the City of San José.

Assessor's Parcel Nos.: 587-10-004

Council District: 4

Applicant Contact Information: Sunny Goyal, Au Energy, LLC 41805 Albrae Street Fremont, CA 94538

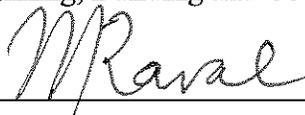
The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **March 23, 2020, and ends on April 13, 2020.**

The Draft MND, Initial Study, and reference documents are available online at: <http://www.sanjoseca.gov/negativedeclarations>. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Adam Petersen at (408) 535-1241, or by e-mail at Adam.Petersen@sanjoseca.gov.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement


Deputy

Date

3/16/2020

Circulation period: **March 23, 2020, and ends on April 13, 2020**

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1299 Piedmont Car Wash Project

PROJECT FILE NUMBER: PD18-005

PROJECT DESCRIPTION: Planned Development permit to add an approximately 1,120-square-foot automatic car wash building along the west edge of the project site. The car wash building is approximately 52 feet long and 17 feet tall. The existing overhead canopy, five fuel dispensers, and food mart would remain on an approximately 0.65-gross acre site.

PROJECT LOCATION: The project is located at 1299 Piedmont Road, which is situated on the northwest corner of Piedmont Road and Sierra Road in the City of San José.

ASSESSORS PARCEL NO.: 587-10-004

APPLICANT: Sunny Goyal, Au Energy, LLC 41805 Albrae Street Fremont, CA 94538

FINDING

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

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

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

D. BIOLOGICAL RESOURCES

Impact BIO-1: Demolition and construction activities could impact nesting migratory birds.

MM BIO-1.1: Construction should be scheduled between September 1st and January 31st (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Between February 1st and April 30th (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to initiation of construction activities (including any ground-disturbing activities) or tree removal. Between May 1st and August 31st (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent (within 250 feet) to the construction area for nests.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the CDFW, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to issuance of any grading permits.

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

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Hazardous materials contamination on the site, if discovered in soil or groundwater, could pose a risk to construction workers and others on or around the project site.

MM HAZ-1.1: Due to the residual contamination, the Santa Clara County Department of Environmental Health (SCCDEH) included the following conditions in a fuel leak closure letter dated December 28, 2015: *“Residual contamination in soil and groundwater remains at the site that could pose an unacceptable risk under certain site development activities such as grading, excavation, and the installation of water wells. The County and appropriate planning and building department shall be notified prior to any changes in land use, grading activities, excavation, and installation water wells.”*

A notification shall be provided to the SCCDEH or the State Department of Toxic Substance Control (DTSC), and City’s Planning Department prior to construction of the car wash. The applicant must contact the SCCDEH or the DTSC to determine if the proposed project will impact the areas of contaminated soil and if further investigation and/or a Site Management Plan is required prior to demolition and/or grading. Evidence of the correspondence such as email or letter shall be provided to the Environmental Planner of City’s Planning Department and the City’s Environmental Compliance Officer.

- J. HYDROLOGY AND WATER QUALITY**—The project would not have a significant impact on hydrology and water quality, therefore no mitigation is required.
- K. LAND USE AND PLANNING**—The project would not have a significant impact on land use and planning, therefore no mitigation is required.
- L. MINERAL RESOURCES**—The project would not have a significant impact on mineral resources, therefore no mitigation is required.
- M. NOISE AND VIBRATION**—The project would not have a significant impact on noise, therefore no mitigation is required.
- N. POPULATION AND HOUSING**—The project would not have a significant impact on population and housing, therefore no mitigation is required.
- O. PUBLIC SERVICES**—The project would not have a significant impact on public services, therefore no mitigation is required.

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

U. MANDATORY FINDINGS OF SIGNIFICANCE

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. Monday, April 13, 2020 any person may:

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

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement



3/16/2020

Date

Deputy

Circulation period: Wednesday, Monday March 23, 2020, and ends on Monday, April 13, 2020.
Environmental Project Manager: Adam Petersen

TABLE OF CONTENTS

Section 1.0	Introduction and Purpose	1
Section 2.0	Project Information	2
Section 3.0	Project Description.....	7
Section 4.0	Environmental Setting, Checklist, and Impact Discussion	13
4.1	Aesthetics.....	14
4.2	Agriculture and Forestry Resources	18
4.3	Air Quality	21
4.4	Biological Resources	28
4.5	Cultural Resources.....	35
4.6	Energy.....	39
4.7	Geology and Soils.....	43
4.8	Greenhouse Gas Emissions.....	50
4.9	Hazards and Hazardous Materials	58
4.10	Hydrology and Water Quality	65
4.11	Land Use and Planning.....	73
4.12	Mineral Resources	77
4.13	Noise.....	78
4.14	Population and Housing.....	86
4.15	Public Services	88
4.16	Recreation.....	91
4.17	Transportation.....	93
4.18	Tribal Cultural Resources	99
4.19	Utilities and Service Systems	102
4.20	Wildfire.....	109
4.21	Mandatory Findings of Significance	110
Section 5.0	References.....	112
Section 6.0	Lead Agency and Consultants.....	116

TABLE OF CONTENTS

Figures

Figure 2.7-1: Regional Map	4
Figure 2.7-2: Vicinity Map	5
Figure 2.7-3: Aerial Photograph and Surrounding Land Uses.....	6
Figure 3.1-1: Site Plan	8
Figure 3.1-2: Building Elevations.....	9
Figure 3.1-3: Trash Enclosure Elevations.....	10
Figure 3.1-4: Landscape Plan.....	11
Figure 4.13-1: Noise Monitoring Locations	82

Tables

Table 3.1-1: Designated and Existing Uses Surrounding the Project Site.....	12
Table 4.3-1: BAAQMD Air Quality Significance Thresholds	24
Table 4.8-1: Voluntary Greenhouse Gas Reduction Strategy Criteria.....	56
Table 4.13-1: General Plan Noise and Land Use Compatibility Guidelines	80
Table 4.13-2: City of San José Zoning Ordinance Noise Standards.....	80
Table 4.13-3: Modeled General Plan Project Noise Level Impact	85

Appendices

Appendix A: Phase I ESA	
Appendix B: Noise Assessment	
Appendix C: Traffic Operational Analysis	

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the 1299 Piedmont Car Wash Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California.

The project proposes to add a car wash to an existing gas station. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Adam Petersen
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-3861
Adam.Petersen@sanjose.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

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

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

1299 Piedmont Car Wash Project; PD18-005

2.2 LEAD AGENCY CONTACT

Adam Petersen, Environmental Project Manager
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
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Adam.Petersen@sanjoseca.gov

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City of San José
Department of Planning, Building & Code Enforcement
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San José, CA 95113
(408) 535-7659
Cassandra.Vanderzweep@sanjoseca.gov

2.3 PROJECT APPLICANT

Sunny Goyal
Au Energy, LLC
41805 Albrae Street
Fremont, CA 94538

2.4 PROJECT LOCATION

The project is located at 1299 Piedmont Road, which is situated on the northwest corner of Piedmont Road and Sierra Road in the City of San José. Regional, vicinity, and aerial maps are shown on Figure 2.7-1, Figure 2.7-2, and Figure 2.7-3, respectively.

2.5 ASSESSOR'S PARCEL NUMBER

Assessor's Parcel Number (APN): 587-10-004

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: Neighborhood Community Commercial
Existing Zoning Designation: Planned Development - A(PD)

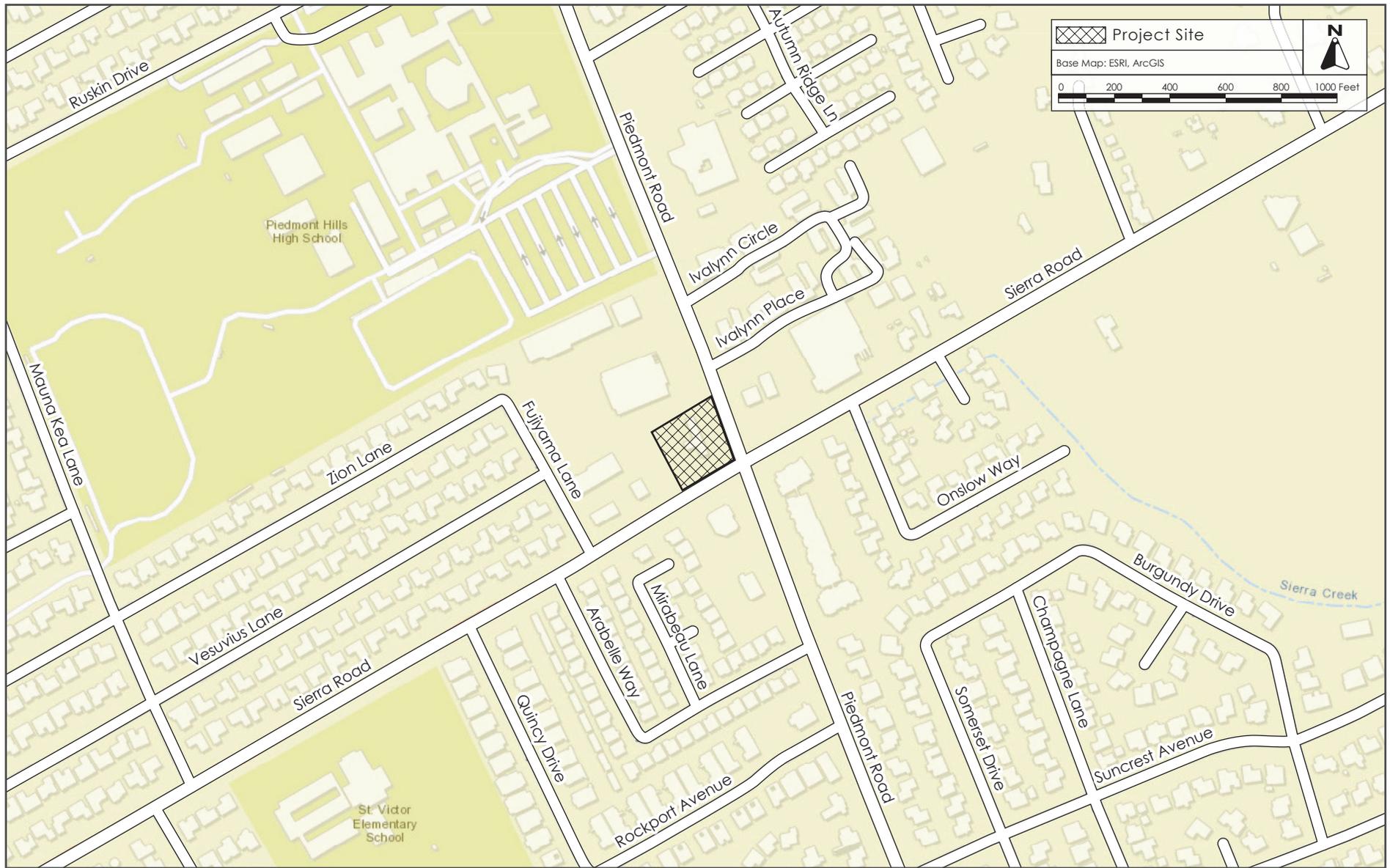
2.7 HABITAT PLAN DESIGNATION

Land Cover Designation:	Urban-Suburban
Development Zone:	Urban Development Covered Equal to or Greater than Two Acres
Fee Zone:	Urban Areas (No Land Cover Fee)
Wildlife Survey Area:	Not Applicable



REGIONAL MAP

FIGURE 2.7-1



VICINITY MAP

FIGURE 2.7-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.7-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

The approximately 0.65-acre project site is currently developed with a gas station, including an 800-square-foot food mart and an overhead canopy covering five fuel dispensers (with 10 fueling positions). The project proposes to add an approximately 1,120-square-foot automatic car wash building along the west edge of the project site (see Figure 3.1-1). The car wash building is approximately 52 feet long and 17 feet tall (see Figure 3.1-2). The existing overhead canopy, five fuel dispensers, and food mart would remain. New lighting, self-serve air and water equipment, vacuum equipment, planters, bike rack, and trash enclosure would also be constructed at the site, as shown in Figure 3.1-1.

The new car wash would be equipped with a Ryko Quiet Kit noise-reduction package¹, which includes installation of an acoustical baffle at the exit of the car wash building/tunnel. The existing gas station, including the food mart, operates 24 hours per day. The proposed car wash would operate from 7:00 AM to 10:00 PM, consistent with City Council Policy 6-10 regarding drive-through uses.

3.1.1 Site Access and Circulation

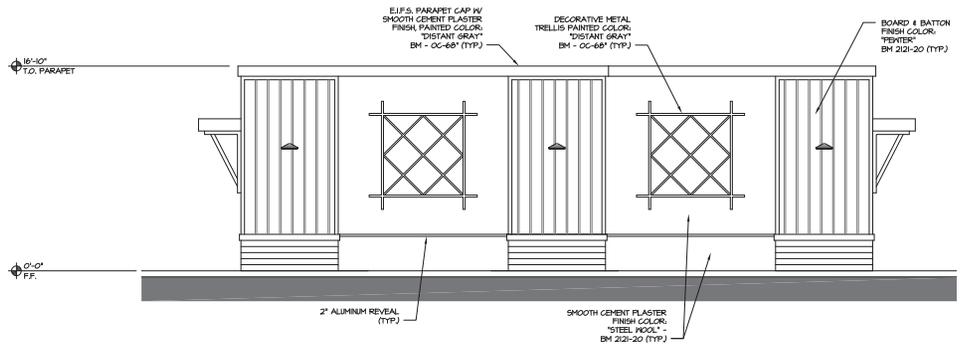
Local access to the site is provided via Sierra Road and Piedmont Road. Currently, the project site has three ingress/egress vehicular access driveways, including one on Sierra Road and two on Piedmont Road. The project would close the southerly Piedmont Road driveway. The proposed car wash building/tunnel would be located along the western boundary of the project site and would be oriented north to south. Vehicles would enter the car wash queue along the northern boundary of the project site before turning south and entering the car wash. Vehicles would exit the car wash facing south, towards Sierra Road, and could use either the Sierra Road or northerly Piedmont Road driveway for egress.

Class II bike lanes are provided in both directions on Piedmont Road. Pedestrian access to the site is provided by existing sidewalks along both Sierra Road and Piedmont Road.

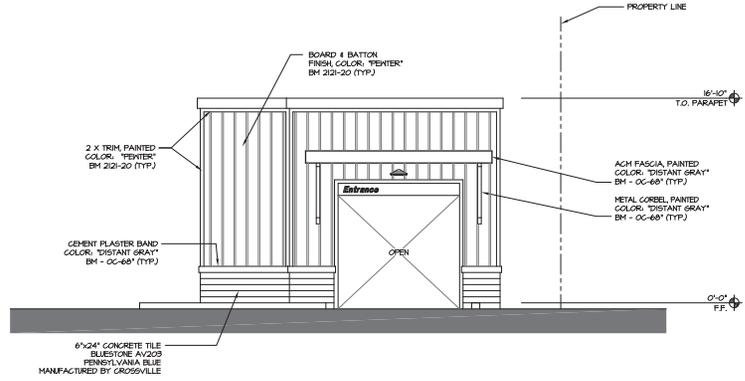
3.1.2 Landscaping and Other Improvements

Existing landscaping on the site is located along the majority of the perimeter of the site, including four trees on the eastern perimeter of the project site and two on the western perimeter of the project site. The project proposes to reconfigure and install additional landscaping around the new car wash as well as across the existing southerly Piedmont Road driveway, as shown in Figure 3.1-4. These planters would also serve as biofiltration areas for stormwater. No trees would be removed as part of the project. A new 120 square-foot trash enclosure would be located at the southwest corner of the site, comprised of split face, concrete masonry unit walls with a metal roof and metal gates. New vacuum equipment and lighting would be located along the southern planter, and additional wall mounted lighting will be installed on the proposed car wash building.

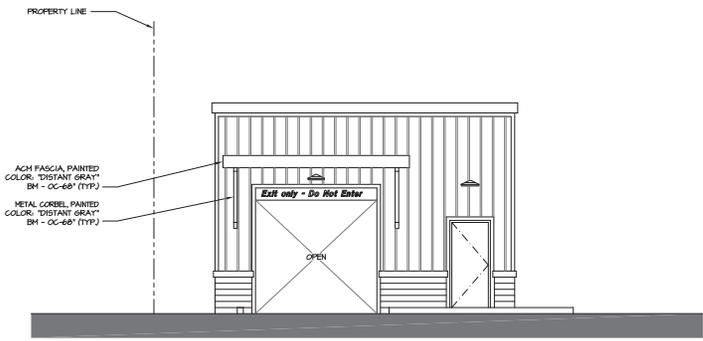
¹ Use of a Ryko 3-Fan SlimLine dryer system with incorporated Ryko Quiet-Kit silencer is proposed.



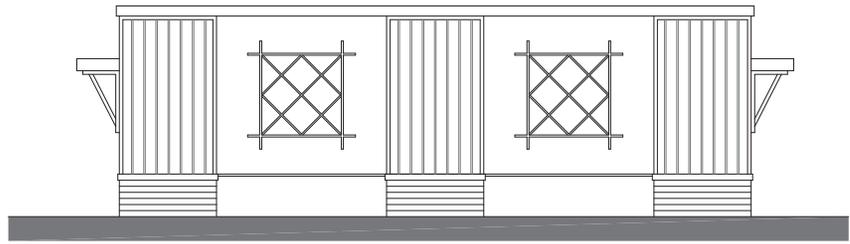
Northeast Elevation



Northwest Elevation

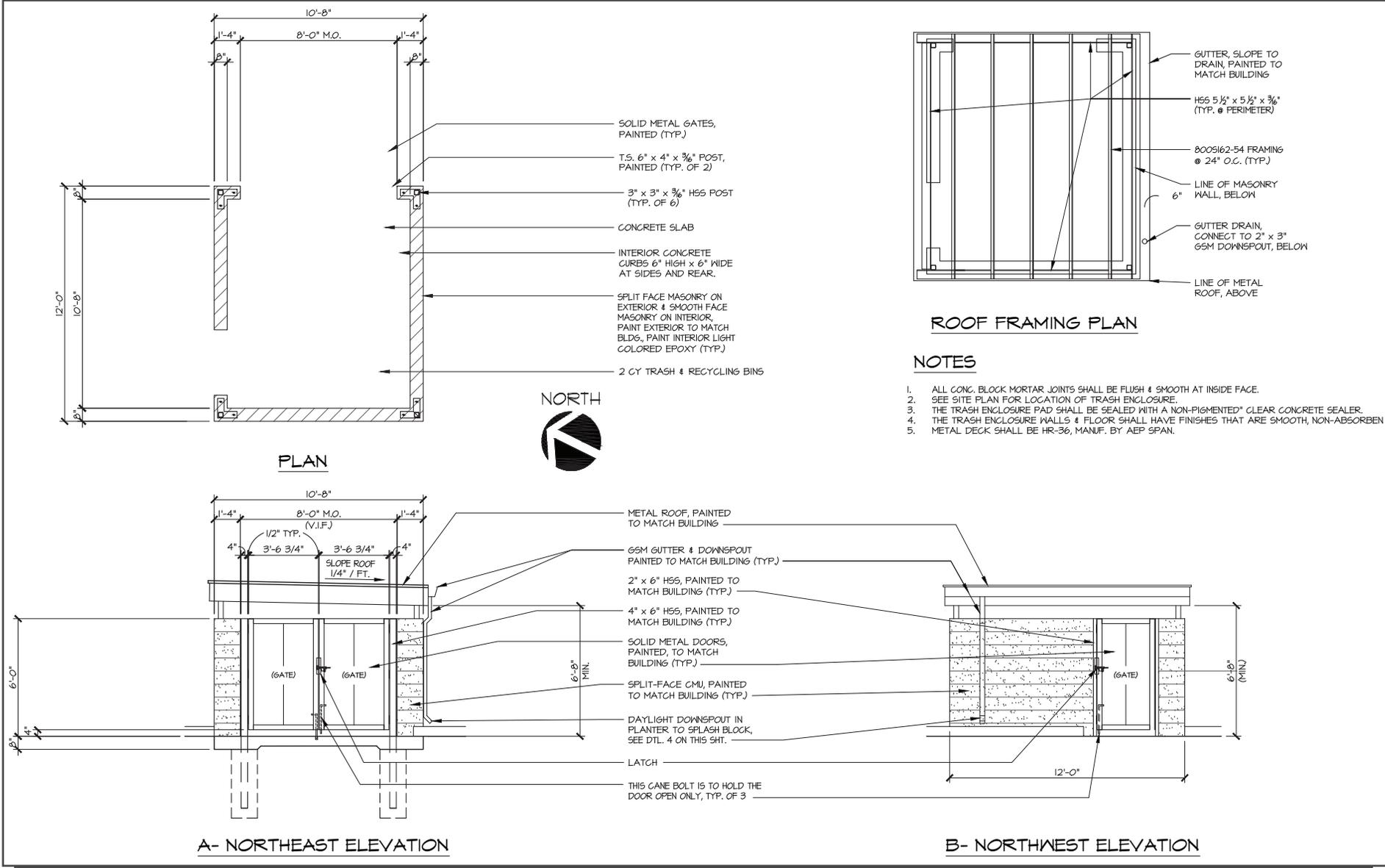


Southeast Elevation



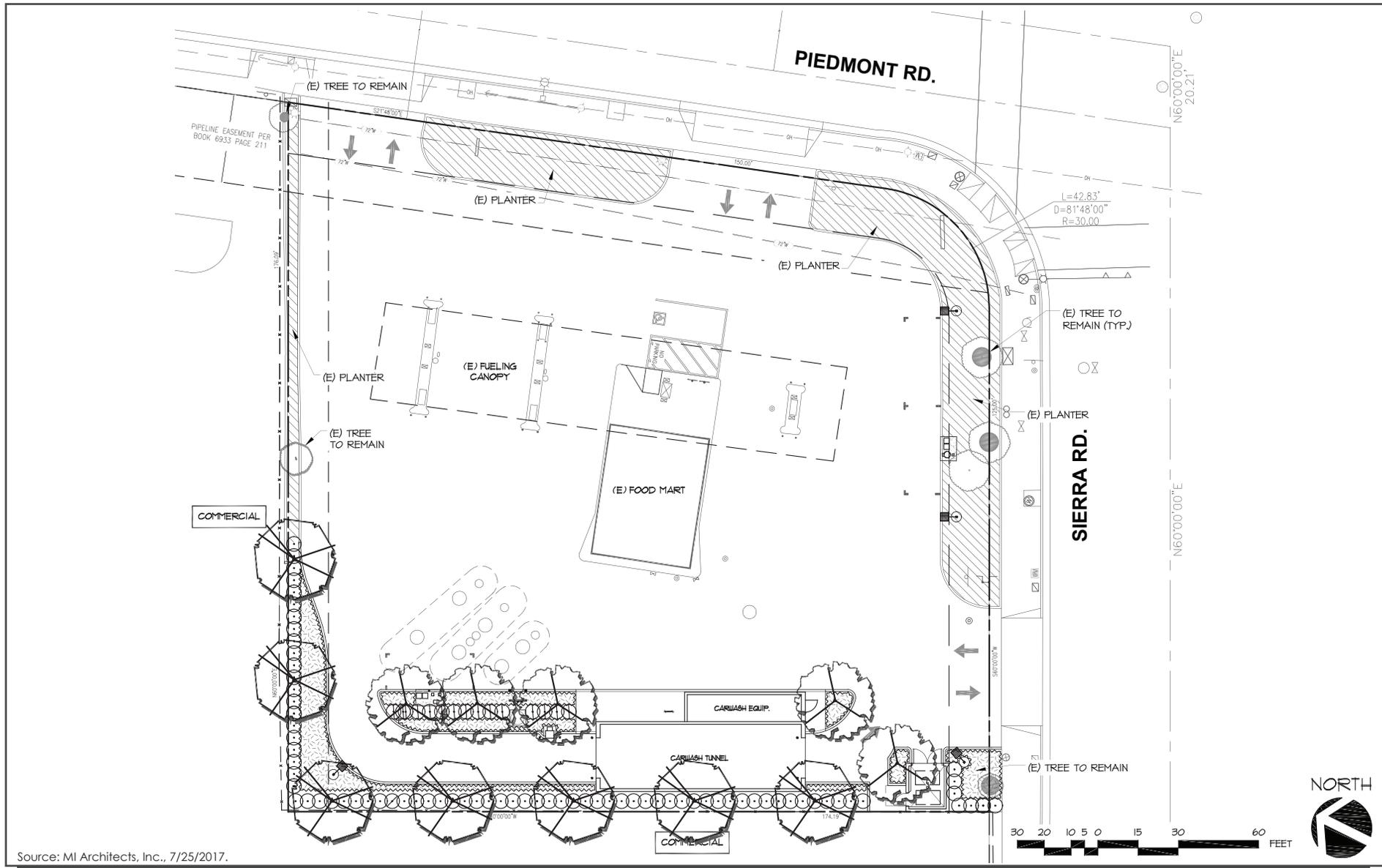
Southwest Elevation

Source: MI Architects, Inc., 7/25/2017.



TRASH ENCLOSURE ELEVATIONS

FIGURE 3.1-3



Source: MI Architects, Inc., 7/25/2017.

LANDSCAPE PLAN

FIGURE 3.1-4

The project site would provide a total of 14 parking spaces. Ten spaces would be located under the canopy at the fueling locations, two would be parallel parking space located on site along the Sierra Road frontage, one parking space at the air and water equipment, and one new space for van accessible parking.

New sewer and water utility lines would be installed on the west side of the project site, near the proposed car wash, and connect to existing sewer and water lines in the middle of the project site.

3.1.3 General Plan and Zoning Designations

The General Plan designates the project site as Neighborhood/Community Commercial, and the site has a Planned Development Zoning District, established per Planned Development Zoning File No. PDC91-026. This Planned Development Zoning District permitted a gas station and car wash development on-site.

A mix of commercial and residential land uses and zoning districts surrounds the project site, as shown in Table 3.1-1.

Table 3.1-1: Designated and Existing Uses Surrounding the Project Site			
Direction	General Plan Land Use Designation	Zoning	Existing Use
North	Neighborhood/Community Commercial	Commercial Pedestrian (CP)	US Post Office
South	Neighborhood/Community Commercial and Residential Neighborhood	Commercial Pedestrian (CP) and Planned Development A(PD)	Fire station and single-family homes
East	Neighborhood/Community Commercial	Commercial Pedestrian (CP)	Gas station and convenience store
West	Neighborhood/Community Commercial	Commercial Pedestrian (CP)	Various retail, commercial services, and restaurants

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS
4.1.1 Environmental Setting
4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.²

In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Local

Outdoor Lighting Policy

The City of San José’s Outdoor Lighting Policy (City Council Policy 4-3) promotes energy-efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The General Plan also includes the following aesthetic policies applicable specifically to development projects in San José:

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

² California Department of Transportation. ”Scenic Highways”. <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>.

CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

4.1.1.2 Existing Conditions

The project site is developed with a one-story gasoline station, which includes an overhead canopy with fueling dispensers and a small station building with a food mart. The overhead canopy and food mart are the predominant visible features that define the project site. Three mature palm trees are located along the site’s frontage on Sierra Road. Signage indicating gasoline prices sits on a landscaped island on the corner of Sierra Road and Piedmont Road.

The site is bounded by Sierra Road to the south and Piedmont Road to the east. A United States post office building is located directly north of the project site and an access road to the post office and commercial buildings are adjacent to the project site to the west. The post office is composed of brick and cream colored-concrete with a flat roof. The commercial buildings west of the project site are one-story tall and composed of tan colored stucco with sloping metal or shingle roofs. A two-story, contemporary styled fire station is located south of the project site across Sierra Road. A three-story apartment building with light-colored wood siding is located on the southeast corner of the Sierra Road and Piedmont Road intersection. A gas station is located on the northeast corner of the Sierra Road and Piedmont Road intersection, similar in style in branding and architecture to the project site.

Mature street trees and private trees can be viewed in the immediate project vicinity. The project area is generally flat. The site is not located within a scenic view corridor, nor is it visible from a designated or eligible State Scenic Highway.³ No scenic vistas or scenic resources are located on or adjacent to the project site.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

³ Caltrans. “California Scenic Highway Mapping System”. Accessed January 23, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. (No Impact)

The nearest designated scenic vista or resource to the project site is the eastern foothills more than one mile east; therefore, the project would not have an adverse effect on these resources **(No Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (No Impact)

The project site is not located along or within sight of a State Scenic Highway because it is located along collector streets; therefore, the project would not damage scenic resources within a State Scenic Highway. **(No Impact)**

Impact AES-3: The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality. (Less than Significant Impact)

Although the land use on the site would not change, the project would modify the appearance of the site when viewed from the surrounding area, particularly along the eastern project site boundary. While the existing canopy structure would continue to dominate views from Sierra Road and Piedmont Road, architectural elements of the proposed new car wash building would be visible from surrounding streets and land uses. These architectural elements would be shorter than the adjacent one-story commercial buildings west of the project site and the post office north of the project site. New landscaping would be planted around the proposed car wash and all landscaping and trees along Sierra Road and Piedmont Road would remain unchanged.

The proposed car wash building would be grey and pewter in color, both neutral colors similar to the adjacent white canopy. As part of the City's discretionary permit process, the project would be reviewed for consistency with the City's Commercial Design Guidelines and implementation of adopted General Plan Policies CD 1.1 and CD 1.23, which would ensure desired aesthetic compatibility with the surrounding uses is achieved. For these reasons, the project would be similar in scale with existing one and two-story development in the project area and would not substantially degrade the existing visual character. **(Less than Significant Impact)**

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Less than Significant Impact)

Sources of light and glare are abundant in the urban environment of the immediate project area, and include street lights, parking lot lighting, security lights, vehicular headlights, and reflective building surfaces and windows.

The existing gas station on the site includes lighting beneath the fueling canopies and near the station/food mart building. The project would install new light fixtures located approximately 65 ft. from the entrance to the car wash, and two fixtures located at the edge of the landscaping paralleling Sierra Road. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan Policies and lighting policies would not create a new source of nighttime light that would adversely affect views.

The design of the proposed project would be subject to the City's design review process and would utilize exterior materials that do not result in daytime glare, such as plaster and wood siding, consistent with General Plan policies and the City's Commercial Design Guidelines. Therefore, the project would not significantly impact adjacent uses with daytime glare from building materials. **(Less than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated per soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.⁴

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.⁵

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.⁶ Programs such as Cal Fire’s Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.⁷

4.2.1.2 *Existing Conditions*

The project site is in an urban area of the City of San José and is not subject to a Williamson Act contract. The site is designated as Urban and Built-up Land according to the FMMP.⁸ Urban Built-up Land is defined as residential land with a density of at least 6 units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and

⁴ California Department of Conservation. “Farmland Mapping and Monitoring Program”.

<http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

⁵ California Department of Conservation. “Williamson Act”. <http://www.conservation.ca.gov/dlrp/lca>.

⁶ *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

⁷ Cal Fire. “FRAP”. <http://frap.fire.ca.gov/>

⁸ California Department of Conservation. *Santa Clara County Important Farmland 2016*. Map. September 2018.

water control structures. No forest land or timberland, as defined in Public Resources Code Section 12220(g), is located near the project site.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, 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 site is designated as Urban Built-up Land and is not located on or near Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site consists of a gas station use in an urbanized area, and would construct a drive-through car wash. Therefore, the project would not convert any farmland to non-agricultural use. **(No Impact)**

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. (No Impact)

The project site is zoned and developed for urban uses and is not subject to a Williamson Act contract; therefore, the project would have not conflict with any zoning or contracts for agricultural use. **(No Impact)**

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (No Impact)

The project site is zoned for urban uses and not forestry and timberland; therefore, the project would have not conflict with any zoning for forestry use. **(No Impact)**

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. (No Impact)

The project site is not utilized as forest lands (nor are there forest lands in the vicinity) and would not result in loss of forest lands in San José. **(No Impact)**

Impact AG-5: 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. (No Impact)

The project site is in an urban area and there is no agricultural or forest lands nearby; therefore, the project would not cause a conversion of agricultural or forest land to non-agricultural or non-forest uses. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal and state agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as criteria pollutants), including particulate matter (PM), ground-level ozone (O₃), carbon monoxide (CO), sulfur oxides, nitrogen oxides (NO_x), and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).⁹

Fine Particulate Matter (PM_{2.5}) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM_{2.5}

⁹ CARB. "Overview: Diesel Exhaust and Health". Accessed February 23, 2019.
<https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

can lodge deeply into the lungs. According to BAAQMD, PM_{2.5} is the air pollutant most harmful to the health of Bay Area residents. Sources of PM_{2.5} include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators.

Local risks associated with TACs and PM_{2.5} are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan (2017 CAP)*. The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁰

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

The General Plan includes the following air quality-related policies applicable to development projects in San José.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

¹⁰ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

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

4.3.1.2 Existing Conditions

The project is in northern Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the state and federal level. The Bay Area meets all ambient air quality standards except for ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). The area is considered in attainment, or unclassified, for all other pollutants.

The main sources of air pollution in the project vicinity are from vehicle trips to and from the project site and adjacent traffic along Sierra Road and Piedmont Road. The nearest sensitive receptors are residences approximately 150 feet away, located across Sierra Road, southeast and southwest of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.3.2.1 CEQA Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin

and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1.

Table 4.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x	54	54	10
PM ₁₀	82 (exhaust)	82	15
PM _{2.5}	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	Single Source	Combined Cumulative Sources	
Excess Cancer Risk	10 per one million	0.3 µg/m ³	
Hazard Index	1.0	10.0	
Incremental Annual PM _{2.5}	0.3 µg/m ³	0.8 µg/m ³ (average)	
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter with a diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter with a diameter of 2.5 µm or less.			

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant Impact)

Construction

The BAAQMD Guidelines contain screening criteria for construction emissions. The BAAQMD screening threshold for construction emissions related to a fast food restaurant with drive-through is 277,000 square feet.¹¹ The proposed development would be well below the screening criteria, and thus would result in a less than significant impact.

¹¹ The proposed project consists of only adding the automated car wash to the site. BAAQMD does not have a car wash land use type; however, the fast food restaurant with drive-through land use type is a close approximation and represents a conservative estimate.

Operation

The operation of a car wash onsite would not conflict with the 2017 CAP because it would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size, is considered urban infill, and would be located near bike lanes and transit with regional connections. The project proposes a drive-through car wash at an existing gas station. While the BAAQMD screening criteria do not specifically list drive-through car wash as a project type, they do have drive-through fast food restaurant. The BAAQMD operational screening threshold for criteria pollutants related to a fast food restaurant with drive-through is 6,000 square feet.¹² The project would construct a 1,120 square foot drive-through car wash, which is below the screening threshold and, therefore, not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-1. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, 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 CAP. **(Less than Significant Impact)**

Impact AIR-2: The project would not violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation. (Less than Significant Impact)

Construction Impacts

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

For all proposed projects, BAAQMD recommends the implementation of Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable thresholds of significance for construction emissions. The proposed project will include basic construction mitigation measures, listed as best management practices (BMPs) for the purposes of this Initial Study, recommended by BAAQMD to reduce project construction dust impacts.

Standard Permit Conditions: The following BMPs shall be implemented during all phases of construction to prevent visible dust emissions from leaving the project site:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

¹² BAAQMD. *CEQA Air Quality Guidelines*. May 2017. Table 3-1.

- Pave, apply water twice daily, or as often as necessary, to control dust, or apply non-toxic
- Sweep daily, or as often as needed, with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep adjacent public streets daily, or as often as needed, to keep streets free of visible soil material.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

With the implementation of the previously described Standard Permit Conditions, construction air quality impacts would be less than significant. **(Less than Significant Impact)**

Operational Impacts

As discussed in Impact AIR-1, the proposed project would be below the BAAQMD operational screening threshold for criteria air pollutants during construction and operation; therefore, a detailed analysis of the project’s criteria pollutant emissions is unnecessary, and the project would have a less than significant air quality impact. **(Less than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact)

Construction

In 1998 CARB identified particulate matter from diesel fueled engines as a TAC. Health risks from TACs are a function of both concentration and duration of exposure. Typically, if heavy equipment use does not occur within 300 feet of the same receptor for six months or more and involves less than an acre of disturbance, then the associated health risk is considered less than significant. Construction of the proposed project will require the use of various diesel-powered vehicles and heavy equipment, and is expected to last a total of approximately five months. Since the project would use heavy equipment for less than six months, the project is expected to have a less than significant air quality health risk. In addition, the proposed project would implement the previously identified standard permit conditions to further reduce fugitive dust emissions. **(Less than Significant Impact)**

Operation

According to trip rates published by ITE, development of a car wash on an existing gas station site would result in an increase of 19 PM peak hour vehicle trips. The majority of project trips are anticipated to be pass-by trips generated by vehicles traveling between other destinations and would not, on its own, result in significant emissions as a result of vehicle trips. Because the project would not increase the number of fueling stations on the site, there would be no additional diesel-fueled trucks accessing the site to deliver gasoline. As a result, TAC emissions associated with vehicle trips would not increase due to the project. **(Less than Significant Impact)**

Impact AIR-4: The project would not result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people. (Less than Significant Impact)

Dust is addressed under Impact AIR-2. The proposed project includes the addition of a car wash and a covered trash enclosure that would be located at least 100 feet from the nearest residential property line. As a result, the project would not create objectionable odors affecting a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” said species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW listed Species of Special Concern.

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.¹³ Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

¹³ U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Envision San José 2040 General Plan

The General Plan includes the following biological resource-related policies applicable to the proposed project.

Policy	Description
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, 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.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none">1. Avoid conflicts with nearby power lines.2. Avoid potential conflicts between tree roots and developed areas.3. Avoid use of invasive, non-native trees.4. Remove existing invasive, non-native trees.

5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Chapter 13.32) protect all trees having a trunk that measures 38 inches or more in circumference at a height of 54 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

4.4.1.2 Existing Conditions

The project site is located in a developed urban area of eastern San José. The site is completely paved, with the exception of some landscape areas. Wildlife habitat on the project site is very limited, and is unlikely to be occupied by special status plant and/or animal species. There are no undisturbed areas or sensitive habitats on the site, and the site does not contain any streams, waterways, or wetlands. Because of its urban setting and isolation from areas of undeveloped lands, the site does not function as a movement corridor for local wildlife. No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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 CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact BIO-1: The project would not 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 CDFW or USFWS. (No Impact)

The project site is developed and occupied by a gas station, food mart, and surface parking lot. Vegetation on-site consists of small lawn areas with shrubs along the perimeter of the project site and four mature trees along Sierra Road and two mature trees along the northern property line. The trees would not be removed as part of the project and additional landscaping would be planted around the proposed car wash and along the eastern perimeter of the site. Because the site is comprised of urban uses in an urbanized environment, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. Additionally, there are no undisturbed areas or sensitive habitats on the site, and the site does not contain any streams, waterways, or wetlands. For these reasons, the project would not have a substantial adverse effect on any sensitive or special-status species or habitat. **(No Impact)**

Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (No Impact)

The project site is in an urban area of San José and there are no riparian or sensitive habitats on or near the site; therefore, the project would have no impact on these habitats. (No Impact)

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. (No Impact)

The project site is not located on or near any federally protected wetlands; therefore, the project would have no impact on wetlands. (No Impact)

Impact BIO-4: The project would not 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. (Less than Significant Impact with Mitigation Incorporated)

As previously discussed, there are six existing trees located on the project site that would not be removed. While use of the trees for raptor nesting is unlikely due to the size of the trees and limited cover provided, other migratory birds could use the trees for nesting. These nesting migratory birds could be impacted indirectly due to construction activities.

Impact BIO-1: Demolition and construction activities could impact nesting migratory birds. (Significant Impact)

Mitigation Measure: The project would implement the following measures to avoid impacts to nesting migratory birds.

MM BIO-1.1: Construction should be scheduled between September 1st and January 31st (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds (including yellow warblers) shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. Between February 1st and April 30th (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to initiation of construction activities (including any ground-disturbing activities) or tree removal. Between May 1st and August 31st (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent (within 250 feet) to the construction area for nests.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the CDFW, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to issuance of any grading permits.

With implementation of MM BIO-1.1, the proposed project would reduce impacts to migrating birds to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-5: The project would not 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 as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. Trees are protected by the City of San José Tree Removal Controls (San José City Code Chapter 13.32). There are six existing trees on the project site that would not be removed. Thus, the project would not conflict with any local policies or ordinances protecting biological resources. **(No Impact)**

Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (Less than Significant Impact)

The project site is located within the Habitat Plan study area and would be subject to applicable Habitat Plan fees. The project site is designated as Urban–Suburban and is not identified as important habitat for endangered and threatened species. Therefore, the development of the project site would not result in impacts to any of the Habitat Plan’s covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan study area, as well as the host plants that support the 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 will 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.¹⁴ The project is required to pay all applicable fees prior to issuance of permits as described in the Standard Permit Condition below. Therefore, the project would not conflict with the provisions of the Habitat Plan. **(Less than Significant Impact)**

Standard Permit Condition: The project applicant will be required to submit the Santa Clara Valley Habitat Plan – Coverage Screening Form to the Planning Building and Code Enforcement Supervising Environmental Planner for approval and payment of the nitrogen deposition fee prior to issuance of a grading permit.

¹⁴ County of Santa Clara, USFWS. *Santa Clara Valley Habitat Plan Final Environmental Impact Report/Environmental Impact Statement*. Accessed January 25, 2017. <http://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

4.5 CULTURAL RESOURCES

The discussion in this section is based on an archaeological literature search prepared for the project by Holman & Associates on January 20, 2019. This report is confidential and available for review at the City of San José Planning Division.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

Federal protection 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 National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations 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.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁵

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

Archaeological Resources and Human Remains

Archaeological, and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods. Section 15064.5 of the CEQA Guidelines

¹⁵ CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. March 14, 2006.

specifies procedures to be used in the event of an unexpected discovery of Native American human remains to protect them from disturbance, vandalism, and inadvertent destruction.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a “most likely descendant” must also be notified.

Local

Envision San José 2040 General Plan

The General Plan includes the following policies, which are specific to cultural resources and are applicable to the project.

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

4.5.1.2 Existing Conditions

Historic Resources

The existing structures on the site were constructed in 1986. The structures are not associated with persons or events which are important to California history. There are no known historic resources on or adjacent to the project site.

Archeological Resources and Human Remains

The project site is located near the eastern foothills of Santa Clara County, between Sierra Creek to the south and Crosley Creek to the north. Native American archaeological sites and burials in the area are typically found adjacent to springs, at the base of hills near waterways, and on terraces adjacent to naturally flowing waterways, especially near the confluences with other creeks. Given the

project site’s location near the foothills and creeks, the site is moderately sensitive for archaeological sites and human remains.¹⁶

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (No Impact)

The structures on the project site were constructed in the 1980s and are not eligible for listing on historic registers. Additionally, there are no historic structures or resources immediately surrounding the site. Thus, there would be no impact to these resources as a result of the project. **(No Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Less than Significant Impact)

While no immediate evidence of buried cultural resources has been found, the project site is located within an area that is moderately sensitive for archaeological sites and human remains area.¹⁷ There is a chance of encountering buried cultural resources during construction. The disturbance of these resources, if they are encountered during excavation and construction, could result in an impact. The project will be required to comply with the City’s standard permit conditions, which include measures to avoid or reduce impacts to unknown cultural resources.

Standard Permit Conditions

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of

¹⁶ Holman & Associates. *CEQA Archaeological Literature Search for a Car Wash Building Addition at 1299 Piedmont*. January 20, 2019.
¹⁷ Ibid.

Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of building permits.

- 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. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With implementation of the City's standard permit conditions, the proposed project would result in a less than significant impact to unknown archaeological resources. **(Less than Significant Impact)**

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. (Less than Significant Impact)

See response to Impact CUL-2. **(Less than Significant Impact)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. Pacific Gas and Electric Company (PG&E's) is the electricity provider to the project site. PG&E's 2017 electricity mix was 33 percent renewable; thus, they have already met the requirements of Executive Order S-14-08.¹⁸

Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.¹⁹ Compliance with Title 24 is mandatory at building permit issuance.²⁰

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The most recent update to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

¹⁸ PG&E. "Exploring Clean Energy Solutions". Accessed August 24, 2018. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.

¹⁹ California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed February 6, 2018. <http://www.bsc.ca.gov/>.

²⁰ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed February 6, 2018. <http://www.energy.ca.gov/title24/2016standards/index.html>.

4.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016, the most recent year for which this data was available. Out of the 50 states, California is ranked 2nd in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion Btu) for transportation.²¹ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2016 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2016, a total of approximately 16,800 GWh of electricity was consumed in Santa Clara County.²²

Pacific Gas and Electric Company (PG&E) is the current City of San José energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.²³

San José Clean Energy (SJCE) will become the electricity generation service provider for residents and businesses in the City of San José. Beginning February 2019, it will provide over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.²⁴ In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2016, Santa Clara County used approximately three percent of the state's total consumption of natural gas.²⁵

²¹ United States Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed September 6, 2018. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²² CEC. Energy Consumption Data Management System. "Electricity Consumption by County". Accessed July 13, 2016. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

²³ PG&E. "Exploring Clean Energy Solutions". Accessed September 18, 2018. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.

²⁴ California Gas and Electric Utilities. 2017 California Gas Report. Accessed August 27, 2018. https://www.socalgas.com/regulatory/documents/cgr/2017_California_Gas_Report_Supplement_63017.pdf

²⁵ CEC. "Natural Gas Consumption by County". Accessed March 1, 2018. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.²⁶ The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 22 mpg in 2016.²⁷ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007.

That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.^{28,29} In 2012, the federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.³⁰

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. (Less than Significant Impact)

Construction

Construction activities associated with the proposed project are estimated to occur at the site over an approximate five-month period and would consist of site preparation, grading, and construction of the proposed car wash, paving, and installation of landscaping, and installation of vacuum equipment. The overall construction schedule and process is designed to be efficient to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of

²⁶ California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed February 16, 2018. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

²⁷ U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed August 28, 2018. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>.

²⁸ U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.afdc.energy.gov/laws/eisa>.

²⁹ Public Law 110-140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed February 8, 2018. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

³⁰ National Highway Traffic Safety Administration. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards*. August 28, 2012. Accessed February 8, 2018. <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards>.

the added expense associated with renting the equipment, as well as maintaining and fueling it; therefore, the opportunities for efficiency gains during construction are limited. The project would also comply with the City's requirements to recycle and/or salvage for reuse a minimum of 75 percent of nonhazardous construction and demolition waste, minimizing energy impacts from the creation of excessive waste. For these reasons, construction activities would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)**

Operation

Operation of the project would consume energy for lighting and operation of the new automated car wash. Lighting would be required to follow the City's Outdoor Lighting Policy, which includes the use of energy efficient lighting. In addition, the proposed car wash would be automated and only run when used by customers. The majority of project trips are anticipated to be pass-by trips generated by vehicles traveling between other destinations and would not, on its own, result in significant energy consumption as a result of vehicle trips. For these reasons, the project would not result in the wasteful, inefficient, or unnecessary use of energy. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)

As discussed in Impact EN-1, the proposed project would not result in the inefficient use of energy during construction or operation. By the time the project is completed, electricity to the project site would be provided by SJCE, which was approved by City Council in May 2017. For these reasons, the project would not conflict with or obstruct renewable or energy efficiency plans. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient

animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Envision San José 2040 General Plan

The General Plan includes the following geology and soils policies applicable to the proposed project.

Policy	Description
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
EC-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings)

and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 Existing Conditions

Soils

The project site is underlain by the Urban land-Cropley complex, zero to two percent slopes.³¹ The soil is mostly clay with varying amounts of sand and gravel.

Seismicity and Seismic Hazards

The project site is located in the seismically active San Francisco Bay Area region. There is a 72 percent probability that one or more major earthquakes (6.7 in magnitude or greater) will occur in the region by 2044.³² Although the site is in a seismically active region, it is not located in a designated Alquist-Priolo Earthquake Fault Zone and no known active or potentially active faults exist on the site.³³ Since no known surface active faults cross the site, fault rupture is not a significant geologic hazard on the site.

Significant active faults in the region include the Hayward Fault, Calaveras Fault, and San Andreas Fault, located nine miles northeast, six miles east, and 16 miles west of the site, respectively. Due to the proximity of the project site to these active or potentially active faults, ground shaking, ground failure, and/or liquefaction as a result of an earthquake could occur.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses. The project site is not located within a state-designated Liquefaction Hazard Zone.³⁴

Landslides

Landslides occur when slopes become unstable and masses of earth material move downslope. Landslides are generally considered to be rapid events, often triggered during periods of rainfall or by earthquakes. Hilly or slope areas have a tendency to fail and result in landslides. The project site is not located in in a state-designated Landslide Hazard Zone.³⁵

³¹ USDA. "Web Soil Survey". Accessed February 12, 2019.

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

³² US Geological Survey. *UCERF3: A New Earthquake Forecast for California's Complex Fault System*. Fact Sheet 2015–3009. March 2015. Accessed January 25, 2019. <http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>.

³³ Santa Clara County. *Geologic Hazard Zones*. Map. October 26, 2012.

³⁴ Ibid.

³⁵ Ibid.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading is low.

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils; however, mammoth remains were found along the nearby Guadalupe River in San José in 2005. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlies older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the Envision San José 2040 General Plan FEIR (General Plan FEIR) found the project site to have a high sensitivity (at depth) for paleontological resources.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
– Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. (Less than Significant Impact)

As described previously, the project site is not located within the Alquist-Priolo Earthquake Fault Zone, a state-designated liquefaction zone, or an area susceptible to earthquake-induced landslides or Landslide Hazard Zone according to the State of California. The project site is, however, located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the proposed project. Depending upon the intensity and magnitude of a seismic event, new buildings may experience shaking due to the site’s proximity to the active Hayward and Calaveras Faults. The proposed project would comply with the following Standard Permit Conditions to reduce seismic hazards and impacts to a less than significant level.

Standard Permit Conditions: To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development will account for repeatable horizontal ground accelerations.

- The report shall be reviewed and approved of by the City of San José’s Building Division’s City Geologist as part of the building permit review and issuance process.
- The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code Chapter 16, Section 1613, 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. **(Less than Significant Impact)**

Impact GEO-2: The project would not result in substantial erosion or the loss of topsoil. (Less than Significant Impact)

The proposed project could result in erosion or the loss of topsoil during demolition and grading; however, the project would be required to comply with the City's Grading Ordinance as a Standard Permit Condition (see Section 4.10 Hydrology and Water Quality), which includes the implementation of erosion and dust control during site preparation. Implementation of the City's Grading Ordinance would reduce the project's potential erosion impacts to a less than significant level. **(Less than Significant Impact)**

Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Less than Significant Impact)

As described previously, the project site is not located within a liquefaction zone or landslide zone. In addition, the project site is relatively flat and is not adjacent to a creek or any other unsupported face; therefore, the risk of lateral spreading is low. The proposed project, however, would still comply with the Standard Permit Conditions identified in Impact GEO-1. With implementation of these Standard Permit Conditions, the project would not result in significant on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

Impact GEO-4: The project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property. (Less than Significant Impact)

The soil encountered at the project site consist primarily of clay with varying amounts of sand and gravel layer.³⁶ The expansion potential of the soils is unknown. To ensure that future buildings on the site are designed properly to account for the presence of expansive soils, the following Standard Permit Conditions shall be implemented as part of the project.

Standard Permit Conditions: 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. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. These standard practices, including the measures outlined below, would ensure that future buildings on the site are designed properly to account for soils-related hazards on the site.

- The project shall conform to the recommendations of a project-specific geotechnical report, including design considerations for proposed foundations.
- The project shall prepare and implement an Erosion Control Plan in conformance with the requirements of the Department of Public Works.

³⁶ Bureau Veritas. *Phase I Environmental Site Assessment 3295 Sierra Road*. January 18, 2010.

The project, with the implementation of standard engineering practices as outlined above, would not result in significant soil impacts from expansive soils. **(Less than Significant Impact)**

Impact GEO-5: The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. (No Impact)

The proposed project is located within an urban area of San José with access to sanitary sewer lines. No septic tanks will be utilized on the project site. **(No Impact)**

Impact GEO-6: The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. (Less than Significant Impact)

The project site is immediately underlain by Holocene sediments that have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments are often found at depths of greater than 10 feet below the ground surface. Construction of the proposed car wash would require excavation of up to six feet for utility lines; therefore, the project is not anticipated to encounter paleontological resources and would have a less than significant impact. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

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

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO_{2e}). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO_{2e}.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not within a PDA.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for

model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.³⁷

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion. The GHG Reduction Strategy was adopted by City Council in 2015.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals

³⁷ CARB. "California's Advanced Clean Cars Midterm Review". Accessed December 6, 2018. https://www.arb.ca.gov/msprog/acc/mtr/acc_mtr_summaryreport.pdf?_ga=2.154400126.733319003.1545107253-1387084617.1539978077.

and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project’s consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the Climate Change Scoping Plan through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not enough to meet the City’s identified 3.04 metric tons (MT) CO₂e/year/service population efficiency metric for 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City’s target for 2035.³⁸

The substantial communitywide GHG emissions reductions needed beyond 2020 cannot be achieved solely by implementing the measures identified in the GHG Reduction Strategy. The General Plan FEIR disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips, especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City’s control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG

The following policies and actions in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG Reduction Strategy. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

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

The following General Plan policies are related to GHG emissions and are applicable to the proposed project:

Policy	Description
LU-5.4	Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

³⁸ As described in 2040 General Plan EIR, the 2035 efficiency target above reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO₂e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050.

Policy	Description
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).
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

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

City of San José Private Sector Green Building Policy (6-32)

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

4.8.1.2 *Existing Conditions*

The project site is currently developed with a gas station and small food mart. Existing uses generate GHG emissions from the combustion of fossil fuels (oil, natural gas, and coal) for energy production. The energy is used in various ways, directly and indirectly, ranging from electricity used to operate heating, ventilation, and air conditioning, to the fuel used to transport employees and customers to and from the site.

4.8.2

Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate GHG 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"/>
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. (Less than Significant Impact)

No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

Construction Emissions

Construction of the proposed project would result in a minor increase in GHG emissions from on-site equipment and emissions from construction workers’ personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition (a total of five months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **(Less than Significant Impact)**

Operational Emissions

The proposed project would allow intensification of the existing gas station site with a car wash. The project is anticipated to result in an increase of 19 daily PM peak hour vehicle trips to the project site. The project would result in a minor increase in energy and water usage (80 percent of the water used for the car wash would be recycled) due to the operation of the car wash.³⁹

Development of the project will be subject to the City’s Green Building Ordinance which will ensure operational emissions reductions consistent with the GHG Reduction Strategy. Consistent with the mandatory measures of the GHG Reduction Strategy, the proposed project would enhance the pedestrian/bicycle environment by providing a new bike rack. The proposed project, therefore, would

³⁹ Ibrahim, Muthana. Project Architect, MI Architects, Inc. Personal Communication. October 24, 2019.

be consistent with the City’s GHG Reduction Strategy and General Plan and would have a less than significant GHG emissions impact. **(Less than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. (Less than Significant Impact)

2017 Clean Air Plan

The project supports the goals of the 2017 CAP of protecting public health and protecting the climate consistent with 2017 CAP by:

- Implementing mitigation measures to reduce TAC emissions during construction; and
- Complying with applicable regulations that would result in energy and water efficiency including Title 24, CalGreen, and the City’s Green Building Ordinance.

For these reasons, the proposed project would not conflict with implementation of the 2017 CAP.

GHG Reduction Strategy

The General Plan contains goals and policies adopted for the purpose of reducing GHG emissions, which center around five strategies: energy, waste, water, transportation, and carbon sequestration. These goals and policies are also discussed within the City’s GHG Reduction Strategy. Some measures are considered mandatory for all proposed development projects, while others are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City. Mandatory GHG reduction criteria is detailed below.

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
 - Solar Site Orientation
 - Site Design
 - Architectural Design
 - Construction Techniques
 - Consistency with City Green Building Ordinance and Policies
 - Consistency with GHG Reduction Strategy Policies: MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
 - Consistency with Zoning Ordinance
 - Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7)

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable; **Not Applicable**
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable; **Not Applicable**
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; **Not Applicable**
7. Limit on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

Per Criteria 1, the proposed project is consistent with the General Plan designation for the site in the Land Use/Transportation Diagram. Per Criteria 2 and 3, new structures would be constructed in compliance with Municipal Code Chapter 17.84 (Green Building Regulations for Private Development) and CALGreen. Bicycle parking would be provided consistent with San José requirements. A bike rack would be provided as part of the project.

Criteria 4, 5, and 6 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use, and is not a large employer. While the project proposes intensification of existing vehicle-serving uses, the project would not disrupt the pedestrian flows (consistent with Criteria 7). There is adequate queuing space on site for the car wash to avoid disruption of pedestrian flow at the public sidewalks along Sierra Road and Piedmont Road.

The following Table 4.8-1 provides a summary of the voluntary GHG Reduction Strategy criteria and describes the proposed project’s compliance with each criterion.

Table 4.8-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Applicability
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project does not propose installation of solar panels or other clean energy sources on-site.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	There are no recycled water lines currently available to the project and there are no large areas of landscaping (such as a playing field) that will require significant levels of irrigation.	<input type="checkbox"/> Required/ Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable

Table 4.8-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	Description of Project Measure	Project Applicability
TRANSPORTATION AND LAND USE		
Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. PR-8.5, TN-2.7	The project is not a residential project and there are no trails adjacent to the site.	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable
Promote car share programs to minimize the need for parking spaces TR-8.5	A car share program is not currently proposed as a part of project and no spaces are proposed to be reserved in the parking lot for this use.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
Parking in downtown and urban village overlay areas: avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. CD-2.11	The project site is not located within downtown or an Urban Village Overlay area.	<input type="checkbox"/> Surface Parking Proposed <input type="checkbox"/> Surface Parking Not Proposed <input checked="" type="checkbox"/> Not Applicable
Limit parking above code requirements TR-8.4	The proposed number of parking spaces would exceed requirements in the Municipal Code.	<input type="checkbox"/> Parked at or below Code Requirements <input checked="" type="checkbox"/> Parked above Code Requirements <input type="checkbox"/> Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	A reduction in parking spaces is not proposed.	<input type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose <input checked="" type="checkbox"/> Not Applicable

The proposed project is consistent with the existing General Plan land use designation (*Neighborhood Community Commercial*) and would comply with applicable mandatory measures of the GHG Reduction Strategy. Therefore, the proposed project is consistent with local policies and programs designed to reduce GHG emissions and impacts would be less than significant. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared by Bureau Veritas in January 2010. This report is included as Appendix A to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

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

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and Santa Clara County.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Local

Envision San José 2040 General Plan

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

Policy	Description
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.
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.
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.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
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.
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.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any 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.
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 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 addresses emergencies such as floods, heat waves, power outages, terrorism, earthquakes, and fires.⁴⁰

4.9.1.2 Existing Conditions

Project Site

The project site was developed with agricultural uses, prior to the development of a gas station with service bays in 1966. The gas station was remodeled into its current configuration in 1993 and station upgrades of the dispenser equipment were completed in 1998. There are three 6,000 to 12,000-gallon double-walled fiberglass underground gasoline storage tanks (USTs) equipped with electronic leak detection sensors in the northwest corner of the project site. Groundwater flows west to southwest at the project site and is located at a depth of approximately 70 to 120 below ground surface (bgs).

Leaking Underground Storage Tank Case

The project site is identified as a former leaking underground storage tank (LUST) case (case number 06S1E22G01f). In October 1985, three gasoline USTs were removed from the site. Five soil samples were collected from 13 to 14.5 feet bgs and were found to contain Total Petroleum Hydrocarbons (TPH) as Gasoline (TPHg). Additional soil was removed and two additional soil samples were collected from approximately 16.5 feet bgs and reported to have TPHg.

In February 1991, three soil borings were advanced onsite to depths of 20 to 55 feet bgs. Six soil samples were collected and found to contain TPHg, Benzene, Toluene, Ethylbenzene, and Xylenes. Methyl tert-Butyl Ether (MtBE) was found in the soil in 1998 and Tert Butyl Alcohol (TBA) was found in the soil in 2000.

In 2000, a soil vapor extraction (SVE) test was conducted and in 2002 a Corrective Action Plan was submitted and recommended SVE with air sparge (SVE/AS).⁴¹ The SVE/AS system ran intermittently from February 2005 to July 2014 and it is estimated the system removed 4,470 pounds TPHg and 403 pounds of Benzene.

In April 2015, final groundwater monitoring was conducted and reported low concentrations of TPHg, Benzene, Toluene, Ethylbenzene, Xylenes, MtBE, TBA, and 1,2-DCA. The reduction in groundwater contamination could be attributed to the lowering of groundwater elevation; however, active remediation was also conducted. Confirmation soil sampling was not conducted to demonstrate impact of remediation on concentrations of contaminants remaining in soil. The LUST case was closed in December 2015.⁴²

⁴⁰ City of San José. *Emergency Operations Plan*. August 17, 2004.

⁴¹ The air sparging system treats the contaminated off-gases from the SVE.

⁴² California State Water Board. "GeoTracker". 2015. Accessed February 12, 2019. http://geotracker.waterboards.ca.gov/profile_report?global_id=T0608500932.

Surrounding Properties

The gas station (Rotten Robbie) northeast of the project site across Piedmont Road was identified as a LUST case in 2003 (case number 06S1E22B02f), similar to the one on the project site. Excavation of contaminated soils was performed in June 2011 and no contaminants were detected in the soil. The LUST case was closed in November 2014.⁴³

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) 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"/>
3) 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"/>
4) 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, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) 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"/>
7) 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"/>

⁴³ California State Water Board. "GeoTracker". 2015. Accessed February 12, 2019. http://geotracker.waterboards.ca.gov/profile_report?global_id=T0608540588.

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. (Less than Significant Impact)

The project proposes to construct a new automated car wash, and continue the current gas station use at the site. Hazardous substances such as fuels, oils, and detergents would continue to be present with the addition of the proposed car wash, similar to the current uses at the site. Materials such as solvents, paints, and fuels could also be utilized during project construction. Compliance with applicable federal, state, and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment are created by the routine transport, use, or disposal of these substances. **(Less than Significant Impact)**

Impact HAZ-2: The project would not 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)

Due to the history of past gasoline releases at the project site and at the gas station across Piedmont Road (upgradient of the project site), there is potential that contaminated soil or groundwater could be disturbed during construction activities. The proposed project could encounter contaminated soils during excavation and grading, subsurface utility installation, landscaping, and building foundation construction. If improperly handled, these activities could result in risks to people and the environment from contaminated soil or groundwater.

Impact HAZ-1: Hazardous materials contamination on the site, if discovered in soil or groundwater, could pose a risk to construction workers and others on or around the project site. **(Significant Impact)**

Mitigation Measures: The following mitigation measure will be implemented prior to the start of ground-disturbing activities to reduce the potential for construction workers or others to encounter hazardous materials contamination.

MM HAZ-1.1: Due to the residual contamination, the Santa Clara County Department of Environmental Health (SCCDEH) included the following conditions in a fuel leak closure letter dated December 28, 2015: ***“Residual contamination in soil and groundwater remains at the site that could pose an unacceptable risk under certain site development activities such as grading, excavation, and the installation of water wells. The County and appropriate planning and building department shall be notified prior to any changes in land use, grading activities, excavation, and installation water wells.”***

A notification shall be provided to the SCCDEH or the State Department of Toxic Substance Control (DTSC), and City’s Planning Department prior to construction of the car wash. The applicant must contact the SCCDEH or the DTSC to determine if the proposed project will impact the areas of contaminated soil and if further investigation and/or a Site Management Plan is required prior to

demolition and/or grading. Evidence of the correspondence such as email or letter shall be provided to the Environmental Planner of City's Planning Department and the City's Environmental Compliance Officer.

With the implementation MM HAZ-1.1 and adherence to the Cal/OSHA-required Injury and Illness Prevention Program, impacts to construction workers or others in the project vicinity would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Impact HAZ-3: The project would not 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 project site is within a one-quarter mile of Piedmont Hills High School, located at 1377 Piedmont Road, just north of the project site. As discussed above, the proposed project would continue its operations as a gas station and hazardous substances such as fuels, oils, and detergents would continue to be used. The project would not introduce any new acutely hazardous materials, substances, or wastes to the project site and existing hazardous substances would be handled in accordance with applicable federal, state, and local handling, storage, and disposal requirements. Further, the project would be required to contact the SCCDEH or DTSC prior to construction activities (MM HAZ-1.1) to ensure soil and groundwater are handled properly during construction. For these reasons, the project would have a less than significant hazardous materials impact near schools. **(Less than Significant Impact)**

Impact HAZ-4: The project would not 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, create a significant hazard to the public or the environment. (Less than Significant Impact)

As described previously, the project site is listed in the GeoTracker Database for a LUST case that occurred on the site. The site has undergone remediation and the case has been closed. The project would implement MM HAZ-1.1 and comply with Cal/OSHA requirements to reduce potential for exposure to contaminated groundwater or soils. The project, therefore, would not create a significant hazard to the public or the environment as a result of being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact)**

Impact HAZ-5: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. (No Impact)

The project site is located approximately five miles northwest of the San José International Airport and is not located within an Airport Influence Area of any airport. **(No Impact)**

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (No Impact)

The proposed project would not alter or change access to the project site. In addition, the construction of an automated car wash would only result in 19 additional PM peak hour vehicle trips and would not affect emergency access to and from the site. For these reasons, the project would not impair or physically interfere with an adopted emergency plan. **(No Impact)**

Impact HAZ-7: The project would not 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 area is located in a developed urban area and would not expose people or structures to wildland fires. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Water Quality Overview

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

Federal

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

State

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing

waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater NPDES Permit/Provision C.3

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit⁴⁴ (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Santa Clara Valley Water District

The Santa Clara Valley Water District (SCVWD) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within SCVWD property or easements are required under the SCVWD's Water Resources Protection Ordinance and District Well Ordinance.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.⁴⁵ Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

⁴⁴ MRP Number CAS612008

⁴⁵ State of California. 2013. *2013 State Hazards Mitigation Plan*. Accessed January 23, 2019. http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.

As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams. The SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Local

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José’s Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires all new development and redevelopment projects to implement post-construction Best Management Practices (BMP) and Treatment Control Measures (TCM). This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Envision San José 2040 General Plan

The following General Plan policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
EC-4.1	Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.

4.10.1.2 Existing Conditions

Flooding

The project site is in Flood Zone X, which is an area of minimal flood hazard.⁴⁶

Dam Failure

Based on the SCVWD dam failure inundation hazard maps, the project site is not within the Lexington Reservoir or Anderson Dam failure inundation hazard zone.^{47,48}

Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami.⁴⁹ The site is located on the nearly flat valley floor topography and is not subject to the risk of mudflows.

Storm Drainage System

The City of San José Public Works Department operates and maintains the storm drainage system that serves the project site. Currently, the project site is approximately 90 percent impervious (with approximately 25,000 square feet of covered and paved surfaces and approximately 3,000 square feet of landscaping). Stormwater from the site drains into self-retaining areas (i.e., planters) or into gutters on Sierra Road and Piedmont Road.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. The nearest waterway to the project site is Sierra Creek, located just south of the site.⁵⁰

Groundwater

Groundwater was found at a depth of 70 to 120 feet below ground surface (bgs). Groundwater levels would fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and

⁴⁶ FEMA. "FEMA Flood Map Service Center". Accessed January 29, 2019. <https://msc.fema.gov/portal/search?AddressQuery=1299%20piedmont%20road%20san%20jose%2C%20ca#searchresultsanchor>.

⁴⁷ SCVWD. *Leroy Anderson Dam Flood Inundation Maps*. Map. April 2016.

⁴⁸ SCVWD. *Lenihan (Lexington) Dam Flood Inundation Maps*. Map. April 2016.

⁴⁹ Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*. Accessed January 29, 2019. <http://quake.abag.ca.gov/tsunamis>.

⁵⁰ City of San José. "Watershed Maps". Accessed March 1, 2019. <http://www.sanjoseca.gov/index.aspx?NID=1868>.

other factors. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (Less than Significant Impact)

Construction Activities

The project would disturb less than 1.0 acre; therefore, compliance with the NPDES General Permit for Construction Activities (including submitting a Notice of Intent to the RWQCB and development a Stormwater Pollution Prevention Plan to control discharge associated with construction activities) is not required.

Construction activities would result in a temporary increase in stormwater pollutants during ground disturbing activities. The project applicant is required to comply with the City of San José Grading Ordinance, including implementation of 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. Compliance would ensure that the level of stormwater pollutants would not be significant.

Standard Permit Conditions: The project would implement the following RWQCB standard construction BMPs listed below as Standard Permit Conditions to reduce stormwater pollutants during construction.

- Restrict grading to the dry season or meet City requirements for grading during the rainy season. Grading during the rainy season requires the applicant to submit an Erosion Control Plan to the Director of Public Works for review and approval.
- Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff. Cover stockpiles with secure plastic sheeting or tarps.
- Implement regular maintenance activities such as sweeping driveways between the construction area and public streets. Clean sediments from streets, driveways, and paved areas on-site using dry sweeping methods. Designate a concrete truck wash-down area.
- Dispose of all wastes properly and keep site clear of trash and litter. Clean up leaks, drips, and other spills immediately so that they do not contact stormwater.
- Place fiber rolls or silt fences around the perimeter of the site. Protect existing storm and sewer inlets in the project area from sedimentation with filter fabric and sand or gravel bags.

Post-Construction

The NPDES MRP requires fuel service facilities that create or replace greater than 5,000 square feet of impervious surface to design and install LID controls to treat post-construction stormwater runoff from the site. The MRP defines LID treatment measures as harvesting and re-use, infiltration,

evapotranspiration, or biotreatment. The proposed project would replace approximately 3,957 square feet of impervious surface area, which is less than 5,000 square feet of impervious surface, so LID requirements would not apply. Additionally, a car wash and a gas station are Land Uses of Concern, which require pollutant control measures regardless of project size.

The project would decrease the amount of impervious surfaces by approximately 900 square feet due to the replacement of a driveway on Piedmont Road with landscaped areas. The project would be required to implement specific requirements to minimize and treat stormwater runoff from new and redevelopment projects, per the MRP and City Council Policy 6-29. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with C.3 of the MRP will be included in the project design, to the satisfaction of the Director of Planning, Building, and Code Enforcement prior to issuance of a development permit. The proposed car wash would be designed to collect all water used in car wash operations and direct any flows not to be re-used (approximately 20 percent) in the car wash to the sanitary sewer system. For these reasons, the project would not result in substantial additional sources of polluted runoff; nor would it create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems. **(Less than Significant Impact)**

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede groundwater management of the basin. (Less than Significant Impact)

The project would not substantially deplete groundwater supplies because groundwater would not be used or accessed on the project site. The project site does not presently contribute to recharging of the groundwater aquifers used for water supply because the site is predominately hardscape (managed by the Santa Clara Valley Water District). This condition would instead improve once development is complete, as the amount of impervious surface area would decrease due to additional landscaping in pervious areas. **(Less than Significant Impact)**

Impact HYD-3: The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows. (Less than Significant Impact)

The project would not result in an increase of paved surfaces. In addition, the project would be required to implement the construction-related standard permit conditions to minimize erosion, as well as post-construction requirements to minimize and treat stormwater runoff (per the NPDES MRP and City Council Policy 6-29). Additionally, a six-inch (6") vertical curb would retain any landscaping and ground cover keeping it from eroding or silting off-site. Thus, the project would not substantially alter the existing drainage pattern of the site such that erosion or siltation would occur;

nor would the project result in a substantial increase the rate or amount of surface runoff. **(Less than Significant Impact)**

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. (Less than Significant Impact)

The proposed project would not place structures in a 100-year floodplain or in a dam failure inundation hazard zone because the project site is in Flood Zone X, an area of minimal flood hazard, and it is not in a dam inundation area. Further, the project is in an inland area and away from bodies of water, reducing the chance it is inundated from a tsunami and/or seiche. Therefore, there would be no impact. The project site is not subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less than Significant Impact)

As discussed in Impact HYD-1 and HYD-2, the proposed project includes standard permit conditions, would be required to comply with the NPDES MRP, and would not impact groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The following policies are applicable to the land use and the proposed project.

Policy	Description
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.22	Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Drive-through Uses (Council Policy 6-10)

City Council Policy 6-10 pertains to all establishments with drive-through facilities, including car washes. The policy is intended to provide guidelines for the development of drive-through facilities. The policy includes traffic, ingress/egress, noise, design, lighting, and water drippage criteria.

4.11.1.2 *Existing Conditions*

The project site is designated Neighborhood Community Commercial on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development.

The project site is in the Planned Development Zoning District - A(PD). Therefore, the proposed development will be required to conform to the adopted General Development plan with standards established per Planned Development Zoning File No. PDC91-026. The General Development standards permit the car wash, gas station, and convenience store.

The project site is developed with a commercial gas station, small food mart, and surface parking. Adjacent land uses include public/quasi-public uses north (U.S. Post Office) and south (fire station) of the site, a gas station east of the project site, residential uses to the south and southeast, and commercial uses to the west.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact LU-1: The project would not physically divide an established community. (No Impact)

The project will not change the existing land use because the addition of the car wash serves as a complimentary use to the gas station existing on the project site. The proposed automated car wash would not divide an established community because it is located in an undeveloped and unoccupied area of the project site. The project would also not modify surrounding roadways or pedestrian access such that an established community would be divided because the use occurs on a defined property and does not propose nor require additional roadways. Therefore, there would be no impact. **(No Impact)**

Impact LU-2: The project would not 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 proposed project is subject to mitigation measures to minimize environmental impacts, including hazardous materials and biological resources impacts, and would be held to standard permit conditions consistent with General Plan policies adopted to avoid or mitigate environmental effects, as described in the individual resource sections of this Initial Study/MND. **(No Impact)**

City Council Policy 6-10

San Jose City Council Policy 6-10 contains guidelines for the development of establishments with drive-through facilities within the City of San Jose. The project's consistency with each part of Policy 6-10 is discussed in detail below.

Part I Traffic

Part I of Policy 6-10 sets forth criteria (Traffic Criteria A through G) relating to drive-through location, vehicular ingress and egress, and vehicle stacking.

According to Council Policy 6-10, primary ingress and egress to drive-through type parking lots should be from at least a four-lane major street (Traffic Criterion A). Access to and from the project site is provided via both Piedmont Road and Sierra Road. Piedmont Road is a two-lane roadway with the raised center median in the project proximity. Between the driveway and Sierra Road, Piedmont Road is widened to four lanes. Sierra Road is a four-lane roadway. Therefore, the project would meet this requirement.

Any vehicles that would overflow from the stacking lane would spill out on the north side of the gas station and not onto public streets or major aisles at the gas pumps. Therefore, Traffic Criterion B is met.

Traffic Criterion C states "No ingress and egress points shall conflict with turning movements of street intersections." The ingress and egress points would be within the site and would not conflict with any street traffic or cause any issues with turning movements at the intersection.

Traffic Criterion D states "No drive-through use shall be approved with ingress or egress driveways within 300 feet of a signalized intersection operating at a Level of Service D, E, or F." Although the project's driveways are located within 300 feet of the Piedmont Road/Sierra Road intersection, the intersection operates at LOS C during the AM and PM peak hours according to the City of San Jose's Traffic database. Therefore, the project would meet this requirement.

Traffic Criterion E requires a self-service car wash to provide stacking space for at least five vehicles within the drive-through lane, assuming 20 feet per vehicle. The site plan shows the drive-through lane would provide stacking space for three vehicles and provide striping to delineate the queue space for an additional two vehicles at the car wash entry. Therefore, the project would meet this requirement.

The drive-through lane has no pedestrian crossing; therefore, Traffic Criterion F is met.

With adherence to the above condition of approval, the proposed project would be consistent with part I. **(No Impact)**

Part II Noise

Part II of Policy 6-10 sets standards for drive-through speakers and sound walls. The proposed project would not include the use of a drive-through speaker and includes sound walls along east side

of the car wash adjacent to the property line; therefore, the project is consistent with part II. **(No Impact)**

Part III Hours of Operation

Part III of Policy 6-10 limits the operation of drive-through uses after the hour of 10:00 PM near residential land uses. The proposed car wash would operate from 7:00 AM to 10:00 PM; thus, it would be consistent with part III. **(No Impact)**

Part IV Emission Control

Part IV of Policy 6-10 discusses the control of auto emissions while in queue for the drive-through use, including drive-through lane orientation, location next to pedestrian and residential areas, and enclosed spaces. The proposed drive-through lanes would not be located next to any pedestrian or patio areas, nor would it be located adjacent to residential uses (the nearest residential uses are located across Sierra Road. In addition, the drive-through lanes would not be enclosed. For these reasons the project is consistent with part IV. **(No Impact)**

Part V Urban Design and Part VI Lighting

Part V of Policy 6-10 discusses design standards for the drive-through use and part VI discusses lighting standards. As discussed in Section 4.1 Aesthetics, the proposed project would not result in any significant aesthetic or light and glare impacts and, therefore, would be consistent with part V and part VI. **(No Impact)**

Part VII Location

Part VII discusses location criteria of drive-through uses; however, self-service car washes which are proposed in conjunction with existing gasoline service stations, such as the proposed project, may be exempted from part VII, provided the traffic criteria in part I is satisfied. As discussed above, the project would be consistent with part I and would therefore be exempt from part VII. **(No Impact)**

Part VIII Other Criteria

Part VIII requires water drippage on public streets at the exit of car washes shall be minimized through either automatic drying systems or hand drying in connection with full-service car wash facilities or through on-site grading and drainage patterns or other design features in connection with self-serve car wash facilities. The proposed project includes an automatic drying system; therefore, the project is consistent with part VIII. **(No Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Existing Conditions*

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation’s mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated Communications Hill, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than Communications Hill cited above, San José does not have known mineral resource deposits. The project site is located approximately eight miles northwest of Communications Hill.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact MIN-1: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. (No Impact)

The project would not result in the loss of availability of a known mineral resource, and no mineral excavation sites are present with the general area. The proposed project, therefore, would not result in impacts to mineral resources. **(No Impact)**

Impact MIN-2: The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (No Impact)

See response to Impact MIN-1. **(No Impact)**

4.13 NOISE

The discussion in this section is based on a noise report prepared for the project by Extant Acoustical Consulting, LLC on August 21, 2019. This report is provided as Appendix B of this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq} , DNL, or CNEL.⁵¹ Using one of these descriptors is a way for a location’s overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.13.1.2 *Vibration Overview*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

4.13.1.3 *Regulatory Framework*

State

California Building Standards Code

The California Green Building Standards Code (CalGreen) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC)

⁵¹ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) is similar to the DNL except that there is an additional five dB penalty applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq} .

rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source. The state also requires interior noise levels to be maintained at 50 dBA $L_{eq(1-hr)}$ or less during hours of operation at a proposed office building.

Local

Envision San José 2040 General Plan

The General Plan includes the following policies that are specific to noise and vibration and are applicable to the proposed project.

Policies	Description
EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table 4.13-1) 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:</p> <ul style="list-style-type: none"> • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.
EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
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.
EC-1.8	Allow commercial drive-through uses only when consistency with the City’s exterior noise level guidelines and compatibility with adjacent land uses can be demonstrated.

The General Plan considers noise impacts to be significant if a project would increase noise levels at adjacent land uses by five dBA or more where noise levels would remain within the “normally acceptable” category or three dBA where noise levels would equal or exceed the “normally acceptable” level.

Noise and land use compatibility guidelines set forth in the General Plan are shown below in Table 4.13-1. Based on the General Plan Noise and Land Use Compatibility Guidelines, commercial development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL

Table 4.13-1: General Plan Noise and Land Use Compatibility Guidelines						
Land Use Category	Exterior DNL Value in Decibels					
	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, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
¹ Noise 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 noise mitigation features included in the design. Unacceptable:  New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.						

City of San José Municipal Code

The City's Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 a.m. to 7:00 p.m. Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.⁵² The proposed project is within 500 feet of a residential unit and is therefore subject to this requirement. The City's Zoning Ordinance also limits commercial and industrial noise levels at any abutting residential property line to 55 dBA, as shown in the following Table 4.13-2.

Table 4.13-2: City of San José Zoning Ordinance Noise Standards	
Land Use Types	Maximum Noise Levels at Property Line (dBA)
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

⁵² The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.13.1.4 *Existing Conditions*

The project area has a number of noise influences, the most dominant being traffic noise from Sierra Road and Piedmont Road. Commercial uses in the general area contribute to the ambient noise level to a lesser extent. The project area experiences occasional aircraft overflights, primarily associated with the aviation operations of San José International Airport and Reed Hillview Airport. San José International Airport is located approximately five miles west and Reed Hillview Airport is located approximately 4.5 miles south of the project site. The current gas station and food mart at the project site operate 24 hours per day.

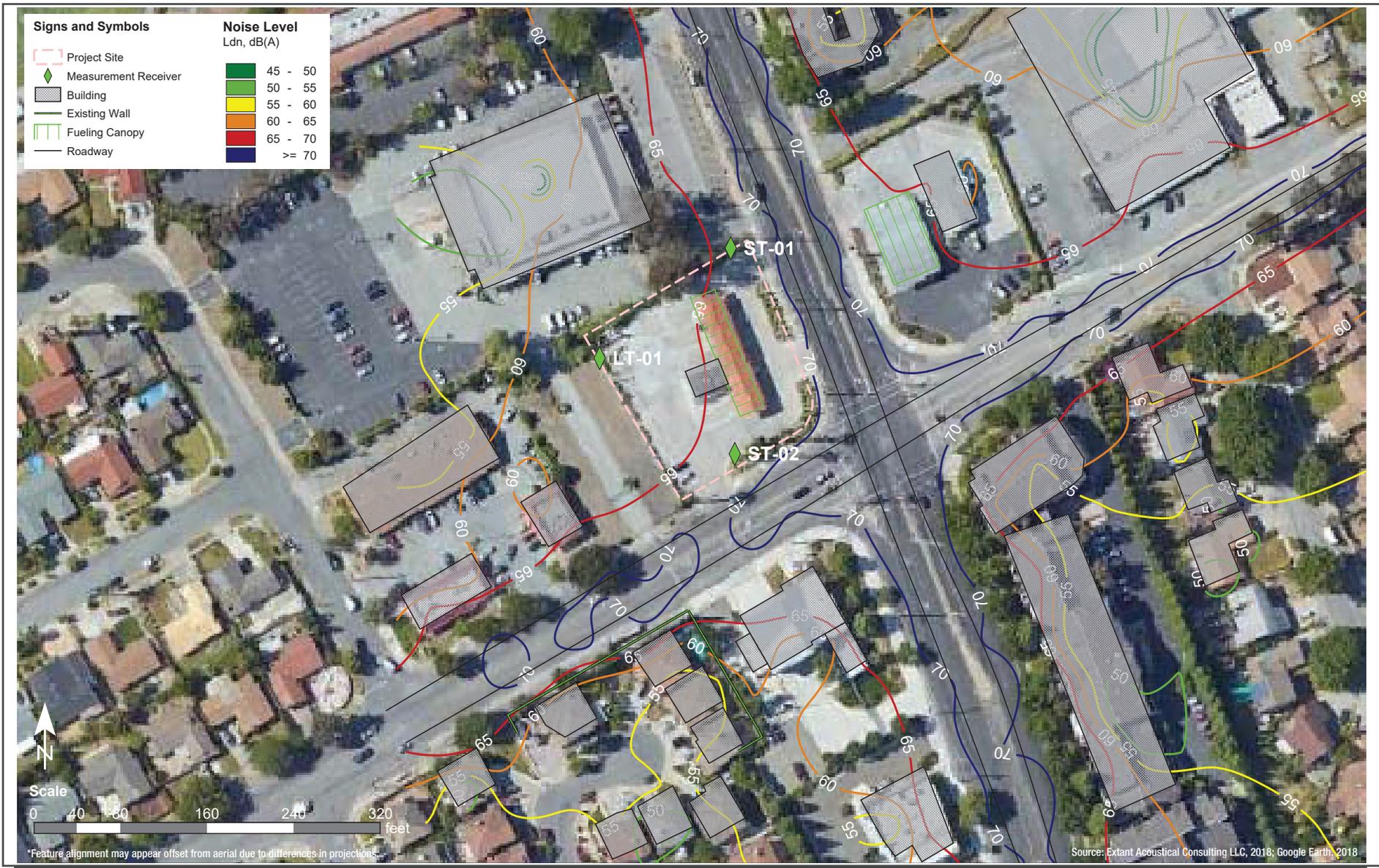
Noise-sensitive residential receptors nearest to the proposed car wash include single-family homes located to the south, across Sierra Road, and a multi-family apartment complex located on the southeast corner of the Sierra Road and Piedmont Road intersection.

An ambient noise survey was taken from December 13, 2017 through December 15, 2017 to document the ambient noise in the vicinity of the existing gas station. One long-term unattended ambient noise measurement (LT-01) was performed and two short-term noise level monitoring measurements (ST-01 and ST-02) were taken. The noise monitoring locations are shown in Figure 4.13-1.

The average day-night (DNL) noise level measured during the long-term ambient noise monitoring survey was 61.9 dBA DNL.⁵³ Overall noise levels measured at the short-term environmental noise monitoring locations ranged from approximately 59.8 to 63 dBA L_{eq} (equivalent average noise level).⁵⁴

⁵³ Extant Acoustical Consultants, LLC. *Environmental Noise Assessment 1299 Piedmont Road*. August 21, 2019. Table 1.

⁵⁴ Ibid. Table 2.



NOISE MONITORING LOCATIONS

FIGURE 4.13-1

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) 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"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) 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"/>

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Less than Significant Impact)

Construction

The project proposes to construct an automated car wash along the western site boundary. The overall duration of construction is anticipated to last five months and would not require extended periods of heavy equipment use. Given the scale and size of the project, and the relatively high ambient noise levels, it is anticipated that the effects of construction noise levels would be reduced to a less than significant level with adherence to the City’s standard construction hours described in the following standard permit condition.

Standard Permit Conditions: Consistent with the City of San José Municipal Code, construction hours at the project site (which is within 500 feet of residential uses) will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.

Implementation of this condition would avoid potentially significant construction-related noise impacts to adjacent residential receptors; therefore, the proposed project would have a less than significant construction noise impact. **(Less than Significant Impact)**

Operation

Traffic Noise

Part of the operational noise generated by the proposed project would be caused by project traffic. An increase of 3 dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact. The project would have to double the existing traffic volume in the project area to reach that threshold. The proposed project would generate 19 additional daily PM peak hour trips, which would not be sufficient to double existing traffic volumes on Piedmont or Sierra Road. Thus, the proposed project would not increase traffic noise in the project area. **(Less than Significant Impact)**

Car Wash and Vacuum Equipment

The proposed automated car wash equipment has several potential noise generating sources associated with their operation; including pumps, compressors, high-pressure applicators and spray nozzles, scrubbers, and dryers. The majority of the mechanical equipment would be fully enclosed within a mechanical equipment room, inside the car wash building/tunnel. Potential noise sources not enclosed within the equipment room would include the high-pressure applicators and spray nozzle manifolds; noise friction of the scrubber, wrap, and brush wash systems; vacuum equipment; and noise generated from the dryer system. The dryers are the dominant noise source associated with car wash systems. The new car wash would be equipped with a Ryko Quiet Kit noise-reduction package, which includes installation of an acoustical baffle at the exit of the car wash building/tunnel.⁵⁵

The proposed project also includes a vacuum station located along the southern property line adjacent to Sierra Road. The project would use one J.E. Adams Vacuum station unit. Operation of the vacuum equipment would create additional noise apart from the proposed car wash. Empirical observations and data have shown vacuum stations to operate one to three cycles per hour, during normal daytime operations. As such, the vacuum station was conservatively anticipated to operate three cycles per hour, between 7:00 AM and 10:00 PM (standard “daytime” time periods). Noise levels from the operations of the proposed vacuum station are calculated to range from approximately 34 to 46 dBA DNL at noise sensitive receptors.

To predict future noise levels resulting from the project, noise levels generated by operation of the proposed car wash and vacuum equipment were modeled at representative receiver locations (as shown previously in Figure 4.13-1), with the results shown in Table 4.13-3.⁵⁶

The General Plan states that non-residential land uses should mitigate noise generation to meet the 55 dBA DNL guidelines at the property line of existing residential land uses (Policy EC-1.3) and minimize noise impacts of new development on sensitive land uses (Policy EC-1.2).

The proposed project would result in a less than one (1) dBA DNL increase in ambient noise compared to the existing environment. Project-generated noise levels are not predicted to exceed 55 dBA DNL or result in an increase of three (3) dBA DNL or more in the existing noise environment at

⁵⁵ Use of a Ryko 3-Fan SlimLine dryer system with incorporated Ryko Quiet-Kit silencer is proposed.

⁵⁶ The modeled car wash includes the use of a Ryko 3-Fan SlimLine dryer system with incorporated Ryko Quiet-Kit silencer.

noise sensitive receptors; therefore, the proposed project would not exceed City of San José ambient effect noise thresholds in Policy EC-1.2 or conflict with Policy EC-1.3. **(Less than Significant Impact)**

Table 4.13-3: Modeled General Plan Project Noise Level Impact						
Site	Location	Noise Level (dBA DNL)				
		Existing Traffic	Project Overall	Existing Plus Project	Effect on Ambient	Impact
P-01	Post Office	61	55	62	<1	No
P-02	San José Fire Station # 19	67	55	68	<1	No
P-03	Backyard of 1287 Mirabeau Court	59	45	59	<1	No
P-04	Backyard of 1279 Mirabeau Court	58	44	58	<1	No
P-06	Quail Hills Apartments	68	47	68	<1	No

Notes: dBA = A-weighted decibels; DNL = Day Night noise level.
 Source: Extant Acoustical Consulting, LLC. *Convenience Store, Gas Station, and Car Wash – 1299 Piedmont Road*. August 5, 2019.

Impact NOI-2: The project would not result in generation of, excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact)

As discussed in Impact NOI-1, the overall construction of the proposed project is anticipated to last five months. Given the size and scale of the project, construction would not require the extended periods of heavy equipment use and not result in excessive groundborne vibration. In addition, there are no buildings within 80 feet of the project site that could be affected by groundborne vibration. For these reasons, the proposed project would have a less than significant vibration impact. **(Less than Significant Impact)**

Impact NOI-3: The project would not be 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. The project would not expose people residing or working in the project area to excessive noise levels. (No Impact)

The closest airport is the Norman Y. Mineta San José International Airport, approximately five miles southwest of the project site. The project site is not within the airport influence area or land use plan; therefore, the project would not expose people to excessive aircraft noise. **(No Impact)**

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁵⁷ The City of San José Housing Element and related land use policies were last updated in January 2015.⁵⁸

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing, which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.⁵⁹ At the end of 2018, the City contained approximately 335,887 housing units and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.⁶⁰

There are no housing units on the project site and is in an urbanized area served by existing infrastructure and roads.

⁵⁷ "Regional Housing Needs Allocation and Housing Elements" Accessed April 27, 2018. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁵⁸ City of San José. *City of San José 2014-2023 Housing Element*. January 27, 2015.

⁵⁹ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed: August 23, 2019. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁶⁰ Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed: July 23, 2018. <https://www.sanjoseca.gov/DocumentCenter/View/3326>.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact POP-1: The project would not 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). (No Impact)

The project would not increase the number of employees because the automated car wash would not require staffing beyond those already employed at the gas station. Additionally, the project would not require any extensions of infrastructure or roads. Thus, the project would not induce substantial population growth. **(No Impact)**

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (No Impact)

Construction of the proposed project would not displace any housing or people because it is located on an undeveloped area of a site containing an existing gas station. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project’s effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 sets forth provisions for the payment of school impact fees by new development by “mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property)” (Section 65996[a]). The legislation states that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

Envision San José 2040 General Plan

The following General Plan policy relates to public services and would be applicable to the project.

Policies	Description
CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
ES-11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects

4.15.1.2 *Existing Conditions*

Fire Department

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The fire department currently consists of 33 active stations serving an area of 205 square miles and over one million residents. The SJFD responds to all fires, hazardous materials spills, and medical

emergencies (including injury accidents) in the project area. The nearest fire station to the project site is Station 19, located to the south across Sierra Road.

Police Department

Police protection services for the project site are provided by the San José Police Department, which is headquartered at 201 West Mission Street, approximately 4.8 miles southwest of the project site. For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

Schools

The nearest school to the project site is Piedmont Hills High School located at 1377 Piedmont Road, approximately 0.25 mile northwest.

Parks

The nearest park to the project site is Penitencia Creek County Park located at 3050 Berryessa Road, approximately 0.5 mile south.

Libraries

The San José Public Library System consists of one main library (Dr. Martin Luther King Jr., jointly operated with San José State University) and 22 branch libraries. The nearest library to the project site is the Berryessa Branch Library, located at 3355 Noble Avenue, approximately 0.5 mile southeast.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact PS-1: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. (Less than Significant Impact)**

Fire

The demand for fire protection services is not anticipated to change with implementation of the project. Minimal additional vehicle traffic would be generated by the project to interrupt emergency services and the project would adhere to applicable federal, state, and local regulations related to the use, handling, and storage of hazardous materials. Creation of a structure creates the potential for service calls, should it catch fire. However, the project would be reviewed for compliance with relevant fire and building codes which reduces the likelihood of a structure fire and demands on fire protection services. For these reasons, the proposed project would have a less than significant impact on fire protection services. **(Less than Significant Impact)**

Police

The demand for police protection services is not anticipated to change with implementation of the project. As discussed in Impact PS-1, minimal additional vehicle traffic would be generated by the project to interrupt emergency services and the project would include outdoor lighting to increase the safety at the site. For these reasons, the proposed project would have a less than significant impact on police protection services. **(Less than Significant Impact)**

Schools

The proposed project is not a student-generating use (i.e., housing) and would not increase employment; therefore, the project would not impact schools. **(No Impact)**

Parks

The proposed project would not add residents or employees to the project area that would use nearby parks; therefore, the project would not have an impact on parks. **(No Impact)**

Libraries

The proposed project would not add residents or employees to the project area that would use the nearby library; therefore, the project would not have an impact on libraries. **(No Impact)**

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City of San José.

4.16.1.2 *Existing Conditions*

The City of San José manages a total of 3,435 acres of regional and neighborhoods/community serving parkland.⁶¹ Other recreational facilities within the City include community centers, senior centers, youth centers, skate parks, and trails. The nearest park to the project site is Penitencia Creek County Park located at 3050 Berryessa Road, approximately 0.5 mile south of the project site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁶¹ Only existing parks are included in the above acreage. Secured or potential parks, which total approximately 118 acres, are not included in the acreage total. Source: *Greenprint 2009 Update for Parks, Recreation Facilities and Trails*. December 2009.

Impact REC-1: The project would not increase in 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. (No Impact)

The proposed project would not add residents or employees to the project area that would use nearby parks or recreational facilities; therefore, the project would not have an impact on parks or recreational facilities. **(No Impact)**

Impact REC-2: The project would not include recreational facilities or require the construction of expansion of recreational facilities which might have an adverse physical effect on the environment. (No Impact)

As discussed in Impact REC-1, the proposed project would not increase the use of parks or recreational facilities; therefore, no new facilities would need to be constructed. **(No Impact)**

4.17 TRANSPORTATION

The discussion in this section is based on a traffic operational analysis prepared for the project by Hexagon Transportation Consultants, Inc. on August 8, 2019. This report is provided as Appendix C of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that “promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” Specifically, SB 743 directs the Governor’s Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on January 1, 2020, the provisions of SB 743 will apply statewide.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project’s VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Local

Envision San José 2040 General Plan

The General Plan includes the following policies for the purpose of avoiding or mitigating transportation impacts, which are applicable to the project.

Policy	Description
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Criteria for Drive-Through Uses – City Council Policy 6-10

The City of San José has established criteria for the analysis of proposed drive-through uses, such as car washes. The criteria address ingress and egress locations, vehicle stacking, and turning movements. The goal of the policy is to ensure that drive-through uses do not impact adjacent uses, intersections, or streets; and do not create safety issues for drivers and pedestrians.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. If a project’s VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

4.17.1.2 Existing Conditions

Local access to the project site is provided by Sierra Road and Piedmont Road. Regional access is provided by Interstate 680. Currently, the project site has three vehicle driveways, including two on Piedmont Road and one on Sierra Road. Pedestrian access to the site is provided by sidewalks on both Sierra Road and Piedmont Road. Class II bike lanes are provided in both directions on Piedmont Road.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) For a transportation project, conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project: 5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact TRN-1: The project would not conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths. (Less than Significant Impact)

City Council Policy 5-1

City Council Policy 5-1 includes screening criteria for projects that are expected to result in less than significant transportation impacts related to VMT. Since the City has not established a screening criterion and threshold of significance for car washes, the project’s VMT impact cannot be evaluated directly. Accordingly, the VMT analysis for the proposed project was conducted by converting vehicle trips generated by the proposed car wash facility to an equivalent retail square footage, for which the City has established a screening criterion and threshold of significance. This is a reasonable approach to VMT analysis since car washes exhibit similar travel patterns and trip length characteristics to that of local-serving retail uses (e.g., both uses typically serve nearby local businesses and residents). Local-serving retail development is considered to have a less than significant impact on VMT. The City has defined retail projects below 100,000 square feet as local serving retail projects.

Based on the conversion process, the proposed car wash would generate 19 PM peak hour trips, which is equivalent to 5,000 square feet of retail space. This is less than the screening criterion of 100,000 square feet set forth in the Transportation Analysis Handbook for local-serving retail.

Since the project is less than the screening criteria, no further analysis is required and the project would not conflict with City Council Policy 5-1. **(No Impact)**

City Council Policy 6-10

As discussed in Section 4.11 Land Use and Planning, San Jose City Council Policy 6-10 contains guidelines for the development of establishments with drive-through facilities within the City of San Jose. Part I of Policy 6-10 sets forth criteria (Traffic Criteria A through G) relating to drive-through location, vehicular ingress and egress, and vehicle stacking.

According to Council Policy 6-10, primary ingress and egress to drive-through type parking lots should be from at least a four-lane major street (Traffic Criterion A). Access to and from the project site is provided via both Piedmont Road and Sierra Road. Piedmont Road is a two-lane roadway with the raised center median in the project proximity. Between the driveway and Sierra Road, Piedmont Road is widened to four lanes. Sierra Road is a four-lane roadway. Therefore, the project would meet this requirement.

Any vehicles that would overflow from the stacking lane would spill out on the north side of the gas station and not onto public streets or major aisles at the gas pumps. Therefore, Traffic Criterion B is met.

Traffic Criterion C states “No ingress and egress points shall conflict with turning movements of street intersections.” The ingress and egress points would be within the site and would not conflict with any street traffic or cause any issues with turning movements at the intersection.

Traffic Criterion D states “No drive-through use shall be approved with ingress or egress driveways within 300 feet of a signalized intersection operating at a Level of Service D, E, or F.” Although the project’s driveways are located within 300 feet of the Piedmont Road/Sierra Road intersection, the intersection operates at LOS C during the AM and PM peak hours according to the City of San Jose’s Traffix database. Therefore, the project would meet this requirement.

Traffic Criterion E requires a self-service car wash to provide stacking space for at least five vehicles within the drive-through lane, assuming 20 feet per vehicle. The site plan shows the drive-through lane would provide stacking space for three vehicles and provide striping to delineate the queue space for an additional two vehicles at the car wash entry. Therefore, the project would meet this requirement.

The drive-through lane has no pedestrian crossing; therefore, Traffic Criterion F is met.

With adherence to the above condition of approval, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.17.2.1 *Transit, Bicycle, and Pedestrian Facilities*

The proposed project does not include any changes to the adjacent bus stop on Sierra Road, bicycle lanes, or sidewalks. In addition, no new driveways or vehicle traffic generated by the project would interfere with existing transit, bicycle, or pedestrian flows. Thus, the project would not have an impact on these modes of transportation. **(No Impact)**

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1). (No Impact)

As discussed in Impact TRN-1, the proposed project has been determined to have a less than significant VMT impact; therefore, the project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b)(1). **(No Impact)**

Non-CEQA Effects

Senate Bill 743, the revised CEQA Guidelines, and Council Policy 5-1 promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to that, the VMT metric promotes those statutory purposes better than LOS and was determined to be the significance metric under CEQA. Therefore, the following analysis is provided for informational purposes only.

Local Transportation Analysis

As stated previously, San José City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT instead of LOS. However, a Local Transportation Analysis in the form of a Traffic Operational Analysis was completed for the project in accordance with City policy. All study intersections were evaluated based on the City of San José LOS standard. Based on counts collected by the City of San Jose in 2018, the intersection of Piedmont Road and Sierra Road operates at an acceptable level of service (LOS C) during the PM peak hour. The addition of 19 trips from the car wash in the PM peak hour is not expected to have a substantial effect on the operations of the intersection.

The City of San José Council Policy 5-3 “Transportation Impact Policy” was the adopted threshold for CEQA traffic impacts at the onset of the traffic study for the project. For this reason, the project would not conflict with CEQA Guidelines Section 15064.3(b), which calls for evaluation of a project’s transportation impacts based on VMT. Please note that the City has subsequently adopted a methodology based on VMT that establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS.

Impact TRN-3: The project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2). (No Impact)

The proposed project is not a transportation project; therefore, CEQA Guidelines section 15064.3, subdivision (b)(2) is not applicable to the project. **(No Impact)**

Impact TRN-4: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Less than Significant Impact)

Access to the project site would be provided via one driveway on Piedmont Road and one driveway on Sierra Road. The Piedmont Road driveway only allows southbound traffic to enter and right turns to exit due to a raised center median. Vehicles can enter or exit the Sierra Road driveway from either direction. These two driveways are anticipated to provide adequate access to the site.

Internal circulation (for vehicles, refueling trucks, delivery trucks and emergency vehicles) would accommodate two-way travel. The car wash lane would be accessed along the western edge of the project site and would be orientated north-south. The car wash lane would have vehicles exit facing south towards Sierra Road and would then have the option to use either the Sierra Road driveway or turn around to use the Piedmont Road driveway to exit. There would be no issues arising from vehicle circulation for the proposed car wash, because any overflow vehicles attempting to enter the car wash lane could stack along the northern edge of the project site, leaving enough space for other gas station vehicles to circulate.

Based on the above discussion, the project would not increase hazards due to a geometric design feature or incompatible use. **(Less than Significant Impact)**

Impact TRN-5: The project would not result in inadequate emergency access. (No Impact)

The proposed project would not interfere with emergency response access on adjacent public roads. The project would not result in inadequate emergency access to the project site itself because the project would not change emergency response's ability to access the site. **(No Impact)**

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52 – Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the California Register of Historic Resources (CRHR). AB 52 includes a broad definition of what may be considered a tribal cultural resource and includes a list of recommended mitigation measures for potential impacts. AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

The following mitigation measures may be considered to avoid or minimize the significant impacts under AB 52:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (a) Protecting the cultural character and integrity of the resource.
 - (b) Protecting the traditional use of the resource.
 - (c) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

4.18.1.2 *Existing Conditions*

The Ohlone Tribe submitted a request in July 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in 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:				
1) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). (No Impact)

In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City’s Sphere of Influence or specific areas of the City. No tribes have sent written requests for notification of projects to the City of San José. Furthermore, at the time of preparation of this Initial Study, the City of San José had yet to receive any requests for consultation from tribes.

No tribal cultural resources have been identified at the project site. While there is the potential for unknown Native American resources or human remains to be present in the project area, impacts would be less than significant with implementation of the City’s standard permit conditions related to discovery of archaeological resources or human remains (described in detail in Section 3.4 Cultural Resources). **(No Impact)**

Impact TCR-2: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. (No Impact)

No tribal cultural resources have been identified at the project site, as described previously under Impact TCR-1. **(No Impact)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill (AB) 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

Envision San José 2040 General Plan

The proposed project would be subject to the utilities and services policies of the City’s General Plan, including the following.

Policy	Description
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.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

California Green Building Standards Code

On January, 1 2017, the State of California adopted CalGreen, which establishes mandatory green building standards for buildings in California. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

CalGreen has been adopted by the City of San José.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including zero waste by 2022.

The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

Construction and Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition debris. The Construction and Demolition Diversion program ensures that at least 75 percent of this waste is recovered and diverted from landfills. Projects are required to comply with this program to receive either a Certificate of Final Occupancy or a refund if a deposit is paid.

4.19.1.2 Existing Conditions

Water Service

Potable water service to the project site is provided by the San José Water Company. The water provided comes from a mix of imported surface water and groundwater. It is estimated that the existing gas station uses approximately 288 gallons of water per day (gpd).^{62,63}

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines in the area are owned and maintained by the City of San José. Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) in Alviso. The RWF has a capacity to treat 167 million gpd of sewage during dry weather flow.⁶⁴ In 2015, the RWF's average dry weather influent flow was 108 millions of gallons per day (mgd).⁶⁵ The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The City's share of the RWF's treatment capacity is 108.6 mgd, which leaves the City with approximately 38.8 mgd of excess treatment capacity.⁶⁶

⁶² URS. *SFPUC Demand Study: Projected Water Usage for Bay Area Water Supply and Conservation Agency*. Technical Memo. August 2006. 800 square feet (0.13 gpd square foot)=71 gpd

⁶³ San José Mercury News. *California Drought: Tips for Conserving Water*. Accessed January 31, 2019. <http://www.mercurynews.com/2014/01/20/california-drought-tips-for-conserving-water/>. 35,000 gallons water per 1,000 square feet of landscaping. 105,000/365 days = 288 gpd.

⁶⁴ City of San José. Water Pollution Control Capital Program 2016-2020 - Adopted Capital Improvement Program. Accessed October 27, 2016. <http://www.sanJoseca.gov/DocumentCenter/View/46177>.

⁶⁵ City of San José. Clean Bay Strategy Reports. Accessed October 27, 2016. <http://www.sanJoseca.gov/ArchiveCenter/ViewFile/Item/1629>.

⁶⁶ City of San José. *General Plan FPEIR*. September 2011. Page 648.

The General Plan EIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, existing wastewater flow rates are assumed to be 90 percent of the total on-site water use or 259 gpd.

Storm Drainage System

The City of San José owns and maintains the storm drainage system which serves the project site. A 42-inch line in Piedmont Road and a 48-inch line in Sierra Road currently serve the project site.

Solid Waste

Waste collection and recycling services are available to businesses from private companies franchised by the City of San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year with adequate disposal capacity (i.e., greater than 15 years).^{67,68} It is estimated that the existing gas station produces about 11 pounds of solid waste per day.⁶⁹

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/>				
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁶⁷ City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

⁶⁸ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 22, 2016. Accessed February 25, 2019. <https://www.sccgov.org/sites/rwr/rwrc/Documents/Revised%20June%202022%20RWRC%20Packet.pdf>.

⁶⁹ CalRecycle. "Estimated Solid Waste Generation Rates". Accessed January 31, 2019. <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
4) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (No Impact)

The proposed project would utilize existing utility connections to connect to the City’s stormwater, electric, telecommunications, waste, and wastewater systems. The proposed project would incrementally increase the demand on existing facilities in the City of San José. The analysis in the following sections discuss the potential impacts of the project on existing facilities. Based on the following analysis, no improvements or relocation of existing facilities are needed to service the proposed project; therefore, the project would have no impact. **(No Impact)**

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. (Less than Significant Impact)

The proposed project would add an automated car wash to the project site and increase water use by about 2,829 gdp.⁷⁰ Additional landscaping around the proposed car wash would be added as part of the project; however, the amount is minimal and would consist of moderately drought tolerant species using approximately 69 gdp. Thus, the proposed project would use a total of about 2,898 gdp. While this represents a significant increase compared to existing water usage (i.e. no car wash), the proposed project is consistent with the General Plan designation for the site. The General Plan FEIR found that development under the General Plan would not require the construction of a new water facilities or expansion of existing facilities. Thus, the impact would be less than significant. **(Less than Significant Impact)**

⁷⁰ International Car wash Association. *Water Use, Evaporation and Carryout in the Professional Car wash Industry*. 2018. Water used by car washes was 3,206 gpd or 34 gallons per vehicle (gpv) in 2002. The 2018 study found that car washes now use 2,829 gpd or 30 gpv.

Impact UTL-3: The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments. (Less than Significant Impact)

Currently, the project site produces about 259 gpd of sewage from the gas station and the food mart (assuming 90 percent of the water used would be discharged to sewer lines). The proposed car wash would recycle and reuse approximately 80 percent of its water during operation, resulting in an additional 566 gpd of wastewater.⁷¹ The General Plan FEIR found that wastewater generated by development under the General Plan would not exceed the City’s allocated capacity at the RWF. The project is consistent with the General Plan; thus, the project’s increase of 566 gpd of sewage over current conditions would not exceed wastewater treatment requirements of RWQCB nor would it exceed the capacity requirements of the RWF. Therefore, the impact on existing wastewater services is less than significant. **(Less than Significant Impact)**

Impact UTL-4: The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure. (Less than Significant Impact)

Additional solid waste would be generated at the project site as a result of the new car wash. It is estimated that the new square footage would generate an additional 34 pounds of solid waste per day at the site.⁷² Based upon the analysis contained within the City’s General Plan FEIR, the increase in waste generated by full buildout under the General Plan (including the proposed project) would not cause the City to exceed the capacity of existing landfills that serve the City. The proposed project is consistent with the General Plan; thus, the project would have a less than significant impact on solid waste disposal capacity. **(Less than Significant Impact)**

Impact UTL-5: The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. (Less than Significant Impact)

The proposed project would not negatively impact the provision of solid waste services and would comply with the Construction and Demolition Diversion program, ensuring that at least 75 percent of this waste is recovered and diverted from landfills. In addition, the new car wash would be built the City adopted California Green Building Standards. Thus, the project would not impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

⁷¹ Ibid.

⁷² CalRecycle. “Estimated Solid Waste Generation Rates”. Accessed January 31, 2019.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>.

Impact UTL-6: The project would be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. (No Impact)

See response to Impact UTL-5, the project would comply with regulations related to solid waste. **(No Impact)**

4.20 WILDFIRE

4.20.1 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts.⁷³ **(No Impact)**

⁷³ CalFire. *Very High Fire Hazard Severity Zones in LRA Santa Clara County*. Map. October 8, 2008.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 Impact Discussion

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

Impact MFS-1: The project does not 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 with Mitigation Incorporated)

The project could result in impacts to buried cultural resources, should they be discovered on site. The project could also result in impacts to migratory birds if they are present in trees located on or immediately adjacent to the project site. With the implementation of the mitigation and avoidance measures and standard permit conditions included in the project and described in Section 4.4 Biological Resources and Section 4.5 Cultural Resources, the proposed project would not result in significant environmental impacts to biological or cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. (Less than Significant Impact)

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

The project would not impact agricultural, forestry, land use, mineral, population and housing, or recreational resources. Therefore, the project would not contribute to cumulative impacts to these resources.

There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic and noise and vibration impacts.

The project’s geology and soils, hazardous materials, and hydrology and water quality impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the project would marginally contribute to global GHG emissions, by definition. As discussed in Section 4.8 Greenhouse Gas Emissions, the project’s GHG emissions would have a less than significant (cumulative) GHG impact.

The project would emit criteria air pollutants and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution is largely a cumulative impact. The project-level thresholds identified by BAAQMD (which the project’s impacts were compared to in Section 4.3) are the basis for determining whether a project’s individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region’s existing air quality conditions. As discussed in Section 4.3 Air Quality, the project would have a less than significant impact on air quality. For this reason, the project would have a less than significant cumulative impact on air quality overall. **(Less than Significant Impact)**

Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. (Less than Significant Impact)

With the implementation of standard measures and procedures described in this Initial Study, the proposed project would not result in substantial adverse effects on human beings. **Less Than Significant Impact)**

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José, Department of Planning, Building and Code Enforcement

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