



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that Pursuant to the State of California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act of 1970” as amended to date, this is to advise you that the City of Milpitas has prepared an Initial Study for the following project.

Project: Gas Station, Convenience Store & Car Wash (Environmental Assessment NO. EA09-0005)

Project Location: 190 West Calaveras Boulevard, Milpitas, CA 95035 (APN: 022-24-030)

Project Applicant: MI Architects, INC., Muthana Ibrahim, 2960 Camino Diablo, Suite 100, Walnut Creek, CA 94597

Project Description: The project proposal consists of demolishing the existing structure, canopies and six fuel pumps and constructing a new 2,737 square foot convenience store with an attached car wash and one canopy covering eight fuel pumps.

Declaration:

Based on the Initial Study for this project, staff determined:

That although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

Public Comment Period: June 15, 2009 and July 5, 2009 the public and all affected agencies are hereby invited to review the Mitigated Negative Declaration and Initial Study and submit written comments. Only comments submitted during that period will be considered unless otherwise allowed under CEQA.

Public Hearing Dates

City Council Meeting

TIME MONTH DAY YEAR

455 E. Calaveras Blvd, Milpitas, CA

City Hall Council Chambers

Document Availability: The **Initial Study and Negative Declaration (and all documents they reference)** are available for review at the **City of Milpitas Planning Division, 455 East Calaveras Boulevard, Milpitas, CA 95035** between the hours of **8:00AM and 5:00PM**,

**Monday through Friday, except Holidays. The document is also available online at:
<http://www.ci.milpitas.ca.gov/government/planning/environmental.asp>**

Negative Declaration Prepared By:

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035

Contact: Tiffany Brown
Title: Junior Planner
Telephone: (408) 586.3283
Fax:

Signature: _____ Date: _____

Comments Due By July 6, 2009

The attached Mitigated Negative Declaration is being referred to your agency/City department for review and comment. Your written comments should be received prior to, or be submitted verbally during the Public Hearing. If you have any questions, please contact the Contact Person above.



**ENVIRONMENTAL
IMPACT ASSESSMENT NO:EA09-0005**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Tiffany Brown 6/12/09
date

Title: Junior Planner

1. Project title: Gas Station with Convenience Store and Car wash
2. Lead Agency Name and Address: City of Milpitas, 455 E. Calaveras Blvd., Milpitas CA 95035
3. Contact person and phone number: Tiffany Brown, 408-586-3283
4. Project location: 190 West Calaveras Boulevard, Milpitas, CA 95035, (APN: 022-24-030)
5. Project sponsor's name and address:
MI Architects, INC., Muthana Ibrahim, 2960 Camino Diablo, Suite 100, Walnut Creek, CA 94597

6. General plan designation: General Commercial
7. Zoning: General Commercial with Site and Architectural Overlaying District, Office Overlaying District and is within the Midtown Specific Plan (C2-S-OO)
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
ADMINISTRATIVE PERMIT NO. AD08-0014, SITE DEVELOPMENT PERMIT NO. SD08-0010 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA09-0005: A request to amend the General Development Policy for Gasoline Service Stations and Automotive Services Centers along with the demolition of an existing gas station (six fuel pumps) and smog service bays and the construction of a new gas station (eight fuel pumps), a larger food store (2,737 square feet) with drive-through car wash located at 190 W Calaveras Blvd.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The adjacent properties are zoned General Commercial with Site and Architectural Overlaying District, Office Overlaying District and are located within the Midtown Specific Plan. The project site is located near the west Calaveras and Serra intersection on the south corner of Calaveras Plaza shopping center.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
A permit from Caltrans may be required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Project Planner: _____
Signature Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11,17, 18
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11,17, 18
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11,17, 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11,17, 18
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
b) 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 California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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 type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 11, 18
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11, 18, 27
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 18, 27
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
mile of an existing or proposed school?						
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
g) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18, 30
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18, 30
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 30
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11, 31
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11, 13, 18
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18, 29
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18, 29
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18, 29
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18, 29

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
f) For a project within the vicinity of a private airstrip, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 18
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to 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, 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 pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 17, 18
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 17, 18, 27, 28, 30
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13, 17, 18, 27, 28, 29

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Light Study
27. Phase I Environmental Impact Assessment by GMC

28. County of Santa Clara Department of Environmental Health; Hazardous Materials Compliance Division (three documents)
29. Site Specific Health & Safety Plan
30. GAWFCO Enterprises, Inc, CA Fuel Supply, Hazardous Materials Business Plan
31. Storm Water Control Plan
32. General Development Policy; Gasoline Service Stations, and Automotive service Centers

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

EXISTING SETTING:

The project site is located at 190 W Calaveras Blvd. within the Calaveras Plaza shopping center. The General Plan and Zoning Ordinance designate this site and General Commercial with an Office Overlaying District. Adjacent uses are also General Commercial. The existing use is a gas station with two fuel canopies covering six fuel pumps and a small food mart that is connected to the smog service bay. The food mart building is approximately 1,740 square feet and is located at the center of the site, generally oriented north-south.

PROJECT DESCRIPTION:

The project proposal consists of a Site Development Permit for the architectural review of new structures and an Administrative Permit to amend the existing General Development Policy for Gasoline Service Stations and Automotive Service Centers. The scope of work includes demolishing the existing structure and canopies and constructing a new 2,737 square foot convenience store with an attached car wash and one fuel canopy covering eight fuel pumps.

Project Number PJ: 2555

Permit Numbers SD08-0010, AD08-0014 and EA09-0005

Discussion of Checklist/Legend

PS: Potentially Significant Impact
LS/M: Less Than Significant with Mitigation Incorporation
LS: Less Than Significant Impact
NI: No Impact

I. AESTHETICS

Environmental Impacts

Discuss environmental impacts of the project.

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

The Milpitas General Plan Figure 4.6 shows the Scenic Resources and Routes Map. The map shows that the project site is located within a Scenic Corridor area. The existing development is a Gas Station that was built in 1974. The owner wishes to update the gas station and add a car wash with outdoor seating area. The new development will enhance the look and feel of the gas station by updating the architecture and adding architectural elements that are compatible with the surrounding development. The project proposal will not have any impacts on the scenic vista due to the new structures being proposed are still one story structures and

are designed to be aesthetically compatible with its surroundings and in compliance with the Midtown design guidelines.

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

The project site includes an existing gas station and does not have a historical building or rock outcroppings on it. The proposed project includes planting new trees and landscaping throughout the site.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? NI.

The existing site includes a gas station with a small food store and smog test station and the project proposal is to replace the gas station with a new gas station, a car wash and larger food store. Because the project proposal is the same use with ancillary services as the existing use, the visual character and quality of the site remains the same.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? NI.

The applicant provided a photometric plan that shows the foot candles of the lighting and the effect the lighting would emit on the surrounding areas. The lighting is standard for a gas station and because the existing use is already a gas station with lighting, the impact remains unchanged therefore there is no impact.

II. AGRICULTURE RESOURCES

Environmental Impacts

The project site is located at 190 W Calaveras Blvd. within the Calaveras Plaza shopping center. The General Plan and Zoning Ordinance designate this site and General Commercial with an Office Overlay District. Adjacent uses are also General Commercial. The existing use is a gas station and the project proposal consists of demolition of the existing structures and constructing a new 2,737 square foot convenience store with a car wash and an eight fuel dispensers under one canopy. The project proposal does not include a General Plan or Zoning Amendment and is not adjacent to Agriculture uses and therefore will have no impact of agriculture resources.

a) Would the project 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? NI.

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

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? NI

III. AIR QUALITY

Environmental Impacts

The existing use of the site is a gas station with food mart, auto repair, and six service bays; the proposed use is a gas station with car wash, convenience store, and eight service bays. All service bays and tanks will comply with State and Local standards regarding air quality emissions. Because the proposed use is very similar to existing use with the addition of two service bays, and the proposed tanks and service bays use will comply with the new technology for HEALY or CAS, the project proposal is not expected to have a significant impact on air quality.

- a) Would the project conflict with or obstruct implementation of the applicable air quality plan? NI
- b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? NI
- c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? NI
- d) Would the project expose sensitive receptors to substantial pollutant concentrations? NI
- e) Would the project create objectionable odors affecting a substantial number of people? NI

IV. BIOLOGICAL RESOURCES

Environmental Impacts

As mentioned previously, the project site is zoned for General Commercial. The existing site is developed as a gas station and the project proposal includes the demolition and reconstruction of a gas station. According to the General Plan, the project site is located within the radius for "potential location of Special Plant or Animals Species." The Special Species found within this radius is the Alkali Milk-Vetch. This species is found in valley and foothill grassland, and vernal pools. Because the existing site is developed and currently does not have grassland or vernal pools, it is unlikely that there are Alkali Milk-Vetch or its habitat on this site. According to the Phase I Environmental Impact Assessment provided by GSM; the U.S. Department of the Interior, National Wetlands Inventory Map, data coverage for Milpitas is not available. The U.S. Fish & Wildlife Service, Wetlands Online Mapper shows a pond identified as Palustrine Unconsolidated Shore Seasonally Flooded Wetland (PUSC), but the pond is located 0.86 Miles northeast of the site. The project proposal will not conflict with any local, state, or regional policies or conservation plans that protect Biological Resources.

- a) Would the project have substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NI

- b) 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 California Department of Fish & Game or U.S. Fish & Wildlife Service? NI
- c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal, pool coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement or 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? NI
- e) Conflict with any local policies or ordinances protection biological resources, such as a tree preservation policy or ordinance? NI
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? NI

V. CULTURAL RESOURCES

Environmental Impacts

In reference to the “Historical and Cultural Resources” section within the General plan, Milpitas’ land was the territory of the Tamyen Tribelet of Costanoan (Ohlone) Indians. The Tamyen maintained a few year-round village sites but also visited various temporary camps at different seasons for the year to hunt and gather food as it became available. Two of the notable Costanoan village sites lay within the City Limits. One, a huge shellmound near the present- day Elmwood Rehabilitation Center, and the other of the Alviso Adobe near the corner of Calveras and Piedmont. The closest site to the project proposal is approximately 7.4 miles away. Since the proposed project does include grading and other construction activities and we know the tribes did camp around Milpitas; although it is unlikely that buried cultural materials would be encountered, standard conditions for excavation activities would be applied to the project.

- a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? NI
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? NI
- c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? NI
- d) Would the project disturb any human remains, including those interred outside of formal cemeteries? LS/M

Mitigation Measure 1: *As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California 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 Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

VI. GEOLOGY AND SOILS

Environmental Impacts

According to the Seismic and Geologic Hazards within the City General Plan, the map shows soils for this site to be expansive with north facing slopes. Referring to the Phase I Environmental Impact Assessment, the site lies in an area of low topographic relief near the edge of San Francisco Bay, at approximately 17 feet above mean sea level. The site is underlain by approximately 15 to 25 feet of silt and clay with scattered lenses of sand. The site is approximately 7.3 miles away from the Alquist-Priolo Special Study Zone and therefore should not have potential adverse effects on people or structures due to ground shaking or ground failure.

- a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. NI
 - ii) Strong seismic ground shaking? NI
 - iii) Seismic-related ground failure, including liquefaction? NI
 - iv) Landslides? NI
- b) Would the project result in substantial soil erosion or the loss of topsoil? NI
- c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? NI
- d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? LS

e) Would the project 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? NI

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

As previously stated, the existing use of the site is a gasoline station and the proposed new development includes the demolition of the existing buildings, grading and removing existing gas tanks, relocating new underground gas tanks, and construction of a new building with carwash and canopy for the fuel dispensers. Gasoline is considered a hazardous material due to its high flammability.

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

The proposed use will routinely receive gasoline for the gas station. The project site is an existing gas station and has received gasoline for since 1975 and no accidents or other incidents involving restocking the fuel have been recorded. The 76 gas station has prepared a California Fuel Supply Hazardous Materials Business Plan for their location at 190 West Calaveras. The business plan states that all personnel are trained, they have chemical handlers, and an Emergency Response Team to ensure the safety of the employees, consumers, and surrounding properties.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M

The County of Santa Clara Department of Environmental Health; Hazardous Materials Compliance Division shows a history of this site to have three fuel leak cases that have been resolved and closed. (See attachments) The project proposal includes grading and trenching to remove and relocate underground tanks for the gas station. The tanks are used to store the gasoline for the gas pumps at the station. Because the proposal includes digging up and replacing tanks that contain a hazardous material (gasoline), the applicant hired GSM to prepare a Site Specific Health and Safety Plan that will be used and followed throughout construction Phase. (See attachments)

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? LS

The St. John Baptist Catholic School campus is situated approximately 0.24 miles southeast of the Site on the west side of S. Main Street, and Anthony Spangel Middle and Elementary Schools are situated approximately 0.27 miles northwest of the Site on the east side of N. Abbott Ave. The 76 gas station has prepared a California Fuel Supply Hazardous Materials Business Plan for this specific location. The business plan states that all personnel are trained, they have chemical handlers, and an Emergency Response Team to insure the safety of the employees, consumers, and surrounding properties. (See attachments)

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

The project Site is not on the list of hazardous materials sites that are compiled pursuant to Government Code Section 65962.5.

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

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site? NI

The project site is not located within the vicinity of a private airstrip.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? NI

The proposed use is similar as the existing use and therefore the project will not impair or physically interfere with any adopted emergency response or evacuation plans.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? NI

The project site is not located adjacent to any wildland areas.

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

The project proposal is in compliance with the City General Development Policy: Gasoline Service Stations, and Automotive Service Centers, the proposed gas stations required to have a minimum of 20% of the property to be maintained and landscaped. Also, any unpaved area of the site shall be landscaped. Per the Storm Water Control C3 Regulations, the applicant provided a Storm Water Control Plan to help prevent polluted water from the gas station and car wash travel into the main storm drains. The proposed gas station with car wash and convenience store is in compliance with all water quality standards and will not alter the course of stream or rivers. The project proposal does not include housing and will not place flood hazard area structures within the 100 year flood zone. The project location should not expose people or structures to a significant risk of loss do to seiche, tsunami, mudflow or the failure of a dam or levee.

a) Would the project violate any water quality standards or waste discharge requirements? NI

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of

the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? NI

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? NI

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? NI

e) Would the project 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? NI

f) Would the project otherwise substantially degrade water quality? NI

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? The project site contains areas that lie within Zone A which is subject to a 100 year flood hazard and Zone X which is subject to a 500 year flood hazard. NI

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows? NI

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? NI

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? NI

IX. LAND USE AND PLANNING

Environmental Impacts

The project site is located at 190 W. Calaveras Boulevard and encompasses an area of approximately 0.91 acres. The site is a wedge-shaped site located on the corner of the Calaveras Plaza shopping center. The site is at the intersection of W. Calaveras Boulevard, and Serra Way. The site is currently a gas station and the proposed use is a gas station.

a) Would the project physically divide an established community? NI
The project proposes to redevelop the site with a similar use, therefore no impact is anticipated.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? LS

The City's General Development Policy: Gasoline Service Stations, and Automotive Service Centers, adopted in 1970 and amended in 1995, has a site standard limits the size of any sales area associated with gas stations that displays and sales prepackages, single-serving snacks, dairy products, soft drinks, and sundry items to 250 square feet. The project proposes an amendment to this policy to allow for larger convenience stores such as the 2,737 square foot convenience store proposed for this project. A change to the policy requires consideration by the City Council.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? NI

The project proposal will not conflict with any applicable habitat conservation plan or natural community conservation plan.

X. MINERAL RESOURCES

Environmental Impacts

According to the Milpitas General plan, the project site is not located within a Mineral Resource Zone or aggregate products zone and therefore will have no impact on mineral resources.

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? NI

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? NI

XI. NOISE

Environmental Impacts

According to the Milpitas General Plan, the existing and projected future noise level for the project site is 70 dbL's. The Land Use Compatibility chart shown on page 6-4 of the General Plan shows that it is acceptable for office buildings, businesses and commercial and professional uses to operate within a noise level ranging from just below 70 dbL's to about 75 dbL's. The project proposal for a gas station should not create much more noise in this area than the existing gas station. During construction, the noise levels may increase, however this noise is temporary and the Site Specific Health & Safety Plan prepared by GSM provides "Safe Work Practices & Level of Personal Protection" for the construction workers on site. It is a condition of approval that the applicant follows the Site Specific Health & Safety Plan throughout the construction phase of this site.

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? NI

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? NI

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? NI

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? NI

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels? NI

This project site is not within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? NI

This project site is not within the vicinity of a private airstrip.

XII. POPULATION AND HOUSING

Environmental Impacts

The project proposal does not include housing or the displacement of housing. The proposed use is the similar as the existing use and will not induce substantial population growth within the area.

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? NI

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? NI

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? NI

XIII. PUBLIC SERVICES

The project site is served by the following service providers:

- Fire Protection. Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.

- Police Protection. Police protection is provided by the City of Milpitas Police Department.

- Schools. Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that

would serve the project include Milpitas High School (grades 9-12), middle schools (grades 6-8) and elementary schools (grades K-5).

- Maintenance. The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities. Milpitas' Civic Center is located at 455 E. Calaveras Boulevard.
- Other governmental services. Other governmental services are provided by the City of Milpitas including community development and building services and related governmental services. Library service is provided by the Santa Clara County Library.

Environmental Impacts

The project site is located at 190 W Calaveras Blvd. within the Calaveras Plaza shopping center. The existing use is a gas station with two fuel canopies covering six fuel pumps and a small food mart that is connected to the smog service bay. The food mart building is approximately 1,740 square feet and is located at the center of the site, generally oriented north-south. The project proposal consists of demolishing the existing structure and canopies and constructing a new 2,737 square foot convenience store with an attached car wash and one fuel canopy covering eight fuel pumps. This project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and therefore has no impact.

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

Fire Protection? NI

Police Protection? NI

Schools? NI

Parks? NI

Other Public Facilities? NI

XIV. RECREATION

Environmental Impacts

As mentioned before, the project proposal is to demolish an existing gas station and construct a new gas station with car wash and convenience store. The project proposal will not affect the use of recreation facilities and therefore has no impact.

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

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

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: *The project site is located at 190 W. Calaveras Boulevard. The property is wedge-shaped and is located in a commercial area at the intersection (south side) of W. Calaveras Boulevard (Highway 237) and (north side) of Serra Way. The site is 0.4 miles east of Interstate 880, and 1.25 miles west of Interstate 680.*

Environmental Impacts

The existing and proposed use of the project site is a gas station. The existing gas station has a small food mart, a Smog Check station, and six gas pumps. The new gas station will include a car wash, convenience store, and eight gas pumps. Because the existing and proposed use is the same use (a gas station), it is not likely that the new station will add a significant amount of traffic related trips to this site or generate more traffic volume in and around the project site. The proposed site plan meets the required amount of parking for this use and will not conflict with any adopted policies, plans, or programs supporting alternative transportation.

Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? NI

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? NI

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? NI

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). NI

e) Result in inadequate emergency access? NI

f) Result in inadequate parking capacity? NI

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? NI

XVI. UTILITIES AND SERVICE SYSTEMS --

The project site is served by the following service providers:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T
- Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District
- Recycled water: South Bay Water Recycling Program
- Sewage treatment: Provided by the City of Milpitas and treated at the San Jose/Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas
- Solid waste disposal: Disposal is at the Newby Island Landfill, operated by BFI
- Cable Television: Comcast

Environmental Impacts

As mentioned previously in the Hydrology and Water Quality Section of this Environmental Impact Assessment, The City's Storm Water Control C3 Regulations require this project to provide a Storm Water Control Plan to help prevent polluted water and run-off from traveling into the main storm drains. The plan is consistent with regional water quality control requirements and will not create any significant environmental effects. The project will comply with federal, state, and local statutes and regulations related to solid waste.

Would the project:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? NI
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NI
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NI
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? NI
- Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? NI
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? NI

g) Comply with federal, state, and local statutes and regulations related to solid waste? NI

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Based on the evidence in its entirety, it is not anticipated that the project will have the potential to degrade the quality of the environment or have any cumulatively considerable impacts. The project includes a negligible expansion to an existing gas station. The operation of the station will not significantly change and it is not expected that the expanded food store will cause additional impacts to the environment. Construction impacts will be temporary and the restocking of fuel would be performed under appropriate regulations and standards in accordance with local and federal laws.

a) Does the project have the potential to 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, 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? NI

b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? NI

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