

# **World Oil Project Initial Study/Mitigated Negative Declaration**

## **Erratum Sheet April 21, 2023**

This erratum sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the World Oil Gas Station and Retail Project (proposed project). The revisions to the IS/MND reflected in this erratum sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below are for purposes of clarification and would not result in any new significant impacts not previously identified in the IS/MND, recirculation of the IS/MND is not required, pursuant to CEQA Guidelines Section 15073.5.

### **Project Description Revisions**

The City Development Services Department noted that the existing gas station's operational hours are inaccurately reflected in the IS/MND. The existing gas station is open from 6 AM to 10 PM and the proposed project would operate 24 hours per day. As a result, page 4 of the IS/MND is revised as follows:

4. The existing gas station operates from 6 AM to 10 PM ~~24 hours per day~~, seven days per week.

The IS/MND's cover page and Figures 3.2-2 and 3.2-3 have been revised to include the parcel (refer to the revised figures shown on pages five through seven).

### **Air Quality Revisions**

Consistent with the revision made to include the undeveloped portion of the parcel to the east of the developed portion of the site as part of the project site, the sensitive receptor descriptions on page 29 of the IS/MND is revised as follows:

29. The closest sensitive receptors to the project site are the residences adjacent to the ~~and approximately 40 feet east of the site.~~

This revision does not affect the conclusions of the IS/MND because the IS/MND and Air Quality Report prepared for the IS/MND analyze the proposed development's impact on the adjacent residences. Impacts of the proposed project to the senior housing project under construction 40 feet south of the project site were not specifically modeled. However, the City has policies to ensure future residents are not exposed to unhealthy level of air pollution, and so the City consulted with the air quality consultants who evaluated the project regarding the health risk the seniors would face from the gas station. The air quality consultants clarified seniors are not as sensitive to cancer-causing toxic air contaminants (TACs) as typical residential receptors because of seniors' lower sensitivity to toxicity, their comparatively lower breathing rate, and

shorter exposure duration (in the case of operation) compared to typical residential exposure, where residents are assumed to live for 30 years. Additionally, the majority of impacts are during construction, and it is anticipated that much of the construction on the World Oil project will occur concurrently with the Senior Housing project and will probably be completed prior to occupancy of the Senior Housing Project, therefore impacts minimal. Furthermore, new construction (such as the senior housing to the south) that meets 2019 and newer building code requirements for multi-family housing would require mechanical ventilation systems that include enhanced filtration that reduces PM<sub>2.5</sub> exposure, thereby limiting the amount of pollution that reaches the interior of the senior units. The senior housing construction will meet the latest building codes specifically but not limited to STC rated windows and HVAC air circulation, the TAC risk to senior residents would be less than significant, and less than predicted for the existing residences to the east, which is also predicted to be less than significant, i.e., below the levels of exposure the Bay Area Air Quality Management District considers appropriate. Therefore, cancer risk to the future senior residents from project construction and operation would be less than was predicted in the Air Quality Report for the existing residents to the east of the site, which are assumed to include infants and children.

### **Hydrology/Water Quality Revisions**

Valley Water provided a comment letter (March 6, 2023) on the IS/MND. In its letter, Valley Water states that the existing and future Base Flood Elevations (BFEs) are inaccurately reflected in the IS/MND. As a result, Valley Water recommends the statement on pages 95, 102, 103, and 164 of the IS/MND be revised as follows:

95. The project site is located approximately 400 feet east of West Little Llagas Creek. The site is located within FEMA flood hazard Zone AE. Zone AE is a special flood hazard area subject to inundation by the one percent annual chance flood with base flood elevation determined. Base flood elevations (BFEs) at the site range from approximately 334 and 335~~330 to 343~~ feet above mean sea level.
102. As stated in Section 4.10.1.2, the project site is located within the FEMA flood hazard Zone AE (i.e., a 100-year flood zone). Hydraulic modeling was completed for the site to determine if construction of the proposed retail store would significantly raise, i.e., by more than one foot, BFEs at the site and project area. The portion of the site that the proposed retail store would be located has a ~~BFE base flood elevation of 334 to 335~~base flood elevation of 334 to 335.63 above mean sea level. Based on the results of the modeling, construction of the proposed building would minimally displace floodwaters from the site, and result in a maximum increase of 0.29 feet compared to BFEs at the site and surrounding developments between San Pedro Avenue and Spring Avenue. This increase in flood elevations is less than one foot and, therefore, meets the City's threshold for proposed developments' effect on water surface elevations (i.e., BFEs).

In addition, the City's Resolution No. 20-071 requires proposed

developments in the Flood Zone AE to elevate the lowest floor of proposed buildings a minimum of one foot above the BFE. Based on the results of the hydraulic modeling, the proposed project combined with pending/approved projects in the area (refer to Section 4.21 Mandatory Findings of Significance for pending/approved projects), the BFE would increase by 0.06 to 0.29 feet at the proposed retail store location. Therefore, in compliance with the City's resolution, the proposed retail store would have a finished floor elevation of 1.06 to 1.29 feet above the existing BFE.

103. The project would increase the finished floor of the proposed structure and mechanical units to 1.06 to 1.29 feet above the BFE. The Hydraulic Impact Study prepared for the project found that implementation of the proposed project would result in a 0.2-foot impact to the West Little Llagas Creek water surface elevations, which would be a minimal impact. Accordingly, the proposed project would have a less than significant increase in flood risk during a 100-year event.
164. As discussed in Section 4.10 Hydrology and Water Quality, the project site is within a FEMA Flood Zone AE and the existing BFEs in the project area range from 334 and 335~~330 to 343~~ feet above mean sea level. Based on hydraulic modeling that accounted for the proposed project and other pending/approved projects in the area (including those discussed in this section), the cumulative projects would result in a maximum 0.71-foot increase in BFEs in the project area. The cumulative impacts are within the City's requirement of less than one foot increase in the base flood elevation; thus, the cumulative projects would result in a less than significant cumulative impact to the City's drainage system due to effects on flood flows.

### **Noise Revisions**

As mentioned under Project Description Revisions above, the existing gas station is operational from 6 AM to 10 PM, and the proposed project would extend operations to 24 hours a day. The noise report prepared for the project analyzed the operation of an air/water (A/W) dispenser along the eastern property line. Public comments were received during the Planning Commission meeting on March 28, 2023 regarding concerns about the A/W dispenser noise causing a nuisance if it would be available for operation 24 hours a day. The project would relocate the A/W dispenser from the northern property line to approximately 10 feet west of the eastern property line, where there is an existing concrete wall. The noise report assumed the A/W dispenser would be operational from 7 AM to 10 PM with a maximum usage of 20 minutes during any given hour. The results showed an hourly average noise level of 46 dBA Leq (hourly average noise levels) and 44 dBA Ldn (24-hour average noise levels) at the adjoining residences. These results fell within the range of ambient noise levels of 53 to 61 dBA Leq during daytime hours and 40 to 60 dBA Leq during nighttime hours. With these operating assumptions of 7 AM to 10 PM, the A/W dispenser would not exceed ambient day-night average noise levels of 63 dBA Ldn. Additionally, the analysis did not account for any noise attenuation.

As noted above, the project proposes to allow gas fueling and use of the A/W dispenser 24 hours per day. Assuming the same hourly A/W usage (up to 20 minutes in a given hour) in a 24-hour period would result in 46 dBA Leq and 52 dBA Ldn, which would be below ambient conditions for hourly average noise levels and 24-hour average noise levels. Assuming constant usage (i.e., 60 minutes per hour, throughout every hour in a 24-hour period would result in 51 dBA Leq and 57 dBA Ldn. This scenario, which is highly unrealistic, would still not exceed ambient conditions. Thus, 24-hour operation of the A/W dispenser would not generate noise levels that exceed ambient noise levels. The noise from the A/W dispenser would be attenuated by the existing concrete wall along the eastern property line, as well as the enclosure included as part of the project to shield the A/W dispenser.

Furthermore, consistent with the revision made to include the undeveloped portion of the parcel to the east of the developed portion of the site as part of the project site, the sensitive receptor descriptions on page 116 of the IS/MND is revised as follows:

116. The nearest noise-sensitive receptors are residences located adjacent to the ~~approximately 40 feet~~ east of the site. There is an existing concrete wall located between the project site and adjacent residences.

The City agrees and hereby implements these changes to the IS/MND. The aforementioned revisions are for clarification purposes only and do not affect the conclusions of the IS/MND related to air quality, flooding, or noise, which remain less than significant.

Initial Study

# World Oil Gas Station and Retail Project

Prepared by

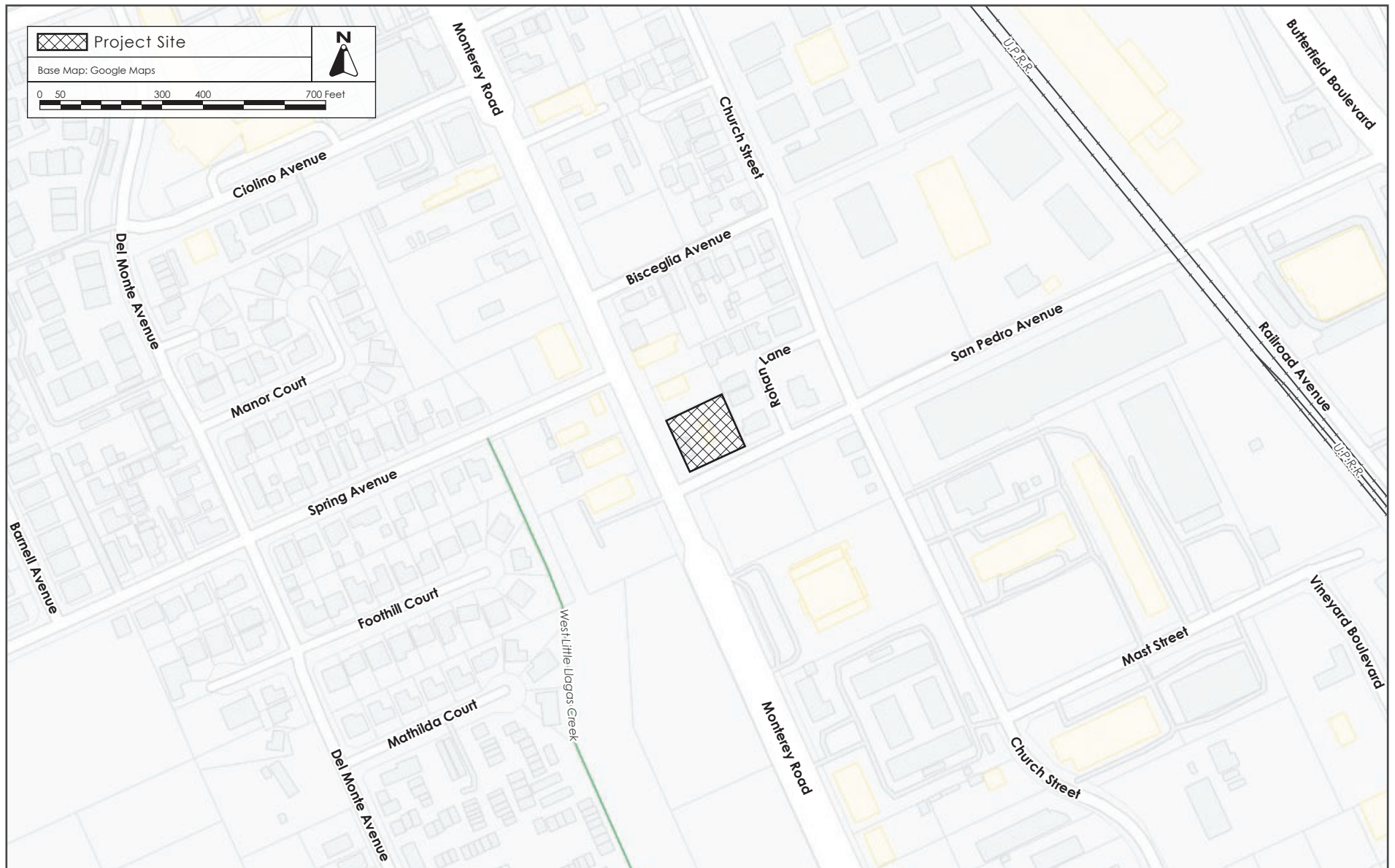


CITY OF MORGAN HILL



December 2022





VICINITY MAP

FIGURE 3.2-2





AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3.2-3