

**NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR MOE'S STOP**

PROJECT APPLICANT: AMIR SHIRAZI, MOE'S STOP  
PROJECT LOCATION: 280 N. 33<sup>rd</sup> Street and 1604 McKee Road, San Jose  
APN: 481-03-016, 481-03-017

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the above-referenced project and would like your views regarding the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Jose, Planning Division, Attn: John Davidson  
City Hall, 200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose CA 95113-1905  
Phone: (408) 535- 7895, e-mail: [john.davidson@sanjoseca.gov](mailto:john.davidson@sanjoseca.gov)

Joseph Horwedel, Director  
Planning, Building and Code Enforcement



Deputy

Date: 6/24/2011

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ENVIRONMENTAL IMPACT REPORT  
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June 24, 2011

***Introduction***

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts.

***Project Location***

The project site is located on a 0.51 gross acre site located on 280 N. 33rd Street and 1604 McKee Road in San Jose, Santa Clara County, California (refer to Figure 1).

***Project Description***

The project consists of the application for a Conditional Use Permit to allow the demolition of an existing single family detached residence and the expansion of an existing gas and service station, consisting of the addition of three additional gas pumps and a canopy for the new pumping facility.

***Potential Environmental Impacts of the Project***

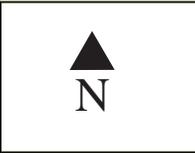
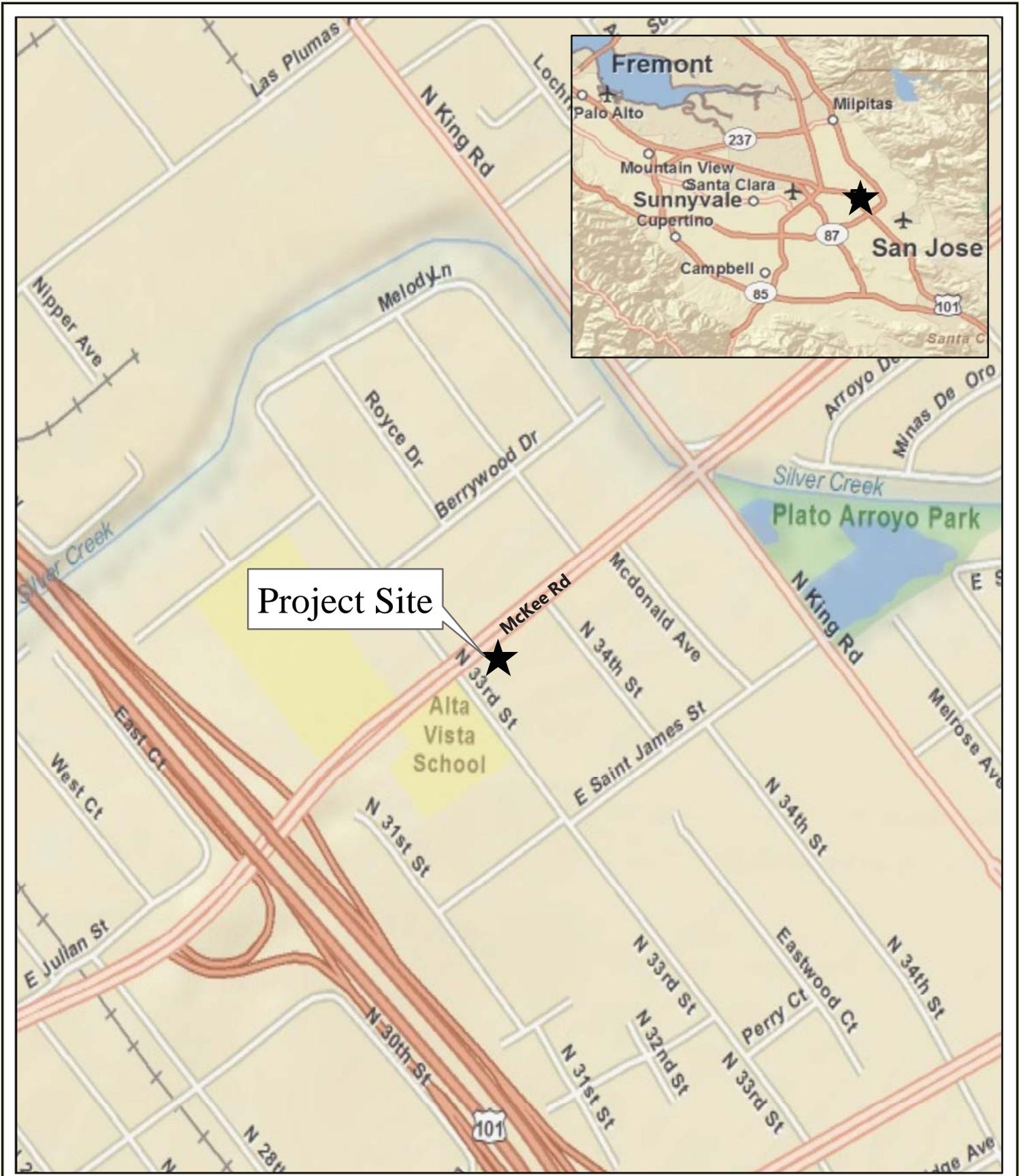
In March 2011, the Superior Court of California for the County of Santa Clara (case 110cv176412) ruled that the Mitigated Negative Declaration adopted for the project by the City of San Jose was inadequate and called for preparation of an EIR to address traffic issues. The evaluation in the EIR will, thus, focus specifically on traffic; all other issues will be discussed in an updated Initial Study to be attached to the EIR.

The EIR will describe the existing environmental conditions on the project site and will identify the significant environmental impacts anticipated to result from development of the project as proposed. Where potentially significant environmental impacts are identified, the EIR will describe mitigation measures to avoid or reduce significant land use impacts, as appropriate. The analysis in the EIR will include the following evaluation, limited to traffic and circulation:

### Transportation

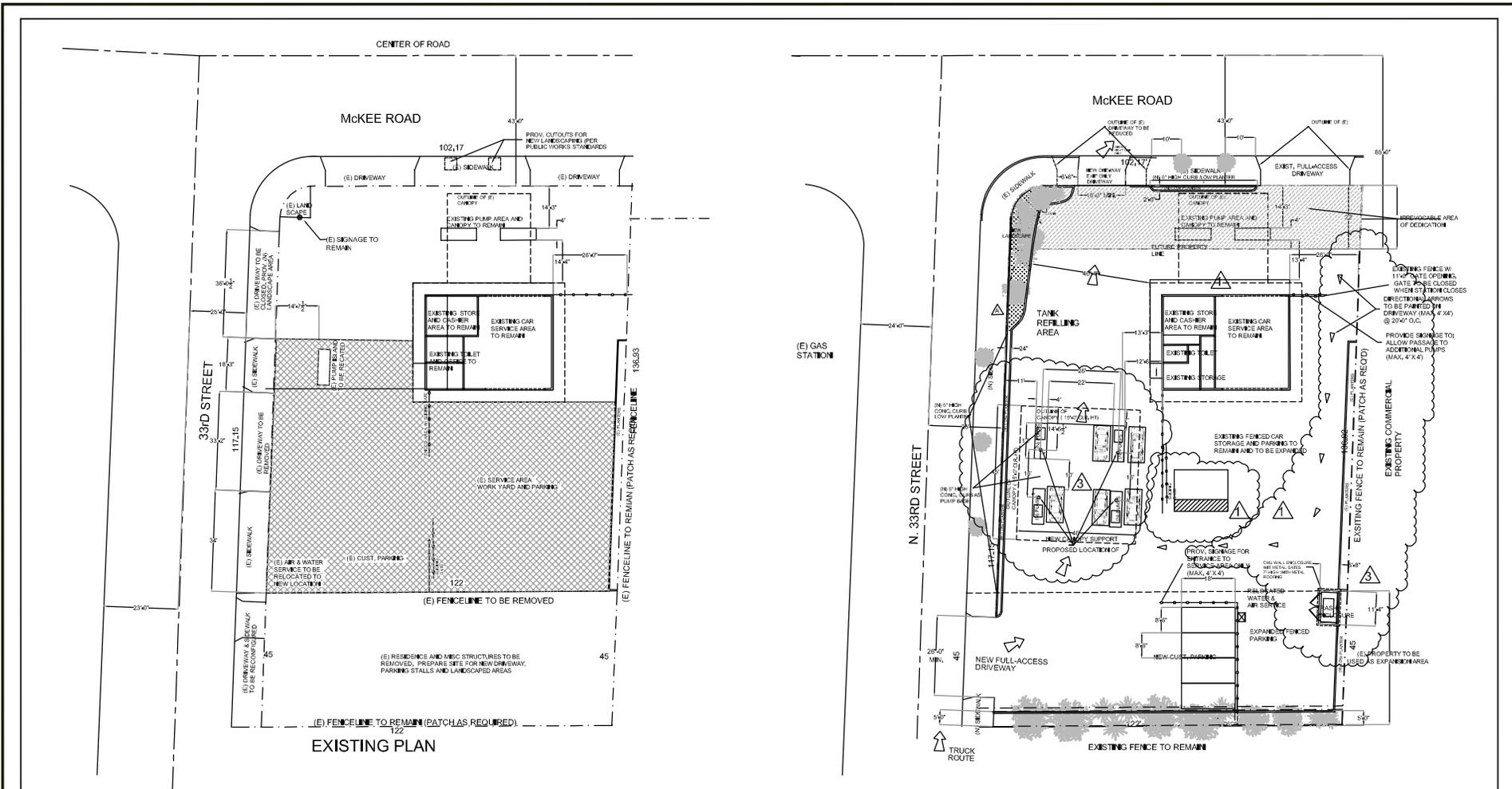
The EIR will include the findings of a Traffic Impact Analysis to be prepared by a qualified traffic engineer. This analysis will include the following tasks, to be summarized in the EIR:

- Field reconnaissance and site observations
- Data collection
- Calculation of traffic projections, trip distribution and trip assignment for the project
- Evaluation of traffic conditions in the area, based on level of service analyses, for the following five scenarios: 1) Existing, 2) Existing + Project, 3) Background, 4) Background + Project, and 5) Cumulative
- Evaluation of site access
- Identification of mitigation measures for any significant traffic impacts



Vicinity Map

Figure



**1 DEMOLITION & EXISTING SITE PLAN**  
SCALE: 1/16" = 1'-0"

- DEMOLITION GENERAL NOTES**
1. REMOVE ALL ITEMS AS NOTED ON DRAWINGS.
  2. ALL ITEMS REMOVED TO BE STORED, BOUND, PALLETIZED AND STORED FOR REUSE. COORDINATE WITH MISC. STATION REPRESENTATIVE FOR STORAGE LOCATION. CARE SHOULD BE USED DURING DEMOLITION TO AVOID DAMAGE TO STRUCTURES DESIGNATED TO REMAIN.
  3. REMOVE (E) PAVING AND DRIVEWAYS DESIGNATED TO REMAIN.
  4. REMOVE (E) AS REQUIRED FOR THE INSTALLATION OF NEW PAVEMENT AND DRIVEWAYS.

- DEMOLITION LEGEND:**
- (E) PAVEMENT AND DRIVEWAY TO BE REMOVED, GRADED AND PREPARED FOR NEW PAVING
  - (E) PAINTED STEEL FENCE WITH GATES AND POSTS TO BE RELOCATED AND ADJUSTED TO MEET NEW CONFIGURATION

- GENERAL NOTES:**
1. ALL IN WORKS TO MEET ALL FEDERAL, STATE AND LOCAL CODE REQUIREMENTS.
  2. DO NOT SCALE DRAWINGS.
  3. ALL WORK TO MEET 2007 CBC CODE REQUIREMENTS.
  4. SEE STRUCTURAL AND CIVIL DRAWINGS FOR REFERENCE.
  5. PROVIDE ALL DEMOLITION AS NOTED FOR THE INSTALLATION OF IN WORK.
  6. ALL IN WALLS, FLOORS AND CEILING TO BE SEISMICALLY BRACED PER 2007 CBC CODE REQUIREMENTS.
  7. CONTRACTOR TO VERIFY ALL WORK AND DIMENSIONS AT SITE BEFORE STARTING WORK IF A DISCREPANCY OCCURS, NOTIFY OWNER.
  8. ALL DIMENSIONS ARE FROM FACE OF FINISH OF WALLS, UNLESS NOTED OTHERWISE.
  9. ALL EMERGENCY LIGHTING TO HAVE SECOND SOURCE POWER.
  10. ALL EXTLIGHTS TO HAVE SEPARATE POWER SOURCE.
  11. PATCH, TEXTURE AND PAINT (E) WALLS AS REQUIRED.
  12. ALL CONTRACTORS TO BE IN COMPLIANCE WITH OSHA REQUIREMENTS FOR CONSTRUCTION HARDHATS, EYEWEAR, EAR PROTECTION, ETC.
  13. GENERAL CONTRACTOR TO PROVIDE EXTRA HARDHATS AND VISITOR SIGN-IN SHEET AT THE SITE.
  14. ALL EQUIPMENT TO BE INSTALLED PER MANUFACTURERS REQUIREMENTS.
  15. ALL INSTALLATION MUST CONFORM TO ALL APPLICABLE REGULATIONS INCLUDING THE NFPA 704, NFPA 70, NFPA 72, NFPA 75, NFPA 78, NFPA 80, NFPA 85, NFPA 86, NFPA 87, NFPA 88, NFPA 89, NFPA 90, NFPA 91, NFPA 92, NFPA 93, NFPA 94, NFPA 95, NFPA 96, NFPA 97, NFPA 98, NFPA 99, NFPA 100, NFPA 101, NFPA 102, NFPA 103, NFPA 104, NFPA 105, NFPA 106, NFPA 107, NFPA 108, NFPA 109, NFPA 110, NFPA 111, NFPA 112, NFPA 113, NFPA 114, NFPA 115, NFPA 116, NFPA 117, NFPA 118, NFPA 119, NFPA 120, NFPA 121, NFPA 122, NFPA 123, NFPA 124, NFPA 125, NFPA 126, NFPA 127, NFPA 128, NFPA 129, NFPA 130, NFPA 131, NFPA 132, NFPA 133, NFPA 134, NFPA 135, NFPA 136, NFPA 137, NFPA 138, NFPA 139, NFPA 140, NFPA 141, NFPA 142, NFPA 143, NFPA 144, NFPA 145, NFPA 146, NFPA 147, NFPA 148, NFPA 149, NFPA 150, NFPA 151, NFPA 152, NFPA 153, NFPA 154, NFPA 155, NFPA 156, NFPA 157, NFPA 158, NFPA 159, NFPA 160, NFPA 161, NFPA 162, NFPA 163, NFPA 164, NFPA 165, NFPA 166, NFPA 167, NFPA 168, NFPA 169, NFPA 170, NFPA 171, NFPA 172, NFPA 173, NFPA 174, NFPA 175, NFPA 176, NFPA 177, NFPA 178, NFPA 179, NFPA 180, NFPA 181, NFPA 182, NFPA 183, NFPA 184, NFPA 185, NFPA 186, NFPA 187, NFPA 188, NFPA 189, NFPA 190, NFPA 191, NFPA 192, NFPA 193, NFPA 194, NFPA 195, NFPA 196, NFPA 197, NFPA 198, NFPA 199, NFPA 200.

**2 PROPOSED SITE PLAN EXPANSION**  
SCALE: 1/16" = 1'-0"



**Site Plan**

**Figure 2**

Source: Zamora and Associates, 2011