

## **MITIGATED NEGATIVE DECLARATION**

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

**NAME OF PROJECT:** ARCO Gas Station Project

**PROJECT FILE NUMBER:** CP14-056

**PROJECT DESCRIPTION:** Conditional Use Permit to allow the demolition of an existing convenience store and auto repair shop, and construction of a new 2,600 square foot convenience store with off-sale of beer and wine, a new fuel island canopy, and site modifications for an existing gas station and auto repair shop on a 0.66 gross acre site.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** The project site is located at 3010 Mt. Vista Drive, at the southeast corner of S. White Road and Mt. Vista Drive, in San José, California. The Assessor's Parcel Number (APN) is 647-12-084 on the Santa Clara County Assessor's Parcel Map.

**COUNCIL DISTRICT:** 5

**APPLICANT CONTACT INFORMATION:** Tony Baig, Villa Developers and Investment, LLC, 2850 Steven Creeks Boulevard, San Jose, CA 95128.

### **FINDING:**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

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

- I. AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. AIR QUALITY.** The project will not have a significant impact on air quality, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES.** The project will not have a significant impact on biological resources, therefore no mitigation is required.
- V. CULTURAL RESOURCES.** The project will not have a significant impact to cultural resources, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.
- VII. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. HAZARDS AND HAZARDOUS MATERIALS.** Project implementation could expose construction workers and the environment to hazardous materials. Implementation of the following mitigation measures would avoid potentially significant impacts related to possible hazardous materials at the project site.

**Mitigation Measure HAZ-1.1:** Before the start of earthmoving activities at any location on the project site, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant. The SMP shall include:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP would detail procedures and protocols for management of soil containing environmental contaminants during site development activities.

- A copy of the SMP and any associated environmental investigations shall be provided to the Supervising Environmental Planner at the Department of Planning, Building, and Code Enforcement (PBCE).
- All measures shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.
- A No Further Action letter (or equivalent assurance) from SCCDEH documenting completion of cleanup activities shall be provided to the Director of PBCE prior to issuance of grading permit.

**Mitigation Measure HAZ-1.2:** If contamination is encountered during construction or demolition activities, all ground disturbance activities shall cease. SCCDEH and PBCE shall be notified. SCCDEH shall provide direction on appropriate soil remediation procedures. An environmental professional, qualified in hazardous waste operations and geotechnical issues, shall be retained to implement proper soil management procedures. A copy of the compliance report or approval documentation from SCCDEH shall be sent to the Supervising Environmental Planner at PBCE prior to continuing construction or demolition activities.

- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** The project will not have a significant noise impact, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **April 19<sup>th</sup>** any person may:

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

Harry Freitas, Director  
Planning, Building and Code Enforcement

  
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Deputy

Circulation period, from March 30, 2016 to April 19, 2015