

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: 900 Meridian Avenue Gas Station Rezoning Project

PROJECT FILE NUMBER: C15-034

PROJECT DESCRIPTION:

A Conventional Conforming Rezoning from CP Commercial Pedestrian Zoning District to CN Commercial Neighborhood Zoning District to allow a drive -thru carwash and convenience store for a gasoline service station.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 900 Meridian Avenue; APN: 264-02-051

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Henry Cord, Henry Cord Associates, 42 1st Street, Suite D, San Jose CA 95113, (408) 307-0166

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

- A. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- D. BIOLOGICAL RESOURCES** -- The project will not have a significant impact on this resource, therefore no mitigation is required.
- E. CULTURAL RESOURCES** -- The project will not have a significant impact on this resource, therefore no mitigation is required.
- F. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- G. GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- H. HAZARDS AND HAZARDOUS MATERIALS.** Hazardous materials contamination on the site, if discovered in soil or groundwater, could pose a risk to construction workers and others on the site.

MM HAZ-1.1: Prior to initiation of demolition and construction activities, soil samples shall be taken in the area of the existing auto service bays and hydraulic lifts to test for the presence of contaminated soil.

MM HAZ-1.2: In the event contaminated soil is detected during sampling, a site management plan (SMP) shall be developed to establish management practices for handling contaminated soil or other materials if encountered during demolition and construction activities. The SMP shall be reviewed and approved by the City of San Jose prior to commencing construction activities.

MM HAZ-1.3: Each contractor working at the site shall prepare a health and safety plan (HSP) that addresses the safety and health hazards of each phase of site operations and includes the requirements and procedures for employee protection.

MM HAZ-1.4: Excavated soils will be characterized prior to off-site disposal or reuse on-site. Appropriate soil characterization, storage, transportation, and disposal procedures shall be followed. Contaminated soils shall be disposed of at a licensed facility in accordance with all appropriate local, state, and federal regulations.

- I. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- J. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- K. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. 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 additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **September 17th, 2015**, any person may:

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

Harry Freitas, Director
Planning, Building and Code Enforcement

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