

**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.

**PROJECT NAME:** Rotten Robbie #11

**PROJECT FILE NUMBER:** C19-016 & CP18-027

**PROJECT DESCRIPTION:** Conforming rezoning from Commercial Pedestrian Zoning District to Commercial Neighborhood Zoning District. Conditional Use Permit to allow the demolition of the existing 1,500-square-foot convenience store and existing driveway entrances, and the development of an approximately 3,200-square-foot convenience store building along with 24-hour use, off-sale of alcohol, and 11 parking spaces, and the replacement of the demolished driveway entrances.

**PROJECT LOCATION:** The project is located on approximately 0.52 acres at 2305 Story Road.

**ASSESSORS PARCEL NO.:** 484-35-022

**COUNCIL DISTRICT:** 5

**APPLICANT CONTACT INFORMATION:** Robinson Oil (ATTN: David Mordick and John Hicks), 955 Martin Ave, Santa Clara, CA 95050; [dmordick@rottenrobbie.com](mailto:dmordick@rottenrobbie.com) and [johngloria@sbcglobal.net](mailto:johngloria@sbcglobal.net); (408) 257-2222

**FINDING**

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant 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 would not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- D. **BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- E. **CULTURAL RESOURCES** – The project would not have a significant impact on this resource,

therefore no mitigation is required.

- F. ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- G. GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- H. GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- I. HAZARDS AND HAZARDOUS MATERIALS.**

**Impact HAZ-1:** Hazardous materials contamination on the site, if discovered in soil, could pose a risk to construction workers and other on or around the project site during excavation and grading, subsurface utility installation, maintenance, or landscaping.

**MM-HAZ-1:** Prior to the construction a limited Phase II subsurface investigation meeting ASTM guidelines (inclusive of Ground Penetrating Radar or similar geophysical survey) will be performed by a qualified environmental professional to determine if the subject property has been adversely impacted by the site's previous agricultural history and long-term use as a gasoline dispensing facility, including a closed Leaking Underground Storage Tank (LUST) case that was granted closure in July 2017; and the site USTs with previous monitoring system inspection violations. If the Phase II results indicate soil, soil gas and/or groundwater contamination above regulatory environmental screening levels, the applicant must obtain regulatory oversight from the Santa Clara County Department of Environment Health (SCCDEH). Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination and make the site suitable for the proposed development.

- J. HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- K. LAND USE AND PLANNING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- L. MINERAL RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- M. NOISE** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- N. POPULATION AND HOUSING** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- O. PUBLIC SERVICES** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- P. RECREATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- Q. TRANSPORTATION** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- R. TRIBAL CULTURAL RESOURCES** – The project would not have a significant impact on this

resource, therefore no mitigation is required.

**S. UTILITIES AND SERVICE SYSTEMS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

**T. WILDFIRE** – The project would not have a significant impact on this resource, therefore no mitigation is required.

**U. MANDATORY FINDINGS OF SIGNIFICANCE.**

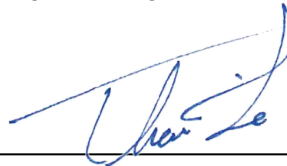
Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Monday October 26, 2020** 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.

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement



9/30/2020

Date

Deputy

Bethelhem Telahun  
Environmental Project Manager

**Circulation period: Monday October 5, 2020 and ends on Monday October 26, 2020**