



## DEVELOPMENT SERVICES CENTER, PLANNING DIVISION

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**17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236**  
**Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)**

### **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

This is to advise that the **City of Morgan Hill** has prepared an **Initial Study** to evaluate the environmental impacts of the project identified below, as required by the California Environmental Quality Act (CEQA). As mandated by State Law, the review period for this document is 30 (thirty) days. Based upon the conclusions set forth in the IS, the City of Morgan Hill proposes to adopt a Mitigated Negative Declaration.

**Project Title:** AU Energy Gas Station

**Project Location:** The 1.07-acre project site is located at 810 East Dunne Avenue in the City of Morgan Hill, California and is identified by Assessor's Parcel Numbers 817-11-043 and -077.

**Project Description:** The 810 East Dunne Avenue Project (proposed project) would include demolition of the existing Shell fueling station, car wash, and convenience store, removal of two existing 15,000-gallon underground storage tanks (USTs), and redevelopment of the project site with a new fueling station, car wash, and convenience store. The new structures would consist of a 5,007-square-foot (sf) convenience store, a 2,789-sf fueling canopy featuring four fuel dispensers to serve eight vehicles, a 1,733-sf car wash tunnel, a 250-sf car wash equipment room, and a 679-sf storage area. A total of 22 parking stalls would be provided. In addition, two new 20,000-gallon USTs would be installed on-site.

The project would require City approval of the following discretionary entitlements: Conditional Use Permit; Design Permit; and Lot Merger. In addition, as responsible agency, the following approvals will be required from Santa Clara County Hazardous Materials Compliance Division: UST System Closure Permit; and UST Permit to Operate

**Public Hearing:** The Planning Commission will consider the proposed project and environmental document at a public hearing tentatively scheduled for March 14, 2023, at 7:00 p.m. The community may attend in person at the Council Chamber Building at 17555 Peak Avenue or virtually at <https://bit.ly/PlanningCommissionMtg> or 669-900-9128, then enter the webinar id: 862 0324 6251.

CEQA requires this notice to disclose whether any listed toxic sites are present. The project location is included on a list of hazardous materials sites, pursuant to Government Code Section 65962.5, as a Leaking Underground Storage Tank site. However, based on the analysis of soil and groundwater samples collected at the project site associated with the LUST case, residual contamination at the site

did not appear to be a significant threat to the groundwater resources in the project area and the LUST case was closed on March 29, 2005.

The comment period for this document begins on February 3, 2023, and closes on March 6, 2023, at 5:00 p.m. Persons having comments concerning this project, including objections to the basis of determination set forth in the IS, are invited to furnish their comments, during the comment period noted above, summarizing the specific and factual basis for their comments in writing to the City of Morgan Hill Community Development Department, Attn. to Tiffany Brown, or by email at [tiffany.brown@morganhill.ca.gov](mailto:tiffany.brown@morganhill.ca.gov).

The draft Mitigated Negative Declaration, Initial Study and reference documents are available for review from 8:00 AM to 5:00 PM Monday through Friday at the City of Morgan Hill, Development Services Center, Community Development Department, 17575 Peak Avenue, Morgan Hill, CA 95037. An electronic copy of the documents may also be viewed on the city website at <https://www.morganhill.ca.gov/2362/AU-Energy-Gas-Station>. Further details may be obtained from the Community Development Department at (408) 778-6480.  
(PUB MHT 2/3)