



PLANNING DIVISION

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MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: October 3, 2025

Application #s: SR2025-0006, UP2025-0002

APN: 764-12-020

Project Title: Chevron Convenience Store and Gas Station Project

Project Location: 17905 Monterey Road
Morgan Hill, CA 95037

Project Proponent: Singireddy Ninga
2740 Toro Vista Court
Morgan Hill, CA. 95037

Project Description: The Chevron Convenience Store and Gas Station Project (proposed project) would include improvements to the existing Valero gas station and convenience store, which would result in the operation of a Chevron gas station and convenience store at the project site. As part of proposed improvements, the existing auto bays attached to the convenience store would be removed and the existing convenience store would be expanded to occupy the former auto body space. The convenience store would be further renovated to operate as a Chevron Extra Mile store; however, the building's square footage would not increase as a result of the convenience store improvements. A new fueling canopy would be installed with one additional Multi-Product Dispenser (MPD) and a 500-gallon above-ground propane tank for propane sales. The proposed project would also replace the current on-site fuel underground storage tanks (UST) to meet current UST standards; renovate the building's storage room to sit above the floodplain level; install a new trash enclosure; add new landscaping to meet City ordinances, new accessible path to the public right of way, and a required van accessible stall; and replace the existing sidewalk curbs and gutters along the site's Monterey Boulevard frontage.

The proposed project would require the following City approvals:

- Conditional Use Permit; and
- Design Review.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures will be included in the project, and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

III. MITIGATION AND AVOIDANCE MEASURES

A. Greenhouse Gas Emissions

VIII-1. Consistent with the BAAD's fourth criterion, related to the CALGreen Tier 2 off-street electric vehicle requirements, prior to the approval of project improvement plans, the applicant shall indicate that EV capable parking spaces shall be installed throughout the project site consistent with current CALGreen Tier 2 standards. Compliance with this measure shall be ensured by the City of Morgan Hill Development Services Department.

B. Hazards and Hazardous Materials

IX-1. Prior to the issuance of a grading permit, the project applicant shall submit an application for an Underground Storage Tank (UST) System Closure Permit to the Santa Clara County Hazardous Materials Compliance Division (HMCD) for review and approval, pursuant to the requirements set forth in Santa Clara County Code Section B11-325. As part of the UST System Closure Permit application, the project applicant shall also pay associated fees. At minimum, the UST Closure Permit application shall detail the following:

- *The proposed schedule for collection and sampling of soils beneath the on-site USTs and along piping runs;*
- *The California Department of Toxic Substances Control (DTSC) and U.S. Environmental Protection Agency (USEPA) standards against which collected on-site soils shall be tested;*
- *Applicable work practice standards, in accordance with the Occupational Safety and Health Administration (OSHA) Technical Manual, that shall be implemented to ensure appropriate precautions are incorporated to protect construction workers and the surrounding community during removal of the on-site USTs and associated piping runs;*
- *The proposed disposal methods for on-site soils associated with the existing USTs and piping runs;*
- *The proposed date of UST closure inspection; and*
- *The methods with which soils shall be remediated on-site, if contaminants in tested soils exceed applicable standards. If on-site remediation is not possible, the methods and routes in which contaminated soils shall be hauled to an appropriate facility for disposal.*

In accordance with California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 32, the existing on-site USTs and primary piping shall be managed as hazardous waste upon removal, unless such facilities are cleaned on-site and certified by an HMCD representative as non-hazardous in accordance with DTSC hazardous waste regulations. The proposed UST and sump removal and sampling activities shall be witnessed by a HMCD representative.

- IX-2. If unidentified or suspected contaminated soil or groundwater, as evidenced by stained soil, noxious odors, or other factors, is encountered during site improvements, work shall stop in the area of potential contamination, and the nature and extent of the contamination shall be assessed by a qualified environmental professional. The qualified environmental professional shall be retained by the applicant to prepare a report that describes the assessment of apparently contaminated soil and any identified contaminants and their reported concentrations. The report shall also include a comparison of contaminant concentrations (if any) to applicable health risk-based screening levels and hazardous waste criteria (as appropriate), provide a conclusion stating whether or not the contaminants are present at concentrations that could pose a threat to human health or the environment, and, if so, recommend appropriate handling and/or off-site disposal of the contaminated soil, as appropriate. Site improvement activities shall not recommence within the contaminated areas until any necessary remediation identified in the report is complete. The report and verification of proper remediation and disposal shall be submitted to the Santa Clara County Environmental Health Department for review and approval.*
- IX-3. If on-site soil excavation for UST removal and replacement will result in the need to export the excavated soil for disposal at an off-site location, the applicant shall retain a qualified environmental professional to characterize the excavated soil as a waste to determine an appropriate disposal facility and obtain their acceptance of the soil. The qualified environmental professional shall oversee the loading, transportation, and disposal of the soil including retaining copies of transportation and disposal documentation (i.e., waste manifests and landfill weigh tickets, respectively). The qualified environmental professional shall also prepare a report summarizing the methodology of soil waste characterization, results of the characterization, and describing the loading, transportation, and disposal of the soil. The report shall be submitted to the Santa Clara County Environmental Health Department for review and approval.*
- IX-4. Prior to any renovations to the existing on-site structure, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete a visual inspection/pre-renovation survey, and possible sampling, to determine whether any structures to be renovated contain lead-based paint (LBP), asbestos, mercury, or polychlorinated biphenyl caulk. Sampling shall be conducted in accordance with the California Department of Toxic Substances Control's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead based Paint, Termiticides, and Electrical Transformers. The report shall be submitted for review to the Building Department.*
- If asbestos-containing materials or lead-containing materials are not discovered during the survey, further mitigation related to asbestos-containing materials or lead-containing materials shall not be required. If asbestos-containing materials and/or lead-containing materials are discovered by the survey, the project applicant*

shall prepare a work plan to demonstrate how all building materials containing LBP, asbestos, mercury, or polychlorinated biphenyl caulk shall be removed in accordance with current California Occupational Health and Safety Administration (Cal/OSHA) regulations and disposed of in accordance with all CalEPA regulations, prior to the renovation of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal/OSHA registered asbestos and lead abatement contractor in accordance with Cal/OSHA Lead in Construction Standard Title 8, CCR 1529 and Title 8, CCR 1532.1 including employee training, employee air monitoring, and dust control.

If asbestos is found, all construction activities shall comply with all requirements and regulations promulgated through the National Emission Standards for Hazardous Air Pollutants (NESHAP). The contractor shall be informed that all paint on the buildings shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. All potentially friable asbestos-containing materials shall be removed in accordance with NESHAP guidelines prior to any building renovation that may disturb the materials. A registered asbestos abatement contractor shall be retained to remove and dispose of asbestos-containing materials identified in the asbestos survey performed for the site in accordance with the standards stated above. The applicant shall submit the work plan to the City for review and approval. The City has the right to defer the work plan to the Santa Clara County Department of Environmental Health for additional review. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAD Section 11-2-303.

- IX-5. Prior to commencement of construction activities, the project applicant shall hire a licensed contractor to conduct additional testing of the 55-gallon unlabeled drums with an undifferentiable liquid to confirm the contents within. In the event that hazardous materials are found within the drums, the project applicant shall dispose of the materials and drums in accordance with applicable USEPA methods and at the appropriate facility. The results of the testing, as well as verification of proper disposal, shall be submitted to the Morgan Hill Development Services Department.*

C. Noise

- XIII-1. Noise-generating construction activities associated with the proposed project shall only occur within the hours identified in Municipal Code Section 8.28.040(D). The above language shall be included on final project improvement plans prior to issuance of a grading permit by the City of Morgan Hill Development Services Department.*

- XIII-2. The following measures shall be implemented during project construction:*

- The proposed project shall incorporate eight-foot-tall temporary sound barriers along the northwestern and southwestern boundaries of the project site, between the existing sensitive receptors and construction activities. The sound barrier fencing shall consist of 0.5-inch plywood or minimum Sound Transmission Class (STC) 27 sound curtains placed to shield nearby sensitive*

receptors. The plywood barrier shall be free from gaps, openings, or penetrations to ensure maximum performance.

- *All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition;*
- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project construction;*
- *Electrically powered equipment shall be used instead of pneumatic or internal-combustion-powered equipment, where feasible;*
- *Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors;*
- *Project area and site access road speed limits shall be established and enforced during the construction period; and*
- *Nearby sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.*

The above requirements shall be included via notation on project grading plans, subject to review and approval by the Development Services Department prior to issuance of a grading permit.

III. FINDING

The City of Morgan Hill hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study will reduce the impacts to a less-than-significant level.

Rich Buikema

Rich Buikema, Contract Planner

September 30, 2025

Date