

ERRATA

Rotten Robbie #67 Project

File No. GP16-011, C17-008, CP17-015
Location 1202 Oakland Road, San Jose, CA
Council District 3

BACKGROUND

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject General Plan Amendment, Conforming Rezoning, and Conditional Use Permit. The documents were circulated for public review between October 17, 2017 to November 6, 2017 and no comments were received from the public.

Since the public review of the IS/MND, there are changes that has been made to the IS/MND. The following errata to the IS/MND is made to correct and clarify the changes.

PURPOSE OF ERRATA

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a negative declaration "when the document must be substantially revised." A "substantial revision" includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

State CEQA Guidelines specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." As noted below, revisions to the proposed project would not change the extent of the project analyzed in the Initial Study/Mitigated Negative Declaration (IS/MND). Changes to the negative declaration would therefore merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the negative declaration is therefore not required in accordance with Section 15073.5(c).

TEXT REVISIONS

Since the circulation of the IS/MND, the project description has changed to include the additional upgrade of the existing gas station pumps, with no expansion of use or increase in number of pumps, for an interim use prior to the implementation of the full Conditional Use Permit.

The change to the text in the IS/MND includes:

3.2 Proposed Development

The project is for a General Plan Land Use / Transportation Diagram Amendment from Heavy Industrial to Combined Industrial Commercial, a conforming Rezoning from Heavy Industrial (HI) to Combined Industrial/Commercial (CIC) zoning district, and Conditional Use Permit to allow the demolition of existing


structures on site and construction of an approximately 3,750 square foot one-story convenience store, a 3,432 square foot canopy over the auto fueling area, and a 4,813 square foot canopy over the cardlock fueling dispensers . The project proposes six fuel stations for auto dispensers (12 pumps) and 12 fuel stations for cardlock fueling dispensers (24 pumps). The proposed cardlock fueling dispensers are restricted to diesel and would be accessed for specific businesses. Other improvements include parking lot upgrades, landscape upgrades, and the installation of a covered trash enclosure. Additionally, the off-sale of alcohol and 24-hour operation is proposed as part of the project.

In the interim period and prior to implementation of the project, the applicant proposes to upgrade the existing gas stations, with no increase to the number of pumps or capacity of the use.

The proposed change to include in the upgrade of the existing gas station in the interim period, prior to the full demolition of all structures and building on sites and construction for the convenience store and new gas station, the project would be subject to the same conditions and mitigation measures as part of the Condition Use Permit, as applicable.

This change does not present new information or change the analysis or findings of the IS/MND. The proposed change identified above would only clarify the implementation timing of the required mitigation measure and would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The new information is not significant and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the MND, technical appendices and reports, together with the Errata and the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement



Deputy

Date: January 23, 2018