

Attachment A

1301 West San Carlos Street Chick-fil-A Project

City of San José

File No./Nos.	H24-046, AT24-013, & ER24-195
Address/Location of Property	1301 W San Carlos Street
Assessor's Parcel Number (APN)	261-42-059, 261-42-060, and 261-42-064
Project Applicant	4G Development and Consulting

Purpose of Memorandum

The purpose of this California Environmental Quality Act (CEQA) Class 32 Categorical Exemption is to determine whether the Project meets all the criteria for such an exemption as set forth in CEQA Guidelines Section 15332 (Infill Development Projects). As evaluated herein, the Project would be consistent with all criteria listed in CEQA Section 15332 and would not trigger any of the disqualifying exceptions listed in CEQA Section 15300.2.

Project Location

The 1301 West San Carlos Street Chick-fil-A Project (Project) is located at 1301 West San Carlos Street in the City of San José (City) in Santa Clara County, California. The 1.09-acre Project site consists of Assessor's Parcel Numbers 261-42-059, 261-42-060, and 261-42-064. The Project site is located in an urban area with a mix of surrounding uses including commercial and residential uses. Specifically, the site is bounded by residential uses to the north, Race Street to the east, West San Carlos Street to the south, and commercial and residential uses to the west. See **Figure 1: Local Vicinity Map**.

Environmental Setting

The Project site is within a developed urban area and has been previously disturbed by the construction of the existing building and associated parking. There is an existing approximately 3,817 square foot (sf) building in the northwest corner of the Project site. The existing building contains two existing uses, Taqueria Eduardo and Shaper Cuts retail stores. The Project site includes impervious surfaces in the form of driveways, parking stalls, and drive aisles. According to the Arborist Report, there are 20 existing trees located on site, including 13 Shamel Ash trees (*Fraxinus Uhdei*), six Olive trees (*Olea Europaea*), and one Tree-of-Heaven (*Ailanthus Altissima*).

Project Description

The Project would result in the construction of a Chick-fil-A quick-service restaurant without a drive through. Specifically, the Project would demolish the existing 3,817 sf building on the northeast corner of the Project site and construct a 5,480 sf Chick-fil-A restaurant with an outdoor seating area comprised of 46 outdoor seats on the southern portion of the Project site, to the east of the proposed restaurant building. The maximum building height for the Project is anticipated to be 24.7 feet. The Project would include a heating, ventilation, and air conditioning system. The Project would also construct a 5-foot tall

screening wall along the northern and western edges of the Project site. The Project would include approximately 60 parking stalls on the northern portion of the site, including Americans with Disabilities Act (ADA) accessible stalls, electric vehicle charging stalls, and motorcycle stalls. Vehicle access and egress to the Project site would be provided via two driveways along Race Street. The Project proposes five bicycle parking spaces. The Project would include installation of parking signage throughout the Project site. No monument signs are anticipated to be installed.

Project implementation would require construction of on-site utility infrastructure to serve the proposed building. The Project would connect proposed utilities to existing off-site utility infrastructure in adjacent roadways, with the final sizing and design occurring during final building design and plan review. Specifically, the Project would provide a new 2-inch water pipe and 6-inch fire water pipe that connect to the existing municipal water system. A new 6-inch sanitary sewer line, 4-inch grease waste line, and associated grease interceptor are proposed on the Project site to connect to the existing sanitary sewer line for waste. Stormwater would be conveyed through a new 4-inch storm drain pipe constructed to connect to the existing storm drain line. Additionally, the Project would implement a transformer and associated electrical line on the Project site to provide electricity. Landscaping improvements would also be implemented throughout the Project site.

Operations

Project operation is anticipated to occur between 6:30 AM and 10:00 PM. The Project includes an outdoor dining area which may include low-level background music. The Project is expected to generate approximately 21 employees. The Project would include infrequent truck deliveries to the restaurant for goods replenishment. No nighttime truck deliveries are expected during Project operation.

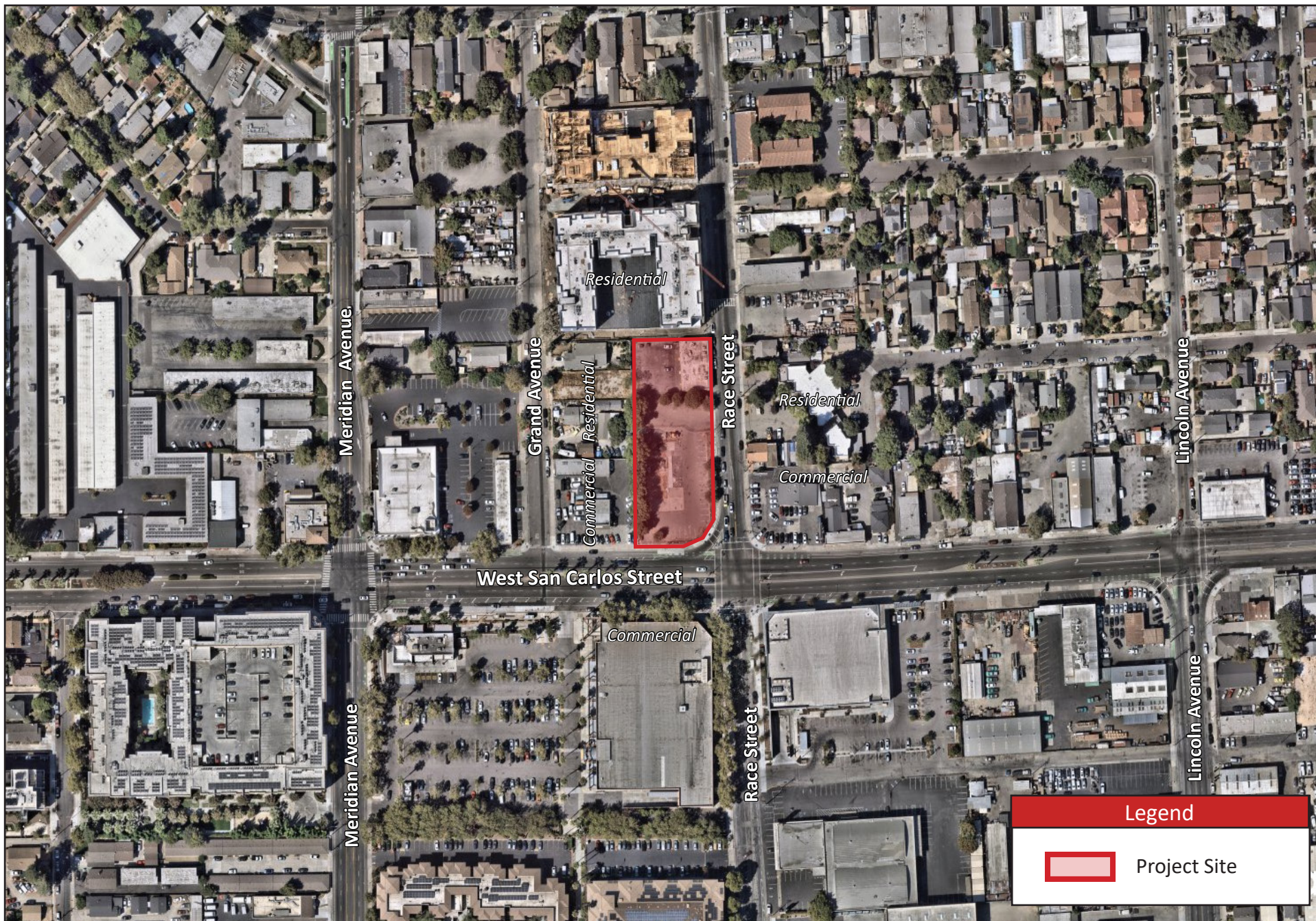
Construction

Project construction is anticipated to occur over approximately eight months beginning March 2026 and ending in October 2026. Project construction would observe the City's standard construction hours (7:00a.m. to 7:00p.m., Monday through Friday). During Project construction, there would be approximately 1,490 tons of demolition material and 1,466 cubic yards of soil export. The maximum depth of excavation needed for Project construction is not anticipated to exceed five feet below ground surface.

The Project would be required to implement certain construction conditions in addition to the City's Standard Permit Conditions. As discussed on page 17 of this document, the Project permittee would be required to conduct subsurface soil, soil gas and groundwater contamination sampling to ensure possible sources of contamination are below environmental screening levels. If contaminant concentrations are above environmental screening levels, a Site Management Plan (SMP), shall be prepared and submitted to the proper regulatory agencies. Finally, Project demolition and grading activities should take place outside of the nesting season for most birds, which is from February 1st to August 31st, inclusive. If demolition and grading activities are scheduled to take place during the nesting season, the Project permittee is required to avoid impacts by conducting pre-construction surveys and establishing buffers if nests are found. More information on this Condition of Approval is found on page 5 of this document.

Required Permits and Approvals

- Site Development Permit
- Lot Merge
- Demolition/Grading Permit
- Building Permit



Source: Nearmap, 2025

Figure 1: Local Vicinity Map
 1301 West San Carlos Street Project
 Technical Studies



Not to scale

Certification

Under the provisions of Section 15332 Infill Development Projects of the State Guidelines for the implementation of CEQA, this Project is found to be exempt from the environmental review requirements of Municipal Code Title 21, implementing the California Environmental Quality Act of 1970, as amended.

Analysis

15332. Infill Development Projects

This exemption permits projects characterized as in-fill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The Project would meet all conditions outlined under Section 15332 of the CEQA Guidelines as described below:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

The Project site is designated as Urban Village within the Land Use/Transportation Diagram of the Envision San José 2040 General Plan and the West San Carlos Local Transit Village Plan. Within the UV Plan, this site is within the Mixed-Use Residential Character Area. This designation supports a wide variety of commercial, residential, institutional, or other land uses with an emphasis on establishing attractive urban form and pedestrian orientation in keeping with the Urban Village concept.¹ Within the Mixed-Use Residential Character Area, this is intended to be a commercial designation that supports a broad range of commercial development including retail and office. This designation has a range of allowed densities (55-250 dwelling units per acre) for residential and mixed uses that include residential, but there are no specific requirements for commercial development. Additionally, the Project site has a zoning district of Urban Village. This zoning district is intended to providing flexibility for the development of employment uses, high density housing, and mixed use development.² The Urban Village zoning district development standards require a minimum lot size of 6,000 sf and allow for a maximum Floor Area Ratio of 10.0.

¹ City of San José. West San Carlos Urban Village Plan.
<https://www.sanjoseca.gov/home/showpublisheddocument/22923/638410220377870000>. Accessed April 3, 2025.

² City of San José. City of San José Municipal Code Chapter 20.55.010.
https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.55URVIMIUSZODI_PT1GE_20.55.010URVIMIUSZODI. Accessed April 3, 2025.

The Project would construct a commercial use, in the form of a Chick-fil-A quick-service restaurant, as allowed by the land use designation and zoning district. The Project would be designed for consistency with all applicable General Plan policies and zoning requirements. Specifically, the Project would be consistent with the land use designation of Urban Village in the Mixed-Use Residential Character Area as the Project would be a commercial use. The Project would be consistent with the development standards established for the Urban Village zoning district as the Project site is greater than 6,000 sf and the proposed Floor Area Ratio would be 0.107, which is below the maximum allowable Floor Area Ratio of 10.0. The Project does not contain drive through operations and the restaurant would be located on the southern portion of the site adjacent to the W San Carlos Street and Race Street intersection for increased pedestrian access. As noted in Table 20-138 of the City Municipal Code, food service uses like the Project are permitted uses under the UV zoning district. Further, the Project is subject to the City design review process and the proposed development is subject to review for consistency with the General Plan, City Municipal Code, West San Carlos Urban Village Design Guidelines, Citywide Design Standards and Guidelines, and related City Council Development policies. The Project would be consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Therefore, the Project meets the criteria of CEQA Guidelines Section 15332(a).

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The 1.09-acre Project site is located at 1301 W San Carlos Street, in the City of San José (Figure 1). The Project site is predominantly surrounded by urban uses, including commercial and residential. Therefore, the Project meets the criteria of CEQA Guidelines Section 15332(b), because it is a site under five acres in size and is surrounded by urban land uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.*

The Project site is within a developed urban area and has been previously disturbed by the construction of the existing building and associated parking. The Project site includes impervious surfaces in the form of driveways, parking stalls, and drive aisles. According to the Arborist Report prepared for the Project (Appendix A), there are 20 trees located on-site, including 13 Shamel Ash trees (*Fraxinus Uhdei*), six Olive trees (*Olea Europaea*), and one Tree-of-Heaven (*Ailanthus Altissima*).

Nesting Migratory Birds

Trees within and adjacent to Project site boundaries could provide suitable nesting habitat for a variety of bird species adapted to nesting in urban environments. Project construction would require removal of 20 trees that could provide potential habitat for nesting birds. The Project must adhere to General Plan Policy ER-5.1 and ER-5.2, which state that construction activities must avoid the loss of active nests via direct or indirect means and recommend the avoidance of activities that would result in such loss. Avoidance buffers are also recommended to avoid impacts to nesting migratory birds. Therefore, the Project applicant would be required to conduct bird nesting surveys and implement bird nesting buffers for active nests prior to and during construction if construction commences during the bird nesting season. This is in compliance with

the Santa Clara Valley Habitat Plan, City of San José General Plan Policies, the federal Migratory Bird Treaty Act (MBTA), and CDFW Code Sections 3503, 3503.5, and 2800.

Condition of Approval

Nesting Birds. Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities (February 1 through August 31, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate a construction-free buffer zone to be established around the nest. The buffer would ensure that raptor or migratory bird nests would not be disturbed during project construction.

Prior to the issuance of any grading or building permit, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

Implementation of the Project's proposed construction measures and Condition of Approval mentioned above would reduce potential impacts to nesting birds if they were to occupy the site during Project construction to a less than significant level. Through implementation of the proposed construction measures, Standard Permit Condition, and Condition of Approval, the Project adheres to General Plan Policies, the SCVHP, the MBTA, and CDFW Code and meets the criteria of CEQA Guidelines Section 15332(c).

Compliance with Adopted Local, Regional, or State Habitat Conservation Plans

There is no mapped critical habitat for endangered, rare or threatened species within the Project site.³ The Project site does not include any mapped wetlands.⁴ The Project is located within the Santa Clara Valley Habitat Plan (Habitat Plan) area.⁵ However, the Project site is designated as an

³ United States Fish and Wildlife Service. Critical Habitat for Threatened and Endangered Species. <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed April 3, 2025.

⁴ United States Fish and Wildlife Service. National Wetlands Inventory Map. <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>. Accessed April 14, 2025.

⁵ Santa Clara Valley Habitat Agency. Santa Clara Valley Habitat Plan Geobrowserv2.0. <https://scvha.maps.arcgis.com/apps/webappviewer/index.html?id=f2268679c2fa49489e3f7d6e8377837e>. Accessed April 14, 2025.

Urban Area of the Habitat Plan and would not require Land Cover Fees. Since the Project site is within the Habitat Plan area, compliance with the following Standard Permit Condition would be required prior to receiving Grading Permits:

Standard Permit Condition

Santa Clara Valley Habitat Plan. The Project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

Tree Preservation Ordinance

According to the Arborist Report (Appendix A), the Project would remove 20 trees on the Project site. Existing trees consist of three different species, including Shamel Ash trees, Olive trees, and a Tree-of-Heaven. The City defines an ordinance-sized tree as either a single trunk or stem with a circumference of at least 38 inches measured at a height 54 inches above natural grade slope or multiple trunks where the combined circumferences of each trunk at 54 inches above natural grade slope add up to at least 38 inches. All 20 existing trees are Ordinance-sized and would be removed during Project implementation. The Project would be required to comply with the City's Standard Permit Condition for Tree Removal. Per the City's Standard Permit Condition shown below, any requested tree removals would be evaluated under the proposed Site Development Permit.

Standard Permit Condition

Tree Replacement. Trees removed for the project shall be replaced at ratios required by the City, as stated in **Table 1: Tree Replacement Ratios** below, as amended:

Table 1: Tree Replacement Ratios

Circumference of Tree to be Removed	Replacement Ratios Based on Type of Tree to be Removed*			Minimum Size of Replacement Tree**
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
<p>* x:x = tree replacement to tree loss ratio</p> <p>Note: Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.</p> <p>** A 24-inch box replacement tree = two 15-gallon replacement trees</p> <p>Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.</p>				

- Approximately 20 trees onsite would be removed. All 20 trees are non-native and have a circumference greater than 38 inches. Thus, all 20 trees would be replaced at a 4:1 ratio. The total number and size of replacement trees required to be planted on-site would be either 80 15-gallon trees or 40 24-inch box trees.
- Prior to the issuance of building permit(s), the permittee shall pay Off-Site Tree Replacement Fee(s) to the City for 26 off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- If there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment
 - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the Project site.
 - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Based on these findings, the Project meets the criteria of CEQA Guidelines Section 15332(c).

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic. The Project would provide parking stalls for customers and employees. Vehicle access to the Project site would be provided via two driveways along Race Street. A Local Transportation Analysis, dated March 2025, was prepared for this Project and is included as Appendix B of this document. The Project proposes retail of less than 100,000 square-feet of total gross floor area or less without drive through operations and would meet the City's screening criteria for vehicle miles travelled (VMT) analysis exemption per City Council Policy 5-1. Thus, the project is anticipated to result in a less than significant cumulative CEQA impact to VMT. The Project would also meet the screening criteria for Transportation Demand Management exemption as local-serving retail with 100,000 square-feet of total gross floor area or less without drive-through operations. Therefore, a TDM Plan will not be required for the Project.

According to Table 4 in Appendix B, development of the Project is anticipated to generate a net total of 1,875 additional daily trips (194 AM, 137 PM peak hour) to the roadway network, which accounts for existing Project site trips. The net total of trips generated from the Project are not anticipated to create a significant traffic adverse effect. The Project is anticipated to provide adequate on-site vehicular parking for visitors and employees, and passenger vehicles, delivery trucks, and emergency vehicles would be able to circulate within the Project site without conflict. The Project is anticipated to provide sufficient bicycle parking and meet the City's off-street bicycle parking requirement. The Project is not anticipated to add substantial project trips to the existing pedestrian, bicycle, or transit facilities in the area. Thus, the Project would not create an adverse effect to the existing pedestrian, bicycle, or transit facility operations.

Additionally, the Project is anticipated to coordinate with the City for multimodal improvements. The Project would provide fair-share in-lieu monetary contributions for curb and bike lane extension along the West San Carlos Street and Race Street Project site frontages.

Due to the amount of Project-generated trips and implementation of multimodal improvements, the Project would not result in any significant effects relating to traffic.

Noise. A Noise Analysis was prepared for the Project, dated April 2025, and is included as Appendix C of this document. The purpose of the study is to analyze the Project's noise impacts related to both temporary construction activity and long-term operation of the Project.

Construction Noise

For project construction, per General Plan Policy EC-1.7, the City considers projects involving substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months within 500 feet of residential land uses or within 200 feet of commercial land uses or offices to be significant and requires that such projects include a construction noise logistics plan. The construction noise analysis also quantifies construction noise and compares the construction-related noise levels to the FTA's 8-hour average construction noise standards of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial uses, and 90 dBA L_{eq} at industrial uses for informational purposes. As noted in Table 6 in Appendix C, noise levels modeled utilizing the FTA standards

ranged from 62.8 dBA L_{eq} to 79.3 dBA L_{eq} . Thus, the Project construction noise levels would not exceed the FTA's 8-hour average construction noise standards.

The Project site is located within 500 feet of residential uses to the north, east, and west, and 200 feet from commercial uses to the south, east, and west. Project construction is anticipated to last for approximately eight months. Therefore, the Project would not result in more than 12 months of substantial noise generating activities during construction. Further, the Project would be required to adhere to the City's Standard Permit Conditions which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. The Standard Permit Conditions are required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are adhered to. With implementation of these conditions, construction noise effects on nearby receptors would be less than significant.

Standard Permit Condition

Construction-related Noise. Noise minimization measures include, but are not limited to, the following:

- Pile Driving is prohibited.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall

require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule

Operational Noise

For Project operations, per General Plan Policy EC-1.2, a permanent noise level increase would be considered significant if the Project would result in: a) a noise level increase of five dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} , or b) a noise level increase of three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.⁶ Existing noise measurements were taken in the Project area, as shown in Appendix C. Ambient noise levels in the Project area range from 46.5 dBA to 66.7 dBA. As the existing and the existing plus Project ambient noise levels are greater than 60 dBA L_{dn} , the incremental threshold for the Project is a noise level increase of 3 dBA L_{dn} .

During Project operations, the primary noise sources associated with implementation of the Project include off-site traffic, mechanical equipment (i.e., rooftop HVAC units), parking lot (i.e., car door slamming, car radios, engine start-up, and car pass-by), outdoor dining and low-level background music, truck deliveries (i.e., maneuvering and idling trucks, loading/unloading, and equipment noise), landscape maintenance activities, and trash/recycling pickup noise. HVAC units typically generate noise levels of approximately 52 dBA at 50 feet. Rooftop HVAC equipment would be positioned as close as approximately 100 feet from the nearest residential use located to the west of the Project site. Outdoor dining areas with music can generate noise levels up to approximately 82 dBA at one meter from the source. The Project's outdoor dining area would be located approximately 51.2 meters away from the nearest residential use located to the west of the Project site.

The Project proposes to construct a 5-foot concrete masonry unit screening wall along the northern and western edges of the Project site, which would attenuate sound generated on the Project site. Maximum attenuation is anticipated to be 2.7 dBA at the property to the north of the Project site.

As noted in Appendix C, noise generated from Project operations would range from 45.7 dBA to 63.5 dBA. The maximum increase in ambient noise levels from the Project would be 1.1 dBA L_{dn} at the multi-family residential building to the north of the Project site and would not exceed the 3 dBA L_{dn} incremental noise standards applicable to the Project as established in General Plan Policy EC-1.2. Therefore, the Project's operational noise levels would not result in a significant increase over existing ambient noise levels at the nearest noise-sensitive uses. Impacts would be less than significant. Therefore, Project operations and construction would not have a significant noise impact.

⁶ The analysis in Appendix B compares generated noise levels to the Municipal Code standards, however, the Municipal Code is not used as a criterion to determine the significance of project impacts under CEQA and only Project impacts relative to the General Plan thresholds are discussed in this memo.

Air Quality. An Air Quality Analysis, dated April 2025, was prepared for the Project and is included as Appendix D of this document. Under CEQA, the Bay Area Air District is an expert commenting agency on air quality within its jurisdiction or impacting its jurisdiction. The Bay Area Air District's CEQA Air Quality Guidelines provide significance thresholds for both construction and operation of projects. The City has determined that the Bay Area Air District significance thresholds for air quality would be appropriate for the Project. If a project proposes development in excess of the established thresholds, as outlined in Appendix D, then a significant air quality impact may occur and additional analysis is warranted to fully assess the significance of impacts.

Construction Air Quality

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include ozone-precursor pollutants (i.e., ROG and NO_x, PM₁₀, and PM_{2.5}). Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur. Construction-generated emissions associated with the Project were calculated using the California Air Resources Board (CARB)-approved California Emissions Estimator Model (CalEEMod). The results of the emissions modeling, as summarized in Appendix DC, show that construction criteria pollutant emissions would not exceed the applicable thresholds. The Bay Area Air District considers fugitive dust emissions to be potentially significant without implementation of the Basic Construction Control Measures (BCCMs) whether or not construction-related emissions exceed applicable significance thresholds. The Project would implement the BCCMs, as they are required by the City's Standard Permit Conditions to reduce dust emissions during construction activities. The Project would additionally comply with Bay Area Air District Regulation 8, Rule 3: Architectural Coating and Regulation 8, Rule 15: Emulsified and Liquid Asphalts, which limit the ROG content of paint and asphalt used during construction, respectively. Thus, construction-related air quality effects would be less than significant.

Standard Permit Condition

Construction-related Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the Project site:

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph.
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.

- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Bay Area Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

Operational Air Quality

Operational emissions are typically associated with mobile sources (i.e., motor vehicle use) and area sources (such as the use of landscape maintenance equipment, consumer products, and architectural coatings). Energy source emissions would be generated from electricity and natural gas usage. Operational emissions associated with the Project were modeled (see Appendix D) and would not exceed the applicable Bay Area Air District thresholds, including those applicable to carbon monoxide and diesel particulate matter. Therefore, the Project would not result in a significant effect related to operational air quality emissions.

Additionally, the Project would be consistent with the Bay Area Air District's 2017 Clean Air Plan, as outlined in Appendix D. For example, the Project would comply with control measure SS21 which requires Best Available Control Technology for new emissions sources. The Project would comply with SS25 and SS26 which would dictate the ROG content of paint available for use during construction. Furthermore, the Project would comply with SS29 which requires paving activities associated with the Project to utilize asphalt that does not exceed the Bay Area Air District's emission standards. As such, the Project would not result in a significant effect due to conflicts with an established Air Quality Management Plan.

Water Quality. No creeks, rivers, or other water bodies are located on or adjacent to the Project site. The closest body of water is Los Gatos Creek, approximately 2,700 feet east of the Project site. While there are no on-site water bodies, Project development could have the potential to impact water quality due to stormwater runoff from the Project site. The Project would disturb 1.09 acres. As such, the Project must obtain coverage to comply with the C.3 Provision of the Construction General Permit (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The Project is designed to include erosion control

measures and best management practices, such as fencing the Project site during grading activities, installing curb inlet protection, washing construction vehicle tires, street sweeping and vacuuming. Additionally, The Project is required to comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development stormwater treatment measures to minimize stormwater pollutant discharges. The Project will be required to submit a Stormwater Control Plan and numeric sizing calculations at the Building Permit submittal stage to the Director of the Department of Public Works to verify conformance with City Policy 6-29. The Project's compliance with Policy 6-29 and implementation of the following City standard permit conditions would ensure less than significant impacts to water quality:

Standard Permit Condition

Construction-related Water Quality.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Additionally, the Project is designed to include the following site design measures pursuant to Provision C.3:

- Protect existing vegetation and soil.
- Direct runoff from roofs, sidewalks, patios to landscaped areas.
- Plant trees adjacent to and in parking areas and adjacent to other impervious areas.
- Reduce existing impervious surfaces.
- Cluster structures/pavement.
- Create new pervious areas.

The Project would also be designed to include the following source control measures pursuant to Provision C.3:

- Beneficial landscaping.
- Water efficient irrigation systems.
- Good housekeeping (e.g. sweep pavement, catch basin cleaning).
- Label storm drains.
- Connect to the sanitary sewer.
- Covered trash/ recycling enclosures.

With Project design including source control measures, site design measures, and the City's Standard Permit Conditions, the Project would not have a significant effect on water quality.

(e) The site can be adequately served by all required utilities and public services.

The Project is located in an urban area already served by all necessary municipal utilities; including water, wastewater, stormwater, and solid waste; and public services; including fire, police, schools, and libraries. The Project would be consistent with the land use designation established by the General Plan and the zoning district for the Project site. The General Plan includes growth projections for demands on utilities and public services. The Project would not include a General Plan Amendment. Since the Project is consistent with the General Plan land use designation, the Project would not result in any significant impacts, and therefore would not have the potential to significantly contribute to cumulative impacts related to utilities and public services. As the job growth related to Project development would be consistent with growth anticipated in the General Plan, it would not be substantial unplanned growth that would warrant modification of existing or construction of new police and fire service facilities beyond what is projected in the General Plan. Therefore, the Project can be adequately served by all required utilities and public services.

As described in (a) through (e) above, the Project would qualify for a Class 32 exemption.

15300.2 Exceptions to Qualifying for an Exemption

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the Project's applicability to all the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific Project is provided below..

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The Project qualifies for a Class 32 exemption. Class 32 exemptions are not qualified by consideration of project location. Thus, this exception is not applicable under CEQA Guidelines Section 15300.2(a).

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no known projects of the same type and in the same place that would contribute to cumulative impacts. Therefore, cumulative impacts are less than significant. Additionally, because of the Project's consistency with the land use designation established by the General Plan and lack of project-specific significant impacts, its contribution, if any, to cumulative impacts would be less than significant. Furthermore, as shown in the analysis above for Class 32 conditions (a) through (e), the Project would not result in any significant impacts, and therefore would not have the potential to significantly contribute to cumulative impacts related to those environmental issues.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The Project site has been previously disturbed by the construction and installation of the existing facilities. The Project would be designed to enhance and improve existing conditions on the Project site that would not substantially impact existing environmental conditions. Refer to the discussion included in Section 15332, Class 32 (a) through (e), and Categorical Exemption Exceptions d) through f) for further discussion to support no anticipated Project impacts related to the environment. The Project site does not have any unusual circumstances that would cause implementation of the Project to negatively impact the environment. Thus, the Project would not result in any significant effects on the environment due to unusual circumstances.

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no Officially Designated State Scenic Highways within or adjacent to the Project site.⁷ The nearest Officially Designated State Scenic Highway is Highway 9, located approximately 7.4 miles southwest of the Project site in Los Gatos, California. The nearest highway eligible for listing as an Officially Designated State Scenic Highway is Highway 280, which is located approximately 1.6 miles southwest of the Project site. All Project activities would be located within the Project site and the profile of the Project building would not be visible from these highways. Therefore, the Project would not impact Eligible or Officially Designated State Scenic Highways due to the distance of the nearest Eligible and Designated State Scenic Highway from the Project site.

The General Plan identifies Scenic Corridors which provide access and views to scenic resources, which include the Santa Clara Valley, the hills and mountains which frame the Santa Clara Valley floor, the baylands and the urban skyline itself. The Project site is not located within a Scenic Corridor. The nearest Scenic Corridor is located along Bird Avenue approximately 3,160 feet east

⁷ California Department of Transportation. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed April 3, 2025.

of the Project site.⁸ The Project site is relatively flat and the proposed building profile would not affect views of any Scenic Corridors. Therefore, the Project is not anticipated to obstruct or damage scenic resources identified in the General Plan.

The Project would not result in damage to scenic resources within view of an Officially Designated or Eligible State Scenic Highway or a scenic resource identified by the City's General Plan. Thus, this exception to the exemption does not apply.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The Project site is not included on any list compiled pursuant to Section 65962.5 of the Government code. A Phase I Environmental Site Assessment (ESA) (Appendix E) dated May 23, 2024 by Giles Engineering Associates, Inc. has been prepared to evaluate potential hazardous materials on and/or adjacent to the Project site.

The Phase I ESA identified several recognized environmental conditions on the subject property that need to be investigated. The conditions include a history of a gas station and auto repair on the subject property in the 1940s thru 1970s with no records of underground tank or hydraulic hoist removals. In addition, there are numerous adjacent or nearby properties with significant contamination that have the potential to impact the subject property. The following condition would reduce any potential impacts from hazardous materials:

Condition of Approval

Phase II ESA. A Phase II ESA soil, soil gas and groundwater contamination investigation should be performed to thoroughly evaluate the conditions documented in the Phase I ESA. If the Phase II ESA shows contamination levels above regulatory environmental screening levels for commercial/industrial use, the Project applicant shall obtain regulatory oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control (DTSC) or Santa Clara County Department of Environmental Health to address the contamination. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future occupants and visitors. The regulatory approved plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building and Code Enforcement and the Environmental Compliance Officer in the City Environmental Services Department.

A search of the State Water Resources Control Board's GeoTracker and the Department of Toxic Substances Control (DTSC) EnviroStor databases was conducted for hazardous materials sites

⁸ City of San José. Envision San José 2040 General Plan Scenic Corridors Diagram. <https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000>. Accessed April 3, 2025.

within 1,000 feet of the Project site.⁹¹⁰ . The closest listed hazardous waste sites are located on the property immediately to the north of the Project site and on the property across Race Street to the east of the Project site. Since the Project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code, this exception to the exemption does not apply.

f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There is an existing building on the Project site that would be demolished. A Cultural Resources Assessment was prepared for the Project and is included as Appendix F of this document. Department of Parks and Recreation 523 series forms were prepared for the existing buildings on site to identify and document any historical significance, and included in Appendix F. According to Appendix F, there are no previously identified historical buildings or structures on the Project site and the existing structure on the Project site is recommended ineligible for listing in the California Register or as a San José Landmark.

Formal tribal consultation under AB52 is not required for this Project due to applicability of a Categorical Exemption, however, a Sacred Land Files (SLF) search was initiated. A SLF request was submitted to the Native American Heritage Commission (NAHC) on February 7, 2025, for the Project site. The NACH responded on February 11, 2025, stating that the SLF was positive and to contact the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area for additional information. An email was sent to the designated Muwekma Ohlone Indian Tribe of the San Francisco Bay Area contacts on March 25, 2025. The email requested that the representatives get in touch with the City within 30 days of receipt with any information they would like to share, ending on April 25, 2025. No response has been received to date. Considering the Project site is previously disturbed, there is a potential for inadvertent discovery of cultural resources. Consistent with State requirements, the following Standard Permit Conditions are required to ensure that impacts to inadvertent discovery of cultural resources is reduced to less than significant.

Standard Permit Condition

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate

⁹ California State Water Resources Control Board. GeoTracker.
<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1301+west+san+carlos+street>. Accessed April 3, 2025.

¹⁰ Department of Toxic Substances Control. Envirostor.
<https://www.envirostor.dtscc.ca.gov/public/map/?myaddress=1301+west+san+carlos+street>. Accessed April 3, 2025.

recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Standard Permit Condition

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Permittee shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist of the discovery. The qualified archaeologist shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Therefore, the Project would not be anticipated to cause a substantial adverse change in the significance of a historical or cultural resource and would not result in significant impacts to historical resources.

Conclusion

This report provides analysis to demonstrate that the Project is eligible for a CEQA Class 32 Exemption. The Project is consistent with the General Plan Land Use Designation and zoning and is located on an incorporated Project site of no more than five acres surrounded by urban uses. The Project site has no value as habitat for endangered, rare, or threatened species. With implementation of applicable General Plan policies and compliance with the City's Municipal Code, approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the Project site can be adequately served by all required utilities and public services. Therefore, the Project meets the criteria of CEQA Guidelines Section 15332(a) through (e). The Project would not rely on the location exceptions under CEQA Guidelines Section 15300.2, nor would it result in cumulative impacts or Project-specific significant effects. Furthermore, the Project site would not damage State Scenic Highway resources and does not contain hazardous waste nor historical resources. Therefore, the exceptions under CEQA Guidelines Section 15300.2(a) through (f) do not apply to the Project.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

Date June 2, 2025

Tina Garg
Deputy

Environmental Project Manager: Kara Hawkins

Attachments:

- A) Arborist Report, prepared by Arbor Resources, dated June 5, 2024
- B) Local Transportation Analysis, prepared by Kimley Horn, dated March 2025.
- C) Noise Analysis, prepared by Kimley Horn, dated April 21, 2025.
- D) Air Quality Analysis, prepared by Kimley Horn, dated April 21, 2025.
- E) Phase I Environmental Site Assessment, prepared by Giles Engineering Associates, Inc., dated May 23, 2024.
- F) Cultural Resource Assessment, prepared by Michael Baker International, dated March 5, 2025.