

STATEMENT OF EXEMPTION

FILE NO. ER23-173

LOCATION OF PROPERTY Citywide

PROJECT DESCRIPTION The City proposes to implement a **Soft Story Seismic Ordinance and Subsequent Retrofit Implementation Program**. A study conducted by the City identified approximately 3,500 soft-story buildings within the City that potentially could fail during a high-magnitude earthquake resulting in loss of life and property and impede the City's disaster recovery. Under this Program, the City will assist owners of these buildings with the costs to retrofit their buildings to the latest seismic standards.

CERTIFICATION

Under the provisions of Sections 15301(b) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use (the key consideration is whether the project involves negligible or no expansion of use).

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographic features including navigational devices

ANALYSIS

Background

Older buildings in the City were constructed to previous building code standards that were less stringent with respect to seismic safety. One type of seismically collapse-prone buildings is commonly known as "soft story". The term "soft story" refers specifically to older, wood-frame multi-story buildings with an especially weak, flexible, or otherwise vulnerable ground story. Often (but not always), the soft story deficiency is indicated by large openings in the ground story walls, typically due to garage doors, open parking stalls, or large storefront windows. These buildings, built before current building codes, have ground stories with a tendency to collapse when shaken hard enough. Thus, soft-story buildings pose risks to life and property that may be disastrous during a major earthquake.

To address this potential risk to life and property, the City is proposing a new Soft Story Seismic Retrofit Ordinance and Implementation Program. This program will:

- Preserve health and safety of individuals during an earthquake
- Reduce the number of displaced individuals who would require mass care and shelter
- Prevents the loss of homes after an earthquake.

Project

Implementation of this Program would include assisting existing building owners, both commercial and residential, with retrofit costs, requiring apartment owners to create Tenant Coordination Plans to ensure that tenants are relocated during retrofits, and that no permanent loss of housing units occurs. The Program Ordinance would also include safeguards to prevent property owners from using the retrofit construction as a potential means to illegal evict tenants through the Tenant Coordination Plans.

Retrofit of existing buildings would vary depending upon the structure of each building and its functionality. Engineering techniques such as strengthening existing walls, adding new shear walls, or adding a steel frame in the soft areas of the buildings, and anchoring walls to the foundation are typically used for seismic retrofits. Seismic retrofits would not increase the existing footprint, or add square footage to the existing building, and would not change the overall use of the building. This Program and Ordinance are not intended for new construction.

Historic Buildings would be required to follow the City's established procedures as codified in the San José Municipal Code Sections 13.48.210 and 20.100.500 F. Adherence to these procedures as outlined in the Municipal Code will ensure that no significant impact would occur to the City's historic resources.

Because any physical changes to the environment under this Program Ordinance would be limited to the footprint of existing buildings and would not increase the size or use of the existing buildings, this Program Ordinance fits in with the CEQA Exemption for existing facilities as certified above.

Exceptions:

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 projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 1 of exemptions.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes extends the term for the use of an existing recycled-water pipeline temporarily for construction purposes. Continued use of the recycled water pipeline will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore the project is not subject to 15300.2(d).

- (e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. Under the Ordinance, historic resources would be required to follow the City's established procedures under Section 13.48.210 and 20.100.500 F ensuring that no significant impacts to historic resources would occur.

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