

**STATEMENT OF EXEMPTION**

<b>FILE NO.</b>	H19-039 and T19-033
<b>LOCATION OF PROPERTY</b>	West side of Almaden Road, approximately 150 feet northerly of Corvallis Drive, 6805 Almaden Road.
<b>PROJECT DESCRIPTION</b>	Site Development Permit to allow the demolition of an approximately 2,154-square foot single-family residence, a detached secondary unit, multiple sheds, and a swimming pool for the construction of six single-family homes and the removal of 13 ordinance-sized trees on a 1.3 acre lot.
<b>ASSESSOR'S PARCEL NUMBER</b>	583-33-032

**CERTIFICATION**

Under the provisions of Section 15332 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.

**15332. IN-FILL DEVELOPMENT PROJECTS**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (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 service.

**ANALYSIS**

The subject Site Development Permit involves the demolition of existing structures and construction of six new single-family homes and removal of 13 ordinance sized trees. The project meets all the criteria outlined in Section 15332 of the CEQA Guidelines to qualify for an infill exemption, as discussed 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 site is designated as *Residential Neighborhood* under the Envision San José 2040 General Plan Land Use/Transportation Diagram. The *Residential Neighborhood* designation supports new single family homes with the intent to preserve neighborhood forms and patterns.

The site is zoned R-1-5 Single-Family Residence Zoning District. The proposed building will conform to the development standards set forth in the City of San José Zoning Ordinance. Therefore, the project complies with the applicable general plan policies and zoning code 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.***

The proposed project is located on an approximately 1.3 gross acre site within City limits. The proposed development is located west side of Almaden Road, approximately 150 feet northerly of Corvallis Drive at 6805 Almaden Road. The project site has residential uses to the north, south, and east. The project is bordered by Almaden Road to the east with Almaden Expressway.

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

The project site is not within close proximity to any rivers, waterways, or riparian habitat. The project site is located within the permit area of the Santa Clara Valley Habitat Conservation Plan (HCP). The HCP classifies the site as Urban-Suburban land cover and does not identify endangered, rare, or threatened species habitat on-site.

The project's landscape plan identifies a total of 28 trees currently located on the project sites and all proposed to be removed. Of the 28 trees to be removed, 13 are ordinance sized and 15 are non-ordinance sized trees. These trees will be replaced consistent with the City's Tree Replacement Ratios.

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

### ***Traffic***

The City has a Transportation Analysis Policy (Council Policy 5-1) to guide analyses and determinations regarding the overall conformance of a proposed development with the various multi-modal transportation policies in the Envision San Jose 2040 General Plan, in order to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. The City Council Policy 5-1 establishes Vehicle Miles Traveled (VMT) as the transportation metric for evaluating impacts under CEQA. In conformance with the policy, the project meets the requirement for the small project exemption for CEQA transportation analysis and therefore, would not result in significant impacts.

### ***Noise***

The Envision San José 2040 General Plan considers an acceptable exterior noise level objective of 60 dBA DNL or less for residential uses (Policy EC-1.1). Consistent with General Plan Policy EC-1.2, the City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by the five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

The project site is surrounded primarily by residential uses and the noise source are vehicle trips traveling in and out of the area. As the project would be single family homes with only six units, the additional trips would unlikely to result in day-night-level noise that would result in an exceedance of the General Plan policies. The project's proposed size, proximity to existing noise sources, and

conformance with General Plan policies demonstrate that the project will not result in significant noise impacts.

Furthermore, standard construction conditions would apply to this project in order to minimize construction noise that may affect the surrounding area. These conditions include limiting construction hours, specifying and limiting construction equipment, identifying equipment location, prohibiting engine idling, and providing information for a specified disturbance coordinator. Compliance with these standard conditions would result in a less than significant impact from the proposed project's construction noise.

### ***Air Quality and Greenhouse Gas***

The project air pollutant source would be from temporary construction and vehicle trips during the lifetime operation of the project.

The Bay Area Air Quality Management District (BAAQMD), in their May 2017 California Environmental Quality Act Air Quality Guidelines, developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. These guidelines established operational screening size for criteria pollutant emissions based on land use type and project size using default emission assumptions in the Urban Land Use Emissions Model (URBEMIS) emission model. Projects smaller than the applicable screening criteria for the subject land use would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the BAAQMD's thresholds of significance.

The BAAQMD operational criteria pollutant screening size for "Single-Family" (the applicable category for this project) is 325 dwelling units. Additionally, the operational GHG screening size for this use is also 56 dwelling unit. This project is proposing to construct only six single family homes, thus the project is considered to not have a significant impact to criteria pollutants emissions.

Furthermore, consistent with the City's General Plan Policies MS-10.1 and MS-13.2, the project would be developed in conformance with all basic BAAQMD Best Management Practices (BMPs) and dust control measures during all phases of construction on the project site to reduce temporary dust-fall emissions. The project also would be using higher tier engines with CARB-certified with diesel particulate filters to reduce air pollutant during construction.

### ***Water Quality***

The project is located in a Hydromodification Management area and will create and/or replace one acre or more of impervious surface. The project, therefore, must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14). These measures will be included in the project's Stormwater Control Plan and with compliance of these measures, the proposed project would be in conformance with City policies. Therefore the proposed project would not affect water quality.

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

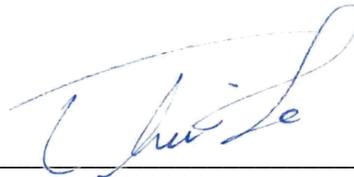
The project site is located in an urbanized area with adequate sewer, water, and electricity service. No new utilities or public services would be needed to serve the proposed project.

Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality. For the reasons cited above, the project would not result in a significant environmental impact and qualifies for an exemption to further review under Section 15332 of the CEQA Guidelines.

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. Section 15300.2(a) does not apply to the Class Category 32 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 proposed project will construct six new single-family-homes which is consistent with the types of development anticipated in the Envision San José 2040 General Plan and evaluated in the Envision San José 2040 General Plan Environmental Impact Report, as supplemented.
- (c) Significant Effect. The proposed project site is a standard lot located within an urbanized area and does not have any unusual circumstances that would negatively impact the environment and would not result in any significant effects on the environment.
- (d) Scenic Highways. The project site will not 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. Therefore the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. The proposed project site was a former regulatory cleanup case due to the discovery of petroleum and metal contamination in the soil beneath a belowground concrete pit that historically stored farm equipment. In March 2016 soil samples taken from a sub-surface work area that was four feet wide, ten feet long, and four feet deep. Results from soil testing showed elevated concentrations of Total Petroleum Hydrocarbon as motor oil and diesel, hexavalent chromium, and lead. Over-excavation of the work area was conducted in May 2016. An underground storage tank system closure permit application was filed with the County of Santa Clara Department of Environmental Health (SCCDEH) and was approved. As part of the project, the project applicant shall need follow up and confirmation with the SCCDEH for to complete a Site Management Plan (SMP). Based on the project historic and with the project conditions, the project shall be conform to all applicable requirements.
- (f) Historical Resources. There are no historical resources located on the proposed project site; therefore Section 15300.2(f) does not apply

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement



Date: 09/10/2020

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Deputy

Environmental Project Manager  
Thai-Chau Le

Attachments:

- 1. Closure Letter, 2016
- 2. Phase I Environmental Site Assessment (ESA), July 17, 2020