

**STATEMENT OF EXEMPTION**

<b>FILE NO.</b>	H18-047
<b>LOCATION OF PROPERTY</b>	South side of Glen Eyrie Avenue, approximately 570 feet westerly of Lincoln Avenue, at 64-70 and 80-82 Glen Eyrie Avenue
<b>PROJECT DESCRIPTION</b>	Site Development Permit to allow the demolition of four single family homes and associated structures, the removal of nine ordinance-sized trees, and the construction of three new three-story buildings containing 18 residential units on a 0.85-gross acre site.
<b>ASSESSOR'S PARCEL NUMBER</b>	264-57-026, -027
<b>CERTIFICATION</b>	

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 four existing homes and associated structures, the removal of ten trees including nine ordinance sized-trees, and the construction of three new three-story buildings containing 18 residential units, totaling approximately 44,622 square feet. 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 is applied broadly throughout the City to encompass most of the established, single-family neighborhoods. This

designation is designed to preserve the existing character of these neighborhoods, limiting new development to infill projects which closely conform to the prevailing existing neighborhood character. The *Residential Neighborhood* designation allows development densities of eight dwelling units an acre (DU/AC) or matching the prevailing neighborhood density. The proposed project is consistent with the General Plan Land Use/Transportation Diagram and development guidelines.

The site is zoned Multiple Residence (R-M). The R-M Zoning District is a district intended to support higher density residential development and higher density residential-commercial mixed use development. The proposed buildings 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 designation, policies and zoning code district 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 0.85-gross acre site within City limits. The proposed development is located on the south side of Glen Eyrie Avenue, located in the Willow Glen neighborhood of San Jose. Surrounding uses include multi-family residential to the north, east, and west, and two-family residential located to the south. The project is proposed at an infill location surrounding by existing urban uses.

***(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 closest waterway is the Los Gatos Creek located approximately 350 feet north of the site, which is separated from the site by residential uses and Glen Eyrie Avenue. 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 in Development Area 4: Urban Development Equal to or Greater Than 2 Acres Covered, and does not identify endangered, rare, or threatened species habitat on-site.

Ten (10) trees, including nine ordinance-sized trees, are proposed to be removed from the site. Four of the proposed trees to be removed are natives. An Arborist Report prepared by Monarch Consulting Arborists on January 17, 2019 (Attachment C) found that most of the trees on site are in good to fair condition. The trees are proposed to be removed in order to accommodate the new site plan, including required driveway lengths and aisles as determined by the Municipal Code. Proposed trees to be removed would be replaced at appropriate levels as determined by the City's Tree Replacement Ratios, outlined in the Initial Study prepared for the project (Attachment A). The site itself and its existing trees do not support sensitive habitats and are surrounded by disturbed area, and therefore have 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.***

#### Traffic

A Local Transportation Analysis was prepared for this project by J. Daniel Takacs on February 3, 2020, (Attachment G) which found that the project meets the screening criteria for Vehicle Miles Traveled (VMT) analysis under Council Policy 5-1, as a small infill project of 25 multi-family residential units or less and was exempt from further VMT analysis. The analysis concluded that the subject project will be in conformance with City of San Jose Transportation Analysis Policy (Council Policy 5-1) and a determination for a negative declaration can be made with respect to traffic impacts under CEQA.

As part of the analysis, the project completed a Local Transportation Analysis (LTA) to analysis potential effects of the operations on and off site with the implementation of the project (Attachment G). The LTA concluded that the project would not result in adverse effects to the existing circulation off site and in compliance with City's requirements for on-site.

### Noise

The project site is located along Glen Eyrie and is predominantly surrounded by residential uses, where the major source of existing environmental noise is vehicular traffic on surrounding streets. According to the Noise Report prepared by Edward L. Pack Associates, Inc. on February 19, 2020, the existing ambient conditions on the property are 58 dBA DNL.

**Operational Impacts:** The City's Envision 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.

According to the Noise Report prepared for the project, the site has an existing ambient noise condition of 58 dBA DNL. This is below the General Plan Policy EC-1.2 noise objective of 60 dBA DNL for "Normally Acceptable" conditions. The operational noise generated by the proposed project would be comprised of noise from traffic and mechanical units. Implementation of the project would not double the traffic volumes along any roadway segments in the project, and therefore would not result in a perceptible increase (3 dBA or greater) in traffic noise consistent with General Plan Policy EC-1.2. The project is designed so that exterior HVAC units are located an adequate distance away from each other to not amplify perceived noise at the adjacent residential property lines, which are estimated to be less than 50 dBA DNL at the closest property lines. Additionally, the project incorporates a six-foot tall wall around the perimeter of the site that helps shield operational sources of noise.

**Construction Impacts:** The project would consist of temporary demolition and construction noise that would not involve substantial noise generating activity for longer than 12 months, consistent with General Plan Policy EC-1.7. Standard construction conditions would apply to this project in order to minimize construction noise that may affect the surrounding area. Compliance with these standard conditions would result in a less than significant impact from the proposed project's construction noise.

### Air Quality

**Operational Impacts:** An Air Quality and Greenhouse Gas Assessment, including a community health risk assessment, was prepared by Illingworth & Rodkin, Inc. on February 11, 2020 (Attachment B). CalEEMod was used to estimate emissions from the proposed project assuming full build-out of the site. Estimated trip generation rates, building materials, and land use factors were input into the model to estimate operational emissions. Operational air pollutant emissions from the project would be generated primarily from automobile use by future residents. Operational emissions of the project at full build-out for ROG, NOx, PM10 and PM2.5 were all found to be below their respective BAAQMD thresholds and therefore would not have a significant air quality impact.

**Construction Impacts:** Construction activities, including estimated schedule and equipment lists,

were modeled in CalEEMod to see estimated air quality impacts from construction. Construction was estimated to last 234 working days. Additionally, elements of the project description provided by the applicant were also assumed in the modeling, including that all diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters (DPF)<sup>2</sup>. Alternatively, the use of equipment meeting U.S. EPA Tier 4 standards for particulate matter equipment or the use of equipment that is electric or alternatively fueled (i.e., non-diesel) would be used if Tier 3 equipment was not available. These elements of the project description have also been included as Conditions of Approval in the permit. Construction period emissions were shown to be below the BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> and therefore would not have a significant impact (Attachment B). Consistent with the City's General Plan Policies MS-13.1 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.

### Water Quality

The project site is located in a developed residential area which is fairly flat. Current impervious surfaces on the site include driveways, patios, and sidewalks. Storm water runoff from the project site currently flows through the City's existing storm drainage system. The project site is served by the San José Water Company and a municipal storm drain system.

The Department of Public Works has determined that the project must comply with the City's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. 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 policy. 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.

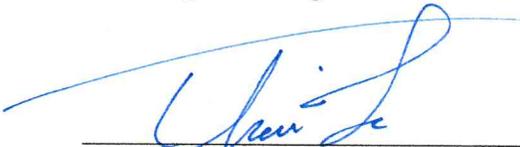
(a) Location. Section 15300.2(a) does not apply to the Class Category 32 of exemptions.

(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 project proposes to construct three new residential buildings totalizing approximately 44,622 square feet on an approximately 0.85-gross acre site. Per the discussion provided, it has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.

- (c) Significant Effect. The proposed 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. 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 is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. A historic resources report for the site was prepared for the existing structures located at 64-82 Glen Eyrie Avenue (Attachment D). Neither the properties or the existing structures are listed on the San Jose Historic Resources Inventory. The historic report concluded that the existing buildings do not appear to qualify for listing on the California Register of Historic Resources or appear to be eligible for San Jose City Landmark designation when considered under the qualitative criteria of the City's Historic Preservation Ordinance. The proposed project and demolition of the existing structures will not result in a substantial adverse change in the significance of a historical resources.

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

Date: 05/06/2020

  
Deputy

Environmental Project Manager  
Kara Hawkins

Attachments

- Attachment A: Initial Study prepared by David J. Powers and Associates on March 30, 2020.
- Attachment B: Air Quality and Greenhouse Gas Assessment prepared by Illingworth & Rodkin on February 11, 2020.
- Attachment C: Arborist Report prepared by Monarch Consulting Arborists LLC on January 17, 2020.
- Attachment D: Historic Resources Evaluation prepared by Urban Programmers in November 2019.
- Attachment E: Phase I Environmental Site Assessment prepared by Envirocom on May 14, 2018.
- Attachment F: Noise and Vibration Assessment prepared by Edward L. Pack Associates, Inc. on February 19, 2020.
- Attachment G: Local Transportation Analysis prepared by J. Daniel Takacs on February 3, 2020.