

STATEMENT OF EXEMPTION

FILE NO.	ER21-165
LOCATION OF PROPERTY	802 E Santa Clara Street
PROJECT DESCRIPTION	Public Project exemption for the demolition of an approximately 400-square foot abandoned structure located along the Coyote Creek bank at the City of San Jose Fire Department Station 8 on a 1.4-acre site. The demolition of the structure includes foundation removal work within the Coyote Creek bank, backfilling, slope stabilization and erosion control measures, and native landscaping in place.
ASSESSOR'S PARCEL NUMBER	467-29-032

CERTIFICATION

Under the provisions of Sections 15301. Existing Facilities 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 topological 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.

L) Demolition and removal of individual small structures listed in this subdivision:

- 4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences

ANALYSIS

The project involves the demolition of an abandoned 400-square foot structure located along the bank of Coyote Creek at San Jose Fire Department station 8. The abandoned structure is proposed to be demolished because it no longer meets safety or Building Code requirements, and to allow for easier access to the southern portion of the narrow site.

The project involves demolition of the structure and will not be replaced or rebuilt. The proposed structure for demolition is located adjacent to the Coyote Creek riparian habitat, however, no significant impacts to the riparian habitat are expected. Removal of the structure's foundation is anticipated to occur within the creek bank of Coyote Creek. A Biological Technical Memorandum was prepared for the project by AECOM on November 8, 2021. The

Biological Technical Memorandum found that the project would not impact the ordinary high water mark and associated aquatic species, nor would it negatively impact special status plant and wildlife species. A Qualitative Assessment of Slope Bank Stabilization was also prepared by AECOM on June 14, 2022. The Slope Bank Stabilization Assessment included recommendations for creek bank stabilization and erosion control, including but not limited to salvaging the top 9-12 inches of native topsoil to be reused, using non-expansive soil or soil-rock mixture for fill, and seeding and planting native riparian vegetation consisting of both herbaceous and woody species. The demolition activities will adhere to Best Management Practices and standard permit conditions for air quality, erosion, noise, and biological resources. Any impacts to the site will be temporary as a result of demolition activities. The demolition will not involve the expansion of any use on site, and therefore qualifies for Categorical Exemption 15301. Existing Facilities.

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 pertain to Class 1 exemptions and the project will not impact an environmental resource of hazardous or critical concern.
- (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 replacing demolishing an existing abandoned structure and will not expand the current use of the site. It has been determined that the project 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 structure to be demolished is located adjacent to the Coyote Creek riparian habitat but would not introduce any new use or built structure on site. Demolition of the structure would adhere to all applicable environmental Best Management Practices and recommendations from the associated technical reports and the project applicant would be responsible for any temporary impact fees required under the Santa Clara Valley Habitat Plan. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. The project site is not located adjacent to or visible from a state scenic highway, therefore, the project is not subject to 15300.2(d). The project will not result in damage to any scenic highways.
- (e) Hazardous Waste Sites. The proposed project sites are 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. There are no historical resources located near the proposed project site; therefore, Section 15300.2(f) does not apply. The structure was determined not to be of local or state Historical significance.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

Date: 08/03/2022

Deputy

Environmental Project Manager: Kara Hawkins