



Community Development Department

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NOTICE OF EXEMPTION

To: Clerk of the Board
County of Santa Clara
70 W Hedding St, East Wing, 1st Floor
San Jose, CA 95110

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Gilroy Community Development Department
7351 Rosanna Street, Gilroy, CA 95020-6197

Project Title: 7040 Church Street Tentative Map

Project Applicant: Andrew Ding

Project Address: 7040 Church Street

Assessor's Parcel No.: 799-11-068

Project Location: City of: Gilroy – see Figure 1.

County of: Santa Clara

Project Description: The proposed project consists of a tentative map to subdivide an existing approximate 0.87-acre (37,789 square foot) lot into three single-family residential lots at 7040 Church Street in the City of Gilroy. An existing residence and appurtenant structures would remain on Lot 1. The other two lots would be developed in the future with single-family homes within the building envelopes shown on the tentative map. The project would install 93 linear feet of a 6-inch sanitary sewer line to serve the lots. Lots 1 and 2 would be accessed via residential driveways off Church Street and Lot 3 would be accessed via a residential driveway off 10th Street with frontage improvements installed as part of the project. The project would connect to the existing City of Gilroy water lines.

Exempt Status Finding:

The Planning Division has reviewed the above project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption [14 Cal. Code of Regs. 15315, Class 15, Minor Land Divisions]
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15315, Class 15 categorical exemption (Minor Land Divisions). CEQA provides several “categorical exemptions” which are applicable to categories of projects and activities that the Natural Resource Agency has determined generally do not pose a risk of significant impacts on the environment. The Class 15 categorical exemption is for division of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels. The project is in an urbanized area of the City of Gilroy and consists of a minor land division into three lots, which is fewer than four parcels. The project is consistent with the General Plan and zoning and does not require variances or exceptions as required to qualify for this exemption. All services and access to the parcels are available, and the parcel was not involved in a division of a larger parcel within the previous two years. Furthermore, the project site does not have an average slope greater than 20 percent. Therefore, the project meets all the criteria for this categorical exemption.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of projects (Class 3, 4, 5, 6, and 11) due to location;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (d) where the project 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;
- (e) where the project is located on a state designated hazardous waste site; and
- (f) where the project may cause a substantial adverse change in the significance of a historical resource.

The location exception (a) is applicable to Class 3, 4, 5, 6, and 11 categorical exemptions where “a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant” where the project may impact an “environmental resource of hazardous or critical concern.” This exception is not applicable to the Class 15 categorical exemption that is being used for the project. However, it is noted that neither the City’s 2040 General Plan nor any state or federal regulatory document has precisely mapped and officially designated the site as an environmental resource.

There is no evidence of a potential significant cumulative impact (b) because successive projects of the same type in the same place have not been approved and are not proposed beyond the two single-family homes that could be constructed in the future on the two created undeveloped lots.

The project would not result in any significant effects on the environment due to unusual circumstances (c). The site is located within an area designated for residential development, and single-family residential subdivisions are located adjacent to the site. The immediate area has similar General Plan and zoning designations as the project property. There are no “unusual circumstances” that differentiates the project or site from the general class of similarly situated projects and properties. For example, other parcels in the surrounding area have been or could be subdivided and developed with single-family homes. Furthermore, the size and density of the project do not represent unusual features or circumstances, as other single-family lots and

development within the vicinity and throughout the City have similar densities and size. The project site possesses no unusual features or environmental characteristics that distinguish it from other properties of similar size in the vicinity. The project site is located within an urban area, surrounded by development, and sensitive resources are not present.

The project will not result in damage to scenic resources or scenic resources within a scenic highway (d) as the site is not located adjacent to a highway.

The site is not a designated hazardous waste site (e) and is not a state-designated hazardous waste site based on review of state data bases compiled pursuant to Section 65962.5 of the California Government Code. Thus, the project does not meet the exception (e) related to location on hazardous waste sites.

The project will not cause a substantial adverse change in the significance of a historical resource (f). The existing residence and one appurtenant structure were found to be a historic resource under the definitions in CEQA, but these structures will remain and no alterations are proposed. The project would result in demolition of a structure referenced as a "greenhouse" in order to install a new sanitary sewer line. However, additional research and the historic resources review conducted in an updated DPR (California Department of Parks and Recreation) form did not find this structure to be a historical resource or a contributing feature to the existing residence, which is considered a historical resource. The updated DPR also indicates that the adjacent setting is non-contributory, and future development would not result in a significant impact to the identified historical resource because none of the character-defining features of the residence or the tank house would be materially impaired as a result of the minor land division and future construction of two new homes. Thus, the project, including future construction of two single-family homes would not result in a substantial adverse change to the significance of a historic resource. Thus, the project is not subject to the exception set forth in subdivision (f) of section 15300.2.

Therefore, for the reasons stated above, the City is able to document that the project qualifies for the Categorical Exemption found at CEQA Guidelines section 15315 for minor land divisions for residential use within an existing urbanized area, and that none of the potential exceptions to the use of a categorical exemption apply to this project or the project site.

Lead Agency

Contact Person: Erin Freitas, Planner II

Phone: (408) 846-0242

Signature: *Erin Freitas*

Date: 9/14/2023

Title: Planner II

Signed By Lead Agency X

Signed By Applicant

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes
 No

Figure 1: Project Location

