

# California Environmental Quality Act (CEQA)

## NOTICE OF EXEMPTION

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**TO: Santa Clara County  
Clerk-Recorder's Office  
70 W. Hedding St., 1<sup>st</sup> Floor  
San Jose, CA 95110**

**FROM: Bay Area Air Quality  
Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Contact: Sadegh Sadeghipour,  
(415) 749-4672**

**SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO CEQA § 21152(b) AND CEQA  
GUIDELINES § 15062**

**Project Title:** Los Gatos Memorial Park – Change of Permit to Operate Conditions for Source 1, Existing Cremator (Application 32093)

**Public Agency Approving Project (Lead Agency):** Bay Area Air Quality Management District (Air District); Sadegh Sadeghipour, Air Quality Engineer; 375 Beale Street, Suite 600; San Francisco, CA 94105; (415) 749-4672

**Project Applicant and Entity carrying out Project:** Nicholas Welzenbach and Los Gatos Memorial Park

**Project Applicant Address:** 2255 Los Gatos-Almaden Road, San Jose, Santa Clara County, CA 95124

**Project Applicant Contact person:** Nicholas Welzenbach, Company: Carriage Services, Inc, (408) 354-7740, legal@carriageservices.com

**Project Location:** 2255 Los Gatos-Almaden Road, San Jose, Santa Clara County, CA 95124, Near Aurora Lane Intersection

**Project Description:**

Los Gatos Memorial Park is currently permitted to operate the following cremator for up to 502 bodies in any consecutive twelve-month period.

Source 1: Multiple Chamber Crematory: I. E. & E. Company, Model No. IE43-PPII (Power Pack II), with Secondary Combustion Chamber, Natural Gas Fired 1.8 MMBTU/hr

The facility is applying for modification of the source condition to allow it to increase the cremation rate at Source 1 to 756 bodies in any consecutive twelve-month period.

**Finding of Exemption:**

The Air District has determined that the issuance of this permit is exempt from CEQA because the Air District's approval was "ministerial" and, therefore, exempt from CEQA under CEQA, California Public Resources Code § 21080(b)(1); CEQA Guidelines Section 15268(a).

**Basis for Exemption:**

The Air District's action is ministerial because regulatory requirements that govern the approval of this project involved objective numerical standards outlined in the Permit Handbook Chapter 11.6, which did not allow for or require any subjective judgment or discretion to interpret or apply. Also, the permit application did not trigger Best Available Control Technology (BACT) or BACT for toxics. Therefore, the Air District does not have the discretion to deny the requested changes and was required to approve the project where it complied with such standards. Because the approval is ministerial, the project is exempt from CEQA. CEQA, Public Resources Code § 21080(b)(1); CEQA Guidelines Section 15268(a).

*Pamela J. Leong*

Pamela J. Leong  
Director of Engineering  
Bay Area Air Quality Management District

*2/21/2024*

Date