

NOTICE OF EXEMPTION

To: County Clerk
County of Santa Clara County
70 West Hedding Street, East Wing
San Jose, California 95110
(408) 299-2481

From: Charlotte Yuen, Planner
Environmental Review Team
PBCE, Planning Division
200 East Santa Clara Street, T-3
San José, CA 95113
(408) 535-5658

Project File Number and Project Title: ER23-057: 2130 Dry Creek Road Residential Project

Applicant, Address: Teresa Price, 761 Egleberry ST, Gilroy, California 95020

Project Location(s): 2130 Dry Creek Road, San Jose, CA, 95124

Description of Nature, Purpose, and Beneficiaries of Project:

Site development permit to demolish the existing structures on the 1.6-acre site for the construction of seven (7) singlefamily houses with a private cul-de-sac. Lots 1 through 6 would range from 9,405 square feet to 10,591 square feet. Lot 7 would be located off Dry Creek Road and would be approximately 8,436 square feet. Each lot would be developed with a single-family house and have its own covered veranda, porch, 2-car garage, and private driveway.

Name of Public Agency Approving Project: City of San José

Name of Person or Agency Implementing Project: Teresa Price at Hanna Brunetti

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: **Section 15332. In-fill Development Projects.**
- Statutory Exemptions. State code number:


Reasons why project is exempt: None of the exceptions contained in 15300.2 apply to the project and the project is consistent with the in-fill development criteria in Section 15332. For these reasons, the proposed 2130 Dry Creek Road Residential Project is determined to be categorically exempt from CEQA under Guidelines Section 15332.

Lead Agency Contact Person: Charlotte Yuen

Telephone: (408) 535-5658

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

Signature:  **Date:** 10/24/24 **Title:** Principal Planner

Signed by Lead Agency Signed by Applicant

Date Received for filing at OPR: _____

Authority cited: Sections 21083 and 21110, Public Resources Code. Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

STATEMENT OF EXEMPTION

FILE NO.	H23-006 and ER23-057
LOCATION OF PROPERTY	2130 Dry Creek Road, San Jose, CA, 95124
PROJECT DESCRIPTION	Site development permit to demolish the existing structures on the 1.6-acre site for the construction of seven (7) single-family houses with a private cul-de-sac. Lots 1 through 6 would range from 9,405 square feet to 10,591 square feet. Lot 7 would be located off Dry Creek Road and would be approximately 8,436 square feet. Each lot would be developed with a single-family house and have its own covered veranda, porch, 2-car garage, and private driveway. A 7-foot-tall wood fence would divide each lot. Project development would result in the removal of 37 of the 49 existing ordinance-size trees on-site.
ASSESSOR'S PARCEL NUMBER	442-010-45

CERTIFICATION

Under the provisions of Sections 15332 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, the proposed 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 California Environmental Quality Act (CEQA) Guidelines Section 15332 – In-Fill Development Projects sets forth criteria for projects characterized as in-fill development that may be found categorically exempt. The analysis below shows that: a) none of the exceptions contained in 15300.2 apply to the project and b) the project is consistent with the in-fill development criteria in Section 15332. For these reasons, the proposed 2130 Dry Creek Road Residential Project is determined to be categorically exempt from CEQA under Guidelines Section 15332.

Chris Burton, Director
Planning, Building and Code Enforcement



Deputy

Date 10/10/24

Charlotte Yuen
Environmental Project Manager
Attachment: Environmental Analysis and Appendices supporting the Categorical Exemption