STATEMENT OF EXEMPTION

FILE NO.	ER24-086
LOCATION OF PROPERTY	Citywide
PROJECT DESCRIPTION	Citywide exemption for actions taken by the City of San Jose, including, but not limited to: grants, loans, subsidies, other form of assistance, leasing, permitting, licensing, certificates of entitlement and/or other actions leading to or result in physical changes or maintenance activities on landscape areas in the public right-of-way (ROW) and on City owned or operated properties. This exemption does not apply to removal of ordinance-sized trees (38 inches or more in circumference at 4 1/2 feet above ground). **Expiration Date: June 15, 2029**

CERTIFICATION

Under the provisions of Sections 15301(h) 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 topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

> (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12783, Division 7, Chapter 2, Food and Agricultural Code).

ANALYSIS

Background

This is a Citywide exemption for general maintenance activities to existing landscape areas in the public ROW and on City owned properties. This exemption does not allow for expansion or change of use to the existing space. Maintenance activities could include, but is not limited to; pruning, replacement of structures or equipment, replanting, or similar activities to restore existing topographical features and/or structures and facilities in their natural state, but does not significant change the size, use, or purpose of the landscaped areas. This exemption does not include the removal of ordinance size trees (38 inches or more in circumference at 4 1/2 feet above ground).

The project would result in negligible or no expansion of the use beyond that existing at the time, and does not anticipate to result in significant or substantial impact to the environment. Therefore, the project qualifies for CEQA Guideline for category exemption of Section 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) started 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 apply to the Class Category 1 of exemptions.

(b) Cumulative Impact. The project proposes routine landscape maintenance activities in the public ROW and on City owned or operated properties. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project.

(c) Significant Effect. The 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 does not anticipate to 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. If work is to be damage the scenic resources such as trees or historic buildings, rock outcropping or similar sources within a highway official designated as a state scenic highway, this exemption cannot be used.

(e) Hazardous Waste Sites. No work will occur in areas included on any list complied pursuant to Section 65962.5 of the Government Code. Work will be done within existing disturbed public ROW or on existing distributed landscaped areas.

(f) Historical Resources. Physical work and changes will be done within existing public ROW where no buildings are present or to the landscape areas of City owned or operated properties. Physical work would consist of minor maintenance activities with no expansion or change in use. Structures within the ROW do not have historical values as it would not be on the historic inventory. Therefore, maintenance will not result in damages to any historic resources. If maintenance work is to affect the treatments surrounding an existing historic resource, this exemption cannot be used.

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Date August 18, 2025

Tina Garg
Deputy