

Statement of Exemption

Planning File Number(s)	H25-041 and ER25-233
Location of Property	147 East Santa Clara Street, 49-95 North 4th Street, and 128 East St. John Street (APNs: 467-20-079, 467-20-081, 467-20-060, and partially 467-20-080)
Project Description	The project is a Site Development Permit to allow the construction of a mixed-use project consisting of two eight-story buildings with up to 665 multifamily residential units and approximately 1,320 square feet of commercial space on an approximately 2.11-gross-acre site. The project includes the demolition of all existing buildings on-site, totaling approximately 22,527 square feet, and the removal of 29 trees (9 ordinance-size, 20 non-ordinance-size). This project includes extended construction hours from 7:00 am to 7:00 pm Monday through Saturday.

Certification

Under the provisions of Section 21080.66 (Added by AB 130 and amended by SB 158) of the California Public Resources Code (PRC) contained in 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.

Project Description

The 2.11-gross-acre project site comprises multiple parcels (APNs: 467-20-079, 467-20-081, 467-20-060, and partially 467-20-080) and is located in Downtown San Jose. The site is currently occupied by a gas station and an auto repair shop, three vacant commercial buildings, and a surface parking lot. The site is bounded by East Santa Clara Street and commercial retail uses to the south, Miro Towers and Donner Lofts multifamily residential buildings across North 4th Street to the east, commercial retail across East St. John Street to the north, and a mix of commercial and multifamily residential uses to the west. The northern portion of the site is located in the St. James Square City Landmark District.

The project consists of the demolition of all existing buildings on-site, totaling approximately 22,527 square feet and the removal of 29 trees (9 ordinance-size, 20 non-ordinance-size). Three of the buildings proposed for removal are located on the northern portion of the project site and are non-contributing structures in the St. James Square City Landmark District.

The proposed development would include the construction of a mixed-use project consisting of two eight-story buildings with up to 665 multifamily residential units and approximately 1,320 square

feet of commercial space. The southern building (Icon) will have frontage on East Santa Clara Street and North Fourth Street, and the northern building (Echo) will have frontage on East Saint John Street and North Fourth Street. Both buildings are on separate lots and have separate parking, ground-floor lobby, and amenity spaces. Both buildings will have residential units configured around a central podium that is accessed on the first-floor podium-level. The units from the second floor to the eighth floor are configured around the open space.

The project will be constructed in two phases. The Echo building will be constructed in Phase 1, followed by the construction of the Icon building in Phase 2. This project includes extended construction hours from 7:00 am to 7:00 pm Monday through Saturday for both construction phases.

Analysis

PRC Section 21080.66 creates a statutory exemption for housing development projects (as defined in CA Government Code Section 65905.5) including any permits, approvals, or public improvements required for the project if the project meets the conditions outlined in the analysis below.

1. The project must meet the definition of a “Housing Development Project” per Section 65905.5 of the CA Government Code, which means a project consistent with any of the following:
 - a. Project contains only residential units.
 - b. Project is a mixed-use development consisting of residential and nonresidential uses that meet any of the following conditions:
 - i. At least two-thirds of the new or converted square footage is designated for residential use.
 - ii. At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:
 - 1) The project includes at least 500 net new residential units.
 - 2) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - iii. At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:
 - 1) The project includes at least 500 net new residential units.
 - 2) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
 - 3) The project demolishes at least 50 percent of the existing nonresidential uses on the site.
 - 4) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.
 - c. Transitional housing or supportive housing.

- d. Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

Analysis: *The Project is a mixed-use development consisting of up to 665 residential units (approximately 527,553 square feet floor area) and 1,320 square feet of commercial space, where at least two-thirds of the new square footage is designated for residential use. Therefore, the project is consistent with this requirement.*

2. The project site is not more than 20 acres, unless the project is a “builder’s remedy project,” wherein the site is limited to not more than four acres.

Analysis: *The project site is 2.11 gross acres. Therefore, the project is consistent with this requirement.*

3. The project site meets either of the following criteria: it is located within the boundaries of an incorporated municipality, or it is located within an urban area, as defined by the United States Census Bureau.

Analysis: *The project site is in the Downtown area of the City of San Jose, which is an urban area defined by the United States Census Bureau. Therefore, the project is consistent with this requirement.*

4. The project site meets any of the following criteria:
 - a. Has been previously developed with an urban use.
 - b. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.
 - c. At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.
 - d. For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.

Analysis: *The project site is developed with urban uses. The site is currently developed with a gas station, auto repair shop, three vacant commercial buildings, and a surface parking lot. Therefore, the project is consistent with this requirement.*

5. The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program.

Analysis: *The project site has Downtown General Plan designation and is located in the DC Downtown Commercial Zoning District. The Downtown General Plan designation encourages residential and commercial growth capacity in Downtown, which is an identified growth area in the City. Multi-family residential uses and commercial uses are permitted in the DC Zoning District. The project is residential and commercial mixed-use development that is consistent*

with the General Plan designation and Zoning District. Therefore, the project is consistent with this requirement.

6. The project will be at least one-half of the applicable density specified in Government Code Section 65583.2(c)(3)(B). The project must meet the minimum density requirement of 15 dwelling units per acre (DU/AC).

Analysis: *The project consists of up to 665 units on a 2.11-gross-acre site which would result in a density of 315 DU/AC. Therefore, the project would meet the minimum 15 DU/AC density requirement.*

7. The project cannot be on natural and protected lands, as defined pursuant to paragraph (6) of subdivision (a) of Government Code Section 65913.4 statutory exemption for infill projects, based on the following criteria:
 - a. Site is not on prime farmland or farmland of statewide importance.
 - b. Site does not contain wetlands.
 - c. Site is not within a fire hazard area.
 - d. The site is not a hazardous waste site that is listed pursuant to Section 65962.5 unless either of the following apply:
 - i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses OR
 - ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
 - e. Site is not within an earthquake fault zone.
 - f. Site is not within a flood hazard area or floodway.
 - g. Site is not designated for conservation.
 - h. Site is not habitat for protected species.

Analysis: *The project site is located in an urban area and does contain any prime farmland or sensitive habitats. The site is not within an earthquake fault zone, flood hazard area, nor is it on natural or protected lands. The project site contained underground storage tanks (Loomis Armored, Inc. and Chevron Station No. 9-4259); however, both cases have received uniform closure letters pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code in 1996 and 2010, respectively. The project applicant would be required to implement the environmental conditions of approval included in the Site Development Permit pertaining to hazards in order to remediate any hazards on site. Therefore, the project is consistent with this requirement.*

8. The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was

submitted for the project pursuant to Government Code Section 65941.1.

Analysis: *The project site does not contain any historic structures that are on a national, state, or local historic register. The project would result in the demolition of three non-contributing structures on the St. James Square City Landmark District. Therefore, the project is consistent with this requirement.*

Tribal Consultation

The City sent AB 130 Tribal Consultation Invitations to Tribal Representatives listed on the California Native American Heritage Commission list on March 24, 2026. Tamien Nation and the Indian Canyon Mutsun Band of Costanoan Ohlone People formally requested to consult on this project.

The City met with representatives from Tamien Nation on April 14, 2026. Tamien Nation recommended Cultural and Tribal Cultural Resources Awareness Training for construction personnel and monitoring during ground disturbing activities by a qualified archaeologist and a Native American representative. The tribes confirmed that the City's Standard Permit Conditions for Cultural and Tribal Cultural Resources were consistent with their recommendations. These conditions were included in the Site Development Permit. The tribal consultation concluded on May 29, 2026.

The City did not receive a response nor a request for a consultation extension from the Indian Canyon Mutsun Band of Costanoan Ohlone People representative after initiating consultation and attempting to schedule a consultation meeting. The tribal consultation period ended on June 21, 2026.

Conclusion

The project is a qualifying Housing Development Project that meets project site size and unit density requirements. The project is in an urban area and consistent with the General Plan and Zoning. The project site is not located on natural or protected lands, a hazardous waste site that is listed pursuant to Section 65962.5, nor is it within fire, earthquake, or flood hazard areas. The project is required to implement the City's standard environmental permit conditions pertaining to air quality, biological resources, cultural and tribal cultural resources, noise and vibration, and additional permit conditions pertaining to hazards remediation during construction to reduce environmental impacts. Therefore, the project qualifies for a statutory exemption under PRC Section 21080.66 (AB 130, as amended by SB 158).

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Date July 11, 2026



Deputy