



SANTA CLARA COUNTY CLERK
CEQA FILING COVER SHEET

County of Santa Clara - Clerk-Recorder's Office
State of California

File Number: ENV26260

ENVIRONMENTAL FILING

No. of Pages: 6

Total Fees: \$50.00

File Date: 08/19/2026

Expires: 09/23/2026

LOUIS CHIARAMONTE, Clerk-Recorder

By: Mike Louie, Deputy Clerk-Recorder

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Check Document being Filed:

- ☐ Environmental Impact Report (EIR)
- ☐ Filing Fee (new project)
- ☐ Previously Paid F&W (must attach F&W receipt and project titles must match)
- ☐ No Effect Determination (F&W letter must be attached)
- ☐ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- ☐ Filing Fee (new project)
- ☐ Previously Paid F&W (must attach F&W receipt and project titles must match)
- ☐ No Effect Determination (F&W letter must be attached)
- ☒ Notice of Exemption (NOE)
- ☐ Other (Please fill in type):

1. LEAD AGENCY: City of San Jose
2. LEAD AGENCY EMAIL: charlotte.yuen@sanjoseca.gov
3. PROJECT TITLE: H25-040, T25-024, and ER25-226: 1425 Cherry Avenue
4. APPLICANT NAME: Austin Lin PHONE: 408-966-2278
5. APPLICANT EMAIL: austlin58@gmail.com
6. APPLICANT ADDRESS: 4100 Moorpark Avenue #205 San Jose, California, 95117
7. PROJECT APPLICANT IS A: ☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity
8. NOTICE TO BE POSTED FOR 35 DAYS.

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

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: H25-040, T25-024, and ER25-226: 1425 Cherry Avenue

Applicant/Address: Austin Lin / 4100 Moorpark Avenue #205 San Jose, California, 95117

Project Location(s): 1425 Cherry Avenue, San Jose, CA 95125

Description of Nature, Purpose, and Beneficiaries of Project:

Site Development Permit to allow the construction of two single-family houses and a fourplex through the demolition of one existing triplex, an additional dwelling unit, and multiple accessory structures (three sheds and a carport) and the removal of six ordinance-size trees on an approximately 0.33-gross-acre site.

Name of Public Agency Approving Project: City of San José

Name of Person or Agency Implementing Project: Austin Lin

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:
- ☒ Statutory Exemptions. State code number: Section 21080.66.

Reasons why project is exempt: The project is a Housing Development Project as defined by Section 21080.66. (a) of the Government Code, as amended, and therefore qualifies for a statutory Exemption under Assembly Bill 130.

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: Cort Hitchens **Date:** August 19, 2026 **Title:** Supervising 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 NOS. H25-040, T25-024, ER25-226

LOCATION OF PROPERTY 1425 Cherry Avenue; APN: 429-37-003

PROJECT DESCRIPTION Site Development Permit to allow the construction of two single-family houses and a fourplex through the demolition of one existing triplex and an additional dwelling unit and multiple accessory structures (three sheds and a carport) and the removal of six ordinance-size trees on an approximately 0.33-gross-acre site.

CERTIFICATION

Under the provisions of Section 21080.66 (Added by AB 130 and amended by SB 158) 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.

PROJECT DESCRIPTION

Site Development Permit to allow the construction of two single-family houses and a fourplex through the demolition of one existing triplex and an additional dwelling unit and multiple accessory structures (three sheds and a carport) and the removal of six ordinance-size trees on an approximately 0.33-gross-acre site, including an application under State Density Bonus Law to increase the allowed density by 88.75% or 3 units (rounded up from 2.7 units) and allow three concessions (regarding allowed uses, private open space, and lot depth) and nine waivers (regarding common open space, lot width, lot area, side and rear setbacks, standards for restricted affordable units, floor area ratio, front setback paving, parking location, and parking along site frontage).

AB 130 CONSISTENCY

Pursuant to CEQA Guidelines Section 21080.66, a residential project must meet the following criteria in order to qualify for a statutory exemption from CEQA under AB 130.

1. **Project must meet the definition of a Housing Development Project:** A project must meet the definition of a "Housing Development Project" per Section 65905.5(b) of the CA Government Code to qualify for a statutory exemption. The project meets this definition because it meets the following criteria:
 - Project contains only residential units.

- Project is a mixed-use development consisting of residential and nonresidential uses that meet any of the following conditions:
 - At least two-thirds of the new or converted square footage is designated for residential use.
 - At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:
- The project includes at least 500 net new residential units.
- 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.
- 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:
 - The project includes at least 500 net new residential units.
 - The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.
- The project demolishes at least 50 percent of the existing nonresidential uses on the site.
- 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.
- Transitional housing or supportive housing.
- Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

Eligibility: Consistent. The project is a residential development consisting of two single-family houses and a residential fourplex. Therefore, the project is a Housing Development Project as defined by Section 65589.5 (h)(2) of the Government Code.

2. **Zoning and General Plan Consistency:** The project must be consistent with the General Plan and Zoning.

Eligibility: Consistent. The subject site is designated as Residential Neighborhood within the Land Use/Transportation Diagram of the Envision San José 2040 General Plan. The project includes the development of six residential units at a density of 18.1 DU/AC and a floor-area-ratio (FAR) of 0.48, which are allowable in this land use designation through State Density Bonus Law.

The project also complies with all front setback, height, stories, and driveway length requirements of the R-1-8 zoning district. The project does not comply with all lot area, side setback, and rear setback requirements. However, the project requests density bonus waivers to allow smaller lots and encroachment into setbacks, which are substantiated in the State Density Bonus Law. With the requested waivers under State Density Bonus Law, the project would be consistent with the applicable development standards of the Zoning District, including setbacks and lot sizes. Therefore, the project is consistent with the General Plan and Zoning.

3. **Project site size limitations:** The project site does not exceed 20 acres.

Eligibility: **Consistent.** The proposed project is located on an approximately 0.33-acre site.

4. **Project site must be in an urban area surrounded by urban uses:** The project is located within an urban area and is surrounded by urban uses.

Eligibility: **Consistent.** The project site is located on the western side of Cherry Avenue, approximately 200 feet southerly of the intersection of Minnesota Avenue and Cherry Avenue (1425 Cherry Avenue; APN: 429-37-003). The site is currently occupied by a triplex and an additional dwelling unit, three sheds, and a carport, and is surrounded by a religious assembly use (Willow Glen Bible Church) to the west, single-family houses to the north, south, and east (across Cherry Avenue). Therefore, the project is located within an urban area and surrounded by urban uses.

5. **The project meets minimum density requirements:** The minimum density of the project is more than 15 DU/AC.

Eligibility: **Consistent.** The project would construct 6 dwelling units on an approximately 0.33-acre site, resulting in a density of 18.1 DU/AC. Therefore, the density of the project is over 15 dwelling units/acre.

6. **The project will not demolish a historic structure:** The project does not propose demolition of a historic structure placed on a national, state, or local historic register (the City's Historic Resources Inventory).

Eligibility: **Consistent.** The triplex proposed for demolition is not a structure listed on a national, state, or local historic register.

7. **The project is not on natural or protected lands:** The proposed project cannot be on natural and protected lands, as defined pursuant to Section 21067.5, 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:
 - o 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**
 - o 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.

Eligibility: Consistent. The project site is a developed site, surrounded by urban uses (residences). The site does not contain any sensitive habitats. The project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The site is not within an earthquake fault zone, flood hazard area, nor is it on natural or protected lands.

TRIBAL CONSULTATION

The City sent AB 130 Tribal Consultation Invitations via e-mail and certified mail to all Tribal Representatives identified by the California Native American Heritage Commission on January 21, 2026. The City received one request for consultation from Tamien Nation.

The City met with Tamien Nation on March 12, 2026. A representative of the Tribe 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 are included in the Site Development Permit. Consultation closed on March 27, 2026.

ENVIRONMENTAL STANDARD PERMIT CONDITIONS

The project is required to adhere to standard environmental permit conditions related to air quality, biological resources, cultural resources, tribal cultural resources, geology and soils, hydrology and water quality, noise and vibration, as provided in the Site Development Permit.

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. Therefore, the project qualifies for a statutory exemption under CEQA Section 21080.66 and AB 130.

August 5, 2026

Environmental Project Manager: Charlotte Yuen

**2026 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT**

DFW 753.5a (REV. 01/01/26) Previously DFG 753.5a

RECEIPT NUMBER:

ENV26260

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

CITY OF SAN JOSE

LEAD AGENCY EMAIL

charlotte.yuen@sanjoseca.gov

DATE

08/19/2026

COUNTY/STATE AGENCY OF FILING

SANTA CLARA

DOCUMENT NUMBER

PROJECT TITLE

H25-040, T25-024, AND ER25-226: 1425 CHERRY AVENUE

PROJECT APPLICANT NAME

AUSTIN LIN

PROJECT APPLICANT EMAIL

austinlin58@gmail.com

PHONE NUMBER

(408)866-2278

PROJECT APPLICANT ADDRESS

4100 MOORPARK AVENUE #205

CITY

SAN JOSE

STATE

CA

ZIP CODE

95117

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency☐ School District☐ Other Special District☐ State Agency☒ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$4,227.50

\$

☐ Mitigated/Negative Declaration (MND)(ND)

\$3,043.75

\$

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,437.25

\$

☒ Exempt from fee☒ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☐ Fee previously paid (attach previously issued cash receipt copy)☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

☒ County documentary handling fee

\$

\$50.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash☐ Credit☒ Check☐ Other

TOTAL RECEIVED

\$

\$50.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Mike Louie, Deputy County Clerk-Recorder



Santa Clara County
Clerk-Recorder
(408) 299-5688
<https://www.clerkrecorder.org>

Receipt: 26-138841

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$50.00
	# Pages	6
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	Filing Type	E
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PLEASE KEEP FOR REFERENCE