CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

STATEMENT OF EXEMPTION

FILE NO.	H25-021 & ER25-133
LOCATION OF PROPERTY	1295 Curtner Avenue, San José, CA 95125
PROJECT DESCRIPTION	Site Development Permit to allow the demolition of a single-family home for the construction of eight residential townhome units and four condominium units along with the removal of 24 trees and an application under State Density Bonus Law, and a Vesting Tentative Map to allow the subdivision of one lot into ten residential lots and one common area for a private street on approximately 0.65-gross acre site.

CERTIFICATION

Under the provisions of Section 15332. In-fill Development Projects 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.

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 services.

ENVIRONMENTAL SETTING

The 0.65-gross-acre project site is located at 1295 Curtner Avenue in the City of San José (APN 439-06-042). The site is relatively flat and located in an urbanized area bordered by single-family residences on all sides as well as part of a community garden to its west. Vehicle access is provided via an existing driveway on Cottle Avenue. The project site is currently developed with a single-family house and several accessory structures in the rear. The site is landscaped with concrete-paved surfaces, dirt and grass lawn, ornamental vegetation and 24 trees, 18 of which are ordinance sized.

Figure 1: Location Map

The site is designated as Residential Neighborhood in the General Plan Land Use and Transportation Diagram and is located in the R-1-8 Single Family Residence Zoning District. The intent of Residential Neighborhood designation is to preserve the existing character of existing neighborhoods and limit new development to in-fill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The R-1-8 Single Family Residence Zoning District is intended for the construction, use and occupancy of single-family subdivisions.

PROPOSED PROJECT

The project includes a Site Development Permit to allow demolition of the existing single-family residence, accessory structures, and all other site improvements to facilitate the construction of eight residential townhome units and four condominium units along with the removal of 24 trees on an approximately 0.65-gross acre site. The project also includes an application for a Vesting Tentative Map to allow the subdivision of one lot into ten residential lots and one common area for a private street on an approximately 0.65-gross-acre site.

The project would result in the removal of 18 ordinance-sized trees and six non-ordinance-sized trees. Due to the proposed removals, trees would either be replaced on the site according to the City's Standard Permit Condition for tree replacement, and/or the project proponent would pay off-site tree replacement fees if there were insufficient area on the project site for the required replacement plantings. The exact tree replacement details would be decided by the City of San José prior to the issuance of a tree removal permit.

Construction

Project construction would involve demolition of all buildings and improvements on site, site preparation, grading, new building construction, paving, and architectural coating. Construction of the project is estimated to occur for approximately six months. Project construction would adhere to City standard construction times from Monday through Friday in between 7:00 a.m. to 7:00 p.m. Additionally, the project's Stormwater Control Plan would be compliant with the City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29).

The project is also required to implement the City's standard environmental permit conditions which incorporate development policies and standards from various plans, policies, and ordinances (i.e., San José Municipal Code, California Building Code, Uniform Fire Code, the Water Board's Municipal Regional Permit, and etc.), which have been found to substantially mitigate environmental effects. These conditions are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. As applicable, the standard permit conditions are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

ANALYSIS

In-Fill Exemption Findings from CEQA Guidelines Section 15332

(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.

The project site has a General Plan designation of Residential Neighborhood and is located in the R-1-8 Single Family Residence Zoning District. The Residential Neighborhood designation covers most of the established, suburban and traditional residential neighborhood areas in the City. The R-1-8 Single Family Residence Zoning District permits single-family subdivisions and construction. The density allowed is typically eight dwelling units per acre or should meet the prevailing neighborhood density. A newly created parcel in this zoning district must have a minimum lot area of 5,445 square feet.

The proposed residential project is proceeding under the State Density Bonus Law (Government Code Section 65915) and requests one incentive to allow two-family dwelling use in the zoning district, and fourteen waivers related to: height, number of stories, allowed floor area ratio, common and private open space, tree canopy, parking standards, building entrances, and lot depth ratio. Through the use of State Density Bonus, the project is consistent with the density allowed per the General Plan and State Density Bonus Law and additionally, the applicant will use a concession to remove the requirement that two-family dwelling units are not allowed in R-1 zoning designations, thereby complying with the land use requirement with the implementation of a Density Bonus concession.

Therefore, the project is considered consistent with the Residential Neighborhood General Plan designation and R-1-8 Single Family Residence Zoning District for CEQA purposes.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The 0.65-gross acre project site is located within the City of San José's boundary and is surrounded by single family residences on all sides.

(c) *The project site has no value as habitat for endangered, rare or threatened species.*

The project site is located on an in-fill parcel in an urbanized area consisting of a developed residential use. The project site is within the Santa Clara Valley Habitat Plan area and is designated as Urban-Suburban land, which is defined as urban development land and has no land cover fees. The project site does not contain nor is it adjacent to waterways, wetlands, or riparian habitat. Due to the developed and disturbed nature of the project site, there is no habitat suitable for endangered, rare, or threatened species. However, the trees on the site may provide habitat for nesting birds and other migratory raptors that could be impacted during tree removal and/or construction activities. With implementation of the following standard permit condition, the project would result in a less that significant impact with regard to nesting birds.

Condition of Approval

Nesting Bird Surveys. Demolition, removal of vegetation (including trees), grading, and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If demolition, vegetation removal, and construction cannot be scheduled outside of nesting season, a qualified biologist shall complete pre-construction surveys to identify active raptor nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during project implementation. This survey shall be completed no more than seven (7) days prior to the initiation of demolition/vegetation removal/grading, and construction activities. During this survey, the qualified biologist shall inspect all vegetation, structures, trees and other possible nesting habitats substrate (including the ground) in and immediately adjacent to the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found in an area that will be disturbed by construction, the ornithologist biologist shall designate a construction-free buffer zone (typically 250 feet but the buffer zone depends on the species and project site conditions) to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the biologist depending on the species and project site conditions. The buffer would ensure that active nests of raptors and other protected birds or migratory bird nests shall not be disturbed directly or indirectly during project construction.

Prior to any vegetation removal, or approval of any demolition or grading permits (whichever occurs first), the applicant shall submit the biologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

During the nesting seasons, if demolition/vegetation removal/grading or construction activities are delayed or paused and the time period between the pre-construction survey and start or restart

of demolition/construction activities exceeds seven (7) days (or any shorter period recommended by the biologist), a new pre-construction survey shall be performed prior to resuming any work on the site. The results of this survey shall be provided to the Director of PBCE or the Director's designee.

Although the project site is not in a Santa Clara Valley Habitat Plan (SCVHP) land cover fee area, the project is required to incorporate the following standard permit condition to offset cumulative impacts of development Citywide and within the areas of Santa Clara County covered by the Habitat Plan. With implementation of the following standard permit condition, the project would not conflict with the provisions of the Habitat Plan:

Standard Permit Condition

Santa Clara Valley Habitat Plan. The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

A Tree Inventory, Assessment, and Protection Report was prepared for the project by Monarch Consulting Arborists dated May 5, 2025 **(Appendix A)**. As previously described, the project site contains 18 ordinance-sized trees and six non-ordinance-sized trees. There are 24 trees comprised of ten different species on the site. Of the trees on the site, 18 are ordinance size and six are not. There are seventeen (17) trees in fair condition while only three in good shape and four poor or very poor. The tree inventory and assessment table summarized in the attached **Appendix A**. Implementation of the project would result in the removal of all trees on-site. The project is required to implement the following standard permit condition for tree replacement pursuant to applicable City permits and requirements:

Standard Permit Condition

Tree Replacement. Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 1 below, as amended:

Table 1. Tree Replacement Ratios				
Circumference of Tree to be Removed	**Type of Tree to be Removed**			**Minimum Size of Each Replacement Tree**
	Native	**Non-Native**	**Orchard**	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
x:x = tree replacement to tree loss ratio Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter. A 24-inch box tree = two 15-gallon trees. Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.				

The species of trees to be planted shall be determined in consultation with the City Arborist and the Director of Planning, Building, and Code Enforcement. If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of PBCE, at the Development Permit stage:

i. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the Development Permit stage.
ii. Pay Off-site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council-approved Fee Resolution. The City shall use the Off-site Tree Replacement Fee(s) to plant trees at alternative sites.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic:

The project would result in the subdivision of one parcel into ten residential lots and one common area, and the construction 12 residential units. The project meets the screening criterion for small infill projects (Single-family detached residential projects of 15 or fewer units) and does not require additional vehicle miles travelled (VMT) analysis under City Council Policy 5-1. The project site would be accessible via the new private street along the project frontage on Cottle Avenue. Since the project is a residential in-fill project in a residential neighborhood, it would not have significant effects on traffic operations as it is proposed.

Noise:

Construction Noise
According to General Plan Noise and Vibration Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. Project construction involves the demolition of all buildings and improvements on site, site preparation, grading, new building construction, paving, and architectural coating for approximately 6 months. The project does not involve pile driving. Since the project construction would be less than 12 months, construction noise impacts would be less than significant. The project would also be required to implement the following City standard permit condition regarding using best available noise suppression devices and techniques and to limit construction hours near residential uses:

Standard Permit Condition

Construction-related Noise

- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the

cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Compliance with the City's standard permit condition would reduce construction noise impacts to a less than significant level.

Operational Noise
According to Policy EC-1.2 of the City's General Plan, a permanent noise increase would be considered significant if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if a) the noise level increase is five dBA day-night average sound level (DNL) or greater, with a future noise level of less than 60 dBA DNL at residences, or b) the noise level increase is three dBA DNL or greater with a future noise level of 60 dBA DNL or greater at residences.

The project would result in the subdivision of one parcel into ten residential lots and one common area with the development of 12 residential units. Residential uses are not significant sources of operational noise and would not result in a noise level increase of five or more dBA in the project area. This project did not require a detailed CEQA transportation analysis as a small residential infill project of 25 multi-family units or less per the Transportation Analysis Handbook (2023). Based on the trips per day generated by the project and the existing average daily traffic in the area, the project would not double existing traffic volumes on Curtner Avenue which is the threshold where traffic would result in a three dBA noise increase. Therefore, project operations would not have a significant impact on the noise environment.

Construction-related Air Quality

Operational Emissions
The proposed project involves the demolition of a single-family house and accessory structures on a single parcel to facilitate the subdivision of the parcel into ten residential lots and one common area, and the construction of 12 residential units. There would be no operational sources of TACs, such as a diesel-powered emergency generator, as part of the proposed project. The 12 residential units that would result from the project would not exceed the Bay Area Air District's screening size for operational criteria air pollutants of 421 single-family residences.[1] The project would not result in significant air quality impacts from operations.

Construction Emissions
A Construction Source Health Risk Assessment (HRA) was prepared for the project by Clark & Associates Environmental Consulting, Inc., dated February 13, 2026 **(Appendix B)**. The report evaluated the potential construction-source emissions health risk impacts associated with the development of the

[1] The Bay Area Air District's CEQA Guidelines contains preliminary screening which provides lead agencies with a conservative indication of whether implementing the proposed project could result in the generation of operational criteria air pollutants or precursors that exceed the Air District's thresholds of significance. If the screening criteria is met, the operation of the proposed project would result in a less-than-significant impact related to criteria air pollutants and precursors.

proposed Project. The assessment methodology and emission calculations are detailed in the attached **Appendix B**. The demolition and construction phases of project would introduce new fugitive dust and toxic air contaminants (TACs) in a residential neighborhood with nearby sensitive receptors. TACs include both organic and inorganic chemical substances. One of the main sources of TACs in California is diesel engines that emit exhaust containing solid material known as diesel particulate matter (DPM). The exposure to DPM generated by off-road construction equipment accessing the site could result in potential significant health risk impacts.

Assuming infant-level exposure, the HRA found that the maximally exposed individual receptor (MEIR) with the greatest potential exposure to project construction-source DPM emissions is located at 1298 Sandra Drive, which is adjacent to the north of the project site. A model receptor was placed in the backyard of 1298 Sandra Drive facing the project site. At the MEIR, the maximum incremental cancer risk attributable to unmitigated project construction-source DPM emissions is estimated at 2.23 in one million, which is less than the Bay Area Air District's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable Air District's threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of project construction activity. All other receptors during construction activity would experience less risk than what is identified for the MEIR.

The project would also be required to implement the City's standard permit condition, which are derived from the Air District's Best Management Practices (BMPs)[2] to reduce dust and exhaust during construction:

Standard Permit Condition

Construction-related Air Quality

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 mph.
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the

[2] Bay Area Air District CEQA Guidelines. https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

time of idling to no more than 2 minutes (A 5-minute limit is required by the state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement.
- Complaints email and number and the Bay Area Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

By implementing the above City standard permit condition, the project would be consistent with all applicable air quality plans and policies, and it would not exceed any applicable Air District CEQA threshold of significance. Therefore, the project would not result in significant air quality impacts.

Water Quality

The project is required to comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. The project will be required to submit a Stormwater Control Plan and numeric sizing calculations at the Building Permit submittal stage to the Director of the Department of Public Words to verify conformance with City Policy 6-29. The project's compliance with Policy 6-29 and implementation of the following City standard permit condition would ensure less than significant impacts to water quality:

Standard Permit Condition

Construction-related Water Quality

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

(e) The site can be adequately served by all required utilities and public services.

The project site is within the City's Urban Service Area and is served by adequate sewer, water, and electricity services. The project would also not result in the need to expand public utilities or services to the area.

Exceptions to Categorical Exemptions Findings

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 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. The proposed project is categorically exempt under Class 32; therefore, this exception is not applicable under CEQA Guidelines Section 15300.2(a).

(b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. There are no projects of the same type within a half mile of the project site. The project includes the demolition of a single-family house and accessory structures for the construction of 12 new residential units. It has been determined that the project will not cumulatively impact air quality, biological resources, noise, and transportation.

(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 is not located adjacent to or visible from a designated scenic highway. Therefore, the project is not subject to 15300.2(d).

(e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Silicon Valley Environmental prepared a Phase I Environmental Site Assessment (ESA) dated September 10, 2025, **(Appendix C)** and a Phase II

ESA Soil Sampling Report dated October 20, 2025 **(Appendix D)** to evaluate potential hazardous materials on and/or adjacent to the project site.

The Phase I ESA did not identify any Recognized Environmental Conditions, Controlled Recognized Environmental Conditions, or Historical Recognized Environmental Conditions based on current and past land uses on the project site. However, the assessment identified that the property and all of the adjoining properties were noted within a historical orchard from sometime prior to 1939 until the mid-1950's.

Historical orchards are known to have used organochlorine pesticides (OCPs). OCPs are chlorinated hydrocarbons that were used extensively from the 1940s through the 1960s in agriculture and mosquito control and are highly toxic. New or redevelopment of properties that resided in potential OCP zones now requires testing shallow soils for their residuals. The Soil Sampling Report detected arsenic in the soil samples at concentrations ranging from 6 to 28 mg/kg which exceed residential Direct Exposure Environmental Screening Levels of 0.032 mg/kg. When averaged together across the entire ~0.65-acre site, the average site-specific background concentration is ~11.9 mg/kg. However, it is common in the San Francisco Bay Area to have a high background concentration for arsenic in soil, with upper ranges to be at 11 mg/kg. The California Environmental Protection Agency and other regulatory agencies within California typically do not require cleanup of naturally occurring chemicals or metal species to less than background concentrations. The concentration of arsenic found on the project site is satisfactory for residential development and does not represent a significant impact.

The City's Environmental Services Department (ESD) has reviewed the Phase I and Phase II reports and concurs with the findings and recommendations disclosed within the reports. To ensure the safety of future residents of the site, the project proponent shall take either of the following steps included as a condition of approval (COA-1) as follows:

Condition of Approval

Additional Soil Testing. Prior to the issuance of any of grading permits, demolition permits, or tree removal permits, whichever occurs first, the applicant shall:

- Perform additional soil sampling for arsenic to determine if the elevated detection of arsenic is an anomaly or portions of the property need to be mitigated to make safe for residential. The additional testing should thoroughly evaluate the horizonal and vertical soil conditions for arsenic; or
- Obtain regulatory oversight from the County of Santa Clara Department of Environmental Health, Department of Toxic Substances Control or Regional Water Quality Control Board. Submit a Soil Management Plan (SMP) for approval by the regulatory agency and perform additional sampling and/or remediation (if required) under regulatory oversight.

The findings of the above-stated reports shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and the Environmental

Compliance Officer for review and approval.

By implementing the above condition of approval, the proposed project would result in a less than significant impact related to hazardous materials.

(f) Historical Resources. Department of Parks and Recreation (DPR) 523 series forms were prepared by Bonnie Bamburg of Urban Programmers on August 17, 2025 **(Appendix E)** for the existing building on site to identify and document any historical significance. The project site contains a house fronting Curtner Avenue and Cottle Road, two garages and minor accessory structures. The house was constructed in 1938 in a ranch style.

The DPR 523 forms concluded that the property is not eligible for listing on the National Register of Historic Places, California Register of Historical Resources or the San José Historic Resources Inventory as a Candidate City Landmark. The single-family residence on site is a minimal traditional style house in an efficient design in a wood frame construction covered in stucco does not embody distinguishing characteristics of an architectural type or style. The property is not associated with any persons, locations, or events that is important to local or state history. Therefore, the property does not contain any historical resources under CEQA, and implementation of the project would not result in significant impacts to historical resources.

CONCLUSION

The proposed project would result in the demolition of a single-family residence and associated site improvements for the subdivision of a single parcel into 10 residential lots and a common area, and the subsequent construction of 12 residential units. With incorporation of the City's standard permit conditions and conditions of approval detailed in this memorandum, and applicable local, state, and federal regulations, the proposed project meets the criteria for a Class 32 In-fill Development exemption and none of the exceptions to the exemptions set forth in CEQA Guidelines Section 15300.2 apply to the project.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

Date: March 18, 2026

Deputy

Environmental Project Manager: Cort Hitchens

Appendices:

Appendix A -Tree Inventory, Assessment, and Protection Report, prepared by Monarch Consulting Arborists, dated May 5, 2025.
Appendix B - Construction Source Health Risk Assessment, prepared by Clark & Associates Environmental Consulting, Inc., dated February 13, 2026.
Appendix C - Phase I Environmental Site Assessment, prepared by Silicon Valley Environmental, dated September 10, 2025.
Appendix D - Phase II ESA Soil Sampling Report, prepared by Silicon Valley Environmental, dated October 20, 2025.
Appendix E -Department of Parks and Recreation 523 Forms, prepared by Bonnie Bamburg of Urban Programmers, dated August 17, 2025.