

STATEMENT OF EXEMPTION

FILE NO.	CP17-005 & ABC17-002
LOCATION OF PROPERTY	Southeast corner of Race Street and W. San Carlos Street (1266 and 1270 W. San Carlos Street, and 1298, 310 and 320 Race Street).
PROJECT DESCRIPTION	Conditional Use Permit (File No. CP17-005) and a Determination of Public Convenience or Necessity (File No. ABC17-002) to allow late-night use, and the off-sale of alcohol for a full range of alcoholic beverages (ABC Type-21 License) on a proposed commercial/retail development (File No. H17-018) on an approximately 2.04-gross acre site.
ASSESSOR'S PARCEL NUMBERS	264-14-017, 264-14-019, 264-14-020, 264-14-082, and 264-14-083.

CERTIFICATION

Under the provisions of Section 15332 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 service.

ANALYSIS:

Conditional Use Permit (File No. CP17-005) and a Determination of Public Convenience or Necessity (File No. ABC17-002) to allow late-night use, and the off-sale of alcohol for a full range of alcoholic beverages (ABC Type-21 License) on a proposed commercial/retail development (File No. H17-018) on an approximate 2.0-gross acre site. An Initial Study was prepared to assess the environmental impacts of the proposed use of the project. 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. Based on the analysis of the Initial Study and the project's applicability to all of the exceptions under Section 15300.2, the project qualifies for a Categorical Exemption under Section 15332 Infill Development Project of the CEQA Guidelines.

The project meets the criteria outlined in Section 15332:

- a) Consistency with General Plan and Zoning: The project site has a General Plan land use designation of Combined Industrial/Commercial and is zoned Combined Industrial/Commercial. The proposed commercial use is consistent with the General Plan designation and the Zoning District.
- b) Location of property: The property is less than five acres (2.04 gross acres), located within the City's limits, and surrounded by commercial and residential.
- c) Value as habitat: The project site and its surrounding uses are fully developed. The site has no value for endangered, rare or threatened species because, it does not contain nor is situated within close proximity to any rivers, waterways, or riparian habitat. Under the Santa Clara Valley Habitat Conservation Plan, the project has a land cover type of *Urban-suburban* and is less than two acres.
- d) Effects on traffic, noise, air quality, and water quality: As discussed and analyzed in the Initial Study the project will not result in any significant effect on traffic, noise, air quality, or water quality.
- e) Public services: The project site is located within an urbanized area with adequate sewer, water, and electricity service.

The project meets the exceptions under CEQA Guidelines Section 15300.2 Exceptions.

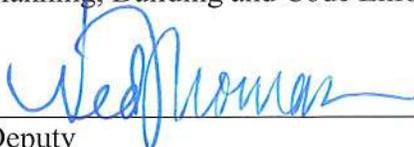
- a) Location: The site is flat and surrounded by existing commercial development. The project site is not located in a sensitive environment or adjacent to any sensitive habitat.
- b) Cumulative impact: Based on the analysis in the Initial Study, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
- c) Unusual circumstances: 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 site is not in proximity or visible to any designated scenic highway. The project therefore, would not have any adverse environmental effects on scenic highways or resources.
- e) Hazardous waste sites: Based on the analysis in the Initial Study, the site is not located on a list of identified hazardous waste sites designated by the State of California.

f) Historical resources: There are no historical resources located on the proposed project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for an exemption under Section 15332 of the CEQA Guidelines.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

Date: 7/31/17


Deputy

Attachment:
Initial Study/Exemption