Initial Study for the
Catalina II Residential Development Project

Prepared by

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Santa Clara as the Lead Agency, has prepared this Initial Study for the Catalina II Residential project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Santa Clara, California.

The project proposes to demolish the existing improvements on an approximately 1.7-acre site and construct 39 townhouse units. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

City of Santa Clara
Community Development Department
Debby Fernandez, Associate Planner
1500 Warburton Avenue
Santa Clara, CA 95050
dfernandez@SantaClaraCA.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Santa Clara will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City of Santa Clara shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Santa Clara will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Catalina II Real Residential Project

2.2 LEAD AGENCY CONTACT

City of Santa Clara
Community Development Department
Debby Fernandez, Associate Planner
1500 Warburton Avenue
Santa Clara CA 95050
(408) 615-2450
dfernandez@SantaClaraCA.gov

2.3 PROJECT APPLICANT

SCS Development Co.
Cory Kusich, Lands Acquisition and Entitlement Executive
404 Saratoga Avenue #100
Santa Clara, CA 95050
(408) 985-6022
ckusich@scsdevelopment.com

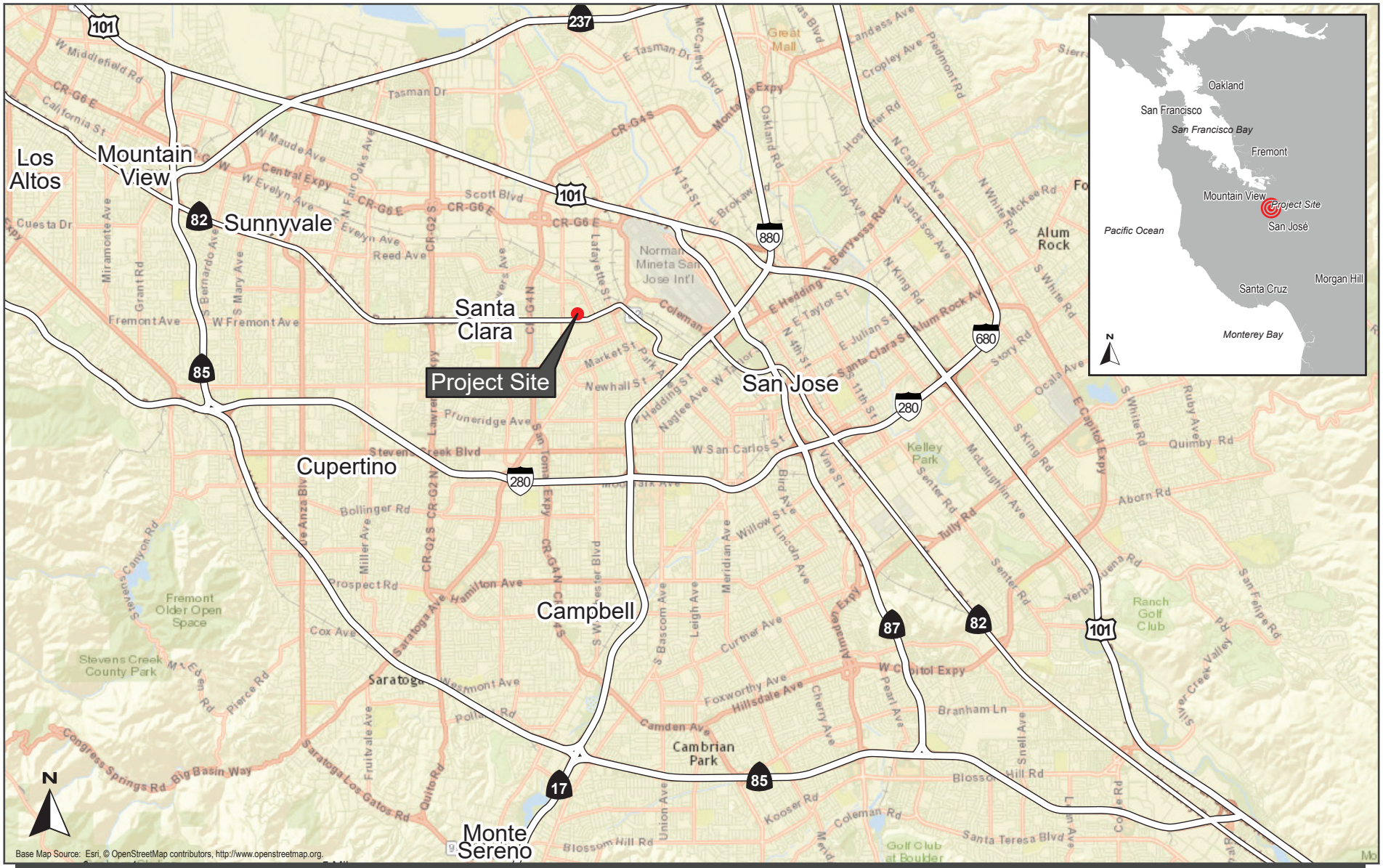
2.4 PROJECT LOCATION

The approximately 1.7-acre project site is located at 1433-1499 El Camino Real, adjacent to the east of Civic Center Park, in the City of Santa Clara. The project site is located within the larger El Camino Real Focus Area, which is bounded by The Alameda to the east and Lawrence Expressway to the west. A regional map of the project site and map of the El Camino Focus Area are shown on Figures 2.4-1 and 2.4-2.

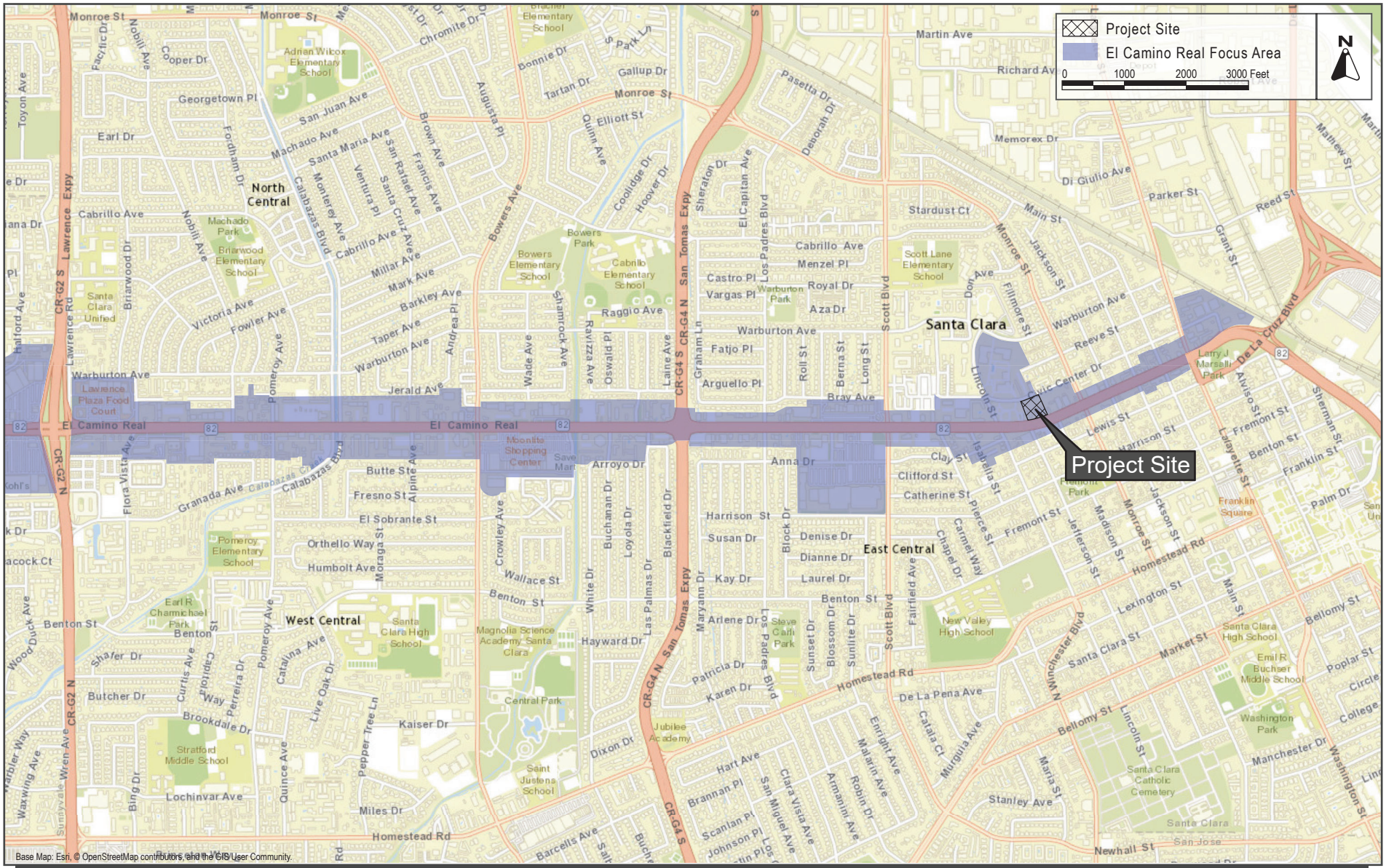
The project site is currently developed with two auto-oriented commercial buildings totaling approximately 6,758 square feet and a single-family residence. Surrounding land uses include residential uses, a commercial office building, City Hall, and associated parking to the north, residential uses to the south (across El Camino Real), a vacant site currently under construction for 54 townhouse units, known as the Catalina I Residential development project to the east, and Civic Center Park to the west. An aerial map of the project site and surrounding land uses is shown on Figure 2.4-3

2.5 ASSESSOR'S PARCEL NUMBER

224-48-004, -005, and -006



REGIONAL MAP | FIGURE 2.4-1



EL CAMINO REAL FOCUS AREA | FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

- General Plan designation: *Community Mixed-Use* (20 to 36 dwelling units/acre [du/ac])
- Zoning designations: *Thoroughfare Commercial* (CT) and *General Office* (OG)

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Discretionary approvals necessary to implement the project include, but are not limited to, the following:

City of Santa Clara

- Rezoning to *Planned Development* (PD)
- Vesting Tentative Subdivision Map approval
- Architectural review approval

California Department of Transportation (Caltrans)

- Encroachment permit

Other permits from the City, such as demolition permits, grading permits, and building permits would also be required.

SECTION 3.0 PROJECT DESCRIPTION

The approximately 1.7-acre (73,647-square foot) site consists of three parcels (APNs: 224-48-004, -005, and 006) and has a General Plan land use designation of *Community Mixed-Use* (20 to 36 dwelling units/acre [du/ac]) and zoning designations of *Thoroughfare Commercial* (CT) and *General Office* (OG). The project site is currently developed with two auto-oriented commercial buildings and an unoccupied single-family residence. The site also includes surface paving and eight trees. The northern half of the site is undeveloped.

The project is the rezoning of the site from CT and OG to *Planned Development* (PD) in order to demolish the existing improvements and construct 39 townhouse units. Of the 39 units, seven would be live/work units. The townhouses would be grouped into five buildings. The maximum building height proposed is 41.25 feet. The project would result in a density of 23 du/ac.

The project components, including the residential buildings, common open space and landscaping, site access and parking, public right-of-way (ROW) and utility improvements, and construction details are described below. A conceptual site plan of the project is shown on Figure 3.1-1 and conceptual elevation plans are shown on Figures 3.1-2 and 3.1-3.

3.1 PROJECT COMPONENTS

3.1.1 Residential Building

The 39 townhouses proposed would be grouped into five buildings (see Figure 3.1-1). The residential buildings would be three stories tall (up to 41.25 feet) with minimum setbacks of 12 feet from El Camino Real, 10 feet from Civic Center Drive, eight feet from the western property line, and seven feet from the eastern property line.

The residential buildings would be separated by three internal private drives and a linear open space area located at the center of the site. Buildings 1 through 3 are proposed in a north/south orientation along Civic Center Drive with Buildings 1 and 2 fronting the internal linear open space area, and Building 3 fronting the eastern site boundary. Buildings 1 through 3 would have residential only units. Buildings 4 and 5 would front El Camino Real. The seven live/work units would be interspersed within Buildings 4 and 5. The work component of the live/work units would be on the first floor, with an entry and storefront on El Camino Real. Each unit (including the live/work units) would have three bedrooms and three or four bathrooms, and range from approximately 1,600 to 1,900 square feet in size. Each unit would also include a two-car garage.

3.1.2 Common Open Space and Landscaping

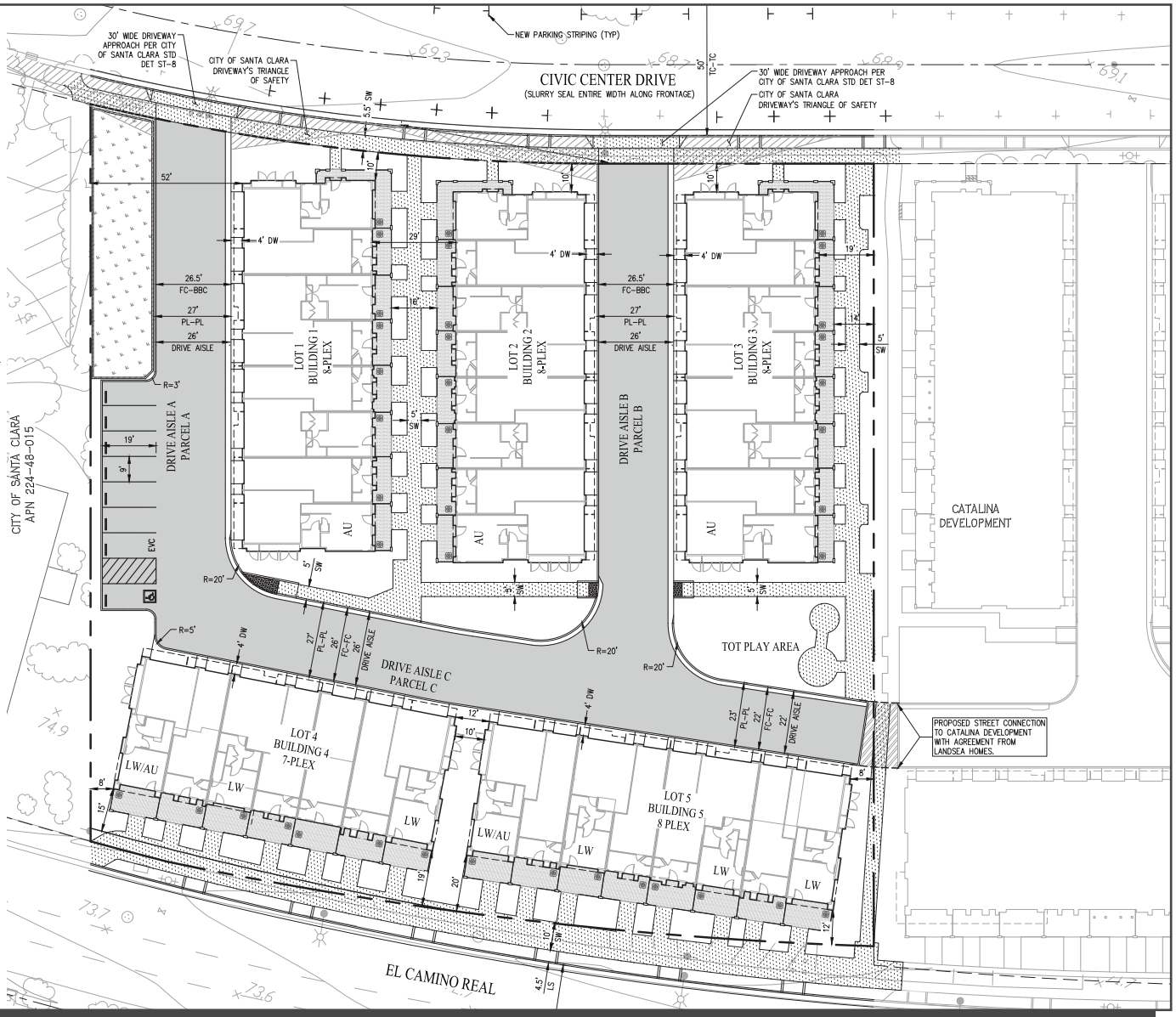
There are eight existing trees on-site that would be removed as part of the project. New landscaping would be planted along the perimeter of the site and residential buildings. The new landscaping would include shrubs, vines, and grass areas, as well as at least 120 trees. The project includes a total of approximately 16,640 square feet of landscaping, walkways, and common open space (i.e., the linear open space area in the center of the site). The project would also include an approximately 2,790-square foot private recreational area south of Building 3.

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		BOUNDARY
		PROPERTY LINE
		RIGHT-OF-WAY
		SIDEWALK AND TOP OF CURB
		DECORATIVE PAVING
		BIORETENTION AREA
		PERIMETER WALL
		WOOD FENCE ON RETAINING WALL
		PRIVATE PORCH

ABBREVIATIONS

AC	ACRES
AU	ACCESSIBLE UNIT
BBC	BACK OF BEVELED CURB
BC	BACK OF CURB
BD	BOUNDARY
BFC	BACK OF FLUSH CURB
BW	BACK OF WALK
C	COMPACT
CL	CENTERLINE
DW	DRIVEWAY
DU	DWELLING UNITS
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
FC	FACE OF FLUSH CURB
LS	LANDSCAPE
LW	LIVE WORK UNIT
PL	PROPERTY LINE
PUE	PUBLIC UTILITY EASEMENT
RW	RIGHT-OF-WAY
SW	SIDEWALK
TC	TOP OF CURB
UGEE	UNDERGROUND ELECTRIC EASEMENT



CONCEPTUAL SITE PLAN

FIGURE 3.1-1

FRONT ELEVATION

REAR ELEVATION

CONCEPTUAL ELEVATIONS OF BUILDINGS 1 TO 3 | FIGURE 3.1-2

FRONT ELEVATION

REAR ELEVATION

CONCEPTUAL ELEVATIONS OF BUILDINGS 4 AND 5 (CONTAINS LIVE-WORK UNITS) | FIGURE 3.1-3

3.1.3 Green Building Measures and Vehicle Miles Traveled Reduction Plan

The project would participate in the City's Construction and Demolition Debris Recycling Program during the demolition and construction period. The proposed buildings would be constructed in conformance with the 2016 Title 24 California Energy Code requirements.

In addition to planting over 120 new trees, shrubs, vines and grass area, the project includes a 1,909-square foot bioretention area along the northwest boundary of the site.

As required by the City's Climate Action Plan, the project shall develop and implement a Vehicle Miles Traveled (VMT) Reduction Plan. The VMT Reduction Plan shall achieve a 20 percent reduction in project VMT, half of which (a 10 percent reduction) shall be achieved with Transportation Demand Management (TDM) measures. The VMT reductions may be achieved through project design characteristics, land use, parking, access, and TDM best practices (e.g., unbundled parking, on-site bicycle parking, parking for car-sharing vehicles, and Eco Passes for residents). The project is subject to annual VMT reduction reporting requirements, per the Climate Action Plan.

3.1.4 Site Access and Parking

Vehicular access would be provided by two 27-foot wide, north-south oriented internal private drives off of Civic Center Drive that would connect to a third 27-foot wide, east-west oriented internal drive, forming a U-shaped loop (see Figure 3.1-1). The internal drive would also extend to the eastern boundary of the site, possibly connecting to the 22-foot wide internal drive to be constructed in the recently approved Catalina I Residential development adjacent to the east. All three drives would provide two-way access to all units and parking on-site. All 39 units would include a two-car garage, which would include a total of 78 indoor vehicle parking spaces. There would also be eight uncovered outdoor guest vehicle parking spaces located along the western boundary of the site, and two bicycle parking racks with four spaces on-site.

Pedestrian access would be provided via sidewalks on El Camino Real, along the eastern boundary line, on Civic Center Drive and between Buildings 1 and 2.

3.1.5 Public Right-Of-Way and Utility Improvements

The project includes the easement dedication of approximately 362 square feet along El Camino Real for public street and public utilities. The project includes replacement of the existing sidewalk on Civic Center Drive with a minimum five-foot wide separated sidewalk and four-foot wide landscape buffer strip, and replacement of the existing sidewalk on El Camino Real with a minimum 10-foot wide separated sidewalk with a four-foot wide landscape buffer strip. The project would include pavement surface treatment by applying slurry seal on the entire roadway width of Civic Center Drive along the project frontage. The project would also relocate the existing street light fixtures and fire hydrants on Civic Center Drive and El Camino Real, as needed.

The project would require lateral connections from the project site to existing utility systems on Civic Center Drive (storm drain, sewer and water), and El Camino Real (storm drain, sewer, and water as needed). The project also includes placing the existing overhead electricity lines underground along the project site frontage on El Camino Real. Project work within El Camino Real, a state roadway facility, requires an encroachment permit from Caltrans.

3.1.6 Construction

Construction of the project is estimated to take approximately 18 to 24 months to complete, possibly starting in July 2019 and concluding in December 2020. Demolition of the existing improvements on-site will occur first, followed by preparation of the site and construction of the residential buildings and other site improvements. Project construction would likely be completed in two phases, possibly beginning construction with Building 4 and 5, and then Buildings 1 to 3. The project would excavate approximately 3,000 cubic yards of soil (to a maximum depth of seven feet) to balance the site and create the bioretention areas.

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist –** The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project's impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)* confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Santa Clara has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this Initial Study will discuss operational issues as they relate to City policies. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1,2,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,2,4,5
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2,4
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1

4.1.2 Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

A scenic vista is the view of an area that is visually or aesthetically pleasing. Aesthetic components of a scenic vista include scenic quality, sensitivity level, and view access. There are no designated scenic vistas within the City.[1] For this reason, the development of the project would not directly impact a scenic vista. **(No Impact)**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site does not include rock outcroppings; nor is it located within or near a designated state scenic highway.[2] The Santa Cruz Mountains, Diablo Range, San Thomas Aquino Creek, and the Guadalupe River are "visual resources" within the City.[3] Intermittent views of the Diablo Range and the Santa Cruz Mountains can be seen looking northeast and southwest in the project vicinity, respectively. Views of San Tomas Aquino Creek and Guadalupe River are not available from the project site. There are no historic structures on or immediately adjacent to the project site (refer to *Section 4.5 Cultural Resources* for a detailed discussion of the historic significance of structures on and adjacent to the site).

[1] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH#2008092005. January 2011.
[2] California Department of Transportation. "California Scenic Highway Mapping System." Accessed: October 23, 2018. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.
[3] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH#2008092005. January 2011.

The project site contains mature landscape trees (refer to *Section 3.4 Biological Resources* for a detailed discussion about the trees on-site). The project would result in the removal of eight existing trees on-site. The project includes the planting of 120 new trees, which exceeds the City's minimum replacement ratio of 2:1 (planted:removed). The planting of new trees would reduce the loss of existing trees to a less than significant level. **(Less Than Significant Impact)**

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The project site is developed with a total of approximately 6,758 square feet of one-story automobile-oriented buildings and a single-family residence, fronting El Camino Real (see Photos 1 and 2). A detached garage and shed structure are located to the rear of the existing single family residence. The development on-site is generally old and unkempt. All of the buildings are currently vacant and the project perimeter is secured by a six-foot tall chain link fence screened by green mesh cover. The northwestern corner of the project site fronting Civic Center Drive is undeveloped.

The project site is located within the El Camino Real Focus Area in the City's General Plan. The City's General Plan envisions the transformation of El Camino Real Focus Area from a series of automobile-oriented strip malls to a tree-lined pedestrian- and transit-oriented corridor with a mix of residential and retail uses. The existing visual character of the project area consists mostly of older auto-oriented development similar to that of the project site, interspersed with recently developed multi-story residential development. The surrounding development consists of a new, Spanish-style three- to four-story multi-family residential buildings to the south across El Camino Real, Civic Center Park to the west, paved parking lots for the City Hall and two-story commercial office and residential building complex to the north across Civic Center Drive, and a vacant site currently under construction for 54 townhouses to the east (see Photos 2 to 6).[4]

Applicable General Plan policies related to aesthetics include, but are not limited to, the following listed below.

- 5.4.1-P6 – Encourage lower profile development in areas designated for Community Mixed-Use in order to minimize land use conflicts with existing neighborhoods.
- 5.4.1-P9 – Residential development should include front doors, windows, stoops, porches, and bay windows or balconies along street frontages.
- 5.4.1-P11 – Locate parking at the side or rear of parcels and active uses along street frontages.
- 5.4.1-P16 – Facilitate the implementation of streetscape improvements consistent with those illustrations in Figures 5.4.2 in the General Plan.

[4] The site adjacent to the west, known as the Catalina I Residential development project was recently approved for the development of 54 townhouses.

Photo 1 - View of existing automobile-oriented buildings from El Camino Real looking northwest.

Photo 2 - View of the single-family residence from Civic Center Drive looking east.

PHOTOS	1 & 2

Photo 3 - View of El Camino Real corridor and residential development south of the site.

Photo 4 - View of the project site and Civic Center Park from Civic Center Drive looking southwest.

PHOTOS	3 & 4

Photo 5 - View of paved parking lots north of the project site looking north from Civic Center Drive.

Photo 6 - View of the adjacent vacant site under construction looking northeast from the project site.

PHOTOS	5 & 6

The project proposes to redevelop the project site with 39 townhouses. As discussed in detail in *Section 3.0 Project Description*, the townhouses would be grouped into five, three-story (up to 41.25 feet tall) buildings. The primary building materials for the project include a combination of stucco and brick with horizontal and board and batten siding. Elevations of the project are shown on Figure 3.1-2 and 3.1-3. Buildings 4 and 5 would front and be visible from El Camino Real. The project would also replace the existing sidewalks on El Camino Real and Civic Center Drive and plant new landscaping, including trees and shrubs in accordance with Complete Streets design. In addition, the project is subject to the City's Architectural Review process that would ensure quality development that conforms with the City's Community Design Guidelines. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. **(Less Than Significant Impact)**

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The project site is located in an urbanized area with existing sources of light and glare, including the nighttime building security lighting for existing development. There are street lights along El Camino Real and Civic Center Drive and commercial parking lot lighting north of the project site. Headlights from vehicles on El Camino Real also contribute to the existing light and glare conditions. The proposed townhouses would include exterior security lighting, consistent with security lighting for existing development in the vicinity. The exterior project lights would be directed downward and shielded to minimize light spillover and glare. Based on the above discussion, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Glare can also be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. The project would not be constructed with highly reflective materials, such as mirrored glass or similar materials. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	6
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	3,7
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,6

4.2.2 Impact Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

The project site and adjacent properties are not designated or used as farmland. According to the Santa Clara County Important Farmland 2014 map, the project site is designated as *Urban and Built-Up Land*.[5] The project site is designated and zoned for urban development in the City's General Plan Land Use Map and Zoning Map. The project site is currently developed with auto-oriented uses and a single-family residence. For these reasons, implementation of the project would not convert farmland to non-agricultural use. **(No Impact)**

[5] *Urban and Built-Up* land is defined as occupied by structures with a building density of at least one unit to 1.5 acres or approximately six structures to a 10-acre parcel. Source: California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Important Farmland 2014*. October 2016.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is not zoned for agricultural use. The project site is currently zoned *Thoroughfare Commercial* (CT) and *General Office* (OG) for urban uses and is not the subject of a Williamson Act contract.[6] For these reasons, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. **(No Impact)**

c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is not zoned for forest land or timberland. For this reason, the project would not conflict with existing zoning for (or cause rezoning of) forest land or timberland. **(No Impact)**

d) Result in a loss of forest land or conversion of forest land to non-forest use?

The project site and surrounding properties are urbanized and not used as forest land. The implementation of this project, therefore, would not result in the loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project site and surrounding properties are not used as farmland or forest land. The implementation of the project, therefore, would not result in conversion of farmland or forest land to non-agricultural or non-forest uses. **(No Impact)**

[6] County of Santa Clara, Department of Planning and Development. "ArcGIS – Williamson Act Properties." Accessed: October 31, 2018. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

4.3 AIR QUALITY

The following discussion is based on a Health Risk Assessment prepared by *Illingworth & Rodkin, Inc.* on November 21, 2018. A copy of the assessment is provided in Appendix A of this Initial Study.

4.3.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,2,7,8
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	1,2,7,8,9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☒	☐	☐	1,2,7,8,9
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,2,9
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1

The City utilizes the thresholds of significance adopted by the Bay Area Air Quality Management District (BAAQMD) to review the air quality impacts of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD reports air pollution emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD and used in this analysis are summarized in Table 4.3-1.

Table 4.3-1: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Annual Average Emissions** (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Best Management Practices	Not Applicable	
Health Risks and Hazards for Single Sources			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual $PM_{2.5}$	>0.3 µg/m^3		
Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)			
Excess Cancer Risk	>100 per one million		
Hazard Index	>10.0		
Annual Average $PM_{2.5}$	>0.8 µg/m^3		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µm/m^3 = micrograms per cubic meter.			

4.3.2 Impact Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP).

The proposed project would not conflict with the 2017 CAP because it would have emissions below BAAQMD screening criteria (see the discussion below under thresholds b and c), is considered urban infill, and would be located near transit with regional connections. Because the project would not exceed the BAAQMD screening criteria, it is not required to incorporate project-specific control measures listed in the 2017 CAP. Implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and

eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. For these reasons, the project would not conflict or obstruct the implementation of the CAP. **(Less Than Significant Impact)**

b,c) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?

The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter or particulates with an aerodynamic diameter of 2.5 micrometers (µm) or less ($PM_{2.5}$) under both the federal Clean Air Act and California Clean Air Act. High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). The area is also considered non-attainment for coarse particulate matter or particulates with an aerodynamic diameter of 10 µm or less (PM_{10}) under the California Clean Air Act, but not the federal act. The area has attained both state and federal ambient air quality standards for carbon monoxide (CO). As part of an effort to attain and maintain ambient air quality standards for ozone (O_3) and particulate matter, BAAQMD has established thresholds of significance for these air pollutants and their precursors (refer to Table 4.3-1). The thresholds for O_3 precursor pollutants (ROG and NOx), PM_{10}, and $PM_{2.5}$ apply to both construction period and operational period impacts.

Operational Period Emissions

BAAQMD developed a screening criteria for air pollutants to determine if a project would result in the generation of operational-related criteria air pollutants that exceeds the thresholds identified in Table 4.3-1. The project proposes 39 townhouse units, which is below the screening threshold of 451 units for condominium and townhouse developments.[7] The project, therefore, would not generate significant levels of operational-related criteria air pollutants or precursors. **(Less Than Significant Impact)**

Construction Period Emissions

Project construction activities, particularly site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries.

The project (construction of 39 townhouses) would be below the BAAQMD screening threshold for construction-related criteria air pollutant of 240 dwelling units for condominium and townhouse developments.[8] BAAQMD considers construction emission impacts that are below the thresholds of significance (such as those of the project) less than significant if Best Management Practices (BMPs) are implemented.

[7] Bay Area Air Quality Management District. *CEQA Air Quality Guidelines*. May 2017. Table 3-1.
[8] Ibid.

Impact AIR-1: The project would result in significant construction air pollutant emissions without the implementation of BAAQMD's standard construction BMPs. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following standard BAAQMD construction BMPs to control dust and exhaust during construction:

MM AIR-1.1: During any construction period ground disturbance, the project contractor shall implement the following BMPs:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]) Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The project, with the implementation of the above mitigation measure, would reduce construction related emissions to a less than significant level by controlling dust and exhaust and limiting exposed soil surfaces. **(Less Than Significant Impact with Mitigation Incorporated)**

d) Expose sensitive receptors to substantial pollutant concentrations?

Project effects related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of toxic air contaminants (TACs) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity.[9] BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. The project would introduce a new source of temporary TACs during project construction near existing sensitive receptors and would introduce new sensitive receptors (i.e., future project residents) in proximity to air pollutant or contaminant sources (El Camino Real). The health risk to the project is described in Section 4.3.3 below.

Community Health Risk from the Project

In addition to the project's generation of PM_{10} and $PM_{2.5}$ during construction activities (discussed under thresholds b and c above) construction equipment and associated heavy-duty truck traffic would generate diesel exhaust, a known TAC. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5.}$ Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A community risk assessment was completed to evaluate potential health effects of sensitive receptors at nearby residences from project construction emissions of diesel particulate matter (DPM)[10] and $PM_{2.5}$.

The adjacent Catalina I Residential development currently under construction would be completed and occupied by approximately July 2020 while the proposed project is under construction; therefore, the closest sensitive receptors to the site include new residences of that residential development, residences to the northeast, as well as residences to the south (refer to Figure 2.4-3). As described in Section 3.1.6, the proposed project is estimated to take 18 to 24 months to complete, possibly starting in July 2019. The construction schedule could overlap up to 12 months with construction of the adjacent Catalina I Residential Development project, resulting in a cumulative impact on nearby sensitive receptors.[11] This cumulative impact is discussed in Section 4.18.2.

Project Construction Activity

Emissions and dispersion modeling was completed to predict the off-site DPM concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. Exposure parameter and model assumptions are detailed in Appendix A. Results of the health risk assessment show that the excess residential cancer risk would be 29.3 in one million at the maximally exposed individual (MEI), which exceeds the BAAQMD threshold of 10 excess cases of cancer per one million. The maximum annual $PM_{2.5}$ concentration would be 0.23 micrograms per

[9] TACs are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). Additional details about air pollutants and their regulations are included in Appendix A.

[10] DPM is identified by California as a TAC due to its potential to cause cancer.

[11] The Catalina I Residential Development project is estimated to take 18 months to complete starting construction in January 2019.

cubic meter (μ/m^3), which is below the BAAQMD significance threshold of 0.3 μ/m^3. Other non-cancer hazards are measured in a computed Hazard Index (HI), which for the proposed project construction would be 0.04, and below the BAAQMD significance threshold of 1.0.

Impact AIR-2: The construction of the proposed project would result in a significant health risk impact to nearby sensitive receptors. **(Significant Impact)**

Mitigation Measure: The project proposes to implement mitigation measure MM AIR-1.1 and the following mitigation measure to reduce construction-related TACs to nearby sensitive receptors to a less than significant level:

MM AIR-2.1: The project shall select construction equipment in one of the following methods to further reduce on-site DPM:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and shall include the use of equipment that includes California Air Resource Board-certified Level 3 Diesel Particulate Filters or equivalent;

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet U.S. EPA Tier 3 interim standards with Level 3 Diesel particulate Filters or equivalent; or

- Use of alternatively-fueled equipment (i.e., non-diesel).

The implementation of mitigation measure MM AIR-1.1 and the least effective method of mitigation measure MM AIR-2.1 (Tier 2 engines or equivalent with use of Level 3 Diesel Particulate Filters) would reduce exhaust emissions by approximately 89 percent. This would reduce the cancer risk proportionally, such that the mitigated risk would be 3.2 in one million, which is below the BAAQMD significance threshold of 10 excess cases in one million Other methods listed would result in a greater reduction in on-site diesel exhaust emissions. With implementation of mitigation measure MM AIR-1.1 and -2.1, the project would have a less than significant impact with respect to community risk caused by construction activities. **(Less Than Significant Impact with Mitigation Incorporated)**

e) Create objectionable odors affecting a substantial number of people?

Land uses that have the potential to be sources of odors that generate complaints include, but are not limited, to wastewater treatment plants, landfills, composting operation, and food facilities (further discussed below). Residential development, including residential structures with live-work units such as the proposed project, does not typically generate objectionable odors. **(No Impact)**

4.3.3 Existing Air Quality Conditions Affecting the Project

As previously discussed in *Section 3.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies (including Policy 5.10.5-P34 which requires developments to prepare a project-specific study to identify measures that can reduce exposure risks from roadways with average daily trips of 100,000 or more, and Policy 5.10.5-P35 which also requires a project-specific study when placing new residential uses within proximity to odor sources) that address existing conditions affecting a proposed project, which are discussed below.

Community Health Risk to the Project

As discussed above, increased community risk can occur by introducing a new sensitive receptor in proximity to an existing source of TACs. A review of BAAQMD's stationary source tool showed that there are four existing TAC sources within 1,000 feet of the project site: State Route 82 (El Camino Real), a generator operated at 1500 Warburton Avenue, a generator at 1601 Civic Center Drive, and an auto-body shop at 1486 Jefferson Street.

Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in proximity to the roadway. The segment of El Camino Real in the project vicinity has approximately 29,000 average daily trips.[12] The estimated health risk from El Camino Real at the proposed MEI on-site is a cancer risk of 3.8 excess cases in one million, 0.3 μ/m^3 $PM_{2.5}$ concentration, and < 0.01 HI, which are all below the BAAQMD threshold of significance. A summary of the estimated health risk from El Camino Real and the stationary sources are shown in Table 4.3-1 below, which shows that the estimated health risks are all below the BAAQMD threshold of significance.

Cumulative Sources

The cumulative health risk to future project residents from El Camino Real and the stationary sources was calculated. TAC impacts are assessed by predicting the combined community risk impacts to the project. As shown in Table 4.3-1 below, the cumulative maximum cancer risk, maximum annual $PM_{2.5}$ concentration, and maximum HI are calculated to be <5.4 excess cases in one million, 0.32 μ/m^3 $PM_{2.5}$ concentration, and 0.04 HI, respectively, which are all below BAAQMD's cumulative significance thresholds of >100 excess cases in one million, >0.8 μ/m^3 $PM_{2.5}$ concentration, and >10.0 HI, respectively. Refer to Appendix A for more details about the cumulative construction risk assessment and results.

[12] California Department of Transportation. "2016 Traffic Volumes on the California State Highway System." Accessed: November 26, 2018. Available at: http://www.dot.ca.gov/trafficops/census/volumes2016/Route82-86.html.

Table 4.3-1: Mobile and Stationary Source Community Risk Levels			
Source	**Maximum Cancer Risk (per million)**	**Maximum Annual $PM_{2.5}$ (µg/m3)**	**Maximum Hazard Index**
El Camino Real SR-82 at 40 feet	3.8	0.3	<0.01
Plant #16266 (Diesel Generator at 1500 Warburton Avenue) at 680 feet	1.3	<0.01	<0.01
Plant #17390 (Diesel Generator at 1601 Civic Center Drive) at 700 feet	0.3	<0.01	<0.01
Plant #23391(Auto Body Shop at 1486 Jefferson Street) at 120 feet	-	-	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Significant?	***No***	***No***	***No***
Cumulative Total	5.4	0.32	0.04
BAAQMD Cumulative Source Threshold	*>100*	*>0.8*	*>10.0*
Significant?	***No***	***No***	***No***
Note: The distance of the source to the project site is measured from the project boundary closest to the source to the border of the source. The distance for Plant #16266 and #17390 (diesel generators) were then adjusted using BAAQMD's *Distance Adjustment Multiplier Tool for Diesel Internal Combustion engines*.			

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an arborist report prepared by *Hort Science Bartlett Consulting* on October 24, 2018. A copy of this report is included in Appendix B of this Initial Study.

4.4.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐	1,2,10
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	1,2,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	*1*
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,3,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1

4.4.2 Impact Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

Most of the project site is developed. The northern portion of the site is undeveloped. The project site is surrounded by urban development (refer to Figure 2.4-3). The project site does not contain sensitive habitat (see discussion below under threshold b). Due to the lack of sensitive habitat, the presence of special-status species on-site is unlikely. There are existing trees and landscaping on and adjacent to the project site, however, that could be used by nesting birds. Nesting birds are protected under the provisions of the Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as a tree removal and on-site grading, that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone, would constitute a significant impact.

Impact BIO-1: Project construction could impact nesting birds on or adjacent to the site, if present. **(Significant Impact)**

Mitigation Measure: In compliance with federal and state regulations and protocol, the project proposes to implement the following mitigation measure, to reduce impacts to a less than significant level.

MM BIO-1: 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 are extends from February 1 through August 31.

If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.

The project, with implementation of the above mitigation measure, would reduce impacts to nesting birds (if present) by avoiding construction during nesting bird season or completing pre-construction

nesting bird surveys to minimize and/or avoid impacts to nesting birds. **(Less Than Significant Impact with Mitigation Incorporated)**

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is not located near or adjacent to waterways, therefore, there is no riparian habitat in the area. The site is not identified as containing sensitive habitat.[13] For these reasons, the development of the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(No Impact)**

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no wetlands on-site, therefore, the development of the project would not have a substantial adverse effect on wetlands. **(No Impact)**

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?

While a portion of the site is undeveloped, it is surrounded by urban development. No waterways or other sensitive habitats are located on-site. The project site is not used as a wildlife corridor or wildlife nursery site. For these reasons, the project would not substantially impact the movement of fish or wildlife, wildlife corridors, or wildlife nursery sites. **(No Impact)**

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The primary biological resources on-site are trees. There are eight trees on-site. A summary of tree diameters and conditions is provided in Table 4.4-1.

Five of the on-site trees meet the size component of a "protected" tree.[14] These trees range from moderate to excellent condition. None of the trees on-site are City-designated heritage trees.[15] The project proposes to remove all eight on-site trees in order to construct the project.

General Plan Policy 5.3.1-P10 requires all removed trees to be replaced at a minimum 2:1 (planted:removed) ratio on- or off-site. The removal of the right trees on-site, therefore, would require the planting of 16 new trees. The project proposes to plant 120 trees, which exceeds the

[13] Sources: 1) US Fish and Wildlife Service. "ECOS Environmental Conservation Online System." Accessed: November 1, 2018. Available at: https://ecos.fws.gov/ecp/report/table/critical-habitat.html. 2) City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH#2008092005. January 2011.
[14] General Plan Policy 5.10.1-P4 defines protected trees as all healthy cedars, redwoods, olives, bay laurel, and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property, as well as in the public right-of-way.
[15] General Plan Policy 5.10.1-P3 requires preservation of all City-designated heritage trees listed in the Heritage Tree Inventory, Appendix 8.10 of the General Plan.

City's replacement requirement by 104 trees. For this reason, the project would be consistent with the City's policy regarding tree removal and would not result in a significant impact to trees. **(Less Than Significant Impact)**

Table 4.4-1: Summary of Existing On-Site Trees			
Tree ID#	**Common Name**	**Diameter**	**Suitability for Preservation**
54	Loquat	6,3	Moderate
55	Nectarine	5	Moderate
56	Avocado	5	Low
57	**Mexican fan palm**	**18**	**High**
58	**Blackwood acacia**	**20**	**Moderate**
59	**Evergreen ash**	**5,4,4**	**Moderate**
60	**Evergreen ash**	**5,5,4,4**	**Moderate**
61	**Almond**	**10,8,7,7,4,4**	**Moderate**
Note: **Bolded** indicates trees that meet the size component of a "protected" tree.			

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Plan, or other approved habitat conservation plan. The project, therefore, would not conflict with any of these plans. **(No Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based on Local Significance Evaluation Reports and Department of Parks and Recreation (DPR) Forms prepared by *Archives & Architecture* on September 27, 2017, and by *TreanorHL* on October 18, 2018 (refer to Appendix C for a copy of these reports) and a Cultural Resources Literature Review prepared by *Holman & Associates* in October 2017. A copy of the literature review report is on file at the City of Santa Clara Department of Building and Inspection.

4.5.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	1,2,12,13
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐	1,2,14
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	1,2
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐	1,2,14
e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or	☐	☐	☒	☐	1,2,14
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	14

4.5.2 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

The project site is not listed on the National Register of Historic Places (NRHP) California Register of Historical Resources (CRHR), or the City's Architecturally or Historically Significant Properties Inventory. The project site is not in proximity to any properties listed on the City's inventory.[16] The project site, however, is developed with a single-family residence (and associated detached garage and shed structure) and two automobile-oriented buildings that are over 50 years old. The single-family residence was built in 1915 (approximately 103 years old) and was moved to the site in approximately 1926 and was again moved on-site in 1931-1932 to accommodate the connection of El Camino Real to Clay Street. The date of construction of the detached garage and shed structure are unknown. The carwash building was built in 1956 (approximately 62 years old), and the automobile sales building was built in 1959 and expanded in 1965 (approximately 53 to 59 years old). These existing buildings on-site were evaluated in the historic resources reports to determine if the structures are eligible for listing based on the City's local significance criteria (refer to Appendix C for details on each building). The evaluation determined that none of the buildings on-site are found to have architectural significance, and the proposed project would not result in impacts to historic resources. **(No Impact)**

b,d) Cause a substantial adverse change in the significance of an archaeological resource? Disturb any human remains, including those interred outside of dedicated cemeteries?

As discussed above, there are no known cultural resources on-site. Based on a literature review completed for the project area, the area has a low potential for Native American deposits and cultural materials. While unlikely, there is the potential for unknown buried archaeological resources (including human remains) on-site.

Impact CUL-1: Unknown buried archaeological resources could be impacted during project construction. **(Significant Impact)**

Mitigation Measures: The project proposes to implement the following mitigation measures to avoid and/or reduce significant impacts to unknown archaeological resources to a less than significant level:

MM CUL-1.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Community Development Director will be notified, and a qualified archeologist shall examine the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.

[16] Source: 1) State of California, Office of Historic Preservation. "Santa Clara." Accessed: October 20, 2018. Available at: http://ohp.parks.ca.gov/?page_id=21522. 2) National Parks Service. "National Register of Historic Places." Accessed: October 20, 2018. Available at: https://www.nps.gov/nr/research/.

MM CUL-1.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

The project, with the implementation of the above measures, would reduce impacts to unknown subsurface prehistoric, and historic archaeological resources to a less than significant level by following procedures to protect resources, if found. **(Less Than Significant Impact With Mitigation Incorporated)**.

c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

The City is situated on alluvial fan deposits of the Holocene age. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources; however, recent sediments overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources. These older sediments are often found at depths of 10 feet or more below ground surface (bgs), therefore, ground disturbing activities of 10 feet in depth or more at the site has the potential to impact undiscovered paleontological resources.[17] The project would require ground disturbing activities of up to seven feet below ground, therefore, the project is not anticipated to impact paleontological resources. **(No Impact)**

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe.

No tribes have sent written requests for notification of projects to the City of Santa Clara under AB 52. Based on a Sacred Lands file search completed by the NAHC for the adjacent Catalina I Residential Development project, there are no recorded sacred lands or tribal cultural objects in the project area, including the project site. Any subsurface artifacts found on-site would be addressed consistent with mitigation measures CUL-1.1 and -1.2. For these reasons, the proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact)**

[17] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH# 2008092005. January 2011.

4.6 GEOLOGY AND SOILS

The following discussion is based on a preliminary geotechnical investigation assessment prepared by *Quantum Geotechnical, Inc.* on October 6, 2018. A copy of this report is provided in Appendix D of this Initial Study.

4.6.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐	1,2,15,16
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,2,15,16
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,15,16
4. Landslides?	☐	☐	☒	☐	1,2,15,16
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2,16
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,16,17, 18
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☒	☐	1,16
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2 Impact Discussion

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides?

The project site is not located in an Alquist-Priolo Earthquake Fault Zone and no active faults are known to cross the site.[18] The project site is located within the seismically active Bay Area and strong ground shaking would be expected during the lifetime of the proposed project. The nearest active fault is the southeast extension of the Hayward Fault, approximately five miles southeast of the site. Strong ground shaking during an earthquake can result in ground failure such as that associated with soil liquefaction,[19] damage to the proposed residential buildings, and expose people to injury. As required by the California Building Code, a design-level geotechnical investigation, which includes design and construction recommendations shall be prepared for the proposed project to avoid and reduce seismic and seismic-related hazards, including liquefaction.

The project site is located in a generally flat area, therefore, the project site is not subject to landslides.

The existing seismic conditions discussed above would not be exacerbated by the project such that it would impact (or worsen) off-site seismic conditions. **(Less Than Significant Impact)**

b) Result in substantial soil erosion or the loss of topsoil?

Project construction activities would temporarily disturb soils. The project, however, would not lead to substantial soil erosion or loss of topsoil, because the project is required to minimize erosion hazards through the implementation of a Stormwater Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and through conformance with grading and excavation requirements in the City Code (refer to Section 4.9 Hydrology and Water Quality for more detail). The project, therefore, would not result in a significant impact from soil erosion. **(Less Than Significant Impact)**

c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The project area is generally flat and the project site is not near an open face where soil could move to; therefore, the potential for landslides and lateral spreading on-site is low.[20]

[18] Association of Bay Area Governments. "Earthquakes, Alquist-Priolo Earthquake Fault Zone Maps, Interactive Fault Rupture Map." Accessed: November 1, 2018. Available at: http://gis.abag.ca.gov/website/Hazards/?hlyr=northSanAndreas.

[19] Liquefaction is the result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level.

[20] Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically lateral spreading is associated with liquefaction of one or more subsurfaces near the bottom of the exposed slope.

Land subsidence is a settling of the earth's surface due to the compaction of subsurface materials. The Santa Clara Valley Water District (Valley Water) actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from compaction wells. Valley Water reduces the potential for land subsidence county-wide by reducing demand on groundwater and recharging groundwater basins.[21]

The project site is subject to liquefaction.[22] The project shall implement the recommendations identified in the design-level geotechnical investigation, which shall include design and construction recommendations to avoid and reduce liquefaction hazards.

The existing geology and soils conditions discussed above would not be exacerbated by the project such that it would impact (or worsen) off-site soil conditions. **(Less Than Significant Impact)**

d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?

The existing near-surface soils on-site have a high expansion potential. Moisture fluctuations in expansive soil could cause the soil to expand or contract resulting in movement and potential damage to improvements that overlay them. The project site consists of two to three feet of non-engineered fill and four to nine feet of expansive clay in the existing near-surface soil. The project shall implement recommendations in the design-level geotechnical report prepared for the project that would include excavation and off-haul of non-engineered fill, and design and engineering measures to avoid and reduce adverse effects of expansive soil on the proposed development.

The existing expansive soil conditions on-site discussed above would not be exacerbated by the project such that it would impact (or worsen) off-site conditions. **(Less than Significant Impact)**

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project would connect to the existing sanitary sewer system. No septic tanks or alternative waste water disposal systems are required for the project. **(No Impact)**

4.6.3 Existing Geology and Soils Conditions Affecting the Project

As previously discussed in *Section 3.0,* the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. Applicable General Plan policies include the following:

[21] Santa Clara Valley Water District. "Subsidence." Accessed: November 1, 2018. Available at: https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/subsidence.
[22] California Department of Conservation, Division of Mines and Geology. *Seismic Hazard Zone Report for the San José West 7.5-Minute Quadrangle, Santa Clara County, California.* 2002.

- Policy 5.10.5-P5 Regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards, including flooding, seismic, erosion, liquefaction and subsidence dangers.
- Policy 5.10.5-P6 Require that new development is designed to meet current safety standards and implement appropriate building code to reduce risks associated with geologic conditions.
- Policy 5.10.5-P7 Implement all recommendations and design solutions identified in project soils reports to reduce potential adverse effects associated with unstable soils or seismic hazards.

As discussed under Checklist Questions a, c, and d, the project shall prepare a design-level geotechnical investigation, which includes design and construction recommendations that shall be prepared for the proposed project to avoid and reduce seismic and seismic-related hazards, including liquefaction. The design-level geotechnical investigation would also include recommendations to excavate and off-haul non-engineered fills and other measures to avoid and reduce adverse effects of expansive soil on the proposed development.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,2,7,19
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2,7,19

The Bay Area Air Quality Management District (BAAQMD) has identified two significant thresholds for determining if a project will have a significant greenhouse gas (GHG) emissions impact under 2020 conditions set by AB 32. These thresholds are include the following:

- The "bright-line" threshold of 1,100 metric tons of CO_2e per year ($MTCO_2e$/year); and
- The "efficiency" threshold of 4.6 $MTCO_2e$ per service population (e.g., residents and employees) per year ($MTCO_2e$/service population/year).

The numeric CEQA thresholds set by BAAQMD were calculated to achieve the state's 2020 target for GHG emissions level (and not the SB 32 2030 target of 40 percent below the 1990 GHG emissions level). The project would not be fully constructed and occupied until after December 31, 2020. Because the project would be completed in the post-2020 timeframe, the current BAAQMD thresholds do not apply. Rather, a Substantial Progress bright-line threshold of 2.6 MT $MTCO_2e$/service population/year has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[23]

For the purposes of this analysis, a Substantial Progress efficiency metric of 660 $MTCO_2e$/year has been calculated for 2030.[24]

4.7.2 Impact Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

BAAQMD sets guidelines and screening levels to determine if a project would contribute to a significant level of GHG emissions. This guideline was intended for use in determining less than significant GHG impacts post-2020 in that it is based on the 2020 thresholds. Based on the GHG screening levels, the operational GHG screening size for a general condo/townhouse development

[23] Association of Environmental Professionals. *Beyond 2020 and Newhall: A field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. 2016.
[24] 40 percent below the 1,100 MT for 2020 = 660 $MTCO_2e$/year

project is 78 dwelling units.[25] Since the Substantial Progress bright-line threshold and Substantial Progress efficiency metric are based on a 40 percent reduction from the 2020 threshold, the screening size for a general condo/townhouse development project (reducing the 2020 screening size by 40 percent) would be 47 dwelling units. The project proposes 39 dwelling units, and as described in Section 3.1.6 is estimated to finish construction in December 2020. The proposed project whether operational prior to or post January 1, 2021 is under both the 2020 and 2030 screening level, and, therefore, is not considered to generate significant GHG emissions. In addition, the City's 2013 Climate Action Plan (2013 CAP) is a BAAQMD Qualified Greenhouse Gas Reduction Strategy that identifies how the City will achieve the state's recommended GHG reduction target. The project would be in compliance with the 2013 CAP, as discussed below. **(Less than Significant Impact)**

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project is subject to the City's 2013 CAP. The 2013 CAP includes strategies and reduction measures that will reduce GHG emissions in the City. Table 4.7-1 below summarizes applicable measures in the 2013 CAP and the project's consistency with those measures.

Table 4.7-1: Project Consistency with Applicable Climate Action Plan Measures

Applicable Climate Action Plan Measure		Consistency
Energy Efficiency		
2.4	Customer Installed Solar Photovoltaic Systems on Customer-Owned Residential and Nonresidential Projects	Not proposed
Water Conservation		
3.1	Water Conservation: Reduce GHG-Intensive Water Use Practices	The project would include drought tolerant landscaping and high efficiency irrigation systems with smart irrigation controllers.
Waste Reduction		
4.2	Increase Waste Diversion: Recycle, Food Waste Pickup, Construction, and Demolition Waste Programs to Increase Solid Waste Diversion to 80 percent.	The project would include recycling services and participate in the City's Construction and Demolition Debris Recycling Program
Off-Road Equipment		
5.1	Provide for Use of Lawn and Garden Equipment Powered by Electricity (lawn mowers and leaf blowers; outdoor outlets)	The project proposes electrical outlets in the front porch of the townhouses.
5.2	Use Cleaner Alternative Technologies for Construction Vehicles and Equipment (BAAQMD BMPs)	As discussed in *Section 4.3*, the project proposes to implement mitigation measure MM AIR-1.1 (BAAQMD construction best management practices), and mitigation measure MM AIR-2.1 (select construction equipment that reduces on-site diesel particulate matter)

[25] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. Updated May 2017. Page 3-2.

Table 4.7-1: Project Consistency with Applicable Climate Action Plan Measures		
Transportation and Land Use		
6.1	Transportation Demand Management Programs for Residential Projects More Than 25 Units and Nonresidential Projects More Than 10,000 SF in Transportation Districts	The project proposes to develop and implement a Vehicle Miles Travelled (VMT) Reduction Plan to achieve a 20 percent reduction in project VMT, at least half of which (a 10 percent reduction) will result from Transportation Demand Management (TDM) measures.
6.3	Electric Vehicle Parking and Charging Station(s) for Multi-Family Residential or Nonresidential Projects	The project would prewire each townhouse parking garage to allow installation of electric vehicle charging stations.
Urban Heat Island Effect		
7.1	Shade Trees near South-Facing Windows	The project proposes shade trees along the perimeter of the project site and residential buildings, including south facing windows.

As summarized in Table 4.7-1 above, the project would be consistent with the 2013 CAP by planting drought tolerant landscaping, installing high efficiency irrigation systems, participating in the City's Construction and Demolition Debris Recycling Program, installing outdoor electrical outlets, implementing BAAQMD Construction Best Management Practices and select construction equipment that reduces on-site diesel particulate matter, developing and implementing a VMT Reduction Plan, prewiring each parking garage for installation of electric vehicle charging stations, and planting shade trees. The project would not install solar photovoltaic systems, as identified by CAP measure 2.4. The project, therefore, is generally consistent with the applicable measures in the Climate Action Plan. **(Less Than Significant Impact)**

Santa Clara General Plan

The project is subject to applicable General Plan policies related to GHG emissions including, but are not limited to, the ones listed below.

- 5.3.1-P10 – Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
- 5.3.1-P14 – Encourage Transportation Demand Management strategies and the provision of bicycle and pedestrian amenities in all new development greater than 25 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled, consistent with the CAP.
- 5.8.1-P4 – Expand transportation options and improve alternate modes that reduce greenhouse gas emissions.
- 5.8.1-P5 – Work with local, regional, state and private agencies, as well as employers and residents, to encourage programs and services that reduce vehicle miles traveled.

- 5.8.5-P5 – Encourage transportation demand management programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles.
- 5.10.3-P1 – Promote the use of renewable energy resources, conservation, and recycling programs.
- 5.10.3-P4 – Encourage new development to incorporate sustainable building design, site planning, and construction, including encouraging solar opportunities.
- 5.10.3-P5 – Reduce energy consumption through sustainable construction practices, materials, and recycling.
- 5.10.3-P6 – Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development.
- 5.10.3-P7 – Encourage installation of solar energy collection through solar hot water heaters and photovoltaic arrays.

The project would be consistent with the City's General Plan policies to reduce GHG emissions by implementing a VMT Reduction Plan (which would include TDM measures), participating in the City's Construction and Demolition Debris Recycling Program, complying with Title 24 and California Green Building Standards Code (CALGreen), replacing trees exceeding the City's replacement requirement by 104 trees, including drought tolerant landscaping and high efficiency irrigation systems, and constructing pedestrian improvements on El Camino Real and Civic Center Drive.

Based on the above discussions, the project would be consistent with the applicable General Plan policies and the 2013 CAP to reduce GHG emissions. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment, and Soil and Soil Vapor Quality Evaluation and Soil Removal Work Plan by *Cornerstone Earth Group* on May 16, 2017 and April 26, 2018, a soil sampling memo by *GeoSolve, Inc.* on October 19, 2018, and an asbestos survey report by *ECS Environmental Construction Services, Inc.* on July 31, 2017. Copies of these reports are provided in Appendix E of this Initial Study.

4.8.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:						
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1,2,20
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☒	☐	☐	20,21
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	22
f)	For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,2,23

4.8.2 Impact Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The project proposes residential development, which does not include any on-site use of hazardous materials other than small amounts of cleaning supplies. The proper storage and use of these materials would not create a significant hazard to the public environment. **(Less Than Significant Impact)**

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

On-Site Soils

Former agricultural use

The project site vicinity contained orchards since at least 1939. Orchards were also observed immediately to the northeast of the site until at least 1950. Because of historic agricultural use of the property, there is a potential for presence of metal and organochlorine pesticide residues within the surficial soil on-site. Soil samples were collected and analyzed for metals and organochlorine pesticides. The sampling results showed that levels of organochlorine pesticides were below the direct exposure environmental screening levels (ESLs) for residential development, however concentrations of lead up to 340 mg/kg were detected in shallow soil samples, which exceed the residential ESL of 80 mg/kg.

Former Underground Storage Tanks

Three underground storage tanks (USTs) were installed on-site associated with the carwash building. The USTs were removed in 1994 under Santa Clara County Department of Environmental Health (SCCDEH) oversight and soils were later backfilled to the former UST pit. Soil samples were collected on April 6, 2017, including near the approximate location of the UST excavation backfill. Elevated concentrations of up to 13,000 micrograms per kilogram (µg/kg) of total petroleum hydrocarbons as gasoline (TPHg), 1.49 µg/kg of benzene, and 14.8 µg/kg of ethylbenzene were detected in soil samples at depths up to 15 feet below ground and laterally up to approximately five to 10 feet surrounding the former UST area. These concentrations exceed the residential ESL of 740 mg/kg of TPHg and 0.23 mg/kg of benzene, and 5.1 mg/kg of ethylbenzene.

Impact HAZ-1: Construction workers, future occupants, and the surrounding environment could be exposed to contaminated soils from lead (from the historical agricultural use), and TPHg, benzene, and ethylbenzene (from the former USTs) on-site. **(Significant Impact)**

Mitigation Measure: The project proposes to implement the following mitigation measure to mitigate potential hazardous materials impacts to a less than significant level.

MM HAZ-1.1: The project shall implement a soil removal work plan to remove lead-contaminated soils on-site. The soil excavation shall be made 10 feet by 10 feet wide from the center of each soil sample location where elevated levels of lead-contaminated soils was found and extend to 2.5 feet below ground surface.

MM HAZ-1.2: A soil removal work plan was prepared for the proposed project to remove contaminated soils from the former UST on-site. The soil removal work plan proposes to excavate soils up to 20 feet to remove on-site soils with elevated levels of TPHg, benzene and ethylbenzene in the UST pit backfill, and pump any groundwater encountered during the excavation. The soil removal work plan includes protocols to be followed during over-excavation of the former UST pit backfill, including worker training, construction best management practices, excavation dewatering (if needed), and soil management protocol for handling of the contaminated soil and groundwater. Any on-site soil excavated from the UST pit backfill planned to be reused shall meet residential use criteria and be approved by SCCDEH prior to use. Imported soil used shall provide documentation regarding the source and quality of imported soil.

MM HAZ-1.3: All soil removal completion reports summarizing the soil removal activities, analytical result of verification sampling, and disposal documentation shall be prepared and submitted to SCCDEH for review and approval, with copies of all documentation provided to Santa Clara Fire Department (SCFD).

The implementation of MM HAZ-1.1 through -1.3 would reduce surrounding environment exposure to on-site contaminated soil by implementing the soil removal work plan and protocols to reduce hazardous materials impacts that may result from construction activities. **(Less Than Significant Impact with Mitigation Measure)**

Asbestos and Lead-Based Paint

The existing buildings on-site were constructed between 1915 and 1965 (refer to *Section 4.5 Cultural Resources*). The Consumer Project Safety Commission banned both friable asbestos products and paint/surface coating materials containing lead in 1978.

Asbestos containing materials (ACMs) are of concern because exposure to ACMs have been linked to cancer. An asbestos survey was conducted under California Occupational Safety and Health Administration (Cal/OSHA), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and BAAQMD guidelines. The survey identified asbestos containing materials (ACM) in all the buildings on-site, which were heavily used in building construction from 1960 to 1980. Friable

asbestos is any ACM that, when dry, can be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne.

Since all buildings on-site were built prior to 1978, the paint on the interior and exterior is likely to contain lead-based paint (LBP). Exposure to LBP can cause serious health problems, especially to children and pregnant women.

NESHAP guidelines require that all potentially friable ACMs be removed prior to building demolition or renovation that may disturb the ACMs.

If LBP is still bonded to the building materials, its removal is not required prior to demolition. If LBP is peeling, flaking, or blistered, it should be removed prior to demolition. The project shall follow the requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 during demolition activities; these requirements include employee training, employee air monitoring, and dust control. It is assumed that such paint would become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste. Demolition of the existing structure on the project site could expose construction workers or residents in the vicinity of the project site to harmful levels of ACMs or lead.

The project is required to conform to the following regulatory programs and to implement the following measures to reduce hazards due to the presence of ACMs and/or LBP:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or LBP.

- Prior to demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements.

Conformance with the aforementioned regulatory requirements would result in less than significant impacts from ACMs and lead. **(Less Than Significant Impact)**

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project is not located within one-quarter mile of an existing or proposed school. The project, therefore, would not emit hazardous emissions or hazardous materials, substance, or waste within one quarter-mile of an existing or proposed school. **(No Impact)**

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?

The project site is listed on the Cortese List as an active cleanup program site on the State Water Board's GeoTracker database.[26] The listing is associated with contamination from the former UST on-site. As discussed under threshold question b, the soil sampling completed for the site identified elevated levels of lead, THPg, benzene, and ethylbenzene in on-site soils. The project shall implement mitigation measures MM HAZ-1.1 through -1.3 to reduce hazardous materials impacts to the public and the environment to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Groundwater

Groundwater was encountered at a depth of approximately 12 to 15 feet below the ground surface. Groundwater flow direction in the project area trends to the north and northeast. Groundwater samplings were completed and identified elevated levels of total petroleum hydrocarbons as diesel (TPHd), TPHg, benzene, toluene, ethylbenzene, and xylene (BTEX) in shallow groundwater around the location of the former UST pit. The groundwater sampling around the former UST pit also contained elevated levels of 1,2-Dicholorethalene (DCA), a form of volatile organic compound (VOC).

According to the hazardous materials consultant, residual TPHg detected in soil below the top of shallow groundwater do not appear to be significantly impacting shallow groundwater quality outside of the former UST pit locations, and are expected to decrease over time due to natural degradation processes.[27] Implementation of mitigation measures MM HAZ-1.2 and -1.3 would remove contaminated soils above shallow groundwater around the former UST and properly dewater and dispose groundwater encountered during the excavation work. These, in turn, would reduce the source of groundwater contamination, and prevent additional contamination to groundwater outside of the UST pit area. **(Less Than Significant Impact with Mitigation Incorporated)**

[26] California State Water Resources Control Board. "GeoTracker." Accessed: November 9, 2018. Available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000011686.
[27] Cornerstone Earth Group. S*oil and Soil Vapor Quality Evaluation and Work Plan, 1433-1493 El Camino Real. April 26, 2018*. Page 9.

e,f) Result in a nearby airport-related safety hazard for people residing or working in the project area? Result in a private airstrip-related safety hazard for people residing or working in the project area?

The project site is located approximately 1.1 miles west of the Norman Y. Mineta San José International Airport (Airport). The Santa Clara County Airport Land Use Commission (ALUC) adopted its Airport's Comprehensive Land Use Plan (CLUP), which includes land use compatibility policies and standards, which form the basis for evaluating the land use compatibility of individual projects with the Airport and its operations. The CLUP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA) that sets the boundaries for application of ALUC policy. The project is not located within the Airport's AIA.[28]

While the project is not located within the CLUP's AIA, the project site is located within the Federal Aviation Administration (FAA)'s Notification Surface area.[29] FAA requires projects of a specific height in a given location within the Notification Surface area to submit a notice for airspace safety review. For the project site, any structure exceeding approximately 45 feet in height above ground would require submittal to the FAA for airspace safety review.[30] The proposed project would have a maximum height of 41.25 feet; therefore, notification to the FAA is not required and the project would not be a potential aviation hazard.

The project site is not in the vicinity of a private airstrip, therefore, would not result in a private airstrip-related safety hazard.

For these reasons, the project would not result in significant airport-related safety hazards. **(No Impact)**

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The City has an Emergency Operations Plan (EOP), which is required for each local government in the state. The EOP establishes the emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of planning efforts for events such as earthquake, flooding, dam failure, and hazardous materials responses. [31]

The project site is located in a developed area and would not change the local roadway circulation pattern and access, or otherwise physically interfere with the Santa Clara EOP or other emergency response or evacuation plan. The project would provide vehicle accesses on Civic Center Drive and would be designed to allow emergency vehicle access. **(No Impact)**

[28] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. May 25, 2011.
[29] Federal Aviation Administration. "Notification of Proposed Construction or Alteration on Airport Part 77." Accessed: November 6, 2018. Available at: https://www.faa.gov/airports/central/engineering/part77/.
[30] Sheelen, Ryan. Airport Planner III, Norman Y. Mineta San José International Airport, Planning & Development. Personal Communication. November 27, 2018.
[31] City of Santa Clara. *Emergency Operations Plan*. June 2016.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

According to the California Department of Forestry and Fire Hazard Protection, the project site is not subject to wildfire hazards.[32] **(No Impact)**

4.8.3 Existing Hazards and Hazardous Materials Conditions Affecting the Project

As previously discussed in *Section 3.0,* the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project. Applicable General Plan policies include the following:

- Policy 5.10.5-P22: Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations.
- Policy 5.10.5-P23: Require appropriate clean-up and remediation of contaminated sites.
- Policy 5.10.5-P25: Use Best Management Practices to control the transport of hazardous substances and to identify appropriate haul routes to minimize community exposure to potential hazards.

On-Site Soils

Former Agricultural Use and Underground Storage Tanks

As discussed above, soils on-site contain elevated levels of lead, TPHg, benzene, and ethylbenzene for residential use. The project shall implement mitigation measures MM HAZ-1.1 through -1.3 to reduce hazardous materials impacts from contaminated soil to a less than significant level, which in turn would also reduce hazards to future residents and construction workers.

Soil Vapor

Soil vapor intrusion occurs when vapor-forming chemicals migrate from a subsurface source into an overlying building. Therefore, presence of elevated levels of soil vapor contaminants could result in health hazards to occupants in the overlying building.

Former Underground Storage Tanks

Based on sampling results, soil vapor at a depth of approximately five feet do not contain elevated levels of residual TPHg from soil and groundwater in the former UST area, and all vapor concentrations detected were under the residential ESL. In addition, implementation of mitigation measures MM HAZ-1.1 through -1.3 would further reduce the potential hazard.

[32] California Department of Forestry and Fire Protection. *Santa Clara County Very High Fire Hazard Zones in LRA*. October 8, 2008.

As a condition of approval, the project shall implement the following safeguard to prevent hazards from soil vapor to future residents.

- Additional soil vapor sampling shall be completed after removal of contaminated soils on-site in the former UST area. If soil vapor contains elevated levels of contaminants, appropriate vapor intrusion measures shall be incorporated into the proposed project and approved by an appropriate regulatory agency (i.e., SCCDEH, or Regional Water Quality Control Board [RWQCB])

Auto Shops and Car Wash

Soil vapor in the area of the automobile shops and car wash contained levels of perchloroethylene (PCE) associated with the use of automotive maintenance products, however the concentrations were under the residential ESL. For this reason, development of the project would not result in soil vapor intrusion hazards from the automobile shops and car wash to future occupants.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1,2
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	24
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	24
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	25
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	26

4.9.2 Impact Discussion

a,f) Violate any water quality standards or waste discharge requirements? Otherwise substantially degrade water quality?

Construction Impacts

Construction of the proposed project, including demolition of the existing buildings, grading, and excavation activities, would disturb underlying soil. When soil is disturbed, surface runoff after rain events may carry sediments that are discharged to the stormwater system, which ultimately flows to the San Francisco Bay.

The project is required to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for construction activities and submit a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to the State of California Water Resources Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities to a less than significant level. **(Less Than Significant Impact)**

Post-Construction Impacts

To reduce post-construction water quality impacts, the project is required to comply with the Municipal Regional Stormwater NPDES permit (MRP). The project includes a 1,909-square foot bioretention area. The project in compliance with existing regulations, including the NPDES and SWPPP guidance, would not result in significant impacts to water quality. **(Less Than Significant Impact)**

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?

The project site is approximately 62 percent paved and does not directly contribute to recharging of the groundwater aquifers; this condition would not change if the project were implemented. For this reason, the proposed project would not deplete groundwater supplies or interfere with groundwater recharge. **(Less than Significant Impact)**

c,d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site? Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?

There are no waterways on-site; nor would the development of the project alter the course of a stream or river. In addition, the project would be required to comply with the MRP to ensure the project would not substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site. For this reason, the project would not increase the rate or amount of runoff from the site and would not cause on- or off-site flooding. **(Less Than Significant Impact)**

e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project site is currently served by an 18-inch storm drain line in Civic Center Drive. As summarized in Table 4.9-1 below, implementation of the project would increase the impervious surfaces on-site by approximately 21 percent, thereby increasing the stormwater runoff. The project would be required to comply with the MRP. Based on the resulting impervious surface area, the project is calculated to require a minimum of 1,830 square feet of bioretention area to treat stormwater run-off. The project proposes a 1,909-square foot bioretention area in the northwestern corner of the project site to treat stormwater runoff prior to discharge to the storm drain line in Civic Center Drive. For these reasons, it is anticipated the existing storm drain system would have sufficient capacity to serve the project. **(Less than Significant Impact)**

Table 4.9-1: Summary of the Pervious/Impervious Surfaces On-site

	Existing Site Coverage (Square Feet)	Existing Site Coverage (Percentage)	Proposed Site Coverage (Square Feet)	Proposed Site Coverage (Percentage)
Impervious	45,740	62.1%	61,420	83.4%
Pervious (Landscaping)	27,907	37.9%	12,227	16.6%
Total	73,647	100	73,647	100

g,h) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

The project site is not located in a 100 year-floodplain. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is in flood zone X, which is defined as a 500-year flood zone (0.2 percent annual chance of flood).[33] For this reason, the project would not place housing within a 100-year flood hazard area, nor would it impede or redirect 100-year flood flows. **(No Impact)**

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project site is located within the Lexington Dam Failure Inundation Area.[34] Inundation areas assume complete failure of the dam with a full reservoir that is completely emptied. Development of the project would not exacerbate the risk of existing people or structures to significant flooding risks due to dam failure. **(Less Than Significant Impact)**

j) Result in inundation by seiche, tsunami, or mudflow?

[33] Federal Emergency Management Agency. "Flood Insurance Rate Map." Parcel 06085C0227H. May 2009. Accessed: November 21, 2018. Available at: https://msc.fema.gov/portal/search#searchresultsanchor.
[34] Santa Clara Valley Water District. *Lexington Dam Inundation Map*. 2016. Sheet 7.

Due to the project site's inland location and distance from large bodies of water (i.e., San Francisco Bay), it is not subject to seiche and tsunami, or sea level rise.[35] The project area is flat and there are no hillsides or mountains near the site, therefore, the project site is not subject to mudflows. Development of the project would not exacerbate seiche, tsunami, or mudflow impacts off site. **(No Impact)**

4.9.3 Existing Hydrology Conditions Affecting the Project

As discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion "CBIA v. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exists. Nevertheless, the City has General Plan policies and City Code that address existing conditions (i.e., flooding) affecting a proposed project.

General Plan

General Plan policies applicable to hydrology and water quality include, but are not limited to, the following listed below.

- 5.10.5-P13 Require that development complies with the Flood Damage Protection Code.
- 5.10.5-P21 Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

City Code

Chapter 15.45, Prevention of Flood Damage Code, of the City Code includes provisions for anchoring, construction with flood resistant materials, and flood minimization practices. The Code also includes requirements for the elevation of the lowest floor of all construction within Special Flood Hazard Area (SFHA) as identified on a Flood Insurance Rate Map (FIRM) and includes provisions to anchoring, construction with flood resistant material, and flood minimization practices.

As described under Checklist Question g, the project site is not located in a 100 year flood-plain and is mapped in flood zone X on the FEMA FIRM, therefore, would not place housing within a 100year flood hazard area.

As described under Checklist Question i, the project site is located within the Lexington Dam Failure Inundation Area. While the project site is located within the Lexington Dam Failure Inundation Area, Valley Water operates the Dam Safety Program for all dams under its jurisdiction, including Lexington Dam. Valley Water operates the Dam Safety Program for all 10 dams under its jurisdiction, including Lexington Dam. The comprehensive program includes four main components: 1) periodic special engineering studies; 2) surveillance and monitoring program; 3) routine inspections and maintenance activities; and 4) maintaining emergency response and preparedness

[35] Sources: 1) Association of Bay Area Governments. "Resilience Program." Accessed November 12, 2018. Available at: http://gis.abag.ca.gov/website/Hazards/?hlyr=cgsLiqZones#nogo1. 2) San Francisco Bay Conservation and Development Commission. *Adapting to Rising Tides Bay Shoreline Flood Explorer.* Accessed: November 21, 2018. Available at: https://explorer.adaptingtorisingtides.org/home.

plans. Through Valley Water's dam safety program, risk of dam failure is minimized. For this reason, the project would not expose people or structures to significant flooding risks due to dam failure.

As described in Checklist Question j, the project site is located in an inland and flat area with distance from large bodies of water. For these reasons, the project site is not subject to mudflows.

4.10 LAND USE AND PLANNING

4.10.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	1,2,3
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2,3,27
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1

4.10.2 Impact Discussion

a) Physically divide an established community?

The project area includes a mix of land uses including residential, commercial, and a public park. The project site is surrounded by three- to four-story multi-family residential buildings to the south across El Camino Real, Civic Center Park to the west, paved parking lots for the City Hall and two-story commercial office building and residential complex to the north across Civic Center Drive, and a vacant site currently under construction for 54 townhouses to the east (refer to Figure 2.4-3). The proposed residential land use would not introduce a new land use to the area. In addition, the proposed residential land use is consistent with the land use envisioned for the site in the General Plan, as discussed below. **(Less Than Significant Impact)**

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Applicable land use plans for the project include the City's General Plan and Title 18 of the City Code (Zoning Code).

General Plan

The project site is designated as a General Plan land use designation of *Community Mixed-Use* (20 to 36 du/ac). According to the General Plan, this classification is a combination of *Community Commercial and Medium Density Residential* designations and is intended to encourage a mix of residential and commercial uses along major streets. Auto-oriented uses are not appropriate for this designation, except under certain circumstances determined by the City within the El Camino Real Focus Area. Parking should be behind buildings, below-grade or in structures, to ensure that active

uses face public streets Retail, commercial and neighborhood office uses, at a minimum floor area ratio (FAR) of 0.10, are required in conjunction with residential development between 20 and 36 units per acre.

Within the El Camino Real Focus Area, the Community Mixed Use designation may be implemented for exclusively residential or commercial uses, provided that a development is consistent with either Community Commercial (maximum FAR of 0.50), or Medium Density Residential (20 to 36 du/ac); or, as proposed here, a combination of both.

General Plan policies applicable to land use, include but are not limited to, the following listed below.

General

- 5.3.2-P1 – Encourage the annual construction of the housing units necessary to meet the City's regional housing needs assessment by reducing constraints to housing finance and development.
- 5.3.4-P4 – Require mixed-use development to meet the density and intensity specified in the land use classifications.
- 5.3.2-P6 – Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low- and moderate-income and special needs household.

El Camino Real Focus Area

- 5.4.1 – P2 - Allow new development under the Community Mixed-Use designation for exclusively residential or commercial uses provided that it meets the minimum requirements for the Medium Density Residential or Community Commercial land use classifications.[36]
- 5.4.1 – P6 - Encourage lower profile development, in areas designated for Community Mixed Use in order to minimize land use conflicts with existing neighborhoods.
- 5.4.1 – P8 - Orient ground floor retail and residential entries to public sidewalk on El Camino Real.

The project site is currently developed with auto-oriented uses and a single-family residence with associated detached accessory buildings. The project proposes to redevelop the 1.7-acre site with 39 townhouse units, resulting in a density of 23 du/ac. Of the 39 townhouse units, seven would be live/work units. The work portion of the live/work units would provide opportunities for retail, commercial, or neighborhood office uses as specified in the PD zoning for the project site. The project would be consistent with applicable General Plan land use policies by providing housing in the City arranged in building clusters three stories in height, and orient the live/work and residential entries to front El Camino Real. **(Less Than Significant Impact)**

[36] The *Medium Density Residential* land use designation is intended for residential development at densities ranging from 20 to 36 units per gross acre. This density range accommodates a variety of housing types. It is primarily intended for areas with access from collector or arterial streets or in close proximity to neighborhood centers and mixed uses. Building types can include a combination of low-rise apartments, townhouses and rowhouses with garage or below-grade parking.

Zoning Ordinance

Currently, the existing zoning designation on-site is not consistent with the General Plan land use designation for residential and commercial uses. The intent of the Zoning Code is to encourage development of various kinds of living, working and commercial activities in specific areas as defined in the General Plan and to segregate and protect activities of these areas one from another. The project proposes to rezone the project site from *Thoroughfare Commercial* (CT) and *General Office* (OG) to *Planned Development* (PD) to develop 39 townhouses (seven of which would be live/work units). The proposed zoning is consistent with the project site's General Plan land use designation as it provides a combination of commercial and residential uses on the project site within the allowable residential density and commercial intensity. For these reasons, the proposed rezoning would not result in a significant land use impact. **(Less Than Significant Impact)**

Santa Clara Valley Transportation Authority Community Design and Transportation Program

The project site is located on El Camino Real, which is identified as a Regional Corridor in the Santa Clara Valley Transportation Authority (VTA) Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County.[37] The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies and was endorsed by all 15 Santa Clara County cities and the County. The CDT Program encourages projects along Regional Corridors to develop uses such as office and residential, or live/work lofts with an average residential density of 35-85 du/ac.[38] While the proposed density is approximately 23 du/ac, the residential range identified by the VTA is *recommended*, and it is not considered a significant impact whether the project is or is not consistent with the recommended densities. In addition, the proposed project is consistent with the land use recommended in the CDT Program by redeveloping auto-oriented uses to residential units with live/work units fronting El Camino Real. **(Less Than Significant Impact)**

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project site is not located within an adopted habitat conservation plan or natural community conservation plan; therefore, the project would not conflict with these plans. **(No Impact)**

[37] Santa Clara Valley Transportation Authority. *Community Design & Transportation: A Manual of Best Practices for Integrating Transportation and Land Use.* 2003. Page 1-12.
[38] Santa Clara Valley Transportation Authority. *Community Design & Transportation: A Manual of Best Practices for Integrating Transportation and Land Use.* 2003. Page D-4.

4.11 MINERAL RESOURCES

4.11.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,29
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,29

4.11.2 Impact Discussion

a,b) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The City of Santa Clara is located in an area zoned *Mineral Resource Zone 1* (MRZ-1) for aggregate materials by the State of California.[39] MRZ-1 zones are areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. The State Office of Mine Reclamation's list of mines (AB 3098 list) regulated under the Surface Mining and Reclamation Act does not include any mines within the City.[40] No mineral resources are currently being extracted in the City. The project, therefore, would not have impacts on mineral resources. **(No Impact)**

[39] California Department of Conservation. *Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region*. 1996. (Open-File Report 96-03).
[40] California Department of Conservation. "AB 3098 List." Accessed: November 12, 2018. Available at: http://www.conservation.ca.gov/dmr/SMARA%20Mines/ab_3098_list.

4.12 NOISE AND VIBRATION

4.12.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2,3
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐	1,2,3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,30
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐	1,2,3,30
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1,21
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1,

CEQA does not define what noise level increase would be considered substantial. The following criteria, based on standards identified in the Building Code, CALGreen Code, General Plan, City Code, and City practice, were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or City Code.
- A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Ground-borne vibration levels exceeding 0.3 inches per second (in/sec) Peak Particle Velocity (PPV)[41] would have the potential to result in cosmetic damage to normal buildings.

[41] PPV is a common method used to quantify vibration amplitude. PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave.

- A significant impact would be identified if traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is five A-weighted decibel (dBA)[42] Community Noise Equivalent Level (CNEL)[43] or greater, with a future noise level of less than the "normally acceptable" standard, or b) the noise level increase is three dBA CNEL or greater, with a future noise level equal to or greater than the "normally acceptable" standard.
- A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq} and the ambient by at least five dBA L_{eq}, for a period of more than one year would constitute a significant temporary noise increase at adjacent residential land uses. Where noise from construction activities exceeds 70 dBA L_{eq} and the ambient noise environment by at least five dBA L_{eq} at commercial land uses in the project vicinity for a period exceeding one year, the impact would be considered significant.

4.12.2 Impact Discussion

a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Operational Noise

The proposed project would include mechanical equipment, such as heating, ventilation, and air conditioning systems, which could produce a noise level above the 55 dBA daytime noise limit and 50 dBA nighttime noise limit for residential uses, depending on the location and distance to the nearest sensitive receptor. The closest sensitive receptors to the site would be the future residences adjacent to the east, residences to the northeast, as well as residences to the south (refer to Figure 2.2-4). Other residences are located at further distances to the west of the project site. As a condition of approval, the project shall implement the following measure to reduce stationary noise sources at or below 55 dBA daytime noise limit and 50 dBA nighttime noise limit at the adjacent residential property line:

- On-site mechanical equipment shall be selected and designed to reduce impacts to off-site uses to meet the City's daytime and nighttime noise limits. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors.

[42] There are several methods of characterizing sound. The most common in California is the A-weighted sound level, or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.
[43] Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, or CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. CNEL stands for Community Noise Equivalent Level and is a 24-hour average of noise levels with a five dB penalty applied to noise occurring between 7:00 PM and 10:00 PM, and a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM.

With the implementation of the identified measure above, the project's mechanical equipment would not exceed the City's noise standards and, therefore, would not substantially impact (or worsen) off-site noise conditions. **(Less than Significant Impact)**

b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

For structural damage, the California Department of Transportation (DOT) recommends a vibration limit of 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened. No ancient buildings or buildings that are documented to be structurally weakened adjoin the project site. Studies have shown that the threshold of perception for the average person is in the range of 0.008 to 0.012 in/sec PPV.

Construction of the proposed project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Project construction includes the demolition of the existing buildings, site preparation work, construction of the residential buildings, and other site improvements. The project would not require pile driving, which can cause excessive vibration.

Table 4.12-1 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rocks drill, and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the vicinity. The nearest structure would be the Catalina I Residential development currently under construction adjacent to the eastern boundary of the project site. The nearest building of that development is approximately 20 feet from the shared property line. At this distance, construction equipment vibration levels could have the potential to exceed the state's 0.3 in/sec PPV limit.

There are also structures across Civic Center Drive and El Camino Real at distances of approximately 60 feet and 110 feet, respectively, from the project site. As shown in Table 4.12-1, at these distances vibration would not be expected to cause structural damage. Construction-related vibration may be perceptible at these locations, however, project construction would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration. By use of administrative controls, perceptible vibration can be kept to a minimum.

Table 4.12-1: Vibration Source Levels for Construction Equipment

Equipment		**PPV at 25 feet** (in/sec)	**Approximate L_v at 25 feet** (VdB)
Clam Shovel Drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94

Table 4.12-1: Vibration Source Levels for Construction Equipment		
Equipment	**PPV at 25 feet** (in/sec)	**Approximate L_v at 25 feet** (VdB)
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58
Note: VdB is the term used for vibration decibels. in/sec = inches per second Source: United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, May 2006.		

Impact NOI-1: Nearby buildings, including the adjacent Catalina I Residential development currently under construction to the eastern boundary of the project site, could be exposed to construction related vibration in excess of the state limit of 0.3 in/sec PPV for buildings where structural damage is not a concern. **(Significant Impact)**

Mitigation Measure: The project proposes to implement the following mitigation measures to reduce construction-related vibration impacts at the residence adjacent to the east of the project site, and reduce perceptible vibration to adjacent land uses.

MM NOI-1.1: Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 20 feet of any adjacent building.

MM NOI-1.2: Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Implementation of the above mitigation measures would reduce construction-related vibration impacts to a less than significant level by limiting the use of heavy vibration-generating construction equipment near adjacent buildings and designating a person responsible for investigating claims of excessive vibration. **(Less Than Significant Impact with Mitigation Incorporated)**

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The existing noise levels at the noise-sensitive receptors located in the project vicinity exceed 55 dBA CNEL; therefore, a significant impact would occur if project-generated traffic increased levels by three dBA CNEL or more. Traffic noise levels from El Camino Real dominate the noise environment. In order for a three dBA increase to occur, traffic volumes would need to double. The project would not double the amount of development in the area, therefore it is assumed project-

generated traffic would not result in an ambient noise increase of three dBA CNEL. For this reason, the project-generated traffic would result in a less than significant noise impact. **(Less Than Significant Impact)**

d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction of the project would generate temporary or periodic increases in ambient noise levels in the project vicinity. Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours) when the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities for projects are typically carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and within stages, based on the amount of equipment in operation and the location at which the equipment is operating. The project construction is anticipated to occur over approximately 18 to 24 months, starting in July of 2019 and concluding in December 2020. Project construction would involve demolition of existing structures, site preparation work, construction of the residential buildings, and other site improvements. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well.

Construction activities generate considerable amounts of noise, especially during demolition and construction of project infrastructure when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 95 dBA at a distance of 50 feet from the noise source. Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at adjacent residences. Construction noise levels would exceed both the 60 dBA L_{eq} residential and 70 dBA L_{eq} commercial thresholds, as well as exceed the ambient noise environment by at least five dBA L_{eq} for a period exceeding one year. Construction of the project would result in a substantial temporary increase in ambient noise levels.

Impact NOI-2: Construction of the project would result in a substantial temporary increase in ambient noise levels at adjacent land uses. **(Significant Impact)**

Mitigation Measure: The project proposes to implement the following mitigation measure to reduce construction noise levels at adjacent land uses to a less than significant level:

MM NOI-2.1: The project shall implement the following construction best management practices:

- Construction activities shall be conducted in accordance with the provisions of the City's General Plan and City Code, which limits temporary construction work between the hours of 7:00 AM and 6:00 PM

Monday through Friday and between 8:00 AM to 5:00 PM on Saturdays. Construction is prohibited on Sundays and all City-observed holidays.

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. Any enclosure openings or venting shall face away from sensitive receptors.
- Construction staging areas shall be established at locations that shall create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with nearby residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Businesses, residences, and other noise-sensitive land uses adjacent to the construction site shall be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

The project, with the implementation of the above mitigation measure, would reduce construction-related noise impacts to a less than significant level by restricting the hours of construction, implementing measures that would reduce construction noise levels emanating from the site, and designating a construction liaison responsible for troubleshooting complaints about construction noise. **(Less Than Significant Impact with Mitigation Incorporated)**

e,f) Expose people residing or working in the project area to excessive noise levels? Expose people residing or working in the project area to excessive noise levels?

The project site is not in the vicinity of a private airstrip. The project site is located 1.1 miles west of Norman Y. Mineta San José International Airport, and aircraft-related noise could occasionally be audible at the project site. Nevertheless, the project site is not located within the 65 dBA CNEL noise contour identified in the CLUP for the Airport and, therefore, would not expose people residing or working in the project area to excessive noise levels. **(Less Than Significant Impact)**

4.12.3 Existing Noise Conditions Affecting the Project

As discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion "CBIA v. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exists, with the exception of noise resulting from proximity to an airport. As discussed above, the project would not be exposed to substantial aircraft noise, therefore, noise impacts to the project do not qualify as significant impacts under CEQA. Nevertheless, the City has policies and City Code regulations that address existing conditions (i.e., vehicular traffic) affecting a proposed project, which are discussed below as planning considerations. Applicable General Plan policies and City Code regulations are summarized below.

General Plan

- Policy 5.10.6-P1 – Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels. Residential land uses are considered compatible in noise environments of 55 dBA CNEL or less, where the exterior noise levels are greater than 55 dBA CNEL and less than 70 dBA CNEL, the design of the project should include measures to reduce noise levels to acceptable levels. Noise levels exceeding 70 dBA CNEL at residential land uses are considered incompatible. Residential land uses proposed in noise environments exceeding 70 dBA CNEL should generally be avoided, except when the residential use is entirely indoors and where interior noise levels can be maintained at 45 dBA CNEL or less.

- Policy 5.10.6-P2 – Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels.

- Policy 5.10.6-P3 – New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).

City Code

The City Code establishes noise and vibration level performance standards for fixed sources. Section 9.10.040 of the City Code limits noise levels a residences to 55 dBA during daytime hours (7:00 AM to 10:00 PM) and 50 dBA at night (10:00 PM to 7:00 AM). The Code also provides that where ambient noise levels exceed these thresholds, the allowable noise exposure standard is adjusted in five dBA increments to encompass the ambient level. The noise limits are not applicable to emergency work, licensed outdoor events, City-owned electric, water, and sewer utility system facilities, construction activities occurring within allowable hours, permitted fireworks displays, or permitted heliports. The City Code does not define the acoustical time descriptor such as L_{eq} (the average noise level) or L_{max} (the maximum instantaneous noise level) that is associated with the above limits. A reasonable interpretation of the City Code would identify the ambient base noise level criteria as an average or median noise level (L_{eq}/L_{50}), and this metric has been used in prior environmental documents.

Future Exterior Noise Levels

The noise environment at the site and at nearby land uses in the vicinity is primarily from vehicular traffic on El Camino Real. Based on noise measurements taken in the vicinity for nearby development projects, the CNEL in the project area ranges from 70 to 74 CNEL.[44]

The project includes a private outdoor recreational area south of Building 3. The City's exterior noise standard of 55 dBA CNEL would apply to the outdoor area. The outdoor recreational area would be separated by a minimum 22-foot internal drive and shielded by Building 5 from El Camino Real. Building 5 would provide approximately 50 feet of shielding and have a minimum setback of 48 feet from the centerline of El Camino Real. The shielding of the outdoor recreational area would reduce noise levels to the City's "normally acceptable" threshold.

Future Interior Noise Levels

The state's interior noise standard for residential uses is 45 dBA CNEL. Assuming a one dBA increase in noise levels under future conditions, the exterior traffic noise exposure at the proposed buildings would be up to 75 dBA CNEL. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA CNEL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA CNEL, forced-air mechanical ventilation system and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building facade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so window may be kept closed at the occupant's discretion.

[44] Sources: 1) Charles M. Salter Associates Inc. *2232 El Camino Real Residences Preliminary Environmental Noise Study*. August 16, 2016. 2) Illingworth & Rodkin, Inc. *1890 El Camino Real Project Environmental Noise Assessment*. February 2, 2016.

Given the ambient noise levels on El Camino Real, forced-air mechanical ventilation and sound-rated construction materials will be required at all the buildings on site so that windows may be kept closed at the discretion of the occupants to control noise and meet the 45 dBA CNEL interior noise limit.

As conditions of approval, the following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA CNEL or less:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the City's building official, so that windows can be kept closed to control noise.

- A qualified specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA CNEL or lower. Treatments would include, but are not limited to, Sound Transmission Class (STC) sound-rated windows and doors, sound-rated all and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

4.13 POPULATION AND HOUSING

4.13.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1,2,31,32
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

4.13.2 Impact Discussion

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

According to the California Department of Finance, the City had a population of approximately 129,604 residents as of May 2018.[45] Association of Bay Area Governments (ABAG) projects the City's population will increase to 156,500 by 2040.[46]

The project proposes to develop 39 townhouse units, resulting in approximately 106 new residents.[47] The redevelopment of the existing auto-oriented use on-site to residential uses is planned for in the City's General Plan and is consistent with the site's existing General Plan land use designation of *Commercial Mixed-Use*. The project, therefore, would not result in population growth beyond what is planned in the City's General Plan. **(Less Than Significant Impact)**

b,c) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project site contains one single-family residence, however, it is currently unoccupied and fenced off. The project proposes to remove all improvements on-site for the development of 39 townhouse

[45] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2018. Accessed: November 18, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[46] Association of Bay Area Governments. *Plan Bay Area: Projections 2013*. December 2013.
[47] The number of new residents was estimated assuming 2.72 persons per household. Source: California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2018. November 18, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

units. The project would result in a net increase in 38 units on-site. For these reasons, the proposed project would not displace substantial numbers of existing housing or residents. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	☐	☐	☒	☐	1,2,31
- Police Protection?	☐	☐	☒	☐	1,2,31
- Schools?	☐	☐	☒	☐	1,2,33
- Parks?	☐	☐	☒	☐	1,2
- Other Public Facilities?	☐	☐	☒	☐	1,2

4.14.2 Impact Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services?

Fire Protection

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). The SCFD is comprised of approximately 137 sworn firefighters and over 20 volunteer/reserve firefighters.[48] Currently, the SCFD has 10 fire stations. The nearest station to the project site is Station #1 located at 777 Benton Street (approximately 0.5 miles southeast of the project site).

The project proposes to demolish the existing, approximately 6,758 square feet of auto-oriented uses on site and a single-family residence (and associated detached garage and shed structure) in order to construct 39 townhouses. The project site is within the existing service area of SCFD and the project would be constructed to meet or exceed the provisions of the California Fire Code. In addition, the project is within the growth projections of the certified 2010-2035 General Plan Integrated Final Environmental Impact Report (General Plan EIR), which concluded that the existing fire station facilities have capacity to absorb additional fire personnel, if needed to serve the buildout of the

[48] Chun, Frederick. Assistant Fire Marshal, City of Santa Clara. Personal Communication. January 8, 2018.

General Plan, without the need to expand or construct new facilities.[49] For these reasons, it is not anticipated that the project would require new or expanded fire protection facilities or significantly impact SCFD performance standards. **(Less Than Significant Impact)**

Police Protection

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions (Services, Field Operations, Investigations, and Special Operations) and has approximately 149 sworn officers and 67 civilians.[50] There are currently two police stations: the headquarters located at 601 El Camino Real (approximately 0.3 miles east of the project site) and a substation located at 3992 Rivermark Parkway (approximately three miles north of the project site).

The project site is within the existing service area of the SCPD and would be constructed in conformance with current codes and the project design would be reviewed by the SCPD to ensure that it incorporates appropriate safety features to minimize criminal activity. In addition, the project is within the growth projections of the certified General Plan EIR, which concluded that additional officers, if needed to serve the buildout of the General Plan, would be housed in the existing facilities and no new or expanded facilities would be necessary.[51] For these reasons, it is not anticipated that the project would require new or expanded police protection facilities or significantly impact SCFD performances standards. **(Less Than Significant Impact)**

Schools

The project site is located within the Santa Clara Unified School District (SCUSD). Future students from the project site would attend Scott Lane Elementary School (approximately 0.5 miles northwest of the project site), Buchser Middle School (approximately 0.4 miles southeast of the project site), and Santa Clara High School (approximately one mile southwest of the project site). Table 4.14-1 summarizes the local schools future students from the project site would attend and the schools' current capacity and enrollment.

Table 4.14-1: School Capacity and Enrollment

School	Existing Capacity	Current Enrollment
Scott Lane Elementary	480	394
Buchser Middle School	1,294	937
Santa Clara High School	1,954	2,032

Source: Healy, Michal. Director of Facility Development and Planning. Santa Clara Unified School District. Personal Communication. October 17, 2017.

The project proposes 39 townhouses, which would generate new residents with school-aged children. Based on the SCUSD's student generation rate of 0.1171 elementary school students per multi-family attached (MFA) unit (which includes townhouses), 0.0418 middle school students per MFA

[49] City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan.* SCH# 2008092005. Certified November 16, 2010. Pages 206-207.
[50] City of Santa Clara. "Divisions." Accessed: November 13, 2018. Available at: http://santaclaraca.gov/government/departments/police-department/about-us/divisions.
[51] City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan.* SCH# 2008092005. Certified November 16, 2010. Page 207.

unit, and 0.05 high school students per MFA unit, the proposed project would generate approximately five elementary school students, two middle school students, and two high school students.[52] As shown in Table 4.14-1, Scott Lane Elementary School and Buchser Middle School has capacity to accommodate project generated students, while Santa Clara High School is currently over capacity.

SCUSD is currently in the planning phase to construct a new elementary, middle, and high school on the former Agnews Development Center site in north San José.[53] These schools will alleviate capacity concerns for Santa Clara High School.

While SCUSD anticipates the need for additional school facilities in the future, the project's incremental increase of 13 new students does not alone warrant construction of new school facilities. As required by state law (Government Code Section 65996), the project proponent shall pay the appropriate school impact fees to SCUSD to offset the increased demands on school facilities caused by the project. The proposed project, in conformance with state law (Government Code Section 65996), would not result in significant impacts to local schools. **(Less Than Significant Impact)**

Parks

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities, and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of January 2018, the Department maintains and operates Central Park (a 45.04-acre community park), 28 neighborhood parks (approximately 122.67 acres), four mini parks (2.59 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (14.76 acres improved, 9.04 acres unimproved and excluding the Santa Clara Golf and Tennis Club/BMX track resulting in 23.8 acres), recreational trails (7.59 acres), and joint use facilities (48.52 acres) throughout the City, which total approximately 257.3 acres of improved parks and recreational facilities.[54]

Civic Center Park, a public open space, and Geof Goodfellow Sesquicentennial Park, a mini park, are nearby. The closest neighborhood park to the project site, Larry J. Marsalli Park, is within a 10 minute walk and includes such amenities as a lighted softball field and a children's playground.

Santa Clara City Code Chapter 17.35 requires new residential development to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication, pursuant to the State of California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) to help mitigate the impacts of the new resident demand on existing parkland and recreational facilities. The City is meeting the standard of three acres per 1,000 residents per the Quimby provisions of the City Code and 2.53 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks. As a development involving a subdivision, the project would be subject to the Quimby Act. For projects of

[52] Corporative Strategies. Santa Clara Unified School District Residential Development School Fee Justification Study. March 12, 2018. Page 4 and Table 5.
[53] The elementary and middle school are scheduled to open in the Fall of 2020, and the high school is tentatively scheduled to open in the Fall of 2022 pending additional funding. Source: Santa Clara Unified School District. Agnews Campus." Accessed: November 15, 2018. Available at: https://www.santaclarausd.org/Page/1221.
[54] Community parks are over fifteen acres, neighborhood parks are one to fifteen acres, and mini parks are typically less than one acre in size.

50 units or less, the Quimby Act provides that the City can only require an in-lieu fee for park facilities, rather than an actual dedication.

Implementation of the proposed project would contribute to an increase in demand for parkland because the proposed project would add new residents to the City. The project includes an approximately 2,790-square foot private recreational area and shall pay a fee in-lieu of parkland dedication to mitigate the impacts of the new resident demand on existing parkland and recreational facilities. (**Less Than Significant Impact)**

Libraries

Library services are provided by the Santa Clara City Library (SCCL). The City of Santa Clara is served by the Central Park Library located at 2635 Homestead Road (approximately three miles west of the site), Mission Library Family Reading Center located at 1098 Lexington Street (approximately 1.6 miles west of the site), and Northside Branch Library located at 695 Moreland Way (approximately 3.3 miles northeast of the site).

Implementation of the project would increase the City's population by approximately 106 people. The new residents in the City could increase demand on library facilities, but this additional demand is within the projections of the 2010-2035 General Plan. The certified General Plan EIR concluded that buildout of the southern portion of the City (which includes the proposed development) would be sufficiently served by the Central Park Library.[55] The project, therefore, would not result in a substantial impact to library services or result in the need for new library facilities. **(Less Than Significant Impact)**

[55] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH# 2008092005. January 2011.

4.15 RECREATION

4.15.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1,2
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

4.15.2 Impact Discussion

a,b) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As discussed in *Section 4.14 Public Services*, implementation of the proposed project would contribute to an increase in demand for parkland because the proposed project would add new residents to the City. The project includes a 2,790-square foot private recreational area and shall pay a fee in-lieu of parkland dedication to mitigate the impacts of the new resident demand on existing parkland and recreational facilities. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

4.16.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1,2,34,35
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1,2,34,35
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☒	☐	22
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1,2,27,34

4.16.2 Impact Discussion

a,f) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

General Plan

The project is subject to General Plan policies applicable to transportation/traffic including, but not limited to, the following listed below.

Policies	Description
Roadway Network Policies	
5.8.2-P9	Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.
5.8.3-P8	Require new development to include transit stop amenities, such as pedestrian pathways to stops, benches, traveler information and shelters.
5.8.3-P9	Require new development to incorporate reduced on-site parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.
Bicycle and Pedestrian Network Policies	
5.8.4-P6	Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.
5.8.4-P7	Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas.
5.8.4-P8	Require new development and public facilities to provide improvements, such as sidewalks, landscaping and bicycling facilities, to promote pedestrian and bicycle use.
5.8.4-P9	Encourage pedestrian- and bicycle-oriented amenities, such as bicycle racks, benches, signalized mid-block crosswalks, and bus benches or enclosures.
5.8.4-P13	Promote pedestrian and bicycle safety through “best practices” or design guidelines for sidewalks, bicycle facilities, landscape strips and other buffers, as well as crosswalk design and placement.
Transportation Demand Management Policy	
5.8.5-P1	Require new development and City employees to implement transportation demand management programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
El Camino Real Focus Area	
5.4.1-P16	Facilitate the implementation of streetscape improvements consistent with those illustrations in Figures 5.4-2 of the General Plan.

The project is consistent with the General Plan’s Roadway Network, Bicycle and Pedestrian Network, and El Camino Real Focus Area Policies listed above by proposing residential uses at an infill site located near existing transit stops; fronting the proposed live/work units on El Camino

Real; replacing the existing sidewalk on Civic Center Drive with a minimum five-foot wide separated sidewalk and 4-foot wide landscape buffer strip; replacing the existing sidewalk on El Camino Real with a minimum 10-foot wide separated sidewalk and four-foot wide landscape buffer strip (which connects to an existing Valley Transportation Authority (VTA) Route 22 bus stop 340 feet to the southeast corner of the project site on El Camino Real); locating parking in the back of the proposed buildings; providing pedestrian walkway on the eastern boundary of the project site that connects to Civic Center Drive and El Camino Real; providing pedestrian walkway between Buildings 1 and 2 with Civic Center Drive; and installing two bicycle parking racks with four spaces.

The project is also consistent with the General Plan's Transportation Demand Management Policy listed above by developing and implementing a Vehicle Miles Traveled (VMT) Reduction Plan, which would include Transportation Demand Management (TDM) measures (as detailed in *Section 3.0*).

Climate Action Plan

The City's 2013 Climate Action Plan (2013 CAP) specifies strategies and measures for the City to achieve its overall greenhouse gas emission reduction target. Applicable transportation-related CAP measures include, but are not limited to, the following listed below.

Measures	Description
6.1 Transportation Demand Management Program	Requires new developments greater than 25 housing units or more than 10,000 non-residential square feet to implement a Vehicle Miles Travelled (VMT) reduction strategy that reduces drive-alone trips. The City's 2013 CAP requires a minimum 20 percent reduction in VMT for Community Mixed-Use development along the El Camino Real corridor.
6.2 Municipal Transportation Demand Management	Calls for the development and implementation of a TDM plan to encourage alternative modes of travel and reduce single-occupant vehicle use.

As discussed previously, the project proposes to implement a VMT reduction strategy to achieve a 20 percent reduction in project VMT, half of which (a 10 percent reduction) shall be achieved with TDM measures. The VMT reductions may be achieved through project design characteristics, land use, parking, access, and TDM best practices (e.g., unbundled parking, on-site bicycle parking, parking for car-sharing vehicles, and Eco Passes for residents).

Based on the above discussion, the proposed project would not conflict with the City's General Plan or 2013 CAP. In addition, the project would not include any changes to adjacent roadways or intersections. Thus, the project would not decrease the performance or safety of transit, bicycle, or pedestrian facilities. A discussion of the project's consistency with the Congestion Management Program is provided below. **(Less Than Significant Impact)**

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

VTA is designated as Santa Clara County's Congestion Management Agency. According to the VTA Transportation Impact Analysis Guidelines, a transportation impact analysis is required when a

project generates 100 or more net new peak hour (AM or PM peak hour) trips.[56] As shown in table 4.16-1, the project (if developed) would result in a net increase of 165 average daily trips and a net decrease of two AM peak hour trips and five PM peak hour trips compared to the existing auto-oriented uses on-site, if fully occupied. Consistent with City practice, a credit for full occupancy of the existing development was given because of the historical operation of the buildings and because the existing buildings can be fully occupied at any time without further discretionary approvals. Because the project would generate fewer than 100 net new peak hour trips, it is assumed the project would have less than significant impacts on the roadway network. **(Less Than Significant Impact)**

Table 4.16-1: Existing/Proposed Project Site Peak Hour Trip Table

	Units		Daily Average Rate	Daily Average Trips	AM Peak Hour				PM Peak Hour			
					Rate	In	Out	Total	Rate	In	Out	Total
Existing Use: Automobile Parts and Service Center	6,758	ksf	16.28	110	1.96	10	4	14	2.26	6	9	15
Existing Use: Single-Family Detached Housing	1	du	9.44	10	0.74	1	1	2	0.99	1	1	2
Proposed Use: Residential Condominium / Townhouse	39	du	7.32	285	0.46	4	14	18	0.56	14	8	22
Net Project Trips				+165		-7	+9	+2		+7	-2	+5

Note: ksf = thousand square feet; du = dwelling unit
Land Use Code: Automobile Parts and Service Center (943); Single-Family Detached Housing (210); Multifamily Housing (Low-Rise) (220)
Source: Institute of Transportation Engineers. *Trip Generation Manual, 10th Edition*. 2017.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

As discussed previously in *Section 4.8 Hazards and Hazardous Materials*, the project site is located 1.1 miles west of Norman Y. Mineta San José International Airport. The project site is not located within the Airport's Airport Influence Area (AIA) or in any of the airport safety zones established in the Comprehensive Land Use Plan.[57,58] The project site is located within the FAA's Notification Surface area. Any structure exceeding approximately 45 feet in height above ground on the proposed project site would require submittal to the Federal Aviation Administration (FAA) for airspace safety review. As the proposed project would have a maximum height of 41.25 feet, notification to the FAA

[56] Santa Clara Valley Transportation Authority. *Transportation Impact Analysis Guidelines*. October 2014.
[57] Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the airport by imposing density and land use restrictions.
[58] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. May 25, 2011.

is not required and the project would not be a potential aviation hazard. For this reason, the project would not result in a significant impact to air traffic patterns. **(Less Than Significant Impact)**

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?

The project design does not include sharp curves or dangerous intersections that could result in safety hazards; nor does the project propose incompatible uses, such as farm equipment. The project proposes residential uses on-site, which is consistent with the General Plan land use designation and would be compatible with the surrounding mix of land uses (which include residential uses to the east [currently under construction], northeast, and south of the project site).

The project would be consistent with General Plan policies 5.4.1-P8 and 5.4.1-P11 by placing building frontages and prohibiting vehicular access on El Camino Real. The project would be accessible through two driveways on Civic Center Drive, connecting to a third internal drive, forming a U-shaped loop. The third internal drive could also be extended to connect to the internal drive for the adjacent townhouse development currently under construction. Site driveways and access point would be designed and constructed per City standards to ensure adequate site distance and configurations. For these reasons, the project would not substantially increase hazards due to a design feature or incompatible land use. **(Less Than Significant Impact)**

e) Result in inadequate emergency access?

The project would be accessible through two driveways on Civic Center Drive. These driveways shall be designed and constructed per City standards to ensure adequate emergency vehicle access and maneuvering. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Checklist

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2,37,38
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,2,37
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2,39
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1,2

4.17.2 Impact Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Act, the Regional Water Quality Control Board (RWQCB) regulates wastewater discharges to surface waters, such as San Francisco Bay, through the National Pollutant Elimination System (NPDES) program. Wastewater permits contain specific requirements that limit the pollutants it discharges.

The City of Santa Clara Departments of Public Works and Water and Sewer Utilities are responsible for the wastewater collection system within the City. Wastewater is collected by sewer systems in Santa Clara and is conveyed by pipelines to the Regional Wastewater Facility (RWF) located in San José. As required by RWQCB, the RWF monitors its wastewater to ensure that it meets all

requirements. The RWQCB routinely inspects treatment facilities to ensure permit requirements are met.

Sewage from the proposed development would be treated at the RWF in accordance with the existing NPDES permit. It is not anticipated that sewage generated by the project would exceed wastewater treatment requirements of the RWQCB. **(Less than Significant Impact)**

b,e) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

This following discussion is based on a Sewer Capacity Analysis prepared by *Carlson, Barbee, & Gibson, Inc*. in November, 2018. A copy of this report can be found in Appendix F of this Initial Study.

RWF Treatment Capacity

RWF is currently operating under a 120 million gallons per day (mgd) dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the RWQCB concerns over the effects of additional freshwater discharges from RWF on the saltwater marsh habitat and pollutant loading to the Bay. Approximately 10 percent of the RWF's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay. The NPDES permit for RWF includes wastewater discharge requirements.

The City currently has a treatment allocation at RWF of approximately 24.2 mgd and has peak week dry weather flow of approximately 14.5 mgd.[59] The proposed project is estimated to generate 7,124 gpd (or approximately 0.071 mgd) of wastewater.[60] The RWF, therefore, has sufficient capacity to treat the sewage generated by the proposed project. **(Less Than Significant Impact)**

Sanitary Sewer System Capacity

The project proposes to connect to an existing six-inch sanitary sewer line in Civic Center Drive. The sewer line has a capacity of 0.53 cubic feet per second (cfs) and a City allowable capacity of 0.49 cfs (which is 92 percent of the pipe's actual capacity). Based on monitoring data and estimates from previous studies, the pipe would convey 0.14 cfs of sewage upon completion and operation of the adjacent residential development. The project would result in a net sewage flow increase of approximately 0.04 cfs.[61] Given the pipe's design capacity (0.49 cfs) and the projected flow with the adjacent development (0.14 cfs), the pipe has a remaining available capacity of 0.31 cfs, which is sufficient to accommodate project flows (0.04 cfs). In addition, the City has determined that the downstream sewer lines have sufficient capacity to convey the additional discharge from the proposed project.

[59] Charfauros, Linda. Division Manager, City of San José Environmental Services Department. Personal Communication. September 22, 2017.
[60] Carlson, Barbee & Gibson, Inc. *Catalina II – Sewer Flow Capacity Study*. November 5, 2018.
[61] Ibid.

For these reasons, the project would not result in significant sanitary sewer system impacts. **(Less Than Significant Impact)**

c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As discussed previously in *Section 4.9*, runoff from the project site currently flows into an 18-inch storm drain line in Civic Center Drive. The project would increase the impervious area by approximately 21 percent (or 15,680 square feet) from 45,740, to 61,420 square feet. The project site is required to comply with the MRP and proposes a 1,909-square foot bioretention area to allow infiltration of stormwater run-off prior to its discharge into the storm drain line in Civic Center Drive. For these reasons, it is concluded, therefore, that the existing storm drainage system would have sufficient capacity to accommodate runoff from the project site. **(Less Than Significant Impact)**

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Water is provided to the site by the City of Santa Clara Water Utility. The system consists of more than 335 miles of water mains, 26 active wells, and seven storage tanks with approximately 28 million gallons of water capacity.[62] Drinking water is provided by an underground aquifer (accessed by the City's wells) and by two wholesale water importers: Valley Water (imported from the Sacramento-San Joaquin Delta) and the San Francisco Hetch-Hetchy System (imported from the Sierra Nevada). The three sources are used interchangeably or are blended together. A water recharge program administered by Valley Water from local reservoirs and imported Sacramento-San Joaquin Delta water enhances the dependability of the underground aquifer.

The project site is currently served by an eight-inch water line in Civic Center Drive. The project would be constructed in conformance with the 2016 Title 24 California Energy Code requirements, and the landscaping proposed on-site would be drought tolerant and watered by high efficiency irrigation systems. It is estimated that the project would result in a net increase in water demand of approximately 8,193 gpd.[63]

According to the certified General Plan EIR, the City's Water Utility has determined there are sufficient water supplies to accommodate new development anticipated in the General Plan under normal and single critical dry year scenarios. This would include the proposed project. The City participates in regional water supply planning in coordination with its wholesale suppliers, the San Francisco Public Utilities Commission (SFPUC), Valley Water, and South Bay Water Recycling. The City prepared an Urban Water Management Plan (UWMP) in coordination with these regional partner agencies. The certified General Plan EIR and the UWMP conclude that water supplies will be available through all but the driest years; however, in the event of a multiple dry year event and the loss of supply from the SFPUC, there is a projected shortfall of 0.6 percent in the year 2035.[64] The City plans to meet future demand growth by pumping additional groundwater in coordination with

[62] City of Santa Clara. *Water Utility*. Accessed: November 21, 2018. Available at: http://santaclaraca.gov/government/departments/water-sewer-utilities/water-utility.
[63] Based on the general assumption that wastewater generated is 85 percent of a site's water use.
[64] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH#2008092005. January 2011.

Valley Water, relying on more recycled water, and increased conservation. **(Less Than Significant Impact)**

f,g) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Complies with federal, state, and local statutes and regulations related to solid waste?

Landfill Capacity

The Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and has since been reviewed in 2004, 2007, and 2011. According to the IWMP, the County has adequate disposal capacity beyond 2026.[65] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

It is estimated that the project would generate approximately 87 tons (or 348 cubic yards) of solid waste per year.[66] The City has a contract with Newby Island Sanitary Landfill (NISL) to provide disposal capacity through 2024. The City has not secured solid waste disposal capacity at a landfill beyond 2024. General Plan policies 5.1.1-P3 and 5.1.1-P21, however, require the City complete an assessment of infrastructure and utility demand (including solid waste disposal) to ensure adequate capacity and funding to implement the necessary improvements to support development. Secure, adequate solid waste disposal facilities to serve development must be identified.

According to the IWMP, the County has adequate disposal capacity beyond 2026 and as of January 2017, NISL has approximately 18 million cubic yards of remaining capacity. There is existing capacity at local landfills, including NISL, to accommodate project generated waste post 2024. For this reason, the project would be served by a landfill with sufficient permitted capacity. **(Less than Significant Impact)**

Waste Regulation

The project shall comply with the City's Construction and Demolition Debris Recycling Program during the demolition and construction period. Operation of the project would comply with applicable federal, state, and local regulations and policies related to diversion of materials from disposal, then appropriate disposal of solid waste. **(Less Than Significant Impact)**

[65] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* May 2011.
[66] Sources: 1) CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: November 21, 2018. Available at: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. 2) A common conversion factor used for municipal solid waste as it is collected and transported in compaction vehicles is 500 pounds/cubic yard (Lacaze, Skip. Personal communication with City of San José, Department of Environmental Services. June 3, 2013).

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-39
b)	Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐	1-39
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	1-39

4.18.2 Impact Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the individual environmental resource sections, the proposed project would not degrade the quality of the environment with implementation of identified mitigation measures. As discussed in *Section 4.4 Biological Resources*, the project would implement mitigation measure MM BIO-1 to avoid and/or reduce impacts to nesting birds (if present) to a less than significant level. While there is a potential for buried archaeological resources on-site, implementation of mitigation measures MM CUL-1.1 and MM CUL-1.2 would avoid and/or reduce impacts to cultural resources (if present) to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The project would not impact agricultural and forestry resources, geology and soils, mineral resources or the storm drain system; therefore, the project would not contribute to cumulative impacts to those resources. The project's impacts to cultural resources and hazardous materials are specific to the site and, therefore, would not contribute to significant cumulative impacts to those resources. The project would generate fewer than 100 net new AM or PM peak hour trips and is, therefore, considered to a have a less than significant project and cumulative impact on the roadway network.

The cumulative air quality, biological resources, greenhouse gas, hydrology and water quality, land use, traffic-related noise, population and housing, public services, recreation, and utilities and service systems (specifically water supply and landfill capacity) impacts from the buildout of the General Plan and cumulative projects (such as City Place) were disclosed in the certified General Plan EIR and City Place Santa Clara Project Final EIR.[67] Significant cumulative impacts were identified for air quality, biology, greenhouse gas, land use, noise, transportation/traffic, and utility and service systems in the General Plan and City Place EIRs. The project's contribution to those significant cumulative impacts is not considered cumulatively considerable, given the substantially greater contribution and impacts from larger cumulative projects such as City Place.

The project, in combination with cumulative projects in the immediate vicinity (including Catalina I Residential Development project, Madison Place, 2232 El Camino Real Residences, and 1890 El Camino Real Project) could result in cumulative aesthetic, and sewer system capacity impacts. The project with other nearby cumulative projects (including Catalina I Residential Development project, Madison Place, 2232 El Camino Real Residences, and 1890 El Camino Real Project), would change the visual character of the area by redeveloping the auto-oriented uses with higher density residential mix uses, which is consistent with the General Plan's vision to transform the El Camino Real Focus Area. As described in Section 4.17.2, given the existing capacity of the sewer line serving the project site, it is not anticipated the implementation of the cumulative projects would result in downstream sewer capacity issues. For these reason, the project would not contribute to a significant, adverse cumulative aesthetic and sewer system capacity impacts.

Construction of the proposed project would overlap with construction of the approved Catalina I Residential Development project by up to a year. The proposed project and the Catalina I Residential

[67] City of Santa Clara. *City Place Santa Clara Project Draft Environmental Impact Report.* SCH# 2014072078. Certified June 2016. Pages 3.13-23 through 3.13-25.

Development project could result in cumulative construction health-risk and construction-related noise impacts.

- Construction Health Risk – The health risk analysis also evaluated the cumulative construction of the proposed project, construction of Catalina I Residential Development project, and the existing mobile and stationary sources identified within 1,000 feet of the project site. The results identified that the maximally exposed individual (MEI) would occur at the residential building south of the site, however, the project would not exceed Bay Area Air Quality Management District's cumulative threshold of significance. For these reasons, the proposed project would not have a cumulative air quality impact during construction period. Refer to Appendix A for details regarding the cumulative community health risk analysis and results.

- Construction-Related Noise – Given that the proposed project is smaller in scale than the Catalina I Residential Development project (39 vs. 54 townhouse units), it is anticipated that the construction noise generated by the proposed project would fall within or below the construction noise levels and duration of the adjacent project. Both these projects are subject to the provisions in the City's General Plan and City Code regarding construction hours and both projects are required to implement construction nest management practices to reduce construction-related noise levels. For these reasons, the proposed project would not have a cumulative noise impact during construction period.

Based on the above discussion, the project would not have a considerable contribution to a significant cumulative impact. **(Less Than Significant Impact with Mitigation Incorporated)**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, hazardous materials, and noise. However, implementation of identified mitigation measures and conformance with existing regulations would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings are anticipated. **(Less Than Significant Impact with Mitigation Incorporated)**

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Personal Communications:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Santa Clara
Community Development Department
Andrew Crabtree, Director
Debby Fernandez, Project Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Judy Shanley, Principal
Amy Wang, Associate Project Manager
Zach Dill, Graphic Artist

Carey & Co., Inc.
Historical Consultants
Hisashi (Bill) Sugaya, Senior Planner

Archives & Architecture
Historical Consultants
Franklin Maggi, Architectural Historian

Carlson, Barbee & Gibson, Inc.
Civil Engineers & Surveyors
Colt Alvernaz, Project Engineer

Cornerstone Earth Group
Hazardous Materials Consultant
Sarah D. Kuehn, Senior Staff Engineer

ECS Environmental Construction Services, Inc.
Asbestos Survey Report
Ryan Govan, Certified Asbestos Consultant

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