

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: 2330 Monroe Street Affordable Housing Project Removal Action Workplan		CALSTARS CODING:
PROJECT ADDRESS: 2330 Monroe St	CITY: Santa Clara	COUNTY: Santa Clara
PROJECT SPONSOR: Freebird Development Company	CONTACT: Robin Zimpler	PHONE/ EMAIL: (510) 319-6959 robin@freebirddev.com

APPROVAL ACTION UNDER CONSIDERATION BY DTSC:

- | | | | |
|---|---|--|---------------------------------------|
| <input type="checkbox"/> Initial Permit Issuance | <input type="checkbox"/> Permit Renewal | <input type="checkbox"/> Permit Modification | <input type="checkbox"/> Closure Plan |
| <input checked="" type="checkbox"/> Removal Action Workplan | <input type="checkbox"/> Remedial Action Plan | <input type="checkbox"/> Interim Removal | <input type="checkbox"/> Regulations |
| <input type="checkbox"/> Other (specify): | | | |

STATUTORY AUTHORITY:

- California H&SC, Chap. 6.5 California H&SC, Chap. 6.8 Other (specify):

PROJECT DESCRIPTION

Project Description: The project involves approval of a Removal Action Workplan (RAW) for the 2330 Monroe Street Affordable Housing Project (Site). DTSC is overseeing cleanup at the Site under a Standard Voluntary Agreement (HSA-FY19/20-122) with Freebird Development Company. The purpose of the RAW is to reduce the potential risk to human health and the environment from the contaminants of concern which include lead, arsenic and pesticide; 4,4'-DDE in soil.

Background: The 2.47-acre Site was predominantly used as an orchard from 1939 until 1963. Since 1963 the Site has been used for a construction staging area from 2009 to 2011 and a parking lot from 2013 to 2016. DTSC is overseeing cleanup at the Site under a Standard Voluntary Agreement with Freebird Development Company. The Site will be developed as an affordable housing project. The project applicant, Freebird Development Company, proposes to develop an affordable multifamily residential project with up to 65 dwelling units along with up to 94 parking spaces, infrastructure, and landscaping improvements.

Project Activities: Soils on the Site contain lead, arsenic, and 4,4'-DDE above residential screening levels; therefore, a cap is proposed as the remedy to prevent exposures between Site soils and future on-Site residents. The cap consists of the following elements which are identified in the approved design of the affordable multifamily residential project:

- Building foundations;
- Other hardscape including driveways, parking lots, sidewalks, patios, and other surfaces that prevent direct contact with Site soils; and
- At least 2 feet of suitable soil or landscaping material placed above marker fabric.

DTSC utilized information and analysis in the Mitigated Negative Declaration (MND) for the 2330 Monroe Street Affordable Housing to support a final determination about the type of environmental document required to be prepared for the proposed 2330 Monroe Street Affordable Housing Project Removal Action Workplan as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the MND analyzed potential impacts related to

contaminated soils in Section 5.9 (Hazards and Hazardous Materials) and potential impacts related to grading and construction in Section 5.3 (Air Quality), Section 5.4 (Biological Resources), Section 5.5 (Cultural Resources), Section 5.7 (Geology and Soils), Section 5.13 (Noise), and Section 5.17 (Transportation/Traffic).

B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

Lead Agency: City of Santa Clara
Lead Agency Environmental Document Title: Mitigated Negative Declaration
Date Certified: January 28, 2020
State Clearinghouse Number: 2019099075

C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT

Using its independent judgment, DTSC makes the following findings:

<input checked="" type="checkbox"/> The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision	
<input checked="" type="checkbox"/> The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.	
<input checked="" type="checkbox"/> DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.	
<input checked="" type="checkbox"/> Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project and have been or will be implemented by the project proponent:	
<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Air Quality	Mitigation Measures AQ-1 and AQ-2: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measure BIO-1: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measures CUL-1 and CUL-2: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input checked="" type="checkbox"/> Geology/ Soils	Mitigation Measures GEO-1 and GEO-2: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards/Hazardous Materials	Mitigation Measure HAZ-1: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input type="checkbox"/> Hydrology/ Water Quality	Mitigation Measure: None
<input type="checkbox"/> Land Use/Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	Mitigation Measure NOI-1: refer to the 2330 Monroe Street Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input type="checkbox"/> Population/Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input checked="" type="checkbox"/> Transportation/Traffic	Mitigation Measure TR-1: refer to the 2330 Monroe Street Mitigated Negative

	Declaration, Mitigation Monitoring and Reporting Plan (November 2019).
<input type="checkbox"/> Utilities/ Service Systems	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and have been or will be implemented by the project proponent to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

- Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.
- Such changes or alterations are within the responsibility and jurisdiction of City of Santa Clara and not DTSC.
- Such changes have been adopted by this public agency or can and should be adopted by this public agency.
- Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons:

Based on the above findings, DTSC concludes:

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:*

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/ Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/ Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/ Service Systems

*Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

*In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons:

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., title 14

Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor's Office of Planning and Research/ State Clearinghouse.

D. CERTIFICATION

J. Randeni

10/16/2020

Project Manager Signature

Date

Jayantha Randeni

Senior Hazardous Substances Engineer

(510) 540-3806

Project Manager Name

Project Manager Title

Phone #

Julie Pettijohn

10/22/2020

Supervisor Signature

Date

Julie Pettijohn

Branch Chief

(510) 540-3843

Supervisor Name

Supervisor Title

Phone #