

**County of Santa Clara**  
**Child & Adolescent Psychiatric Facility/BHSC Project**  
**Mitigated Negative Declaration**

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**Project:** Child & Adolescent Psychiatric Facility/BHSC Project

**State Clearinghouse #:** 2021030163

**Lead Agency/ Project Proponent:** County of Santa Clara

**PROJECT DESCRIPTION**

The County of Santa Clara is proposing the construction and operation of a new Child & Adolescent Psychiatric Facility / Behavioral Health Service Center (BHSC) that will serve as a mental health inpatient/outpatient building. The BHSC will replace and consolidate existing mental health services on the Santa Clara Valley Medical Center (SCVMC) campus that are currently located in three separate buildings into one facility. The newly expanded services will serve the behavioral health needs for Santa Clara County and the surrounding communities.

Overall, the project is comprised of a 77 bed BHSC, an underground pedestrian tunnel connection to an existing tunnel system that goes from the Receiving and Support Center (RSC) to the main hospital, a skybridge connection to the Main Hospital Emergency Department, and a new 714 car parking structure.

New services provided will expand the current adult mental health service programs to include outpatient and inpatient services for child and adolescent populations and increase the bed count from 50 to 77 beds. The new BHSC facility will be supported by an approximate 400-person staff that will work in three rotating 82-90 person shifts. The project will require utility improvements (water, sanitary sewer, storm drain) to existing utility pipelines in the surrounding streets. The goal for the project is to complete construction and achieve occupancy by October of 2023.

Construction of the BHSC requires the removal of an existing two-story, 431-space parking structure referred to as Parking Structure #3 (PS3). To replace this lost parking and add parking to serve the new BHSC, a new 714 car parking structure will be constructed on a site that is occupied by a vacant building that formerly housed the Sam Della Maggiore School which will be demolished to construct the new parking structure. The project would include new landscaping features on both building sites. New trees will be planted along Turner Drive, Middle Drive, and Ginger Lane. The BHSC landscaping plan would also include new gardens, artificial turf, lounge areas, and recreation yards on each level of the building.

The project also includes the demolition of the Don Lowe Pavilion which is currently used for mental health services. This building will be demolished once the new BHSC is open for use and services in the Don Lowe Pavilion have been relocated to the BHSC building. The site of the Don Lowe Pavilion would then be used for a surface parking lot for the foreseeable future.

**PROPOSED FINDINGS**

The County of Santa Clara has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but that:

1. Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and

2. There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(2) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the project.

## **BASIS OF FINDINGS**

Based on the environmental evaluation presented in the Initial Study circulated for public review from March 5, 2021 through April 5, 2021 the project would not cause significant adverse effects related to Aesthetics, Agricultural/Forestry, Air Quality, Energy, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, Recreation, Transportation, Utilities, and Wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The project would have potentially significant impacts to biological resources, cultural resources, geology/soils, hazards & hazardous materials, noise, and tribal cultural resources and mitigation measures have been incorporated into the project to reduce these potential impacts to less than significant levels.

### **Mitigation Measures**

The project could result in significant adverse effects to biological resources, cultural resources, geology/soils, hazards & hazardous materials, noise, and tribal cultural resources. However, the project has been revised to include the mitigation measures listed below, which reduce these impacts to a less than significant level. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the project cause substantial adverse effects on humans, either directly or indirectly.

## **MITIGATION MEASURES INCORPORATED INTO THE PROJECT:**

**Impact BIO-1:** The proposed project could impact nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Birds could nest in the vacant building or in trees or shrubs bordering the site.

**Mitigation Measure BIO-1A:** Pre-Construction/Pre-Disturbance Survey for Nesting Birds. To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside of the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game code would be avoided. The nesting season for this project extends from February 1 through August 31.

If it is not possible to schedule construction activities between September 1 and January 31, then a preconstruction survey for nesting birds will be conducted by a qualified biologist to ensure that nesting will not be disrupted during project implementation, including the removal of street trees. A qualified biologist is a biologist with experience in nesting bird surveys, and who is familiar with bird species present in the project area. This survey will be conducted no more than five days prior to the initiation of any site disturbance activities and equipment mobilization. If Project activities are delayed by more than five days, an additional nesting bird survey will be performed. During the survey, the biologist will inspect the vacant building and all trees and shrubs in and immediately adjacent to the impact area, for nests. Active nesting is present if a

bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the survey will be documented.

**Mitigation Measure BIO-1B: Active Nests.** If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist will determine the extent of a construction-free buffer zone to be established around the nest, to ensure that active nesting protected by the MBTA and California Fish and Game Code will not be disturbed during construction. Within the buffer zone, no site disturbance and mobilization of heavy equipment, including but not limited to equipment staging, fence installation, demolition, and grading will be permitted until the chicks have fledged. Monitoring will be required to ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings will be documented.

**Impact BIO-2:** The proposed project has the potential to impact bats protected by California Fish and Game code that are roosting in the buildings that will be demolished or possibly in the street trees that will be removed. Although unlikely, this could include special-status bats listed under the federal or California Endangered Species Acts or listed as a California species of special concern.

**Mitigation Measure BIO-2A: Pre-Construction Survey for Roosting Bats.** A survey of the parking structure, the Sam Della Maggiore building, the Don Lowe Pavilion, and any trees with cavities, cervices or peeling bark within 50 feet of the project site will be conducted by a qualified biologist no less than 30 days before the start of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading). A qualified biologist is a biologist with experience in day and night surveys for roosting bats, bat ecology, and bat species present in the project area. If construction activities are delayed by more than 30 days, an additional bat survey will be performed.

The survey may be conducted at any time of year but shall be conducted in such a way to allow sufficient time to determine if special-status bats or maternity colonies are present on the site, provide replacement habitat (if required), and exclude bats during the appropriate time of year (e.g. outside the maternity season from March 1 to August 31). The results of the survey will be documented.

If no signs of bats are detected during the habitat suitability survey, no further surveys are warranted. If signs of bat occupancy (e.g., guano pellets or urine staining) are detected, **Mitigation Measure BIO-2B** shall apply.

**Mitigation Measure BIO-2B: Active Roosts.** If an occupied maternity or colony roost is detected or evidence of bat occupancy is found, the California Department of Fish and Wildlife will be consulted to determine the appropriate mitigation measures, which may include exclusion prior to removal if the roost cannot be avoided, a buffer zone, seasonal restrictions on construction work, construction noise reduction measures, and construction of an alternate roost structure.

**Impact BIO-3:** The project would remove eight trees protected by the County's Tree Preservation Ordinance. Additionally, other trees not meant for removal could be harmed by ground disturbing activities within the trees' root zone thereby compromising the health of trees to be preserved/maintained on site.

**Mitigation Measure BIO-3: Tree Protection.** In compliance with the County ordinance, the following measures from the Guidelines for Tree Preservation for Land Use Applications shall be implemented.

*Pre-construction:*

- An arborist shall review final grading/demolition/construction plans and make recommendations regarding preservation of all trees potentially impacted by the proposed project which are designated for preservation.
- If the Arborist concludes, with concurrence from the Planning Department, that the proposed improvements would result in damage and subsequent irreversible loss of additional trees on site, replacement mitigation shall be required.
- Final grading/construction plans shall clearly identify the size and species of all trees proposed for removal, consistent with the Arborist plan review report. For each tree designated for removal, replacement shall occur at the replacement ratios required consistent with the County Code (see Replacement of Trees, below).

*Tree Protection*

**Fencing**

- All trees to be retained shall be protected with chain link fencing or other rigid fence enclosure acceptable to the Planning Department. Fenced enclosures for trees to be protected shall be erected at the dripline of trees or as established by the Arborist to establish the Tree Protective Zone (TPZ) in which no soil disturbance is permitted and activities are restricted.
- All trees to be preserved shall be protected with minimum five-foot high fences. Fences are to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least two feet, at no more than 10-foot spacing (see detail available at [www.scplanning.org](http://www.scplanning.org)). This detail shall appear on grading, demolition, and building plans.
- Tree fencing shall be erected before any demolition, grading or construction begins and remain in place until the Final Inspection.

**Warning Signs**

- A warning sign shall be prominently displayed on each tree protective fence per the requirements of development pursuant to the Santa Clara County Planning Department. The signs are available at the Planning and Building Inspection Departments or at [www.scplanning.org](http://www.scplanning.org).

**Irrigation Program**

- Irrigate the soil within the TPZ during the dry season as specified by the Project Arborist.

**Dust Control Program**

- During periods of extended drought, or grading, spray trunk, limbs and foliage to remove accumulated construction dust.

**Soil Compaction Damage/ Mulching**

- Compaction of the soil causes a significant impact to trees during construction. If compaction to the upper 12 inches of soil within the TPZ has occurred or is proposed, then one or more of the following mitigation measures shall be implemented as recommended by the Arborist or the County Planning Department.
  - Four-inches of chip bark mulching shall be placed on top of the TPZ and enclosed with the tree protective fencing as prescribed in the County protective fencing measures.

- If compaction of the root system, may result in possible suffocation of the root system, a soil aeration system shall be installed as designed and specified by an Arborist.
- Paving/Hardscape and other soil compacting material that encroaches within the TPZ, should include an aeration system designed by an Arborist.

*During Construction*

- All tree protection measures as recommended by a certified Arborist shall be shown on the final grading/construction or landscape plans and adhered to during construction. The Arborist shall monitor construction activity to ensure that the tree protection measures are implemented, and submit a Construction Observation Letter to the Planning Department for approval, prior to final inspection, summarizing the results of the monitoring activity and resulting health of trees designated for preservation on-site.

*Post-Construction Monitoring*

- The following may be required based on project specific circumstances: An Arborist shall submit to the Planning Department two copies of a monitoring report annually from the date of final inspection. The report shall show compliance with the tree protection conditions of approval and verification that all trees are in good health.

*Replacement of Trees*

- The following guidelines shall be imposed as conditions when a proposed development entails removal of trees or may significantly impact the health and vigor of trees within the development area of the proposed project.
  - All healthy native trees 12 inches in diameter or more (at 4.5 feet above the ground) proposed for removal shall be replaced.
  - Replacement trees should be native and like for like.
  - Oak trees shall be replaced with oak trees (no exceptions taken).
  - No tree removal shall be permitted until such grading or building permit has been issued by the County as indicated on approved plans. The number of trees cut may not exceed the minimum number necessary to carry out the permitted action. Additional conditions may need to be established for scheduled arborist reports, and stipulations on replanting replacement trees in the case that the original replacement trees die.

**Impact CUL-1:** Project construction could encounter graves (human remains) and other archaeological artifacts in the County Infirmary Cemetery associated with the early operation of the County Infirmary.

**Mitigation Measure CUL-1:** Archaeological Treatment Plan. Prior to any ground disturbing activities associated with the proposed project, the County shall prepare an Archaeological Treatment Plan (ATP) by a qualified archaeologist. The ATP shall include, but not be limited to, the following measures:

**Subsurface Exploration.** Prior to any ground disturbing activities associated with the proposed project, the County shall complete the Ground Penetrating Radar (GPR) survey currently underway. If any potential graves or human remains are identified, the excavation and removal of the graves/remains shall be done according to the Archaeological Treatment Plan (ATP) prepared by a qualified archaeologist.

**Construction Document Notification.** The ATP shall specify the requirements for the County to place notification on any construction drawings or plans that relate to ground disturbance that there is potential for exposing unknown, buried cultural resources.

**Notification and Training Regarding Potential Archaeological Resources.** The ATP shall specify procedures for construction worker training by a qualified Archaeologist. Training should be provided to all personnel working on earthmoving activities in the vicinity of the mapped boundaries of the County Infirmary Cemetery to alert them to the possibility of exposing significant archaeological resources and human remains. The briefing shall describe the types of archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeologist. A record of the training(s) shall be provided to the County.

**Archaeological Monitor.** The ATP shall specify when full-time archaeological monitor(s) shall be present on site for all ground disturbing and excavation activities taking place within the project area. The archaeological monitor(s) shall have the authority to stop work should archaeological resources be discovered.

**Evaluation of Discoveries.** The ATP shall specify that in the event that archaeological materials are exposed or discovered during subsurface activities, activities within 50 feet of the find shall stop, and a Professional Archaeologist who meets the Secretary of the Interior's standards shall conduct an evaluation of the discovery and make further recommendations. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) under CEQA and/or unique archaeological resources. If the Professional Archaeologist determines that any cultural resources constitute a significant archaeological resource, he/she shall notify the County's construction manager, County project management staff, and the County Planning Department of the evaluation and recommended measures for handling the find. If a discovery is determined to be a significant archaeological resource, and if avoidance of the resource is not possible, the Professional Archaeologist shall prepare and assist in the implementation of a Cultural Resources Management Plan, which must be reviewed and approved of by the County Planning Department, for appropriate treatment of the resource. Potential recommendations could include evaluation, collection, recordation, and analysis of any significant archaeological materials. Treatment of any significant archaeological resources shall be undertaken in accordance with the Cultural Resources Management Plan and approved by the Professional Archaeologist.

**Discovery and Treatment of Human Remains.** The ATP shall specify that if human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) and the shall be followed, as described below:

In the event of the accidental discovery of any human remains, the following steps shall be taken:

- 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
  - a) As required by County Ordinance No. B6-18, the County Coroner shall be notified immediately; and
  - b) If the coroner determines the remains to be Native American:
    1. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission within 24 hours, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
3. The most likely descendent may make recommendations to the County or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

4. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the Commission;
5. The descendant identified fails to make a recommendation; or
6. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

In addition, as required by the Santa Clara County Superior Court Order Granting Petition for Permission to Remove and Cremate Remains issued May 18, 2012 (Case No. 112-PR-170569), if human remains are determined to be associated with the County Infirmity Cemetery, the remains shall not be moved until a written determination by the SCVMC Director of Facilities that construction of the facility requires removal of the remains has been acquired by the County and/or its contractor. The ATP shall include treatment for human remains discovered similar to the treatment of remains previously exhumed, using the same or similar methodology, and curation methods.

**Impact GEO-1:** Project construction, particularly excavation of the BHSC basement, could unearth paleontological resources, including fossils.

**Mitigation Measure GEO-1: Paleontological Resources.** If paleontological resources are discovered during construction, ground-disturbing activities shall halt immediately until a qualified paleontologist can assess the significance of the discovery. Depending on determinations made by the paleontologist, work may either be allowed to continue once the discovery has been recorded, or if recommended by the paleontologist, recovery of the resource may be required, in which ground-disturbing activity within the area of the find would be temporarily halted until the resource has been recovered. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology guidelines and current professional standards.

The County will ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.

**Impact HAZ-1:** Building demolition carried out by the project could release asbestos containing materials and lead based paint and other hazardous building materials into the environment.

**Mitigation Measure HAZ-1:** Materials Testing and Develop Demolition Debris Management Plan.

**Materials Testing:** Prior to demolition of the existing PS3, the former Sam Della Maggiore School building, and the Don Lowe Pavilion building, the County or its Contractor shall: (1) survey the existing on-site structures for the presence of asbestos containing and lead-based paint materials (to be conducted by an OSHA-certified inspector); and (2) if building elements

are identified with asbestos containing materials, prepare a written Asbestos Abatement Plan describing activities and procedures for removal, handling, and disposal of these building elements using EPA- and/or OSHA- approved procedures, work practices, and engineering controls. If lead-based paint is present the paint materials shall be removed and disposed of following lead abatement performance standards included in the U.S. Department of Housing and Urban Development Guidelines for Evaluation and control of Lead-Based Paint program, a lead compliance plan, provisions to protect worker safety and health in compliance with title 8 California Code of Regulations (including Section 1532.1), and provisions for the proper handling and disposal of debris with all applicable Federal, State, and local hazardous waste laws

**Demolition Debris Management Plan:** The County or its Contractor shall develop and implement a demolition debris management and disposal plan for the non-Resource Conservation and Recovery Act hazardous materials that are to be removed from the project site. The plan must be designed to prevent releases of hazardous materials in quantities that could pose a risk to human health and the environment, as determined using appropriate BAAQMD, RWQCB, Department of Toxic Substance Control (DTSC), and/or other appropriate agency screening thresholds.

The plan must identify the receiving qualified landfill and present proof of waste acceptance. The plan must also specify measures to minimize airborne dust during building deconstruction and soil movement to protect construction workers and neighboring residents from exposure to hazardous material emissions. The plan must address protection of worker exposure to airborne lead paint particulates through use of personal protective gear, clear identification of the location of hazardous materials, and removal by properly trained/certified workers, and proper cover and transport of hazardous materials, etc. Compliance with state and federal requirements and implementation of the debris management and disposal plan would ensure the project has a less than significant impact related to hazardous materials. The implementation of a demolition debris management plan reduces this impact is less than significant.

**Impact NOI-1:** Double-shift construction work associated with the proposed project would involve construction work during the evening and nighttime hours that could exceed the levels permitted under County Ordinance Code Section B11-154(b)(6)(b).

**Mitigation Measure NOI-1:** Noise from Double Shift Construction Work. To reduce potential noise levels associated with construction activities at the proposed Behavioral Health Center site and staging areas, the County and/or its designated contractors, contractor's representatives, or other appropriate personnel shall conduct the following activities, and adhere to and implement the following measures:

- **1.1 Prepare a Supplemental Noise Study and Establish Performance Standard for Sound Barriers.** The County shall conduct a supplemental noise study that documents the ambient noise environment (including the evening and nighttime noise environment) at sensitive receptor locations near project construction and staging areas. This study shall measure ambient noise levels over a minimum three-day period that includes at least one weekend night and, if measured ambient noise levels (on an hourly Leq basis) exceed the County's nighttime noise standards specified in County Ordinance Code Section B-11-154(b)(6)(b), the study may be used to show it is technically infeasible to meet the County's nighttime noise standards. The supplemental noise study shall set forth the required performance standard and design specifications for the temporary sound barriers, such that construction noise levels associated with the project meet the higher of the ambient noise monitoring results or the standards identified in County Ordinance Code Section B-11-154(b)(6)(b). Based on the difference between estimated

construction noise levels and the standards contained in County Ordinance Code Section B-11-154(b)(6)(b), the performance standard could be as high as 16 dB.

- **1.2 Construct/Install Temporary Noise Barriers:** Prior to any construction activities associated with the project that occur between the 7 PM and 7 AM Monday to Saturday, or at any time on Sundays or holidays, the County shall install physical sound barriers around the perimeter of the Behavioral Health Center site and Moorpark Avenue staging area (if used). The specific performance standard and design specifications for the sound barriers shall be presented in the supplemental noise study prepared pursuant to this mitigation measure. Access to the Behavioral Health Center site (e.g., gates) shall be located at the northwest and northeast corners of the site. A construction noise barrier shall be located on the western side of Ginger Lane, across from the Behavioral Health Center site's access point, to inhibit noise from being transmitted directly to residential receptors on Empey Way. The barrier along Ginger Lane shall extend along the northern side of the Timpany Center staging area. Construction noise barriers shall be maintained throughout any and all construction activities involving double-shift construction work at the Behavioral Health Center site. Depending on the results of the supplemental noise study, the noise barriers may consist of the following:
  - 1.2a A concrete, wood, or other barrier installed at-grade (or mounted to structures located at-grade, such as K-Rail) along the project property line. Such a wall/barrier shall contain no gaps in the structure through which noise may pass.
  - 1.2b Commercially available acoustic panels or other products such as acoustic barrier blankets installed along the project property line, building envelope or, if feasible and necessary, at or near sensitive residential receptor areas.
  - 1.2c Any combination of noise barriers and commercial products capable of achieving the performance standard established pursuant to Mitigation Measure NOI-1, part 1.1, to achieve the required reductions in construction noise levels at sensitive receptor locations.
- **1.3 Construction Equipment Care, Siting, and Design Measures.** The following construction equipment care, siting, and design measures shall apply during construction activities:
  - 1.3a Heavy equipment engines shall be covered, and exhaust pipes shall include a muffler in good working condition. Pneumatic tools shall include a noise suppression device on the compressed air exhaust.
  - 1.3b The County shall connect to existing electrical service at the site, where practical, to avoid the use of stationary, diesel- or other alternatively-fueled power generators.
  - 1.3c Refuse collection and bathroom amenities at staging sites shall be located as far from receptor locations as practical and/or where distance, in conjunction with physical barriers, provides the greatest reduction in construction staging noise levels. At the Moorpark Avenue lot, this is on the southern boundary of the site, adjacent to Parking Structure #2. At the T24 parking lot, this is at the southeastern corner of the site.
  - 1.3d No radios shall be operated between 10 PM and 7 AM in a manner that creates a noise disturbance across a property line (County Ordinance Code Section B11-154(b)(1)).

- 1.3e No loudspeaker, public address systems, or other similar device shall be operated between 10 PM and 7 AM in a manner that creates a noise disturbance across a property line (County Ordinance Code Section B11-154(b)(2)).
- 1.3f Heavy-duty vehicle storage and start-up areas shall be located as far away from occupied residences where feasible.
- 1.3g All equipment shall be turned off if not in use for more than five minutes.
- **1.4 Construction Traffic.** Construction truck traffic, including soil hauling, equipment deliveries, concrete deliveries, and other vendor deliveries shall be limited to the hours of 7 AM to 10 PM, Monday through Saturday, consistent with County Ordinance Code Section B11-154(b)(5), and follow designated delivery routes prepared for the project designed to minimize potential noise impacts at nearby sensitive residential receptor locations. These provisions shall be incorporated in the Traffic Control Plan prepared for the project.

**Impact TRI-I:** The project construction could impact unknown buried tribal cultural resources.

**Mitigation Measure TRI-1:** Archaeological Treatment Plan. Implementation of Mitigation Measure CUL-1 would also reduce potentially significant impacts to unknown tribal cultural resources to less than significant.