CITY OF SANTA CLARA, CALIFORNIA

1530/1540 Pomeroy Avenue Residential Project

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

APRIL 2021

Douglas Herring & Associates
Environmental, Policy, and Planning Services

1530/1540 Pomeroy Avenue Residential Project

Initial Study/Mitigated Negative Declaration

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APPENDICES

All appendices are incorporated into this document by this reference. No other documents are incorporated by reference.

California Environmental Quality Act (CEQA)
Environmental Checklist Form

1. Project Title: 1530/1540 Pomeroy Avenue Residential Project
CEQA2021-01082

2. Lead Agency Name and Address:

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

3. Contact Person and Phone Number:

Elaheh Kerachian, Associate Planner
(408) 615-2454
ekerachian@santaclaraca.gov

4. Project Location:

Assessor's Parcel Numbers (APNs): 290-02-097, 290-02-096

The project site is located on the west side of Pomeroy Avenue, between El Camino Real and Granada Avenue. The site is approximately 200 feet south of State Highway 82 (El Camino Real), 2.25 miles north of Interstate 280, and 2.5 miles south of U.S. Highway 101.

5. Project Sponsor's Name and Address:

Ridgecrest Group, Inc.
12280 Saratoga-Sunnyvale Road, Suite 109
Saratoga, CA 95070

Contact: Omid Shakeri
(408) 666-6556
omid@eccobuilders.com

6. General Plan Designation:

1530 Pomeroy: Very Low Density Residential

1540 Pomeroy: Community Mixed Use

7. Zoning:

1530 Pomeroy: R3-18D Low-Density Multiple Dwelling

1540 Pomeroy: A – Agriculture

8. Description of Project:

Ridgecrest Group, the Applicant, is proposing to construct six three-story townhomes and two detached, two-story single-family homes on two contiguous residential lots located at 1530 and 1540 Pomeroy Avenue in the City of Santa Clara. The property is currently occupied by two single-family homes and miscellaneous small outbuildings that would be demolished as part of the proposed project.

The location of the project site is shown on Figure 1. As shown on Figure 2, the site is adjacent to commercial development flanking El Camino Real, but is bordered on the south, east, and west by predominantly residential development that is a mix of single-family homes and multi-family housing. The proposed project would entail development of a row of attached two-story townhomes extending into the site on the northern parcel (1540 Pomeroy), with two detached single-family homes on the southern parcel (1530 Pomeroy). The townhomes and single-family homes would be separated by a driveway, as shown on the site plan (Figure 3). A two-story enclosed garage would be incorporated into the ground floor of each residential unit. Two guest parking stalls would be provided in the space separating the two single-family homes, and a third guest parking space would be located at the rear of the site. Each townhome would provide three bedrooms in 1,970 square feet of living space; including the garage the total space would be 2,370 square feet. The two single-family homes would each provide four bedrooms (or three bedrooms and a guest room) in 2,165 square feet of living space, or 2,585 square feet with the garage. The existing 21,000-square-foot property consists of two parcels; a tentative subdivision map would be processed to consolidate and subdivide the land into private residential lots and common space for the driveway, open space, and guest parking areas.

The proposed townhomes would be configured in pairs of mirrored floor plans, which would place the stairwells and laundry/pantry spaces side by side on two pairs of units, thereby creating a greater separation between the some of the living spaces of the paired units. Aside from the mirroring, all six units would have identical floor plans that would provide a kitchen, combined living and dining room, and half bathroom on the second floor, two bedrooms and two bathrooms on the third floor, and a bedroom and bathroom on the first floor, along with the garage. The second floor would provide a laundry room and pantry.

The single-family homes would have identical floor plans providing a kitchen, dining room, family room, guest room/bedroom with full bathroom and a separate powder room (half bathroom), as well as an entry foyer and attached two-car garage. Three bedrooms and two full bathrooms would be located on the second floor.

The townhomes have been designed with a contemporary American colonial architectural style featuring horizontal wood siding on the first and second levels, interspersed on the second level with wood shingle-covered bays, as shown on Figure 4. The third floor would be sided with wood shingles and punctuated with gabled bays that continue the horizonal wood siding from the lower levels. Fenestration would include a mix of divided-light vertical and square windows.

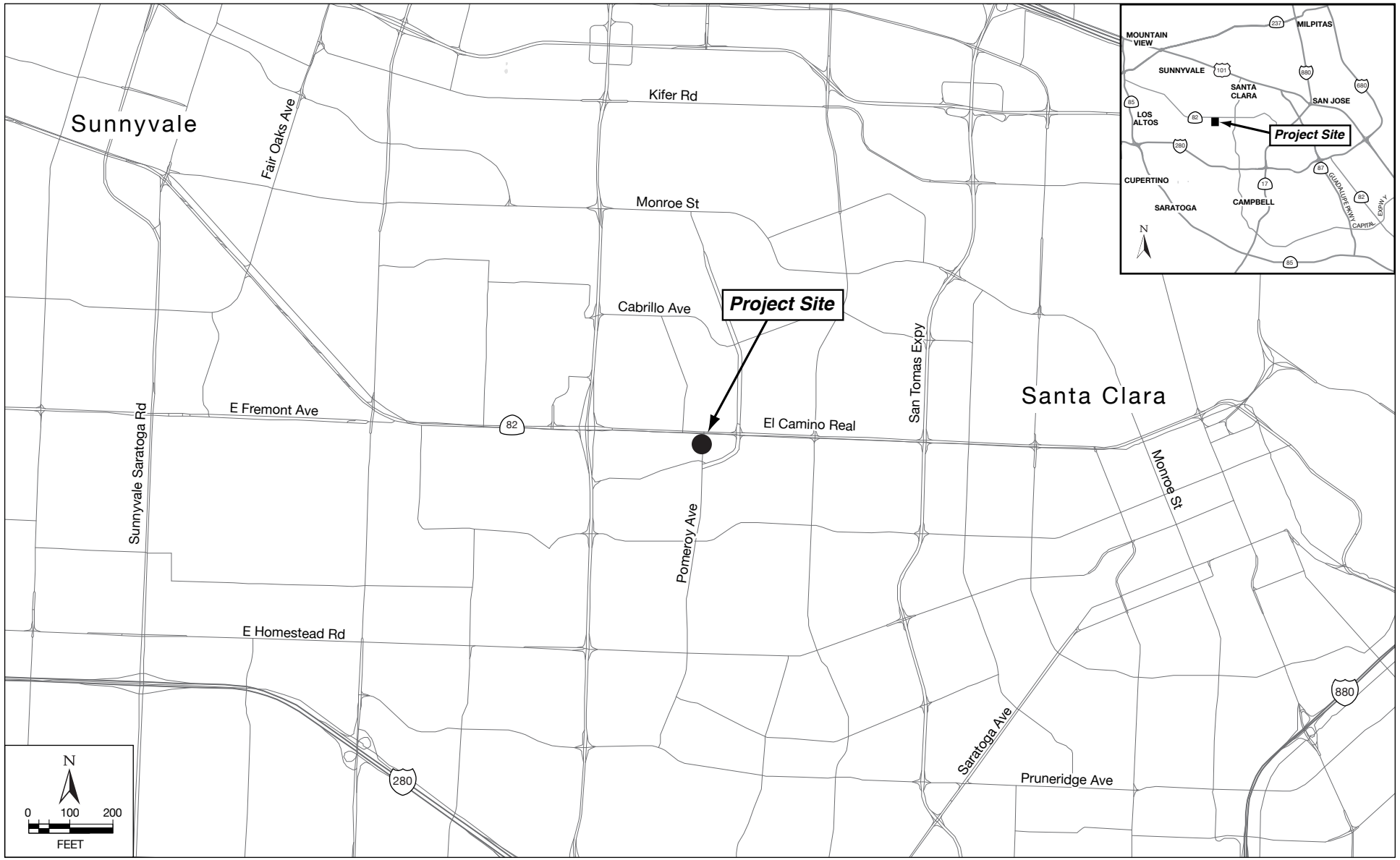


Figure 1

Project Site Location

Source: Douglas Herring & Associates

Figure 2

Aerial Overview of Project Vicinity

Source: Google Maps; Douglas Herring & Associates

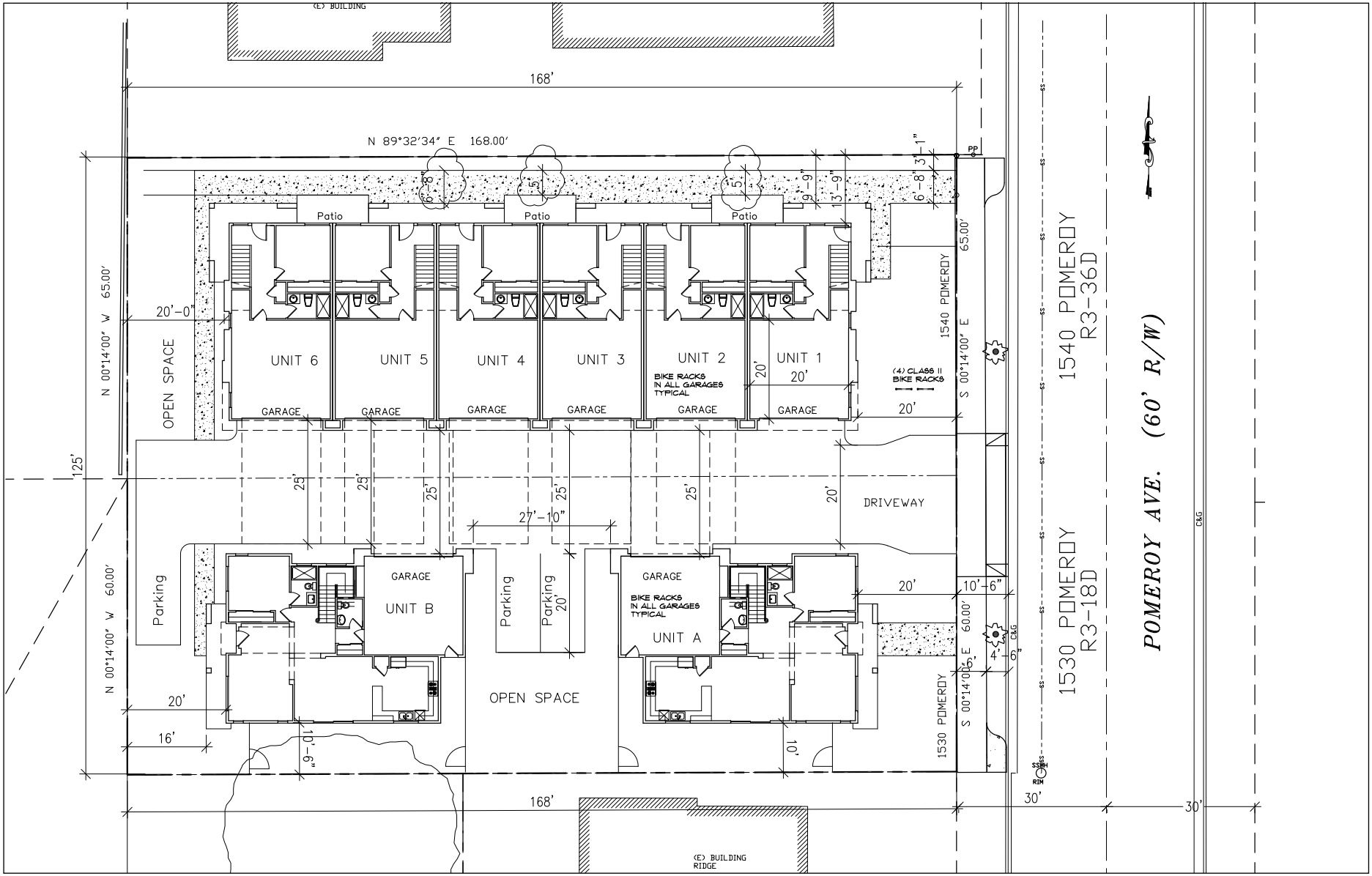


Figure 3

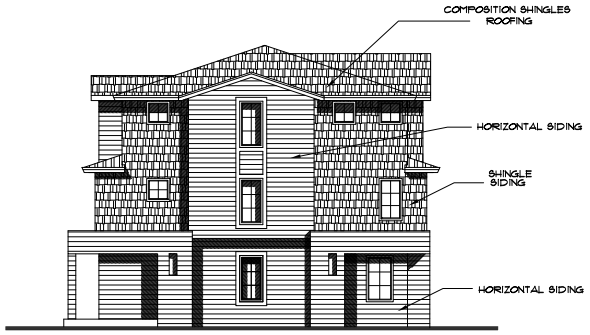
Site Plan

Source: Bassal Architecture

ENTRANCE SIDE ELEVATIONS - NORTH

FRONT ELEVATIONS - EAST - POMEROY VIEW

1540 POMEROY AVE.
DRIVEWAY ELEVATIONS - SOUTH



REAR ELEVATIONS - WEST

Figure 4

Townhome Elevations

Source: Bassal Architecture

The block of townhomes would have a hipped roof, with a long central ridge. The roofline would be articulated with pitched shed roofs over window bays interspersed along the third floor. Short hipped roofs would project over the second-floor spaces between the third-floor gables, providing additional articulation on the elevations. Partially-enclosed projecting openings on the ground floor would define the rear patios and provide privacy separation between units. On the front elevations, articulation would be added by recessed openings around each of the paneled garage doors.

The architecture on the single-family homes would be the same as that on the townhomes, just scaled down to the smaller structures, as shown on Figure 5.

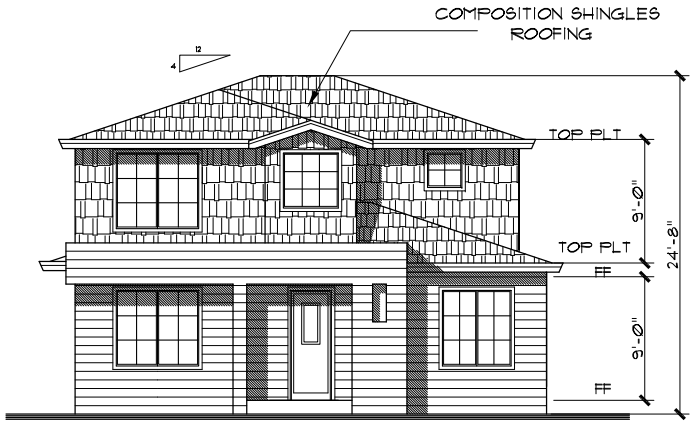
Access to the site for both townhomes and single-family homes would be via a single driveway at Pomeroy Avenue that would be 20 feet wide through the front yard, tapering out to 25 feet wide along the building frontages. The drive aisle would extend to the rear of the site, providing access to the private garages lining the driveway and to the three guest parking spots, one at the rear of the site and the other two situated between the two . single-family homes The driveway and guest parking areas would be surfaced with pervious concrete with an underdrain consisting of 12 inches of permeable aggregate rock and a 6-inch-diameter perforated pipe. Filter fabric would line the bottom and sides of the aggregate base. This system would provide onsite treatment of stormwater runoff from the site. The project would create and replace less than 10,000 square feet of impervious surfaces, and therefore

The proposed project would include construction of a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain under Pomeroy Avenue, extending from in front of the project site approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. A 12-inch RCP drain would extend through the project site under the driveway, connecting with the new storm drain in Pomeroy Avenue. Area drains would be located within the rear yards of the townhomes and at the north ends of the buildings, near the guest parking areas. These would be connected to the storm drain in the driveway by 6-inch-diameter PVC pipe. A sanitary sewer line would also extend under the site driveway, connecting with the existing 8-inch sanitary sewer in Pomeroy Avenue. Individually-metered water service would connect to an existing 8-inch water main in Pomeroy Avenue.

Although a landscape plan has not yet been developed, the applicant has indicated that the site would be landscaped with drought-tolerant, water-efficient landscaping in accordance with the California Water Conservation Landscaping Act and the City of Santa Clara's Water Conservation in Landscaping Ordinance. The site frontage would be planted with new street trees in accordance with City requirements.

Construction is expected to commence in June 2021 and is expected to last approximately 9 to 12 months. It is estimated that the number of construction workers on the site at any given time would range from five to ten workers.

DRIVEWAY ELEVATIONS - NORTH



FRONT ELEVATION - EAST - POMEROY VIEW

1530 POMEROY AVE.

REAR ELEVATION - SOUTH

SIDE ELEVATION - WEST

Figure 5

Single-Family Home Elevations

Source: Bassal Architecture

Planning Approvals

Development Review: The project would require Development Review by the City's Project Clearance and Subdivision Committees (PCC/SC) for project compliance and consistency with the City's adopted goals and objectives, as established in the General Plan, Zoning Ordinance, City Codes, and in other regulations and standards.

Subdivision Map: The project would require approval of a Tentative Subdivision Map by the City Council and recording of a Final Subdivision Map, in accordance with Chapter 17.05 of the Santa Clara City Code.

Architectural Review: Pursuant to Chapter 18.76 of the Santa Clara Zoning Code, the project would require architectural review and approval by the City prior to issuance of building permits.

Other Approvals

The project would also require a demolition permit, grading permit, and building permits from the Santa Clara Building Division. An encroachment permit would be required from the Engineering Division for work in the public right-of-way.

Site Description and Surrounding Land Uses

The project site consists of two contiguous rectangular parcels totaling 21,000 square feet (0.482 acre) on the north side of Pomeroy Avenue, approximately 200 feet south of El Camino Real. As shown on Figure 6, each parcel is currently occupied by a single-story home. Figure 7 shows the location of the existing homes and trees on the site. A low cyclone fence surrounds the easterly of the two parcels (1540 Pomeroy). A detached garage is located behind the home at 1530 Pomeroy and several small sheds are in the back yards of both properties; there is an attached one-car garage at 1540 Pomeroy. There are 10 mature trees interspersed across the two properties that would be removed along with all existing structures and pavements.

The two properties would be merged into a single lot (project site) that would measure 125 feet across the frontage and 168 feet deep. The site is essentially level, with elevations ranging from about 92 feet above mean sea level (msl) to approximately 95 feet msl in the northwest corner of the site. Other than the trees and buildings, the site surface is covered with driveways, grass, and bare dirt.

The existing home at 1530 Pomeroy Avenue is an 840-square-foot house with two bedrooms and one bathroom. It has a detached garage of 460 square feet and storage sheds totaling 406 square feet. With 1,706 square feet of lot coverage, the 10,080-square-foot site has site coverage of 17 percent. The existing home at 1540 Pomeroy Avenue is an 870-square-foot house, with storage sheds totaling 349 square feet. With 1,706 square feet of lot coverage, the 10,920-square-foot site has site coverage of 12 percent.

The project site is abutted on the north by a small convenience store and a See's Candies store on the other side of the convenience store. These businesses are shown on Figure 8-a. A small

a) View of 1530 and 1540 Pomeroy Avenue from street, viewing north

b) Existing conditions at 1530 Pomeroy Avenue

Figure 6

Existing Site Conditions

Source: Douglas Herring & Associates

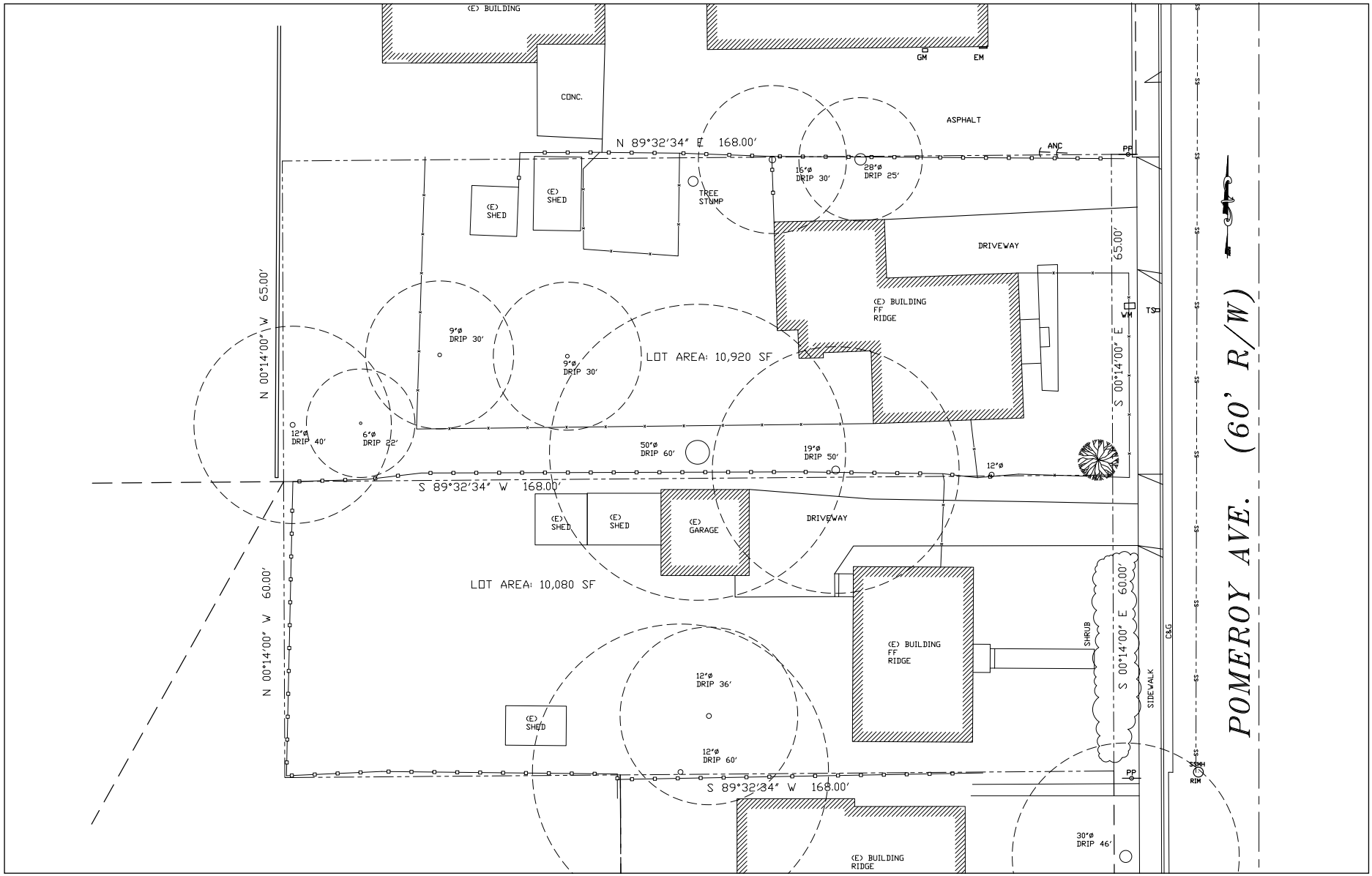


Figure 7

Existing Site Plan

Source: Bassal Architecture

a) Commercial uses immediately east of project site

b) Existing residential development opposite (south of) project site

Figure 8

Neighboring Land Uses

Source: Douglas Herring & Associates

commercial strip mall is across the street from the project site, occupied by a beauty salon, private dance school, bakery, and two vacant storefronts. With an alley separating the two sections, the strip mall, Buttitta Plaza, continues at the corner of El Camino Real with a flower store, restaurant, liquor store, and other commercial uses. These commercial businesses are part of the commercial development that lines much of El Camino Real across the City. However, a large four-story apartment complex is located opposite Buttitta Plaza, on the north side of El Camino Real.

The project site is at the northern edge of an extensive area of predominantly residential development. A small two-story apartment building is located directly opposite the site, but the rest of the block to the south is lined with single-family homes, such as the one depicted on Figure 7-b. South of Calabazas Boulevard there is a single-story apartment complex and just to the south of this is the Villa Serena retirement community. While single-family residential development continues along the east side of Pomeroy Avenue, after the retirement community the west side of the street is developed with Neighborhood Church, Pomeroy Elementary School, and Pomeroy Preschool. South of the schools, both sides of Pomeroy Avenue are lined with multi-family residential developments.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

[ ] Aesthetics	[ ] Agricultural Resources	[X] Air Quality
[X] Biological Resources	[X] Cultural Resources	[ ] Energy
[X] Geology/Soils	[ ] GHG Emissions	[X] Hazards & Haz. Materials
[ ] Hydrology/Water Quality	[ ] Land Use/Planning	[ ] Mineral Resources
[ ] Noise	[ ] Population/Housing	[ ] Public Services
[ ] Recreation	[ ] Transportation/Traffic	[X] Tribal Cultural Resources
[ ] Utilities/Service Systems	[ ] Wildfire	
[X] Mandatory Findings of Significance		

DETERMINATION:

On the basis of the initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed name	For

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

Explanation: According to the 2010-2035 General Plan EIR, there are no scenic vistas in the City. Views available from the frontage of the project site consist of urban streetscapes. The view south down Pomeroy Avenue consists of a tree-lined residential street, while the view to the north is dominated by commercial development. There are no distant hillsides or other natural elements typically considered to comprise a scenic vista visible from anywhere in the project vicinity. The proposed project would redevelop two contiguous single-family detached residential properties with eight new, single family attached townhomes compatible with surrounding development, but the project would have ***no impact*** on a scenic vista.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

Explanation: There are no eligible or State-designated scenic highways in the vicinity of the project site.[1] Furthermore, there are no scenic resources present on the project site. Therefore, the project would have ***no adverse impact*** on scenic resources within a State scenic highway.

[1] California Department of Transportation (Caltrans), List of Eligible and Officially Designated State Scenic Highways, Accessed August 16, 2020 at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urban area, would the project conflict with applicable zoning and other regulations governing scenic quality?*	☐	☐	☒	☐

Explanation: The project site is currently developed with two small, single-story houses, with a variety of small sheds in the rear yards and a detached garage behind the home at 1530 Pomeroy. The 1530 Pomeroy Avenue property is largely obscured from view from the street by a large hedge spanning all of the frontage except the driveway. Mature trees are interspersed across the two properties, substantially enhancing the aesthetic appeal of the site.

The project site would be cleared of all structures, pavements, trees, and other vegetation to make way for the proposed townhome development. The site would be redeveloped with two rows of two-story townhomes separated by a 20-foot-wide driveway. Although a detailed landscape plan was not available for review during this environmental assessment, the site frontage would be landscaped with trees, shrubs, and ground covers. Similar landscaping would be installed at the rear of the property around the guest parking spaces. Landscaping of the fenced private back yards would be the responsibility of the future residents. Street trees would be planted in accordance with Santa Clara's requirements for street improvements, established in Section 17.15.130 of the City Code.

The primary view of the site that would be available from public vantage points would be the view of the east ends of the new buildings, as seen from Pomeroy Avenue. The proposed buildings have been attractively designed, with considerable articulation of the massing, even on the east ends of the buildings. As shown on Figure 4, the majority of the first story would be clad in horizontal wood siding, while the second story would be clad in stucco that extends partway into the first story near the fronts of the buildings. Wooden front entry doors would punctuate the front elevations on Pomeroy Avenue, while the front entrances to the other units would face the driveway. The massing of the buildings would be further broken up by a horizontal projecting roof overhang separating the two stories where the wood siding extends all the way to the second story. Vertically-oriented divided-light windows would punctuate both stories. Opposing, intersecting slanted rooflines and wood-clad chimneys would add additional visual interest.

Once the site has been redeveloped, it would be an attractive residential property that is consistent and compatible with other residential development in the project vicinity, including a two-story apartment building located directly opposite the site on the east side of Pomeroy Avenue. It would be landscaped with trees and other vegetation that is appropriate for the residential property. It could be argued that the project would enhance and improve upon the existing visual character of the immediate surroundings.

Assessing visual impacts is an inherently subjective endeavor. However, while some viewers might object to the visual changes associated with the replacement of two single-family homes with townhomes, given the attractive, contemporary styling of the townhomes, the limited and articulated massing of the buildings, and the anticipated landscaping around the buildings, it cannot reasonably be argued that this would constitute a substantial degradation in the visual character of the site and surroundings. Furthermore, the project would be subject to review by the City's architectural review

process, which will ensure the project conforms to Santa Clara's adopted Community Design Guidelines. The guidelines were developed to support community aesthetic values, preserve neighborhood character, and promote a sense of community and place throughout the City. Therefore, given the foregoing considerations, the proposed project would have a ***less-than-significant impact*** on the visual quality of the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Explanation: The project would introduce new nighttime light sources from interior and exterior lighting of the proposed townhomes. Exterior lighting would be required to comply with the City's Community Design Guidelines, which restricts the heights of fixtures and requires them to be directed away or shielded from nearby properties and streets. Interior nighttime lighting is generally contained by window coverings, fixture shades, and intervening building surfaces, and does not create nighttime glare. Light and glare would be further obscured from view at offsite locations by introduced trees and by the buildings themselves. The type of lighting that would be part of the project is an inherent and widely accepted aspect of any type of occupied human development. Given these factors, the new nighttime lighting would not adversely affect views in the area, and would represent a minor incremental addition to existing lighting in the area, including the much more dominant lighting of the adjacent commercial development lining El Camino Real and the north end of the project block. The project would have a ***less-than-significant impact*** related to the creation of nighttime lighting and glare.

II. AGRICULTURAL RESOURCES — *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment project and the Forestry Legacy Assessment project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?*	☐	☐	☐	☒

Explanation: The project site and all surrounding lands are designated "Urban and Built-Up Land" by the Department of Conservation (DOC), a department of the California Resources Agency.[2] The DOC's Farmland Mapping and Monitoring Program (FMMP) updates the maps every two years; the most recent map was prepared in 2016 and published in 2018. There is no farmland on or in proximity to the project site; there is therefore no potential to convert Farmland of Statewide Importance to a non-agricultural use. The project would have ***no impact*** on valuable farmland.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*	☐	☐	☒	☐

Explanation: The project site is not under a Williamson Act contract, but the property at 1540 Pomeroy is currently zoned A – Agriculture.[3] The Agriculture zoning is a remnant of the former agricultural uses on and in the vicinity of the project site in the 1940s. Residential uses on and to the south of the site were developed in the 1950s and the properties immediately to the north (south of El Camino Real) were developed with commercial uses by the late 1960s. There has been no agricultural use of the property for more than 50 years. As demonstrated by relevant planning documents, there has been no intention on the part of the City to return the fully urbanized area to agricultural use.

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[2] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, "Santa Clara County Important Farmland 2016" (map), September 2018.

[3] City of Santa Clara, Interactive MAP Santa Clara, Parcel Details, accessed August 16, 2020 at: https://map.santaclaraca.gov/public/index.html?viewer=regional.

Pursuant to Assembly Bill (AB) 3194 (Daly, 2018), if a proposed project is consistent with the general plan but the zoning for the project site is inconsistent with the general plan, then the local agency is prohibited from requiring a rezoning. The A – Agriculture zoning for 1540 Pomeroy is not consistent with the Community Mixed Use (CMU) land use designation in the General Plan, but the project is consistent with the CMU designation. Therefore, AB 3194 prohibits the City from requiring a rezoning of the property. Although the project would conflict with the agricultural zoning, the use of land has not been agricultural for an extended period and there would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒

Explanation: Neither the project site nor any of the surrounding lands are zoned as forest land.[4] The proposed project would therefore have ***no impact*** on forest or timber land.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to a non-forest use?	☐	☐	☐	☒

Explanation: Public Resources Code Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. There is no forest land on the project site as defined in Public Resources Code Section 12220(g). There would be ***no impact***.

[4] *Ibid*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	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?*	☐	☐	☐	☒

Explanation: As discussed above, the project site does not contain farmland or forest land, and implementation of the proposed project would therefore have no potential to convert such lands to other uses. There would be ***no impact***.

III. AIR QUALITY — *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Conflict with or obstruct implementation of the applicable air quality plan?*	☐	☒	☐	☐

Explanation: The Bay Area Air Quality Management District (BAAQMD) adopted the *2017 Bay Area Clean Air Plan* (CAP) in April 2017.[5] The 2017 Clean Air Plan/Regional Climate Protection Strategy (CAP/RCPS) provides a roadmap for BAAQMD's efforts over the next few years to reduce air pollution and protect public health and the global climate. The CAP/RCPS includes the Bay Area's first-ever comprehensive RCPS, which identifies potential rules, control measures, and strategies that BAAQMD can pursue to reduce GHG in the Bay Area. Measures of the 2017 CAP addressing the transportation sector are in direct support of *Plan Bay Area 2040*, which was prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan. Highlights of the *2017 Clean Air Plan* control strategy include:

- **Limit Combustion:** Develop a region-wide strategy to improve fossil fuel combustion efficiency at industrial facilities, beginning with the three largest sources of industrial emissions: oil refineries, power plants, and cement plants.
- **Stop Methane Leaks:** Reduce methane emissions from landfills, and oil and natural gas production and distribution.
- **Reduce Exposure to Toxics:** Reduce emissions of toxic air contaminants by adopting more stringent limits and methods for evaluating toxic risks at existing and new facilities.
- **Put a Price on Driving:** Implement pricing measures to reduce travel demand.

[5] Bay Area Air Quality Management District, *Final 2017 Clean Air Plan*, April 19, 2017. http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en

- **Advance Electric Vehicles:** Accelerate the widespread adoption of electric vehicles.
- **Promote Clean Fuels:** Promote the use of clean fuels and low or zero carbon technologies in trucks and heavy-duty vehicles.
- **Accelerate Low-Carbon Buildings:** Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar and ground-source heat pumps.
- **Support More Energy Choices:** Support of community choice energy programs throughout the Bay Area.
- **Make Buildings More Efficient:** Promote energy efficiency in both new and existing buildings.
- **Make Space and Water Heating Cleaner:** Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

When a public agency contemplates approving a project where an air quality plan consistency determination is required, BAAQMD recommends that the agency analyze the project with respect to the following questions: (1) Does the project support the primary goals of the *2017 Clean Air Plan*; (2) Does the project include applicable control measures from the *2017 Clean Air Plan*; and (3) Does the project disrupt or hinder implementation of any *2017 Clean Air Plan* control measures? If the first two questions are concluded in the affirmative and the third question concluded in the negative, the BAAQMD considers the project consistent with air quality plans prepared for the Bay Area.

Any project that would not support the *2017 Clean Air Plan* goals would not be considered consistent with the *2017 Clean Air Plan*. The recommended measure for determining project support of these goals is consistency with BAAQMD CEQA thresholds of significance. As presented in the subsequent impact discussions in this section, the proposed project would not exceed the BAAQMD significance thresholds; consequently, the proposed project would support the primary goals of the *2017 Clean Air Plan* and would not hinder implementation of any of the *2017 Clean Air Plan* control measures. Therefore, the proposed project with implementation of mitigation measures would have a ***less-than-significant impact with mitigation*** associated with, conflicting with, or obstructing implementation of the applicable air quality plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐

Explanation: Air quality standards for the San Francisco Bay Area are set by the Bay Area Air Quality Management District (BAAQMD). They are based on the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency (USEPA) pursuant to the federal Clean Air Act (CAA), as well as the more stringent California Ambient Air Quality Standards (CAAQS) set by the California Air Resources Board (CARB).

BAAQMD's *CEQA Air Quality Guidelines* establish thresholds of significance for construction emissions of 54 pounds per day (lb./day) for reactive organic gases (ROG), fine particulate matter equal to or less than 2.5 microns ($PM_{2.5}$), and nitrogen oxides (NO_x), and 82 lb./day for respirable particulate matter equal to or less than 10 microns (PM_{10}). The same thresholds apply to operational emissions. The construction particulate matter (PM) thresholds apply to exhaust emissions only, not

ground disturbance; emissions from grading and other site disturbance, for which there is no adopted threshold of significance, are addressed through best management practices.

BAAQMD has developed both construction-related and operational screening criteria that provide lead agencies a conservative indication of whether a proposed project could potentially result in an exceedance of any of the thresholds of significance listed above. Because they were developed with very conservative assumptions, a project that falls below the screening criteria can be assumed to have no potential to exceed the adopted air quality thresholds of significance. For such projects, BAAQMD has determined that a quantified analysis of the project's potential emissions of criteria air pollutants and precursors is not necessary. The construction and operational screening criteria are discussed separately below.

As noted in BAAQMD's *CEQA Air Quality Guidelines*, air pollution is, by its very nature, largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD *CEQA Air Quality Guidelines* recommend that cumulative air quality effects from criteria air pollutants be addressed by comparison to the project-level daily and annual emission thresholds. These significance thresholds were developed to identify a cumulatively considerable contribution to a significant regional air quality impact. According to the Air Quality Guidelines, if a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. The Air Quality Guidelines state that a project's emissions would be cumulatively considerable if they would exceed the significance thresholds identified above. Conversely, if a project is determined to have less-than-significant project-level emissions, then it would also have a less-than-significant cumulative air quality impact.

Construction Impacts

Construction operations for any sizeable project have the potential to result in short-term but significant adverse air quality impacts. The BAAQMD recommends implementation of its Basic Construction Mitigation Measures by all projects subject to environmental review under CEQA.

The BAAQMD *CEQA Air Quality Guidelines* contain screening criteria for construction of a variety of land use development projects. Projects that fall below these thresholds are considered by BAAQMD to have less-than-significant construction-phase air pollutant emissions, provided the following additional conditions are met:

- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following:
    a. Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
    b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
    c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
    d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
    e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

Project construction would not include any of these exclusionary activities. It would include demolition of the existing residences, but the project would be required to comply with BAAQMD regulations pertaining to asbestos demolition. The BAAQMD construction screening threshold for townhomes is 240 dwelling units. With just eight townhomes proposed by the project, the size of the development is far below the threshold at which BAAQMD recommends quantified modeling of air emissions. As previously noted, the screening criteria are quite conservative. Therefore, there is no potential for construction of the project to violate air quality standards. Nonetheless, in accordance with BAAQMD's *CEQA Air Quality Guidelines*, absent implementation of BAAQMD's Basic Construction Mitigation Measures, the project's effects of construction-generated criteria pollutants are presumed to have a ***potentially significant impact*** on air quality. Implementation of the controls listed in Mitigation Measure AQ–1, which incorporates the Basic Construction Mitigation Measures, would reduce the project's construction-related air quality impacts to a less-than-significant level.

Mitigation Measure AQ–1: The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- 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 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 5 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 the 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 Lead Agency 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.

Operational Impacts

As noted above, BAAQMD's operational thresholds of significance are the same as the construction thresholds. However, the screening criteria for project operations differ. The operational thresholds are 451 dwelling units for the townhome/condominium category. Again, the eight dwelling units proposed by the project would be significantly below BAAQMD's operational screening thresholds for the applicable land use category, and there is no potential for the project to exceed BAAQMD operational thresholds of significance. The proposed project's operational emissions from the project would be less than significant and, therefore, the project's emissions would not be cumulatively considerable. Therefore, the project would have a ***less-than-significant cumulative impact*** on air quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

Explanation: Health risk from exposure to air pollutants is evaluated based on the potential for exposure to $PM_{2.5}$ and TACs, the two emission types that pose the most significant threat to human health. According to BAAQMD, more than 80 percent of the inhalation cancer risk from TACs in the Bay Area is from diesel engine emissions.[6] TACs are a set of airborne pollutants that may pose a present or potential hazard to human health, and are separated into carcinogens and non-carcinogens. State and local regulatory programs are intended to limit exposure to TACs and the associated health risk. Both TACs and $PM_{2.5}$ are emitted by trucks, cars, construction equipment, and other mobile sources. They are also emitted by stationary sources that require permitting by the BAAQMD, which requires source controls.

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals, and residences. The BAAQMD recommends using a 1,000-foot radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. A lead agency should enlarge the radius if an unusually large source or sources of hazardous emissions that might affect a project lies outside the 1,000-foot radius. The proposed project would introduce new sensitive receptors to the project site, and there are also existing sensitive receptors within 1,000 feet of the project, including other residences and two schools: Pomeroy Preschool and Pomeroy Elementary School, both located at 1250 Pomeroy Avenue, about 1,000 feet south of the project site.

Virtually any land use that attracts and/or generates vehicle trips emits TACs and $PM_{2.5}$. It is only when substantial quantities of TACs are emitted that cancer or health risk can potentially rise to a level of significance. For a new stationary source, the BAAQMD considers an excess cancer risk of more than 10 in one million or a non-cancer (i.e., chronic or acute) health risk greater than a Hazard Index (HI) of 1.0 caused by project-generated TACs or $PM_{2.5}$ to be a significant adverse impact. However, for

[6] Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, page 5-3, May 2011.

new residential development, the District recommends the thresholds for cumulative impacts, which are more than 100 cancers in a million for cancer risk and an HI over 10.0 for non-cancer health risk.[7]

The proposed project would create a new short-term emission source of diesel particulate matter (DPM) due to construction activities.[8] Studies have demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. However, construction activities would be short-term in duration and emissions would quickly disperse, and implementation of Mitigation Measure AQ–1 would reduce combustion emissions such that health impacts on existing residents in the vicinity from project construction emissions would be a ***less-than-significant impact***.

Impacts to Future Project Residents

Prior environmental documents prepared by the City also considered whether conditions on or near the project site would have impacts on the persons or development introduced onto the site by the new project. However, the California Supreme Court issued an opinion on December 15, 2015, which established that CEQA review is limited to a consideration of the impacts of a project on the environment, and not the impacts of the environment on the project. *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal 4th 369 (2015). Consequently, the following analysis is provided for informational purposes only, and not to assess impacts under CEQA.

Although the proposed project would not site a new operational source of substantial TAC and $PM_{2.5}$ emissions, it would introduce new sensitive receptors to the project site. Sensitive receptors are people most susceptible to poor air quality, and include children, the elderly, the infirm, or others with medical conditions susceptible to poor air quality (e.g., asthma, bronchitis, chronic respiratory disease). Land uses that are generally considered to be sensitive receptors include residences of all types, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. The BAAQMD initiated the Community Air Risk Evaluation (CARE) program in 2004 to identify communities where significant sources of TACs were located in proximity to sensitive populations. Based on the latest CARE maps published by BAAQMD, the project site is not located in an impacted community.[9] The proposed project would be located in the City of Santa Clara, which is not part of the seven CARE program impacted communities in the Bay Area. The health impacts in the Bay Area, as determined both by pollution levels and by existing health vulnerabilities in a community, are a cancer risk of approximately 160 cancers per million persons. In Santa Clara in the 95050 zip code in which the

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[7] Areana Flores, Environmental Planner, Bay Area Air Quality Management District, personal communication, July 24, 2020.

[8] In August of 1998, CARB identified particulate emissions from diesel-fueled engines as a toxic air contaminant. CARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. The document represents a proposal to reduce diesel particulate emissions, with the goal to reduce emissions and the associated health risk by 75 percent in 2010 and by 85 percent in 2020. The program aims to require the use of state-of-the-art catalyzed diesel particulate filters and ultra-low sulfur diesel fuel on diesel-fueled engines.

Diesel particulate matter (DPM) is the most complex of diesel emissions. Diesel particulates, as defined by most emission standards, are sampled from diluted and cooled exhaust gases. This definition includes both solid and liquid material that condenses during the dilution process. The basic fractions of DPM are elemental carbon; heavy hydrocarbons derived from the fuel and lubricating oil and hydrated sulfuric acid derived from the fuel sulfur. DPM contains a large portion of the polycyclic aromatic hydrocarbons found in diesel exhaust. Diesel particulates include small nuclei particles of diameters below 0.04 micrometers (µm) and their agglomerates of diameters up to 1 µm.

[9] Bay Area Air Quality Management District (BAAQMD), Community Air Risk Evaluation Program: Impacted Areas, accessed August 17, 2020 at: http://www.baaqmd.gov/plans-and-climate/community-air-risk-evaluation-care-program.

project would be located, the existing health impact is a cancer risk of approximately 204 cancers per million persons.[10]

The BAAQMD provides screening tools and recommended procedures for evaluating the potential health risk associated with proposed land use development.[11] For new receptor projects, such as the proposed residential subdivision, lead agencies should review the risks from nearby roadways, freeways, and stationary sources. The BAAQMD's *CEQA Air Quality Guidelines* include standards and methods for determining the significance of cumulative health risk impacts. The method for determining cumulative health risk requires the tallying of health risk from permitted stationary sources, rail activities, and roadways in the vicinity of a proposed project (i.e., within a 1,000-foot radius), then adding the proposed project impacts due to construction and operations to determine whether the cumulative health risk thresholds are exceeded. These evaluations are described below.

Stationary Sources of TACs

BAAQMD has developed a geo-referenced database of permitted emissions sources throughout the San Francisco Bay Area, and provides an online GIS-based screening tool for estimating cumulative health risks from permitted sources. Permitted sources of TACs include facilities such as oil refineries, gas stations, dry cleaners, crematories, landfills, wastewater treatment plants, hospitals, and coffee roasters, among many others. Two permitted stationary sources are located within 1,000 feet of the project site.[12] They are:

> **110711: KT Valero Gas, 3305 El Camino Real.** This gas station is located approximately 160 feet northwest of the project site. It has a cancer risk of 17.240 cancers per million and a health hazard risk index of 0.080.[13]
>
> **17236: City of Santa Clara, 1693 Pomeroy Avenue.** This permitted source, which is an emergency generator for a City-owned water well, is located about 850 feet northeast of the project site.[14] It has a cancer risk of 11.220 cancers per million and a health hazard risk index of 0.020. This facility is also a potential source of $PM_{2.5}$ emissions, with an average annual concentration of 0.010 micrograms per cubic meter ($\mu g/m^3$).

The BAAQMD database provides the estimated cancer risk and non-cancer (i.e., chronic or acute) health risk at these sources. The risk numbers provided in the database were adjusted for the appropriate distance to the project site using the BAAQMD's Health Risk Calculator—which replaces its previous Gasoline Dispensing Facility (GDF) Distance Multiplier Tool for gas stations and the District's Diesel Internal Combustion (IC) Engine Distance Multiplier Tool for diesel generators—to derive the adjusted risk factors shown in Table AQ–1. It should be noted that the cancer and health

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[10] BAAQMD, Identifying Areas with Cumulative Impacts from Air Pollution in the San Francisco Bay Area, Version 2, March 2014.

[11] Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, Version 3.0, May 2012.

[12] Bay Area Air Quality Management District (BAAQMD), Permitted Stationary Sources Risks and Hazards, Accessed August 17, 2020 at: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65.

[13] The hazard index (HI) is defined as the ratio of the predicted incremental exposure concentration from the project to a published reference exposure level (REL) that could cause adverse health effects, as established by the California Office of Environmental Health Hazard Assessment (OEHHA). The BAAQMD considers an excess cancer risk of more than 10 in one million persons or a non-cancer (i.e., chronic or acute) health risk greater than an HI of 1.0 to be a significant adverse impact.

[14] Allison Kirk, Senior Planner, Air Quality Planning Section, Bay Area Air Quality Management District, personal communication, October 13, 2016.

risks as reported by BAAQMD are based on a very conservative set of assumptions.[15] Furthermore, as noted in BAAQMD guidance, the cancer and health risk numbers provided in the database of stationary sources do not represent actual impacts. Rather, they are upper-limit health risk screening values used to determine whether a refined modeling analysis of health impacts is required.

As shown in Table AQ–1, project residents would be exposed to an aggregate screening-level additional cancer risk of 5.0435 cancers per million persons from the two active permitted stationary air pollutant sources located in the project vicinity. The aggregate non-cancer health risk would be a hazard index of 0.0218. The hazard index (HI) is defined as the ratio of the predicted incremental exposure concentration from the project to a published reference exposure level (REL) that could cause adverse health effects, as established by the California Office of Environmental Health Hazard Assessment (OEHHA). For new TAC and $PM_{2.5}$ emissions that would be generated by a proposed project, the BAAQMD considers an excess cancer risk of more than 10 in one million persons or a non-cancer (i.e., chronic or acute) health risk greater than a Hazard Index (HI) of 1.0 to be a significant adverse impact. For $PM_{2.5}$ the threshold is an incremental increase of greater than 0.3 micrograms per cubic meter ($\mu g/m^3$). The BAAQMD Health Risk Calculator indicates that the distance-adjusted $PM_{2.5}$ concentration at the project site from the City of Santa Clara backup generator would be 0.0005 $\mu g/m^3$, well below the significance threshold.

When siting new receptors that would be exposed to existing cumulative TAC emissions from multiple sources within a 1,000-foot radius, a cumulative significance threshold applies. The cumulative thresholds are an excess cancer risk of more than 100 in one million persons, a non-cancer health risk HI greater than 10.0, or an annual average $PM_{2.5}$ concentration greater than 0.8 $\mu g/m^3$. These cumulative thresholds apply to the potential exposure of future project residents to health risks from existing sources of TAC and $PM_{2.5}$ emissions in the project vicinity.

As shown in Table AQ–1, project residents would be exposed to increased cancer and health risks below these cumulative impact thresholds. Although the increased cancer and health risks to project residents do not constitute impacts under CEQA, the effects would nevertheless be a ***less-than-significant impact***. While the vehicles driven by project residents would also be emitters of TACs and $PM_{2.5}$, these emissions would be *de minimus* and would not have the potential to expose on-site or off-site sensitive receptors to substantial pollutant concentrations.

Freeway, Roadway, and Railway Sources of TACs

The primary source on ongoing emissions of TACs is from mobile emissions along heavily traveled roadways. Freeways and other major roadways are only considered to have a potential cancer risk or chronic health hazard risk if they have a traffic volume of at least 10,000 average annual daily traffic (AADT). Ports, railyards, and truck distribution centers can also be significant sources of $PM_{2.5}$ and TACs.

State Highway 82 (El Camino Real), which is approximately 170 feet to the north of the project site, is considered a significant source of TACs and $PM_{2.5}$. Caltrans reports that in 2018 this roadway had AADT of 37,600 vehicles in the vicinity of the Lawrence Expressway, which is located about 2,800 feet to the west of the project site.[16]

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[15] Bay Area Air Quality Management District (BAAQMD), *Recommended Methods for Screening and Modeling Local Risks and Hazards*, Version 3.0, May 2012.

[16] California Department of Transportation (Caltrans), Annual Average Daily Traffic (AADT) for ALL Traffic on California Highways [Excel Spreadsheet, 2018], Accessed August 17, 2020 at: https://dot.ca.gov/programs/traffic-operations/census.

Table AQ–1

Cancer and Health Risk from Nearby Stationary Sources

Site ID#	Facility Type	Address	Cancer Risk[1]		Chronic Health Impact[2]	
			Project	Threshold	Project	Threshold
110711	Gas station	3305 El Camino Real	4.4825	100	0.0208	10.0
17236	Diesel generator	1693 Pomeroy Ave.	0.561	100	0.001	10.0
TOTALS			**5.0435**	**100**	**0.0218**	**10.0**

Source: Bay Area Air Quality Management District (BAAQMD), Health Risk Calculator, April 2020.

Notes:

[1]Number of cancer cases per 1,000,000 persons.

[2]Hazard Index.

BAAQMD previously created a geo-referenced database of highways throughout the San Francisco Bay Area, along with a Highway Screening Analysis Tool and Rail Screening Analysis Tool for estimating cumulative health risks from vehicle traffic on highways and rail lines. These tools are being updated, and the original tools are no longer available for use by the public.[17] Therefore, upon request, the BAAQMD calculated the existing cumulative cancer risk and non-cancer health risk at the proposed project site, based on geographic latitude and longitude coordinates of the approximate center of the site.

The results determined that the estimated average annual concentration of PM2.5 would be 0.475 micrograms per cubic meter (µg/m3) and the associated non-cancer risk at the proposed townhomes would be so close to zero that it was not modeled.[18] The cumulative cancer risk was calculated to be 25.195 cancers per million people, factoring in risks from highways, major streets, and rail. The cancer risk was estimated for the maximally exposed individual (MEI) over a 70-year lifetime exposure starting in 2014 that includes additional sensitivity values for early life exposures, and is based on toxicity values adopted by the California Office of Environmental Health Hazard Assessment (OEHHA) in 2013. It is a worst-case risk estimate that assumes continuous exposure over this 70-year lifespan at the location of highest air concentration of TACs. This is a highly conservative assumption, since most people do not remain at home all day and on average residents change residences every 11 to 12 years. In addition, this assumption assumes that residents are experiencing outdoor concentrations for the entire exposure period, which provides a further overestimate of the exposure.

For cumulative impacts, BAAQMD recommends a threshold of significance of 100 excess cancers per million people and a PM2.5 average annual concentration of no more than 0.8 µg/m3. For chronic non-cancer health impacts, it recommends a significance threshold of a hazard index (HI) of 10. As

[17] Areana Flores, Environmental Planner, Bay Area Air Quality Management District, personal communication, July 24, 2020.

[18] Bay Area Air Quality Management District (BAAQMD), Mobile Source Health Risk–YR2014, modeling results by BAAQMD provided July 29, 2020.

previously noted, these thresholds are recommended when evaluating health risk impacts associated with new residential or commercial development. Because the cumulative exposure at the project site is estimated to have a cancer risk of 25.195 cancers per million, below the 100-per-million threshold, and the PM2.5 concentration would also be well below the recommended threshold, the project would have a less-than-significant impact from exposing sensitive receptors to hazardous air pollutants. Again, the screening tools used for this analysis are based on very conservative assumptions, such that they overstate the actual risk.

Based on all of the foregoing considerations, there is no evidence that occupants of the proposed project would be exposed to a significant source of TACs or $PM_{2.5}$ or otherwise expose sensitive receptors to substantial pollutant concentrations. This would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Explanation: Though offensive odors from stationary and mobile sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress, generating citizen complaints to local governments. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors. Generally, odor emissions are highly dispersive, especially in areas with higher average wind speeds. However, odors disperse less quickly during inversions or during calm conditions, which hamper vertical mixing and dispersion.

The BAAQMD's significance criteria for odors are subjective and are based on the number of odor complaints generated by a project. Generally, the BAAQMD considers any project with the potential to frequently expose members of the public to objectionable odors to cause a significant impact. The operational odor threshold of significance adopted in the BAAQMD CEQA guidelines is five confirmed complaints per year averaged over three years; there is no threshold for construction activity.

With respect to the proposed project, following completion of project construction, residential development is not typically associated with unpleasant odor emissions, so it is assumed there would be no objectionable odors generated during project operations. In the highly unlikely event that the project created an ongoing odor impact, it would be addressed through complaints to BAAQMD. During the short-term construction of the project, diesel-fueled equipment exhaust would generate some odors. However, these emissions typically dissipate quickly and would be unlikely to affect a substantial number of people.

Although found objectionable by many people, odors generated by construction equipment are intermittent and short-term sources of odors that are highly subject to the atmospheric dispersion and dissipation described above. The project would have ***less-than-significant odor impacts*** during construction. Following completion of project construction, there would be no objectionable odors generated during project operations.

Odor impacts can also occur from siting a new receptor (particularly a residential receptor) in proximity to an existing odor source, such as a sanitary landfill, wastewater treatment plant, asphalt batch plant, or petroleum refinery, among many other sources. The BAAQMD CEQA guidelines establish screening distances from a variety of odor sources that range from one to two miles.

One of the odor sources listed in Table 3-3 of the BAAQMD CEQA guidelines is *coffee roaster*, which has a screening distance of 1 mile. Big Mug Coffee Roaster, at 3014 El Camino Real, is located about 0.3-mile east of the project site. This odor source is not expected to adversely affect future residents for several reasons. First, with a distance of about one-third mile of separation, there would be substantial atmospheric mixing and dilution, even if the project site were downwind of the roastery. Secondly, the project site is not downwind of the facility. Prevailing winds in the project area are from the west nine months of the year (February through November) and are from the north the remaining three months.[19] Thus, typical winds carry any odor generated by coffee roasting away from the project site. Additionally, the average wind speeds, which are over 7 miles per hour most of the year, contribute substantially to atmospheric mixing and dilution.[20] Finally, many people find the aroma of roasting coffee to be very pleasant. In any event, it is not expected that odors from the coffee roaster are perceptible at the project site, and no odors were registered during the site reconnaissance that was performed during this environmental review.

There are no other odor-generating land uses listed in Table 3-3 of the BAAQMD CEQA guidelines within 2 miles of the project site, so future project residents would not be exposed to objectionable odors from existing facilities.

IV. BIOLOGICAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 or U.S. Fish and Wildlife Service?*	☐	☒	☐	☐

Explanation: The project site is a fully disturbed site in an urbanized area built out with commercial and residential uses. The site has been developed with the existing residential structures since at least 1980, based on historic aerial photographs of the site.[21] Aside from the homes and sheds on the property, the site is vegetated with typical urban residential landscaping, including grass, shrubs, and trees. There are no wetlands or other water bodies on or near the site. The existing vegetation likely provides habitat for rodents and other common wildlife adapted to an urban environment. The trees could provide nesting and roosting habitat for raptors or other bird species protected by the Migratory Bird Treaty Act, which forbids the destruction of the birds and active nests.

The existing trees on the site would be removed to accommodate the project. Removal of these trees as well as construction disturbance near neighboring trees that wouldn't be removed could disturb nesting birds and destroy active nests, were they to be present, during site preparation activities. This

[19] Weather Spark, Average Weather Conditions in Santa Clara, California, United States, Accessed August 17, 2020 at: https://weatherspark.com/y/1101/Average-Weather-in-Santa-Clara-California-United-States-Year-Round.

[20] *Ibid*.

[21] http://www.netronline.com/.

would be a ***potentially significant impact*** which would be reduced to less-than-significant with implementation of the following mitigation measure:

Mitigation Measure BR–1: If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. The survey shall encompass both trees on the project site and trees on adjoining properties if the biologist determines that nesting birds in nearby trees could be adversely affected by project construction activities. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Explanation: There is no riparian habitat or other sensitive habitat present on the project site. The project would have ***no impact*** on sensitive habitats.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Explanation: There are no wetlands or other waters subject to regulation by the U.S. Army Corps of Engineers or Regional Water Quality Control Board under Section 404 of the Clean Water Act present on the project site. The project would have ***no impact*** on wetlands.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*	☐	☐	☐	☒

Explanation: Use of the project site by wildlife as travel corridors is highly unlikely because, as illustrated on Figure 2, the site is surrounded by extensive commercial and residential development, with no natural corridors to connect to the site. While the trees on the site could provide temporary roosting habitat to migratory birds, due to the lack of foraging habitat and the isolated nature of the limited habitat present on the site, such use of the site is unlikely. Were migratory birds to be present on the site when tree removal and other site disturbance occurs, they could readily vacate the site and relocate to other trees in the area. Any nesting birds would be protected by implementation of Mitigation Measure BR-1. The project would have ***no impact*** on migratory wildlife.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*	☐	☒	☐	☐

Explanation: Chapter 12.35 of the Santa Clara City Code requires a permit from the Superintendent of Streets for the removal or alteration of any tree, plant, or shrub on public property. The City Code does not stipulate a requirement for planting of replacement trees. There are no street trees on the frontage of the project site or other public trees that could be affected by the proposed project.

There are eleven trees on the project site, all of which would be removed to accommodate the project. Although the City does not require a permit for removal of private trees, it does regulate their removal through General Plan policies. Policy 5.3.1-P10 requires new development to provide street trees and provision of replacement trees for trees removed at a minimum 2:1 replacement ratio (i.e., two replacement trees for every tree removed). Policy 5.10.1-P4 requires protection of all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size and all other trees over 36 inches in circumference, as measured 48 inches above grade, which corresponds to a diameter at breast height (DBH) of 11.4 inches. Policy 5.10.1-P4 applies to trees on private property as well as those on public property or in public rights-of-way.

All of the trees on and adjacent to the project site were evaluated by a certified arborist so as to enable the City to determine the tree protection and replacement requirements for the proposed project.[22] (The arborist report is presented in Appendix A.) There are eleven mature trees on the project site—all proposed for removal—and an additional five trees on neighboring properties whose canopies extend over the project site. There are no cedars, redwoods, oaks, olives, bay laurel, or pepper trees

[22] Kielty Arborist Services LLC, *Arborist Report for 1530-1540 Pomeroy Avenue, Santa Clara, CA*, February 9, 2017.

on the site, but there are eight trees of other species exceeding the 36-inch circumference size threshold of Policy 5.10.1-P4. The on-site tree species include mulberry (*Morus alba*), lemon (*Citrus spp.*), silk tree (*Albizia julibrissin*), four black walnuts (*Juglans nigra*), almond (*Prunus dulcis*), three persimmon (*Diospyros kaki*), and Lombardy poplar (*Populus nigra 'Italica'*). None of the trees is in good condition; two of them were rated as Fair condition, with fair vigor and fair form, and the rest were rated as Poor condition. The arborist determined that two of the black walnut trees are in such poor condition that they are at risk of failure and pose a hazard to the property, and their removal is recommended regardless of the proposed project. The trees on neighboring properties are addressed below.

While removal of eight trees with circumferences greater than 36 inches would conflict with General Plan Policy 5.10.1-P4, the policy is generally intended to apply to healthy trees in good or excellent condition.[23] Nonetheless, the removal of two mature trees in fair condition would be considered a conflict with Policy 5.10.1-P4, which was adopted for the purposed of avoiding or mitigating an environmental effect. This would be a ***significant adverse impact***, which would be reduced to a less-than-significant level through implementation of the following mitigation:

Mitigation Measure BR–2: The project sponsor shall plant 24-inch box replacement trees at a 2:1 replacement ratio for the two existing trees (mulberry and black walnut) rated in fair condition and proposed for removal. Replacement trees shall be of species included on the City of Santa Clara's Approved Residential Street Tree List or of species approved by the City Arborist. The project sponsor shall also plant 24-inch box street trees along the project frontage, as directed by the City of Santa Clara Public Works Department. These trees shall also be on the City's Approved Residential Street Tree List.

Trees on neighboring properties to the project site include an American sycamore (*Platanus occidentalis*), avocado (*Persea americana*), lemon (*Citrus spp.*), and two Spanish daggers (*Yucca gloriosa*). The avocado tree is in fair condition, with a height of 40 feet and an estimated 25-foot DBH, encroaches into the project property by about 10 feet. Construction of the foundation for the proposed townhomes could damage the roots of this tree and adversely affect its health and vitality. The two Spanish dagger trees are located 1 foot from the western property line of the project site. Although the roots of these trees would need to be cut to accommodate the proposed parking area, this species responds well to root cutting if properly done. The neighboring sycamore tree is located 10 feet from the property line, and project construction is not expected to adversely affect this tree or the lemon tree on the adjoining property. Absent appropriate precautions, proposed construction activities could potentially damage the neighboring avocado or Spanish dagger trees, which would be a ***potentially significant adverse impact***. Implementation of the following mitigation measure would reduce the impact to a less-than-significant level:

Mitigation Measure BR–3: Prior to the initiation of demolition and construction activity, a tree protection zone (TPZ) shall be established with exclusionary fencing around the mature avocado tree located adjacent to the project site, and shall be maintained throughout project construction. The TPZ shall extend into the project site approximately 15 feet, or as close to the proposed building foundation as possible, and shall have a width of 35 feet, centered on the tree, as depicted in the arborist report prepared for the project by Kielty Arborist Services (February 2017). The TPZ fencing shall conform to the specifications stipulated in the Kielty

[23] Elaheh Kerachian, Associate Planner, City of Santa Clara, Community Development Department, personal communication, February 14, 2017.

arborist report. Within the TPZ, the piers for the pier and grade beam foundation shall be hand dug to a depth of 3 feet below the ground surface (bgs). The grade beams shall be hand dug and shall not exceed a depth of 6 inches bgs. All encountered roots of the avocado or Spanish dagger trees shall be protected from damage and shall be fully exposed by hand and be inspected by a certified arborist. If cutting of any roots is required, the construction contractor shall first receive authorization from the arborist. Any root cuts shall be cut cleanly by hand saw or loppers. Soaker hoses shall be placed within the TPZ for the avocado tree, as close as possible to the proposed foundation, and close to any cut roots of the Spanish dagger trees and shall be turned on every two weeks for five hours at a time throughout the dry season.

Throughout the construction period, the project construction contractor shall comply with all other provisions of the Tree Protection Plan set forth in the Kielty arborist report.

Prior to the initiation of construction activity, all project construction contractors shall attend a pre-construction meeting with the project arborist to review the tree protection guidelines, which should identify access routes, storage areas, and work procedures.

No activity shall encroach upon the TPZ and no materials, debris, or excess soil shall be placed within the TPZ. The TPZ fencing shall be periodically inspected and repaired as needed. A certified arborist shall conduct a final inspection of the TPZ prior to its removal at the end of construction. Any warranted remedial work on the trees identified by the arborist shall be performed prior to issuance of occupancy permits for the project.

There are no other local policies or ordinances protecting biological resources that would apply to the project or with which the project could conflict.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: A habitat conservation plan (HCP) is a document that meets federal Endangered Species Act (ESA) requirements and enables local agencies to approve projects within endangered species' habitats, in exchange for the incorporation of HCP-prescribed measures to avoid, minimize, or compensate for adverse effects on natural communities and endangered species.

A natural community conservation plan (NCCP) is the State counterpart to the federal HCP. It provides a means of complying with the 2003 Natural Community Conservation Plan Act (NCCPA)[24] and obtaining authorization for the "take" of State-protected species.

There is no adopted HCP or other conservation plan applicable to the project site. The only adopted HCP in the project region is the *Santa Clara Valley Habitat Conservation Plan*, adopted by the City of San José on January 29, 2013 and previously approved by the Santa Clara County Board of Supervisors, Santa Clara Valley Water District, City of Gilroy, City of Morgan Hill, and Santa Clara Valley Transportation Authority. The project site is not located within the planning and permit boundaries of this HCP, so the project would not conflict with its provisions.[25] There would be ***no impact***.

V. CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐

Explanation: In order to be considered a significant historical resource as defined in Section 15064.5 of the *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "… a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

In order to be eligible for listing in the California Register of Historical Resources (CRHR), a property must meet at least one of the following criteria:

- **Criterion 1 (Events):** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- **Criterion 2 (Persons):** Is associated with the lives of persons important in our past;
- **Criterion 3 (Architecture):** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

[24] California Fish and Game Code, Section 2800.

[25] County of Santa Clara, *et. Al.*, *Santa Clara Valley Habitat Conservation Plan*, Figure 1-2: Santa Clara Valley Habitat Conservation Plan Study Area and Permit Area, August 2012.

- **Criterion 4 (Information Potential):** Has yielded, or may be likely to yield, information important in prehistory or history.[26]

In addition, to be eligible for the California Register, the resource must retain enough of its historic integrity to be recognizable as an historical resource, and typically must be at least 50 years old. Following the National Register of Historic Places integrity criteria, California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling, and association.[27]

Based on historical aerial photographs of the project site, the existing residence at 1530 Pomeroy Avenue was constructed between 1948 and 1956, and the residence at 1540 Pomeroy was constructed between 1956 and 1960. They are therefore both over 50 years old. However, there is no known association of the houses with important historical events or persons, and they are not unique examples of an architectural style, nor are they associated with an architectural innovation. The project site is not included among the properties listed on the City of Santa Clara Historic Preservation and Resource Inventory, nor is the site included among the architecturally or historically significant properties depicted on Figures 4.11-1, 8.9-1, or 8.9-2 of the General Plan EIR.

The environmental review for the proposed project included a search of records maintained by the Northwest Information Center (NWIC) at Sonoma State University, part of the California Historical Resources Information System (CHRIS).[28] The archival search did not identify any known historic resources on or near the project site. However, previously unidentified historic-era cultural resources could lie buried in the subsurface soils on the site. Were significant historic resources to be present at the site, they could be damaged or destroyed by project construction activities, which would be a ***significant, adverse impact***. Implementation of Mitigation Measures CR–1 and CR–2, listed in the following subsection, would reduce this potential impact to a less-than-significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

Explanation: California is known to have been inhabited by humans for at least 11,000 years prior to the arrival of Spanish explorers in the 16th century. The San Francisco Bay Area was occupied by Native Americans as far back as 3,000 to 4,000 years ago, but information on human occupation prior to 3,000 B.C. is almost non-existent. The region's inhabitants at the time the Spanish arrived in the late 18th century were composed of eight politically autonomous and linguistically distinct subgroups of the Penutian-speaking Bay Miwok (referred to as "Costanoans" by the Spanish), more commonly referred to as the Ohlone people. The Ohlone territory encompassed much of the San Francisco Bay area and extended from the San Francisco peninsula and the Carquinez Strait south to northern Monterey County and extended eastward to the Central Valley.

[26] California Resources Agency, *CEQA Guidelines*, Section 15064.5(a)(3), as amended September 27, 2016.

[27] The definition of integrity under the California Register follows National Register of Historic Places criteria. Detailed definitions of the qualities of historic integrity are in National Register Bulletin 15, *How to Apply National Register Criteria for Evaluation*, published by the National Park Service.

[28] Northwest Information Center, Sonoma State University, Record Search Results for the Proposed 1530/1540 Pomeroy Avenue Townhomes Project, City of Santa Clara, NWIC File No. 16-0562, October 24, 2016.

The project vicinity is within the ethnographic territory of the Tamien (or Tamyen) tribal subgroup, whose territory was located in the Santa Clara Valley along the banks of the Guadalupe River and Coyote Creek, and encompassing much of present-day Santa Clara County.

As discussed in the preceding subsection, a CHRIS records search was performed by NWIC to identify previously recorded prehistoric resources in the project vicinity. The NWIC reported that no recorded cultural resources are present on or nearby the project site. In addition, a Sacred Lands search and tribal consultation were requested on October 12, 2016 from the Native American Heritage Commission. As of February 16, 2017, no response had been received.

The NWIC reported that Native American resources in Santa Clara County have been found along the general margin of the bay and its associated wetlands, near sources of water (including perennial and intermittent springs and streams), and near the interface between the valleys and adjacent uplands. The project site is located on the broad, gently sloping alluvial plains south of San Francisco Bay, and is less than 150 meters north of Calabazas Creek. The undifferentiated alluvial deposits that are located within the project area date from the Holocene and have been known to overlay archaeological material within sterile alluvium of varying depths. Given this context, the NWIC determined that there is a moderate potential for unrecorded Native American archaeological resources to be buried within the confines of the project site.

Although no known cultural resources are located in the project vicinity, if significant prehistoric cultural artifacts are buried within the area of the proposed project activities, they could be damaged or destroyed during subsurface disturbance of the site. This would constitute a ***potentially significant, adverse impact***. Implementation of the following mitigation measures would reduce this potential impact to a less-than-significant level.

Mitigation Measure CR–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 Director of Community Development shall be notified, and a qualified archeologist or paleontologist shall examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A professional-quality report of findings documenting any data recovery during monitoring shall be submitted to the Director of Community Development and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)–(f) of the *CEQA Guidelines* and Public Resources Code Section 21083.2.

Mitigation Measure CR–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 will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding the proper burial which shall be implemented in accordance with Section 15064.5(e) of the *CEQA Guidelines*.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Disturb any human remains, including those interred outside of formal cemeteries?*	☐	☒	☐	☐

Explanation: See Section V-b.

VI. ENERGY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*	☐	☐	☒	☐

Explanation: Construction of the proposed project would require consumption of petroleum fuels (primarily diesel) by haul trucks importing and exporting construction materials and supplies to the site, by heavy construction equipment onsite, and by construction workers travelling to and from the site. Once the proposed project is completed and occupied, gasoline and diesel fuel would continue to be consumed by residents, visitors, delivery and repair vehicles, and service providers traveling to and from the site. Electricity and natural gas would be consumed for lighting, space and water heating, and landscape maintenance (i.e., electricity to control irrigation equipment).

During construction of the proposed project, the building contractor would be required by Mitigation Measure AQ-1 (see Section III-b) to limit idling time of equipment and vehicles to 5 minutes or less and maintain construction equipment and vehicles in optimal working condition. These requirements would benefit air quality and would also prevent wasteful or inefficient consumption of fuel during project construction. The building contractor would also be required to comply with the 2019 California Green Building Standards Code (codified in Title 24 of the California Code of Regulations (CCR)) Section 5.408 Construction Waste Reduction, Disposal and Recycling, which requires the recycling or salvaging for reuse of a minimum of 65 percent of the nonhazardous construction and demolition waste. The minimum recycling requirements in the City of Santa Clara's Construction and Demolition Debris Recycling Ordinance are not relevant to the proposed project because the requirements in the 2019 California Green Building Standards Code are more restrictive. Compliance with the 2019 California Green Building Standards Code would reduce consumption of energy associated with transport, processing, and disposal of solid waste at landfills.

Once the proposed project is completed and occupied, the City won't have direct control over how residents and guests consume energy, but inefficient use of energy would be minimized through the proposed project's required compliance with the 2019 California Green Building Standards Code codified in Title 24 and with general building energy efficiency standards, also part of Title 24, which require energy-efficient building envelope requirements, such as ceiling and rafter roof insulation, walls, floors, windows, and doors.

Part 6 of Title 24 also sets energy and/or water efficiency standards for home appliances, including refrigerators, freezers, dishwashers, clothes washers and dryers, stoves, room and central air conditioners, space heaters, water heaters, pool heaters, plumbing fixtures, incandescent and fluorescent lamps, emergency lighting, luminaires, computers, televisions, audio and video equipment, battery charger systems, and more. There are also federal regulations pertaining to appliance efficiency, and in many cases, the California standards are the same as the federal standards. It should be noted that water efficiency contributes to energy efficiency by reducing energy requirements for treating and pumping domestic water.

Compliance with these required regulations would ensure that construction and operation of the proposed homes would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the project would have a ***less-than-significant impact*** on energy resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Explanation: Statewide, the *Integrated Energy Policy Report* prepared by the California Energy Commission provides a blueprint for continuing to grow the California economy while reducing the environmental footprint of its energy system.[29] The State's energy system includes energy extraction, transport, conversion (such as combusting natural gas in power plants to generate electricity or producing gasoline and diesel from crude oil in refineries), and consumption for services (such as electricity for lighting, natural gas use in homes and buildings for space and water heating, pumping water to communities and crops, and gasoline and diesel to fuel cars and trucks), as well as electricity from out-of-state plants serving California.

California's electricity generation capacity is composed of multiple fuel sources, including coal, hydroelectric, natural gas, nuclear, oil, petroleum coke, waste heat, biomass, geothermal, solar photovoltaic, solar thermal, and wind. In 2018, the State had an installed generation capacity from these multiple sources of 194,727 gigawatt hours (GWh).[30] The composition of California's in-State generation capacity has shifted since the 2002 passage of Senate Bill 1078, which required that 20 percent of electric production come from renewable resources by 2017. Electricity for the project would be provided by Silicon Valley Power, which was already exceeding the State-mandated targets as of 2017; in that year, SVP achieved a renewable portfolio standard (RPS) of 27 percent in retail sales.[31]

With the passage of SB X1-2 in 2011, the mandatory RPS was increased to 33 percent renewables by 2020; it was raised again to 50 percent renewables by December 31, 2030 by SB 350, passed in 2015. And in 2018, the legislature increased the mandate once again with SB 100, which now requires 60 percent eligible renewable energy compliance by December 31, 2030. According to its Integrated Resource Plan, Silicon Valley Power is well positioned to meet the new renewable energy compliance

[29] California Energy Commission, *2016 Integrated Energy Policy Report Update*, February 28, 2017.

[30] California Energy Commission, *California Energy Almanac*, Electric Generation Capacity & Energy, In-State Electric Generation by Fuel Type. http://www.energy.ca.gov/almanac/ electricity_data/electric_ generation_capacity.html.

[31] Silicon Valley Power, *2018 Integrated Resource Plan*, § 3.4: Renewable Energy Resources Summary. https://www.siliconvalleypower.com/home/showdocument?id=62481.

requirements of these State laws, including SB 100. This would further reduce the amount of nonrenewable fuels consumed to supply electricity to the project site.

Because energy consumption is directly tied to the emissions of GHGs, and in fact, is the source of 80 percent of GHG emissions in the State,[32] the City of Santa Clara's Climate Action Plan (CAP), intended to reduce emissions of GHGs, can be viewed as a local plan for energy efficiency, and in fact it contains GHG reduction measures specifically pertaining to building and energy efficiency as well as measures to conserve water. (As noted above, water conservation has a beneficial effect on energy consumption.) As discussed in more detail in Section VIII-b, below, the proposed project would not conflict with the City's CAP, and therefore would not conflict with a local plan for energy efficiency.

Because the CEC's *Integrated Energy Policy Report* is intended to reduce GHG emissions by transitioning the State's energy portfolio to more renewable energy sources, it can also be viewed as a plan for renewable energy and energy efficiency on the Statewide level. As discussed in Section VI-a, above, the proposed project would be required to comply with a variety of building and appliance energy efficiency standards, which would maximize its energy efficiency. Therefore, the proposed project would have a ***less-than-significant impact*** and would not conflict with a State or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated 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.	☐	☐	☐	☒

Explanation: There are no active earthquake faults in the City of Santa Clara. The nearest active earthquake fault is the San Andreas fault, located about 5.5 miles west of the project site.[33] Because there are no faults or associated Alquist-Priolo zones on or near the project site, there is no potential for surface rupture at the site. There would be ***no impact*** due to fault rupture.

[32] California Energy Commission, *2016 IEPR Update: Integrated Energy Policy Report*, Publication No. CEC-100-2016-003-CMF, Chapter 1: Environmental Performance of the Electricity Generation System, 2016.

[33] Association of Bay Area Governments, Bay Area Faults [map], 2003.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐

Explanation: Similar to most locations throughout the San Francisco Bay Area, the project site is potentially subject to strong seismic ground shaking during an earthquake on one of the major active earthquake faults that transect the region. The project is in an area mapped as having a Very Strong seismic shaking severity potential, equivalent to a Modified Mercalli Intensity of 8, corresponding to moderate structural damage.[34] According to the Ground Motion Interpolator produced by the California Geological Survey, taking into account soil conditions in the project vicinity, potential seismic shaking at the site could result in a peak ground acceleration of about 0.759 g at the site.[35]

Given the magnitude of seismic ground shaking and related peak ground acceleration that could be experienced at the site, there is potential for a strong seismic event in the region to result in severe damage or even structural failure of the proposed homes, with potential to severely injure or kill building occupants. However, in accordance with recent CEQA case law (e.g., *California Building Industry Association v. Bay Area Air Quality Management District* (Aug.12, 2016) 2 Cal.App.5th 1057), CEQA generally no longer considers an impact of the environment on a project to be a significant impact. Accordingly, this would be a ***less-than-significant impact***. However, the structural design of the proposed project would be required to comply with the latest version of the California Building Code (CBC), among other applicable building codes, which requires buildings to be designed to resist the anticipated level of seismic ground shaking at the proposed site of construction and includes stringent requirements for mitigating seismic hazards. While it is likely that future occupants of the project would be exposed to strong seismic shaking, compliance with the applicable requirements of the CBC should allow the proposed homes to withstand anticipated seismic shaking. Therefore, this would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Explanation: Liquefaction occurs when clean, loose, saturated, uniformly graded, fine-grained soils are exposed to strong seismic ground shaking. The soils temporarily lose shear strength and cohesion, thereby causing the soil to flow as a liquid. This can result in a loss of ground stability that can cause building foundations to fail. Because of the higher intergranular pressure of the soil at greater depths, the potential for liquefaction is generally limited to the upper 40 feet of the soil. Soils susceptible to liquefaction include saturated, loose to medium-dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. The project site is within an area mapped as having high liquefaction

[34] Association of Bay Area Governments, MTC/ABAG Hazard Viewer Map [interactive map], accessed August 19, 2020 at: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8.

[35] California Department of Conservation, California Geological Survey, Ground Motion Interpolator, Accessed November 7, 2016 at: http://www.quake.ca.gov/gmaps/PSHA/psha_interpolator.html.

potential.[36, 37] Lateral spreading, another form of seismic ground failure, is generally associated with liquefaction; since the potential for liquefaction at the site is high, the potential for lateral spreading is presumed to also be high.

While there appears to be potential for seismic ground failure at the project site, as discussed above, the proposed project would be required to comply with the latest version of the California Building Code, which requires buildings to be designed to resist the anticipated level of seismic ground shaking at the proposed site. With compliance with the CBC, the project would have a ***less-than-significant impact*** related to seismic ground failure.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☐	☒

Explanation: A landslide is a slope failure created by down-slope slippage of a mass of earth or rock that typically occurs as a planar or rotational feature along single or multiple surfaces. Landslides can range from slow-moving, deep-seated slumps to rapid, shallow debris flows. The hazard is greatest on steep slopes with gradients of 15 percent or more, but can occur on shallower slopes with unstable soils, particularly when saturated. Because the project site is essentially level and is surrounded by relatively level land with no significant slopes, there is no potential for landslide at the project site. There would be ***no impact*** due to landslides.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Explanation: Any construction project that exposes surface soils creates a potential for erosion from wind and stormwater runoff. The potential for erosion increases on large, steep, or windy sites; it also increases significantly during rainstorms. The proposed project would occur on a level site that is not large, consisting of a single-family residential lot, just under a half-acre in area. Therefore, the potential for erosion during project construction would be limited and would be considered a ***less-than-significant impact***. The City will require the applicant to implement Best Management Practices (BMPs) for erosion control during project construction as a condition of approval, which would further reduce potential erosion. This condition would ensure that the project would be consistent with General Plan Policy 5.10.5-P17, which reads "Require that grading and other construction activities comply with the Association of Bay Area Governments' Manual of Standards for Erosion and Sediment Control Measures and with the California Stormwater Quality Association (CASQA), Stormwater Best Management Practice Handbook for Construction." Once construction is complete and the site has been landscaped, there would be minimal potential for erosion during project operation.

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[36] California Geological Survey, Earthquake Zones of Required Investigation–San Jose West Quadrangle [map], February 7, 2002.

[37] City of Santa Clara, *2010-2035 City of Santa Clara General Plan Integrated Final Environmental Impact Report*, Figure 5.10-1: Liquefaction Hazard, January 2011.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*	☐	☐	☒	☐

Explanation: As discussed above in Section VI-a(iv), there is no potential for landslide at the project site. As discussed in Section VI-a(iii), there is potential for liquefaction, and since lateral spreading often occurs with liquefaction, it is assumed there is potential for lateral spreading. Subsidence of land typically occurs as a result of oil or groundwater extraction or subsurface mining, but it can also occur in response to seismic shaking. The potential for subsidence at the site is unknown. Given the known conditions at the site, there is some potential for site soils to lose stability during a seismic event, but adherence to the design and construction requirements of the California Building Code would minimize potential damage that could be caused by unstable soils. Therefore, the potential for ground failure at the site is considered a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2019), creating substantial direct or indirect risks to life or property?*	☐	☐	☒	☐

Explanation: Expansive soils can undergo significant volume change with changes in moisture content. They shrink and harden when dried and expand and soften when wetted. The risks associated with expansive soils generally occur within approximately 5 feet of the ground surface, where substantial changes in soil volume can damage building foundations and pavements. The greatest potential for shrinking and swelling occurs in soils with a high clay content. The Santa Clara General Plan EIR indicates that the project site is underlain by Holocene-era basin deposits.[38] These are organic soils consisting of rich clay to very fine silty-clay deposits. The General Plan EIR states that the expansion potential in these soils is moderate.

The General Plan EIR noted that new development under the General Plan would occur primarily as intensification of previously developed areas throughout the City, which is the case for the proposed project, and concluded that hazards associated with expansive soils would be reduced to acceptable levels by enforcement of existing regulations and adopted City policies. In particular, it cites General Plan Policies 5.10.5-P5 through 5.10.5-P10. Policy 5.10.5-P6 requires new development to be designed to meet current safety standards and must conform to applicable building codes intended to reduce risks associated with geologic conditions. Regulations the project would be required to comply with include the latest version of the California Building Code, which includes safety standards for the

[38] City of Santa Clara, *2010-2035 City of Santa Clara General Plan Integrated Final Environmental Impact Report*, Figure 4.5-1: City Geology, January 2011.

design and construction of buildings on expansive soils and under static and dynamic (seismic) conditions, as well as the International Building Code, which is adopted by reference as part of the Santa Clara City Code.

While there is potential for expansive soils at the project site, the project would be required to comply with the policies and regulations cited above, which would ensure that the project would be designed to prevent structural damage that could result from expanding soils. With this compliance, the project would have a ***less-than-significant impact*** due to being located on expansive soils.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?	☐	☐	☐	☒

Explanation: The project would utilize the existing sanitary sewer system that serves the project area; septic tanks or alternative wastewater disposal systems would not be required. There would be ***no impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Explanation: Paleontological resources are the fossilized remains of vertebrate or invertebrate organisms from prehistoric environments found in geologic strata. They are valued for the information they yield about the history of the earth and its past ecological settings. They are most typically embedded in sedimentary rock foundations, and may be encountered in surface rock outcroppings or in the subsurface during site grading. Fossil-rich geological formations in the Santa Clara Valley include Pleistocene-era alluvial and fluvial strata and the underlying Plio-Pleistocene Santa Clara formation.

Much of the City is situated on alluvial fan deposits of the Holocene age. These soils are generally of an age that is considered to have low potential for yielding fossils, according to the Potential Fossil Yield Classification (PFYC) System recommended by the Bureau of Land Management for evaluating the potential for impacts to paleontological resources.[39, 40] This is also reflected in the Santa Clara General Plan EIR, which states that geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils, and because these sediments have low potential to yield fossils. However,

[39] U.S. Department of the Interior, Bureau of Land Management, *Potential Fossil Yield Classification System* [undated].

[40] U.S. Department of the Interior, Bureau of Land Management, *Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources* [undated].

the EIR acknowledged that Holocene materials in the Santa Clara Valley may have some level of sensitivity for paleontological resources, because remains of a Rancholabrean Columbian mammoth (*Mammuthus columbi*) were found in 2005 along the Guadalupe River in San Jose, in a strata identified as Holocene by published geologic maps. (These remains may have originated in older geologic strata.) Holocene-age sediments in the region overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources. These Pleistocene formations, often found at depths of 10 feet or more below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Accordingly, the General Plan EIR concluded that ground-disturbing activities associated with new development allowed under the General Plan that extends to depths greater than 10 feet has the potential to damage undiscovered paleontological resources in older Pleistocene sediments.

The Santa Clara General Plan EIR indicates that the project site is underlain by Holocene-era basin deposits, indicating a low probability for encountering paleontological resources, particularly since subsurface disturbance would not extend to a depth of 10 feet or more.[41] Therefore, while it is not expected that paleontological resources would be encountered during project construction, the possibility that fossils exist within the project site cannot be ruled out. Any destruction of unique paleontological resources during earthmoving activities would be a ***potentially significant impact***. Implementation of the following measure would reduce this potential impact to a less-than-significant level:

Mitigation Measure GEO-1: If any paleontological resources—such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions—are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

[41] City of Santa Clara, *2010-2035 City of Santa Clara General Plan Integrated Final Environmental Impact Report*, Figure 4.5-1: City Geology, January 2011.

VIII. GREENHOUSE GAS EMISSIONS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☒	☐

Explanation: Greenhouse gases (GHGs) refer to gases that trap heat in the atmosphere and contribute to global warming. GHGs are typically reported in "carbon dioxide-equivalent" measures (CO_2e).[42] The primary GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (NO_x), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). The majority of GHG emissions in the Bay Area come from transportation (39.7 percent), followed by industrial/commercial sources (35.7 percent) and electricity generation (14.0 percent). Construction equipment and other off-road equipment contribute 1.5 percent of the total GHG emissions.[43] The majority of GHG emissions in the City of Santa Clara come from industrial/commercial sources (60 percent), followed by transportation (30 percent) and residential sources (8 percent). Solid waste and water/wastewater conveyance contribute approximately 2 percent of total GHG emissions.[44]

As discussed in more detail in Section III-b, the BAAQMD *CEQA Air Quality Guidelines* contain operational screening criteria for a variety of land use development projects. In addition to the screening thresholds for criteria air pollutants discussed in Section III-b, there are also screening criteria for GHGs. For townhomes, the GHG screening threshold is 78 dwelling units. BAAQMD has determined that townhome and condominium residential projects smaller than 78 dwelling units have no potential to exceed the adopted thresholds of significance for GHGs, and a quantified analysis of the project's potential emissions of GHGs is not necessary. Therefore, the proposed project would have a ***less-than-significant impact*** from its emissions of GHGs.

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[42] Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

[43] Bay Area Air Quality Management District, *Bay Area Emissions Inventory, Summary Report: Greenhouse Gases, Base Year 2011*, Table F: 2011 Bay Area GHG Emissions by Sector, updated January 2015.

[44] City of Santa Clara, *Climate Action Plan 2018 Annual Report*, July 2018. http://santaclaraca.gov/home/showdocument?id=62433

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Explanation: The City of Santa Clara adopted its *Climate Action Plan* (CAP) in 2013.[45] The CAP identifies how the City will achieve the State-recommended GHG emissions reduction target of 15 percent below 2008 levels by the year 2020 (equivalent to 1990 emissions). The CAP provides goals and emissions reduction measures to address energy use, transportation, land use, water, solid waste, and off-road equipment. Assembly Bill (AB) 32, the Global Warming Solutions Act, which is the principal State law adopted for the purpose of reducing GHG emissions, includes a quantitative goal of reducing GHG emissions to 1990 levels by 2020. Statewide plans and regulations such as GHG emissions standards for vehicles and the low carbon fuel standard are being implemented at the statewide level, and compliance at the specific plan or project level is not addressed. In September of 2016, AB 32 was extended to achieve reductions in GHG of 40 percent below 1990 levels by 2030. The new plan, outlined in SB 32, involves increasing renewable energy use, putting more electric cars on the road, improving energy efficiency, and curbing emissions from key industries.

The City of Santa Clara CAP specifies the strategies and measures to be taken for a number of focus areas (coal-free and large renewables, energy efficiency, water conservation, transportation and land use, waste reduction, etc.) Citywide to achieve the overall emission reduction target. The CAP includes an adaptive management process that can incorporate new technology and respond when goals are not being met. The project would be consistent with Santa Clara CAP Reduction Strategy 3.1, calling for a reduction in per-capita water use by 2020, because it would be required to install low-flow toilets and other water-efficient fixtures so as to achieve a 20-percent reduction in indoor water use, pursuant to the California Green Building Code. The City would require the project applicant to recycle at least 50 percent of the construction and demolition debris generated during development of the project, which would therefore be consistent with Reduction Strategy 4.2, requiring increased diversion of solid waste from landfill disposal. As discussed in Section III, Air Quality, the applicant will be required to comply with BAAQMD-recommended basic construction mitigation measures, and therefore the project would be consistent with Reduction Strategy 5.2, which requires construction projects to comply with BAAQMD best management practices. In accordance with General Plan policy (Policy 5.3.1-P10), the project applicant would be required to provide street trees and two replacement trees for every tree removed, which would require the planting of at least 22 trees on the site. Consequently, the project would be consistent with Santa Clara CAP Reduction Strategy 7.1, calling for a tree-planting standard for new development to mitigate the urban heat island effect. The project's driveway and parking areas would be surfaced with permeable concrete, rendering the project consistent with Reduction Strategy 7.2, which requires new parking lots to be surfaced with low-albedo materials, including permeable pavements.

The Santa Clara CAP establishes a baseline of government and community-wide inventory of GHG emissions. The principal State plan and policy adopted for the purpose of reducing GHG emissions is AB 32. The proposed project would result in a significant impact if it would be in conflict with AB 32 State goals or with the goals, policies, and measures of the applicable CAP for reducing GHG emissions. The assumption is that AB 32 and the CAP will be successful in reducing GHG emissions

[45] City of Santa Clara, *Santa Clara Climate Action Plan*, December 2013. http://santaclaraca.gov/home/showdocument?id=10170

and reducing the cumulative GHG emissions Statewide by 2020. The City's projected emissions and the Santa Clara CAP are consistent with measures necessary to meet statewide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. The City and State have taken these measures, because no project individually could have a major impact (either positively or negatively) on the global concentration of GHGs.

The proposed project will be required to comply with the California Energy Code, which includes standards for conservation of electricity and natural gas, and the California Green Code, which requires measures for water efficiency and conservation, material conservation, and resource efficiency, all of which contribute to reductions in GHG emissions. Given that the project will be required to comply with these standards, that it will be consistent with the GHG reduction strategies identified above, and its GHG emissions are expected to be less than BAAQMD thresholds, the proposed project would not conflict with implementation of recommended actions in AB 32 and the City of Santa Clara CAP intended to reduce GHG emissions by the year 2020. Therefore, the proposed project would not conflict with the goals of AB 32 and the applicable CAP, and the project would have a ***less-than-significant impact***.

IX. HAZARDS AND HAZARDOUS MATERIALS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Explanation: The proposed project would not involve the routine transport, use, or disposal of hazardous materials. While construction of the project could entail transport and use of hazardous materials for equipment operation and maintenance, such as motor oil, transmission fluid, or solvents, such use would not be in quantities large enough to pose an environmental hazard, nor would it constitute routine, ongoing use. Such us is typical of most construction projects and does not represent a significant hazard. Once construction is complete and the project is occupied, Residential occupants of the site would be expected to store and use small containerized quantities of hazardous household cleaning, outdoor landscape care, and automotive products of a wide variety. This type of usage is typical of all residential development, and would not constitute a significant hazard to the public or the environment. The project would have a ***less-than-significant impact*** from the transport, use, or disposal of hazardous materials.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?*	☐	☒	☐	☐

Explanation: As discussed in Section IX-a above, the proposed project would not introduce hazardous materials beyond those generally found within residential uses, including containerized household, yard care, and automotive products.

Hazardous Materials Sites

There are no active permitted underground storage tank facilities (UST), leaking underground storage tank (LUST) cleanup sites, or other hazardous materials release sites on the project site or within a 1,000-foot radius of the site as tracked by the State Water Resources Control Board (SWRCB) on its GeoTracker database.[46] In addition, there are no hazardous waste or hazardous materials release sites within a 1,000 feet of the project site listed on the California Department of Toxic Substances Control's EnviroStor database (which includes Federal Superfund Sites, State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, Permitted Hazardous Waste Facilities, Post Closure and Hazardous Waste Facilities, and Historical Non-Operating Hazardous Waste Facilities).[47] There would be no hazard to future project residents from nearby hazardous materials sites.

Historical Pesticide Use

There is no known documented historical use of hazardous materials on or in the vicinity of the project site. Historical aerial photographs dating back to 1948 and historical topographic maps dating back to 1897 were reviewed as part of this environmental review and there was no evidence identified in any of the photos or maps examined that there has ever been any industrial land use on the project site or other use that typically entails use of hazardous materials (e.g., gas station) that could have resulted in contamination of soil or groundwater at the site. However, prior to development with residential uses, a portion of the project site and much of the surroundings were devoted to agricultural production with tree orchards.

By the end of the 19th century, roughly 100,000 acres in the Santa Clara Valley were cultivated with fruit tree orchards. The agricultural production included prunes, cherries, pears, apples, peaches, plums, apricots, and more. The peak years occurred during the 1930s and the 1940s, when the region was known worldwide as "The Valley of Heart's Delight" and the entire economy was tied to fruit

[46] California Environmental Protection Agency, State Water Resources Control Board, Groundwater Ambient Monitoring & Assessment Program (GAMA), GeoTracker GAMA Groundwater Data Sources, Accessed August 17, 2020 at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1540+Pomeroy+Avenue,+Santa+Clara,+CA.

[47] California Department of Toxic Substances Control, EnviroStor Data Base of Cleanup Sites and Hazardous Waste Permitted Facilities, accessed August 17, 2020 at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1540+Pomeroy+Avenue,+Santa+Clara,+CA

production.[48] It's unknown how far back agricultural production in the immediate project area began, but based on historical aerial photographs, the area was well established with orchards at least by the early 1940s.

Prior to the 1950s, there was widespread use of pesticides in agriculture, particularly on high-value tree fruit crops. The active ingredients in most pesticides were compounds of arsenic, antimony, selenium, sulfur, thallium, zinc, copper, or plant derived alkaloids.[49] By the mid-1930s, chemicals such as pyrethrins, rotenone-containing preparations, zinc and iron sulfate, petroleum oils, and new products of organic chemistry were being used in products that controlled nematodes and weeds, defoliated plants, and stimulated or retarded plant growth. During the presumed period of agricultural production in the project vicinity, lead arsenate and organochlorine pesticides (OCPs) were commonly applied to orchard trees. Consequently, pesticide residues could remain in the soils at the project site.

Because pesticides are designed to kill certain organisms, they are inherently toxic, and exposure to them presents a potential human health risk. However, the risk is most acute in agricultural workers who mix, load, transport, and apply pesticides. Because human health risk is a function of pesticide toxicity and exposure, there is greater risk from high exposure to a moderately toxic pesticide than from little exposure to a highly toxic pesticide.[50]

Pesticide residues in soils generally attenuate over time as a result of volatilization, oxidation and other chemical degradation, absorption by plants, exposure to sunlight and water (i.e., leaching), and microbial activity.[51] The project site has been developed with residential uses for many decades, with no evidence of health risks being present at the site. Depending on the solubility and half-life of the specific pesticides that may have been used on the site (i.e., the persistence in the soil), there could potentially remain some pesticide residue in the soils on the property, though any remaining concentrations would likely be quite low. However, general use of the property would not lead to resident exposure. Similarly, future use of the site by residents of the proposed project would not result in exposure. Site disturbance during grading and other site preparation could expose soils with residual levels of pesticides, but the exposure would be short-term, indirect, and toxicity levels would not be expected to be high. Therefore, based on all of the foregoing considerations, the risk of exposure of construction workers and future residents to residual pesticides in site soils would be ***less than significant***.

Asbestos and Lead

Based on historical aerial photographs of the project site, the existing residence at 1530 Pomeroy Avenue was constructed between 1948 and 1956, and the residence at 1540 Pomeroy was constructed between 1956 and 1960. Given the age of the two buildings, which were constructed at a time when the use of lead-based paint (LBP) and asbestos-containing building materials (ACBM) was common, it is highly likely that the buildings contain LBP and ACBM. Lead is a highly toxic metal that was a common ingredient in paint until it was banned from residential paint in 1978. Exposure to LBP has been linked to learning disabilities and behavioral problems in children, who are particularly susceptible. Lead may also cause brain damage, kidney damage, seizures, and even death in extreme cases.

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[48] Archives & Architecture, LLC, County of Santa Clara, Department of Planning and Development, *County of Santa Clara Historic Context Statement*, December 2004 (Revised February 2012).

[49] California Environmental Protection Agency, California Department of Pesticide Regulation, *Regulating Pesticides: The California Story, A Guide to Pesticide Regulation in California*, October 2001.

[50] Christos A. Damalas and Ilias G. Eleftherohorinos, "Pesticide Exposure, Safety Issues, and Risk Assessment Indicators," *International Journal of Environmental Research and Public Health*, May 2011.

[51] Fred Fishel, University of Missouri-Columbia, University Extension, Department of Agronomy, "Pesticides and the Environment," February 2003.

Asbestos was common in a variety of construction materials until the late 1970s, and can be found in building insulation (both spray-on and blanket types), pipe wraps, floor and ceiling tiles, tile mastics (adhesives), wallboard, mortar, roofing materials, and more. Asbestos is a known human carcinogen, and inhalation exposure to asbestos fibers or dust, known as friable asbestos, has been linked to an increase risk of lung cancer and mesothelioma, which is a relatively rare cancer of the thin membranes that line the chest and abdomen. Inconclusive evidence has also linked asbestos exposure to a variety of other cancers. With cumulative exposure, asbestos fibers can cause inflammation and scarring of the lungs, resulting in breathing difficulties.

During the proposed demolition of the existing houses, friable asbestos and/or lead could be released into the environment, posing a health hazard to workers. If not addressed properly, the potential health hazards to construction workers posed by ACBM and LBP that may be present on the site would represent a ***potentially significant adverse impact***. Implementation of the following mitigation measures would reduce the impact to a less-than-significant level.

Mitigation Measure HM–1: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations. The Bay Area Air Quality Management District (BAAQMD) shall be notified ten days in advance of any required abatement work. To document compliance with the applicable regulations, the project sponsor shall provide the City of Santa Clara Building Inspection Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM–2: Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Santa Clara Building Inspection Division prior to issuance of a demolition permit.

Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) of the site was previously performed by American Soil Testing, Inc. to identify recognized environmental conditions on the site, including the presence or likely presence of any hazardous substances that could create a significant hazard to the public or the environment, whether through an existing release, past release, or threat of a release into structures, into the ground, or into surface or groundwater.[52] As part of the Phase I ESA, EDR reviewed over 100 publicly available local, State, and federal environmental databases to identify hazardous

[52] American Soil Testing, Inc., *Phase I Environmental Site Assessment of Proposed Multi Units Residential Development, 1530 & 1540 Pomeroy Avenue, Santa Clara, California*, July 28, 2017.

waste and hazardous materials release sites in the project vicinity. Neither of the two properties comprising the project site was listed on any of the searched databases.

Although the Phase I ESA found no recognized environmental conditions (RECs) on the site as defined by the American Society of Testing and Materials (ASTM) and concluded that the potential for contamination from off-site sources is very low, at the request of the applicant, limited subsurface soil sampling was conducted at the site in September 2017. Shallow samples were collected at depths of 6 to 12 inches below the surface at three locations on the site: one near the northeast corner, one near the southwest corner, and one in the approximate center of the site. The samples were tested at a State-certified analytical laboratory for heavy metals (CAM-17); total petroleum hydrocarbons (TPH) as diesel, motor oil, and gasoline; and pesticides. The laboratory results were compared to the applicable Environmental Screening Levels (ESLs) for residential soils established by the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Elevated levels (i.e., above the applicable ESL) of the pesticides chlordane, dieldrin, dichloro-diphenyl-dichloroethane (DDD), dichloro-diphenyl-dichloroethene (DDE), dichloro-diphenyl-trichloroethane (DDT) were encountered in soil sample S-1, taken near the northeast corner of the site. Elevated levels of DDD, DDE, and DDT were measured in soil sample S-2, taken near the center of the site.[53]

CAM-17 heavy metals were also found at concentrations above their ESL in all three soil samples. The concentrations of arsenic, lead, and mercury exceeded their ESLs in sample S-1. ESLs for arsenic and mercury were exceeded in soil sample S-2 as well as in soil sample S-3, collected from the southwest corner of the site. Table HM–1 lists the detected concentrations in the soil samples that exceeded their ESLs.

These soil sample results indicate that there may residual pesticide contamination in the near-surface soils of the site as a result of the historical use of the property for agricultural production.

Regarding the elevated arsenic concentrations, naturally-occurring background concentrations of arsenic in soils within the flatlands surrounding San Francisco Bay frequently exceed the risk-based screening level for residential use (0.067 mg/kg) by one or more orders of magnitude.[54] The measured mercury concentrations could also reflect naturally-occurring levels in soil, but the lead concentration in sample S-1 would appear to exceed potential background concentrations.

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[53] American Soil Testing, Inc., *Contamination Assessment of 1530 & 1540 Pomeroy Avenue, Santa Clara, California*, October 2, 2017.

[54] San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs)* [Interim Final], Section 10.5.3, 2016.

Table HM–1

Laboratory Analytical Results of Site Soil Sampling

(in milligrams per kilogram (mg/kg))

Constituent	ESL[1]	Measured Concentrations		
		Sample S-1	Sample S-2	Sample S-3
Chlordane	0.48	914	ND[5]	ND
Dieldrin	0.00017	5.7*	ND	ND
DDD[2]	2.7	64.5	7.8*	ND
DDE[3]	1.9	151	24.1*	28.1*
DDT[4]	1.9	95.1*	15.2*	12.8*
Arsenic	0.067	5.3	4.1	4.1
Lead	80	163	15.4	15.4
Mercury	0.0051	0.26	0.13	0.48

Source: SGS ACCUTEST, American Soil Testing, Inc., 2017

Notes:

[1] ESL = Environmental Screening Level for Residential Soil

[2] DDD = Dichloro-diphenyl-dichloroethane

[3] DDE = Dichloro-diphenyl-dichloroethene

[4] DDT = Dichloro-diphenyl-trichloroethane

[5] ND = Not Detected

* Estimated Value

Given the contaminant concentrations reported in Table HM–1, further characterization of the site's soils is warranted to ensure construction workers and future residents of the project are not exposed to dangerous levels of hazardous materials. Such exposure would be a ***potentially significant impact***. Implementation of the following mitigation measure would reduce the impact to a less-than-significant level.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a Phase II Environmental Site Assessment (ESA) of the site shall be performed by a Registered Environmental Assessor (REA) or Certified Engineering Geologist (CEG). The Phase II ESA shall perform additional subsurface soil testing to characterize and determine the extent of soil contamination in excess of applicable regulatory limits. If contaminant levels in excess of applicable regulatory limits are identified, a qualified professional shall prepare

and implement a Site Remediation Plan, subject to review and approval by the Santa Clara Fire Department.

If the Phase II ESA does not identify a need for site remediation, no further action would be required. If it determines that site remediation is required, the project applicant shall implement Mitigation Measures HM–4 and HM–5.

Mitigation Measure HM–4: Areas of contaminated soil identified by the Phase II ESA shall be excavated to the depth(s) indicated in the Site Remediation Plan and properly disposed of prior to issuance of a grading permit for the project. The contaminated soils shall be excavated and removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations and/or applicable State regulations. Employees of the Removal Contractor assigned to the project shall have completed a safety training program that complies with federal Occupational Safety and Health Administration (OSHA) requirements set forth in Title 29, Section 1910.120 of the Code of Federal Regulation (CFR) and with California Occupational Safety and Health Administration (CAL-OSHA) requirements set forth in Title 8, Section 5192 of the California Code of Regulations (CCR). If temporary stockpiling of contaminated soil is necessary, it shall be covered with plastic sheeting or tarps and a berm shall be constructed around the stockpile to prevent stormwater runoff from leaving the area. Confirmation sampling shall be performed on soils surrounding the excavations to verify that all contaminated soil above regulatory thresholds has been removed.

The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. If applicable, other non-hazardous excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations.

Following completion of the removal of impacted soil, the Removal Contractor or another qualified Registered Environmental Assessor shall prepare a closure report to be reviewed and approved by the Santa Clara County Department of Environmental Health (CSCDEH). The project applicant shall provide a copy of the “No Further Action” letter (i.e., regulatory case closure) from CSCDEH to the City of Santa Clara Building Inspection Division prior to issuance of a grading permit.

Mitigation Measure HM–5: Prior to initiating any work, the Removal Contractor specified in Mitigation Measure HM–4 shall prepare a Health and Safety Plan (HASP) to be implemented throughout the excavation and removal of contaminated soil from the project site. The HASP would specify safe contaminated soil handling and disposal procedures and would identify procedures and other protections for workers to prevent exposure to contaminants, inundation of excavations, excessive noise levels, and other potential hazards. The HASP would identify measures for eliminating or controlling hazards, monitoring exposure levels, worker training procedures, emergency response procedures for a variety of

potential emergencies, first aid and medical treatments, and required record keeping.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?	☐	☐	☐	☒

Explanation: Pomeroy Preschool and Pomeroy Elementary School, both located at 1250 Pomeroy Avenue, are about 1,000 feet (~0.19 mile) south of the project site. However, the project would not emit hazardous emissions or handle hazardous materials. There is no potential for the project to adversely affect students at these or other schools in the area, and there would be ***no impact*** on schools related to hazardous materials as a result of project implementation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	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, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Explanation: The list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 actually consists of several lists, including:

- A list of hazardous waste sites compiled by the California Department of Toxic Substances Control (DTSC);
- A list of contaminated water wells compiled by the California Department of Health Services (DHS) (subsequently reorganized into the California Department of Health Care Services and the California Department of Public Health);
- A list of leaking underground storage tank sites and solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the State Water Resources Control Board (SWRCB); and
- A list of solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the Local Enforcement Agency (LEA). These lists are consolidated by the Department of Resources Recycling and Recovery (CalRecycle).

Each of these lists must be updated at least annually, and must be submitted to the Secretary for Environmental Protection, the head of the California Environmental Protection Agency (CalEPA). DTSC maintains the EnviroStor database for purposes of complying with Section 65962.5, while the SWRCB maintains the GeoTracker database. As discussed in Section VIII(b), both of these databases were consulted during this environmental review. The project site is not listed on the EnviroStor or

GeoTracker databases and there were no active hazardous waste sites or facilities identified within 1,000 feet of the project site on either database. There would be ***no impact*** related to hazardous materials sites compiled pursuant to Government Code Section 65962.5.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project 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, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: There are no airports within 2 miles of the project site; the closest airport is San Jose International Airport (SJC), located approximately 3 miles northeast of the site. Although a land use plan has been adopted for SJC, the project site is located outside of the Airport Influence Area. There would be ***no impact*** related to an airport safety hazard.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Explanation: In June 2016 the Santa Clara City Council adopted a new comprehensive emergency response plan to replace the prior plan adopted in 2008.[55] The plan provides a legal framework for the management of emergencies and guidance for the conduct of business in the City's Emergency Operations Center (EOC), including collaboration and coordination between different responsible agencies. The *Emergency Operations Plan* (EOP) establishes responsibilities and procedures for addressing potential emergencies related to natural disasters such as earthquakes, flooding, and dam failure; technological incidents; hazardous materials spills or releases; and incidents of domestic terrorism involving weapons of mass destruction, such as Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) devices. The EOP conforms to the requirements of the National Incident Management System (NIMS) mandated by the U.S. Department of Homeland Security. The Santa Clara EOP also builds on and coordinates with the State's Standardized Emergency Management System (SEMS) and the California *State Emergency Plan*.

The EOP does not identify specific emergency shelters or evacuation routes in Santa Clara, though schools are identified as preferred facilities for lodging large numbers of people, with churches, hotels, and motels also likely to function as mass care facilities during large-scale disasters. The proposed project would not interfere with operation of any emergency shelters and would not close off or otherwise alter any existing streets, and therefore would not create any obstructions to potential evacuation routes that might be used in the event of an emergency. Development of the site with eight

[55] City of Santa Clara, *Emergency Operations Plan: All Risk/Multi-Hazard Functional Plan*, adopted June 21, 2016.

new townhomes would not impair implementation of or physically interfere with the Santa Clara EOP; there would be ***no impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Explanation: Government Code Section 51178 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of high fire hazard within Local Responsibility Areas (LRAs) that are not under the direct jurisdiction of CAL FIRE, where local fire-fighting agencies have primary responsibility for fire response. CAL FIRE's mapping of Very High Fire Hazard Severity Zones (VHFHSZs) is based on data and models of potential fuels over a 30- to 50-year time horizon and their expected fire behavior and burn probabilities. All of the City of Santa Clara is within an LRA and is designated as a non-VHFHSZ.[56] The project site is located in an urbanized area and there are no wildlands in close proximity to the site. Therefore, there is no potential for wildfire at the project site, and there would be ***no impact*** due to risk of wildfire.

X. HYDROLOGY AND WATER QUALITY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐

Explanation: Both construction and operation of new development projects have the potential to adversely affect water quality. Construction activities can potentially affect water quality as a result of erosion of sediment from exposed soils. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all potential sources of pollutants that could degrade water quality during construction. Stormwater runoff from the site is ultimately discharged, without treatment, to San Francisco Bay, which is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act. In addition, surface water drainage in Santa Clara is first discharged from storm drains primarily into the Guadalupe River, San Tomas Aquino Creek, Saratoga Creek, and Calabazas Creek, all of which are

[56] California Department of Forestry and Fire Protection (CAL FIRE), Santa Clara County Very High Fire Hazard Severity Zones in LRA, As Recommended by CAL FIRE [map], October 8, 2008.

also listed as impaired water bodies by the RWQCB.[57] Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them is considered particularly detrimental.

In the San Francisco Bay Area, potential impacts to water quality from construction projects is regulated under the federal Clean Water Act by the RWQCB. Generally, new development that entails "land disturbance" of 1 acre or more requires the project sponsor to obtain coverage under Construction General Permit (CGP) Order 2009-0009-DWQ, administered by the RWQCB. In order to obtain coverage under the CGP, project sponsors must prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must identify construction Best Management Practices (BMPs) to be implemented at the construction site. Stormwater discharges must comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Construction stormwater BMPs are intended to minimize the migration of sediments off–site. They can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosion-reduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds.

Because the project site has an area of 21,000 square feet, well under the 1-acre (43,560 square feet) threshold for the CGP, the proposed project is exempt from the requirements of the CGP. However, the City of Santa Clara requires project sponsors of all new construction projects, regardless of size, to implement construction stormwater BMPs throughout the construction period.[58] The project applicant will be required as a condition of approval to comply with the City's BMP requirements. Because the proposed area of disturbance is relatively small, the potential for construction activity to impair water quality would be small and would be further reduced by the implementation of construction BMPs. Therefore, project construction effects on surface water quality could have a ***less-than-significant impact*** on water quality.

Regarding operational impacts to water quality, for residential development projects, the most common source of pollutants with a potential to degrade surface water quality is the automobile, which deposits oil and grease, fuel residues, heavy metals (e.g. lead, copper, cadmium, and zinc), tire particles, and other pollutants onto roadways and parking areas. These contaminants collect on the impervious pavements, where they can be washed by stormwater runoff into surface waterways, degrading water quality. As noted above, stormwater runoff from the project area is discharged into local creeks and ultimately to San Francisco Bay, which suffers from impaired water quality.

Urban/suburban developments introduce a variety of other pollutants that contribute to surface water pollution, including pesticides, herbicides, and fertilizers from landscaping; organic debris (e.g. grass, leaves); weathered paint; eroded metals from painted and unpainted surfaces; organic compounds (e.g., cleaners, solvents, adhesives, etc.); nutrients; bacteria and viruses; and sediments. Even building rooftops are a source of pollutants, because mercury and polychlorinated biphenyls (PCBs) are airborne pollutants that get deposited on roofs and other impervious surfaces. While the incremental pollutant load from a single site may not be significant, the additive, regional effects of

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[57] State Water Resources Control Board, *2010 Integrated Report (Clean Water Act Section 303(d) List/305(b) Report) — Statewide*, accessed August 18, 2020 at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

[58] Fahteen Kahn, Planner, City of Santa Clara Planning Division, November 4, 2016, personal communication.

pollutants from all development have a significant adverse effect on water quality and the innumerable organisms that depend on the region's surface water bodies. Even low concentrations of heavy metals such as mercury bioaccumulate in fish, resulting in levels that adversely affect the health of sea animals and humans that eat them. Testing in the San Francisco Bay Area has shown elevated levels of mercury and PCBs in the sediment of urban storm drains throughout the region.

Operational stormwater discharges from new development are regulated by the terms of each jurisdiction's municipal stormwater permits. In the City of Santa Clara, development projects must comply with the National Pollutant Discharge Elimination System (NPDES) permit (NPDES Permit No. CAS612008) issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP and other Bay Area jurisdictions by the RWQCB (NPDES Order No. R2-2009-0074). The revised Municipal Regional Stormwater Permit (MRP) was issued on October 14, 2009 and replaced the previous permit originally issued in February 2003 with substantial new requirements for development and redevelopment projects.

Any private or public development project that would create or modify 10,000 square feet or more of impervious surfaces must comply with Provision C.3. of the MRP. The size threshold is reduced to 5,000 square feet for certain special land use categories, which include auto service facilities, retail gasoline outlets, restaurants, and uncovered parking lots. Projects subject to Provision C.3 must include low-impact development (LID) measures to capture and perform onsite treatment of all stormwater from the site prior to its discharge, including rainwater falling on building rooftops. Project applicants are required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures in order to reduce the discharge of stormwater pollutants to the *maximum extent practicable* (MEP), a standard established by the 1987 amendments to the federal Clean Water Act.

Additional amendments to NPDES Order No. R2-2009-0074 were adopted by the RWQCB on November 28, 2011 as Order No. R2-2011-0083, establishing minimum green roof specifications, model biotreatment soil media specifications, and soil infiltration testing methods.

The MRP was again revised by the RWQCB on November 19, 2015 by Order No. R2-2015-0049, which became effective on January 2, 2016 and replaced the previous permit. The primary change was to consolidate the multiple countywide permits issued to member agencies in the San Francisco Bay Area under a single MRP regulating stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties and the cities of Fairfield, Suisun City, and Vallejo. Other changes pertain to requirements that are the responsibility of member agencies, rather than new development projects, and include requirements for water quality monitoring, trash reduction, reduced loads of PCBs, inspection of stormwater treatment facilities and flow controls, green infrastructure planning, and more.

The proposed project would create approximately 8,960 square feet of new impervious surfaces, below the 10,000-square-foot threshold for Provision C.3 compliance. Furthermore, there is currently 4,991 square feet of impervious surfaces on the site from the existing single-family homes, outbuildings, and pavements. Implementation of the project would therefore result in a net increase in the amount of impervious surfaces on the site of just 3,969 square feet. Furthermore, the project would include features that would both reduce the amount of stormwater discharged from the site and provide for on-site natural biological treatment of the site's stormwater runoff. The driveway and parking areas would be surfaced with pervious concrete with an underdrain consisting of 12 inches of permeable aggregate rock and a 6-inch-diameter perforated pipe. Filter fabric would line the bottom and sides of the aggregate base. The pervious concrete would allow rainwater to percolate into the pavement and through the aggregate layer into underlying groundwater, a process that provides biofiltration of pollutants. In addition, rainwater from the roofs of the proposed homes would be collected in gutters and discharged away from the homes into the landscaped areas to maximize infiltration and natural treatment of stormwater collected from the roofs. Most or all of this water would percolate to

groundwater. Because the project is too small to require implementation of Provision C.3 LID requirements, and would also include features to provide on-site treatment of stormwater and minimize the discharge of stormwater offsite, operation of the proposed project would have a ***less-than-significant impact*** on water quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

Explanation: The project site is underlain by the Santa Clara Valley Subbasin that is part of the Santa Clara Valley Basin groundwater aquifer that underlies the City of Santa Clara and surrounding South Bay cities.[59] This groundwater basin is a primary source for domestic water supplies provided to the City of Santa Clara by the Santa Clara Water Utility. The project would have a negligible effect on the recharge of underlying groundwater, due to the small amount of new impervious surfaces (3,969 square feet) that would be created. The project would not extract groundwater, and the amount of City-supplied water that would be consumed by the project would not have the potential to cause a lowering of the groundwater table. This would therefore be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river of through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐

Explanation: The project would substantially alter the existing drainage pattern on the site by altering the locations of impervious surfaces. However, these changes would not have the potential to cause substantial erosion on the project site because, as discussed in more detail in Section X-a, above, a majority of rainwater falling on the site would filter through permeable pavements to groundwater or would be captured on rooftops and discharged into landscaped areas, where percolation to groundwater would occur. Following completion of construction, there would not be any significant areas of exposed soils where there would be a higher potential for erosion. With these features, the project would be consistent with General Plan Policy 5.10.5-P15, which requires new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for

[59] California Department of Water Resources, Sustainable Groundwater Management Act (SGMA) Portal, Accessed August 18, 2020 at: https://sgma.water.ca.gov/webgis/index.jsp?appid=gasmaster&rz=true.

infiltration and retention—including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns—to reduce urban water runoff.

Any stormwater not infiltrating site soils would flow via sheet flow to Pomeroy Avenue, where it would be collected in the City's storm drain system. Due to the use of pervious pavements and the discharge of stormwater collected from building roofs into the landscaped areas, the volume of stormwater discharged from the site would be quite small. Therefore, the project would not result in substantial erosion or siltation on- or off-site. Accordingly, this would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐

Explanation: Similar to the previous discussion, this discussion focuses on permanent changes in drainage that would be caused by the project. Refer to Section X-a for a discussion of temporary construction impacts related to drainage. The project would create a net increase of 3,969 square feet of new impervious surfaces on the project site, which could result in an incremental increase in the amount and rate of stormwater discharge from the site. However, all of the water would be collected from the impervious surfaces on the site (i.e., the building rooftops) and discharged to the on-site landscaping, where most of the water would percolate to groundwater except in extreme storm events or after multiple storm events in quick succession, whereby the upper soil layers could become temporarily saturated. Pervious concrete would be used to pave the driveway and guest parking areas, which would also allow for percolation of stormwater into underlying groundwater. The driveway would be underlain by a 6-inch-diameter perforated pipe that would collect excess water that could exceed the capacity for percolation in peak storm events and discharge the water into the storm drain in Pomeroy Avenue. The proposed project would include construction of a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain under Pomeroy Avenue, extending from in front of the project site approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. With this upgrade, the incremental increase in stormwater discharge from the site that could occur during peak storm events would not exceed the capacity of the downstream receiving facilities, and therefore it would not have the potential to cause flooding off-site. The perforated drain in the driveway would collect and discharge any excess water falling on the driveway, which would prevent on-site flooding. Therefore, this would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

Explanation: Regarding stormwater drainage capacity, see Section X-d, above. With respect to the potential to generate substantial additional sources of polluted runoff, as discussed in more detail in

Section X-a, a majority of the stormwater falling on the site is expected to be treated naturally on-site through biofiltration. While excess stormwater may be discharged from the site during peak storm events where the rate and volume of stormwater exceed the ability of the soils underlying the site to absorb the water and allow it to percolate to groundwater, during such events the majority of pollutants collecting on rooftops and the driveway would be washed into the site soils during the initial flush of stormwater. By the time the soils become oversaturated during a peak storm event, the majority of collected pollutants would be entrained in the stormwater discharged into the on-site landscaping and/or percolate through the pervious concrete driveway into the underlying aggregate and soil layers, where the pollutants would be naturally removed through biofiltration. Any residual pollutants in stormwater discharged from the site would be *de minimus* quantities and would not constitute a substantial additional source of polluted runoff. This would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒

Explanation: The project site is designated by the Federal Emergency Management Agency (FEMA) as Zone X, Other Flood Areas, which is assigned to areas outside the 0.2-percent annual chance floodplain (i.e., 500-year flood), areas within the 1-percent annual chance floodplain (i.e., 100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from the 100-year flood.[60] This is not considered a flood hazard area.

Given its distance from San Francisco Bay, it is not located within a potential tsunami runup area.[61, 62]There is no potential for inundation of the site due to seiche, which is a free or standing wave oscillation(s) of the surface of water in an enclosed or semi-enclosed basin that may be initiated by an earthquake, because there is no surface water body near the project site. Because there is virtually no potential for the site to become inundated by flooding, tsunami, or seiche, there is no risk of pollutants to be released from the project site into flood waters. There would be ***no impact***.

[60] Federal Emergency Management Agency, Flood Insurance Rate Map, Santa Clara County, California and Incorporated Areas [map], Community Panel Number 06085C0226H, effective May 18, 2009.

[61] California Emergency Management Agency, California Geological Survey, and University of Southern California, Tsunami Inundation Map for Emergency Planning, San Francisco Bay Area, December 9, 2009.

[62] Association of Bay Area Governments, MTC/ABAG Hazard Viewer Map [interactive map], Accessed August 18, 2020 at: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Explanation:

Water Quality Control Plan

The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the master water quality control planning document adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in accordance with the Porter-Cologne Water Quality Control Act of 1969.[63] It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State Water Resources Control Board, U.S. Environmental Protection Agency (USEPA), and the Office of Administrative Law, where required.

Among other provisions, the Basin Plan establishes conditions (discharge prohibitions) that must be met at all times. These include restrictions on discharge of wastewater, wastewater sludge, biocides (i.e., pesticides, herbicides, copper, etc.), oils, and a wide range of solid materials, including silt, sand, and clay. Point source discharges must be made in accordance with waste discharge requirements (WDRs) established by the RWQCB in accordance with the NPDES program described in Section X-a.

The Basin Plan is a large and complex document with many specific provisions, policies, and implementation plans all with the overarching goal of protecting water quality for beneficial uses, such as:

- agricultural, municipal, domestic, and industrial supply;
- marine, estuarine, and warm and cold freshwater wildlife habitats;
- commercial and sport fishing;
- navigation;
- preservation of rare and endangered species;
- contact and non-contact water recreation;
- shellfish harvesting;
- fish spawning;
- and more.

Many of the programs and other provisions described in the Basin Plan are not applicable to the proposed project. In general, the Basin Plan takes a watershed management approach, and notes that most water quality issues are managed at the regional or countywide levels, with the remainder

[63] California Regional Water Quality Control Board, San Francisco Bay Region, *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, May 4, 2017.

occurring at the sub-watershed level, strongly influenced by local input. Within the City of Santa Clara, watersheds draining to south San Francisco Bay are managed by the Santa Clara Basin Watershed Management Initiative, a broad-based stakeholder group of 32 signatories from local, State, and federal public agencies, business and trade associations, and civic and environmental groups and programs. In particular, watersheds are protected throughout the region by NPDES regulations pertaining to point sources, including wastewater treatment plants, power plants, and other industrial facilities, as well as those pertaining to construction and operation of new development sites, described in Section X-a, and including a highway stormwater management program. There are also agricultural programs, including ones pertaining to animal confinement operations, irrigation operations, and dairy waste management and regulation. These are just a few of the many significant sources of potential sources of water pollution addressed in the Basin Plan.

Table 4-1 of the Basin Plan lists 18 types of prohibited discharges. Implementation of the proposed project would not result in any of the prohibited discharges. As discussed in more detail in Section X-a, the project would not have a significant adverse effect on water quality. Therefore, the project would not conflict with or obstruct implementation of the applicable water quality control plan. This would be a ***less-than-significant*** impact.

Sustainable Groundwater Management Plan

Despite California's heavy reliance on groundwater, the extraction of groundwater was never regulated until the 2014 passage of a package of bills that collectively formed the Sustainable Groundwater Management Act (SGMA). Senate Bill (SB) 1168, Assembly Bill (AB) 1739, and SB 1319 (which amended AB 1739) established a comprehensive Statewide groundwater management program with the primary goal of achieving sustainable groundwater basins over the next 20 years. Improved groundwater management is intended to provide a water supply buffer during periods of drought.

Rather than regulating groundwater at the State level, the SGMA allocates responsibility for local management of groundwater basins. The basins are to be managed by Groundwater Sustainability Agencies (GSAs), which can be formed by any local agency or coordinated group of agencies for purpose of complying with the SGMA. If no agency is formed, the county is presumed to be the local GSA unless the county explicitly opts out. In some cases, the legislation lists new special districts, which have exclusive authority for managing groundwater within their jurisdictional boundaries.

GSAs have authority to acquire land and water for purposes of recharging the groundwater basin and storing and transporting water. The GSAs must submit annual reports to the California Department of Water Resources (DWR), listing groundwater elevation data, amount of groundwater storage, use of surface water for groundwater recharge (or as water supply), and total use of water within the GSA's boundaries.

The DWR was required by prior legislation to rank the priority of each of the State's 515 groundwater basins and subbasins as either high, medium, low, or very low priority by January 31, 2015. These rankings were made in accordance with the California Statewide Groundwater Elevation Monitoring (CASGEM) program. The CASGEM program considers such factors as the number of public wells in the basin, population served, acreage of land above the basin, reliance on groundwater, history of overdrafting, occurrence of subsidence, degradation in water quality, and other factors.

The SGMA requires Groundwater Sustainability Agencies (GSAs) to form in the State’s high- and medium-priority basins and subbasins by June 30, 2017. For groundwater basins designed as medium or high priority, the SGMA requires the responsible GSA to prepare and adopt a Groundwater Sustainability Plan (GSP). Under certain conditions, including where a GSA has performed an analysis that demonstrates the groundwater basin under its purview has been operated within its sustainable yield over a period of at least 10 years, the GSA may prepare an Alternative to a GSP. The GSPs or

Alternative GSPs must encompass an entire basin or subbasin and must demonstrate that the basin can achieve sustainable groundwater management within 20 years of adoption of the plan.

The Santa Clara Valley Basin and sub-basin groundwater aquifer that underlies the City of Santa Clara is designated by DWR as a high-priority basin.[64] The Santa Clara Valley Water District (SCVWD) has been designated as the exclusive GSA for the Santa Clara groundwater basin.[65] In 2016 the SCVWD adopted the 2016 *Groundwater Management Plan* (GWMP) for the Santa Clara and Llagas Subbasins, which describes the District's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The GWMP was developed under authority granted by the Santa Clara Valley Water District Act. Following a public hearing and after considering public comments, the District Board of Directors adopted the 2016 GWMP on Nov. 22, 2016. The GWMP was submitted to DWR as an Alternative to a GSP on Dec. 21, 2016.

The GWMP concludes that Countywide water supplies, including groundwater, are sufficient to meet demands in normal years through 2040, but additional investments will be required to meet demand during multiple drought years. It notes that to meet this challenge, it planned to update its Water Supply Master Plan in 2017 to identify future projects and programs to ensure a continued long-term water supply. As discussed in more detail in Section XIX-b, the District subsequently adopted the *Water Supply Master Plan 2040* in November 2019, which sets forth its strategies for ensuring a sufficient water supply to meet 100 percent of demand through the first five years of an extended drought similar to the one that occurred from 1987 to 1992, and supplies that would meet more than 90 percent of demand in a sixth year of drought.

The proposed project would be required to comply with California Plumbing Code and California Green Building Standards Code (CalGreen) requirements pertaining to water efficiency, including requirements for low-flow toilets, showers, faucets, and other plumbing fixtures. CalGreen also requires new construction projects that include at least 500 square feet of outdoor landscape areas to comply with the California Department of Water Resources Model Efficient Landscape Ordinance (MWELO) or with a local water-efficient landscape ordinance that is at least as effective as the updated MWELO. With 6,938 square feet of landscaped area allocated on the site, the proposed project would be subject to the water-efficient landscape requirements. The project would also be required to comply with the City of Santa Clara's Water Service and Use Rules and Regulations, which prohibit the wasteful use of water (the rules include a list of specific uses of water that are prohibited) and require water-efficient design of landscaping projects of 500 square feet or more.

The proposed project would not conflict with or obstruct the implementation of the GWMP. Furthermore, as discussed in Section X-b, no groundwater would be pumped at the project site, and development of the project would have a negligible effect on groundwater recharge at the site. Consequently, there is no potential for the project to substantially interfere with the management of groundwater supplies. This would be a ***less-than-significant*** impact.

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[64] California Department of Water Resources, Public Affairs Office, Statewide Map of SGMA 2019 Basin Prioritization Results, April 30, 2019.

[65] California Department of Water Resources, Groundwater Sustainability Agencies, GSA Map Viewer [interactive map], Accessed November 21, 2019 at: https://sgma.water.ca.gov/webgis/index.jsp?appid=gasmaster&rz=true.

XI. LAND USE AND PLANNING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒

Explanation: The project would redevelop an existing residential site currently occupied by two single-family residences with eight townhome residences. It would not create new streets or block off any existing streets or pedestrian paths connecting different areas of a community. The project would not divide an established community or interfere in any way with access to an established community.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Explanation:

General Plan Consistency

The project site is located within the City of Santa Clara and development of the site is subject to the provisions of the *City of Santa Clara 2010-2035 General Plan*, adopted November 16, 2010 and updated December 9, 2014. The General Plan land use designation of the northern half of the site (1540 Pomeroy) is Community Mixed Use and is located in the El Camino Real Focus Area. The designation of the southern half (1530 Pomeroy) of the site is Very Low Density Residential. The General Plan has land use maps for three different phases of future development (Phase I: 2010-2015; Phase II: 2015-2023; and Phase III: 2023-2035); the same land use designations are assigned to the project site under all three phases of the General Plan.

The Community Mixed Use classification is a combination of the 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 in this designation, except under certain circumstances 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. The Community Mixed Use land use designation in the El Camino Real Focus Area allows development consistent with Community Commercial consisting of commercial, retail, or neighborhood office uses, or Medium Density Residential development, or a combination of retail, commercial, and neighborhood office uses at a minimum FAR of 0.10 and residential development at 20 to 36 dwelling units per acre (du/ac).

The Very Low Density Residential land use category is intended for a prevailing building type of detached single-family dwelling units, with development typically single-family in scale and character. Development in this classification is intended to maintain a feeling of suburban living, with setbacks between structures, parking, large landscaped yards, and tree-lined streets. The Very Low Density Residential designation allows densities of up to 10 units per gross acre.

The project site has a total site area of 21,000 square feet (~0.48 acre), approximately half of which (10,500 square feet, or 0.24 acre) is designated Community Mixed Use. Thus, this portion of the site allows 4.8 to 8.6 dwelling units, while the other half allows up to 2.4 dwelling units, for a combined density of up to 11 dwelling units on the project site. The proposed 8 townhomes are therefore within the combined allowable residential density for the site. However, if the density allowances are applied separately to each parcel, the 4 townhomes that would be developed on the northern Community Mixed Use parcel would be 0.8 units shy of the minimum density. The City Council has discretion to approve projects that are outside a specified General Plan density range. This minor deviation from the allowable density would be a ***less-than-significant impact***.

For 1530 Pomeroy Avenue, the proposed attached townhomes are not strictly consistent with the single-family scale and character described in the Very Low Density Residential land use category. However, General Plan Policy 5.5.1-P1 also authorizes the use of a density category of up to one range higher or lower than the property designation for parcels less than one-half acre in size. The next higher density category, Low Density Residential, allows for detached or attached dwelling units, and development may come in the form of single-family dwelling units, townhomes, row houses, and combinations of these development types, at a density of 8 to 19 units per acre, which would be 1.9 to 4.6 dwelling units on a 0.24-acre parcel. Consequently, the proposed four townhomes at 1530 Pomeroy would be consistent with the Low Density Residential designation in the General Plan, and there would be no land use impact.

For 1540 Pomeroy Avenue, the Community Mixed Use (CMU) designation ordinarily requires the inclusion of retail uses, at a floor-area ratio of 0.10, and the proposed project would include no retail. General Plan Mixed Use Policy 5.3.4-P17 and El Camino Real Focus Area Policy 5.4.1-P2 allow CMU properties under one-half acre to forego retail uses to facilitate development on smaller lots, but these policies require that the project comply with the specified residential density range. As noted above, this parcel is slightly below the minimum CMU density of 4.8 dwelling units, with only 4 dwellings proposed, and so these policies would not apply to this project. Nevertheless, as described in more detail below, the proposed project would be consistent and compatible with surrounding development and generally consistent with planning objectives established in the General Plan to redevelop sites with higher intensity development. And although the exclusion of retail uses would not be strictly consistent with the mixed use land use designation, the retail requirement is not a land use policy adopted to avoid or mitigate an environmental effect. Consequently, this conflict would not represent a significant adverse effect on the environment, and it would constitute a ***less-than-significant impact***.

Because Santa Clara has virtually no vacant land, the General Plan is focused on guiding redevelopment of existing sites from lower to higher intensity uses. The General Plan promulgates many policies intended to promote neighborhood compatibility, historic preservation, mobility and transportation, environmental quality, sustainability, and full provision of public services and utilities. All of the General Plan policies were reviewed to identify those applicable to the proposed project and evaluate the project's consistency with those policies. No conflicts were identified. In particular, the project would be consistent with the following general land use and residential land use policies:

5.3.1-P4 Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan.

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-P29 Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

5.3.2-P2 Encourage higher density residential development in transit and mixed use areas and in other locations throughout the City where appropriate.

5.3.2-P11 Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass and setbacks of existing or planned adjacent development.

The General Plan identifies six Focus Areas in the City where improvements and new development tailored to the existing character of the areas are encouraged. The Focus Areas include major corridors and destinations, new centers of activity around transit stations, and new residential neighborhoods, all of which have the potential to significantly define the City's identity. The General Plan also identifies three Future Focus Areas that are only established in Phases II and III of General Plan implementation. The northern half of the project site (1540 Pomeroy) is located in one of the existing areas, the El Camino Real Focus Area, which extends the entire length of El Camino Real within the City limits. The General Plan vision for El Camino Real is to transform this 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 General Plan states that building design and scale in the El Camino Real Focus Area should represent the City's historic character, with two- and three-story structures and special attention to articulation and proportion. As discussed in Section I(c), the proposed two-story townhomes would be well articulated. The proposed modern architecture, while aesthetically pleasing, does not appear to be consistent with the City's historic character, but it will be up to the City's decision makers to make this determination.

No other conflicts with the El Camino Real Focus Area Goals and Policies promulgated in Section 5.4.1 of the General Plan were identified. In particular, the project would be consistent with the following policies:

<u>El Camino Real Focus Area Policies</u>

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-P13 Encourage the retention of on street parking, particularly adjacent to Community Mixed Use designated properties.

The General Plan discussion of the El Camino Real Focus Area states that the General Plan Transition Goals and Policies, which are intended to address compatibility between existing and new development, apply throughout the Focus Area. The project is consistent with all three of the transition goals, which are:

5.5.2-G1 High quality, enjoyable and livable neighborhoods.

5.5.2-G3 New development that is compatible with adjacent existing and planned residential neighborhoods.

The transition policies, set forth in Section 5.5.2 of the General Plan, were reviewed and no project conflicts or inconsistencies were identified.

Zoning Ordinance

Although the northern half of the project site (1540 Pomeroy) is currently zoned A – Agriculture and the southern half is zoned R3-18D – Low-Density Multiple Dwelling, the proposed project would not require rezoning because the project is consistent with the General Plan. Pursuant to Assembly Bill (AB) 3194 (Daly, 2018), if a proposed project is consistent with the general plan but the zoning for the project site is inconsistent with the general plan, then the local agency is prohibited from requiring a rezoning. This situation applies to the proposed project on Pomeroy Avenue, where the A – Agriculture zoning district is not consistent with the Community Mixed Use land use designation in the General Plan. Therefore, rezoning of the property is not required.

1540 Pomeroy Avenue – Northern Parcel

The City has determined that the zoning regulations for the R3-36D Medium-Density Multiple Dwelling, set forth in City Code Chapter 18.20, are applicable to the project parcel at 1540 Pomeroy. Pursuant to City Code Section 18.06.010(m), the proposed townhomes are considered a "multiple dwelling," which is a principal permitted use in the R3-36D district. A minimum lot area of 8,500 square feet and a minimum lot width of 70 feet are required in this district. With a lot size of 10,920 square feet, the northern project parcel is consistent with this regulation, but the lot width is 65 feet, 5 feet shy of the required width.

Although two side yards with minimum widths of 10 feet each are required, City Code Section 18.20.080 states that on lots with a width of less than 70 feet, one interior or non-street side yard may be reduced to 5 feet if immediately adjacent to a garage, carport, or single-story living unit on a lot adjoining such side yard. The proposed site plan shows a 10-foot side yard on the southern edge of the project site and a side yard of 5 feet on the north side, conforming to this regulation. This setback extends from the property line to the edge of the private patios, but the setback to the building structures would be 13 feet.

A rear yard of at least 20 feet is required in the R3-36D district, which is demonstrated on the site plan. The maximum allowable height is four stories and 45 feet. The townhomes on this parcel would comply, having a height of 36 feet 6 inches. Building coverage may not exceed 45 percent of the total lot size; the coverage on the northern parcel just meets this, with 45-percent coverage.

Development on lots under 22,000 square feet must provide at least 40 percent of the lot area as permanently-maintained open landscaped area with an irrigation system and 6-inch raised concrete curbing enclosing the landscaping. The project is proposing 4,370 square feet of landscaping, which represents 40 percent of the 10,920-square-foot lot.

Chapter 18.20 also stipulates a minimum lot area per dwelling unit, which for lots ranging from 10,000 square feet to 22,000 square feet is 2,500 square feet per unit. Based on the lot size of 10,920 square feet, the six units on the northern parcel would result in an average of 1,820 square feet, which would not comply with this regulation.

At least one garage or carport with at least one parking space is required for each dwelling unit in the R3-36D district. A driveway with a minimum length of 20 feet between the parking space

and street right-of-way line is required. Where garage doors are located so as to be opposite each other with a distance of less than 40 feet, automatic garage door openers and roll-up garage doors must be provided. The proposed project would provide an enclosed two-car garage for each unit, as well as three uncovered guest parking spaces at the rear of the site. Opposing garages would be separated by 25 feet, and therefore roll-up doors and automatic garage door openers would be required.

1530 Pomeroy Avenue – Southern Parcel

The single-family homes proposed for the southern parcel are a principal permitted use in the R3-18D district assigned to the property. The district has the same 8,500-square-foot minimum lot size as the R3-36D district, which the project exceeds with a size of 10,080 square feet. The 60-foot width of the parcel does not conform to the required minimum width of 70 feet. The proposed homes would have a height of 24 feet 8 inches, under the 25-foot height limit for the district.

The required minimum front, side, and rear yards in the R3-18D district are 20 feet, 10 feet, and 15 feet, respectively, and the proposed site plan demonstrates compliance with each of these standards. Maximum allowable building coverage is 35 percent; project coverage would comply at 28.5 percent. Similar to the R3-36D district, a minimum lot area of 2,500 square feet per dwelling unit is required, which the project would exceed with 5,040 square feet of lot area per dwelling unit. Parking and other standards are the same as described above for the R3-18D district; no conflicts were identified.

The shortcomings on the lot widths are preexisting conditions that the project has no influence over. While there is a deficiency on the required minimum lot area per dwelling unit on the northern parcel, when the two parcels are combined, as proposed, the average lot area is 2,625 square feet per dwelling unit, above the required minimum.

Pursuant to Government Code Section 65589.5(h)(2)(j)(4), a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. A local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan; however, the standards and criteria are to be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

As demonstrated in the preceding analysis, the proposed project is consistent with the General Plan designations and allowable densities applicable to the site. Therefore, the minor deviations from development standards noted above would not constitute a significant environmental effect. Based on the General Plan and Zoning Ordinance review summarized above, the proposed project would not 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, and would therefore have a ***less-than-significant*** land use impact.

XII. MINERAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒

Explanation: The project site and all lands in the vicinity of the site are classified as Mineral Resource Zone (MRZ) category MRZ-1 by the California Department of Conservation's Division of Mines and Geology (DMG).[66] The MRZ-1 designation is assigned to areas where adequate information is available to make a determination that no significant mineral deposits are present, or where it is judged by DMG that there is little likelihood that they are present. It can therefore be assumed that mineral resources that would be of value to the region and the residents of the State are absent from the site. In addition, the site is located in a developed urbanized area, where extraction of minerals from the site would be impractical and highly disruptive to surrounding established land uses. This is reinforced by a statement in the DMG report published with the MRZ maps for the Bay Area that mineral lands located within areas that have already been urbanized are not considered viable for extraction, and are deemed incompatible.[67] Therefore, the project would have **no impact** on the availability of mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: No locally significant mineral resources are designated in the City's General Plan, and the Santa Clara General Plan EIR reports that the City is not known to support significant aggregate resources or mineral resources of any other type. As noted above, the proposed project would not have an adverse effect on the availability of significant mineral resources.

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[66] California Department of Conservation, Division of Mines and Geology, Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region, Newark Quadrangle [map] (Plate 1 of 29), 1996.

[67] California Department of Conservation, Division of Mines and Geology, *Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region*, Concepts Used in Identifying Available Aggregate Resources (page 7), 1996.

XIII. NOISE — *Would the project result in:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

Explanation: From the standpoint of noise, the only substantial noise that would be generated by the proposed project would be generated during construction. Construction of the project is expected to create high noise levels for a temporary, short-term period. The loudest construction noise would be generated by the operation of heavy equipment used for clearing and grading the site and excavating utility trenches. Due to the small size of the site and the limited amount of grading that would be required, it is assumed that smaller equipment would be used, such as a small backhoe loader. Although the smaller equipment would generate noise levels below noise levels typically generated by heavy construction equipment (i.e., on the order of 87 to 89 A-weighted decibels (dBA) at a distance of 50 feet from the equipment), substantial noise levels could still be experienced at neighboring residential receptors. Short-term noise levels above 80 dBA could be experienced at the closest neighboring properties. However, these are outdoor noise levels; interior noise levels could be expected to be at least 15 dBA lower inside neighboring homes.

Similar to most jurisdictions in California, Santa Clara does not treat short-term construction noise as a significant impact if it complies with the limits on construction hours established by the City's Noise Ordinance. The ordinance, promulgated in City Code Section 9.10.230, limits construction activity to the hours of 7:00 a.m. to 6:00 p.m. daily except Saturday, when the hours are limited to between 9:00 a.m. and 6:00 p.m. Construction is prohibited on Sundays and stipulated standard holidays.

While neighboring residents could experience annoyance from construction-generated noise during development of the project, the disturbance would be temporary and would be required to comply with the allowed hours of construction activity stipulated in the City's Noise Ordinance. Due to the small size of the site, it is expected that operation of equipment during the site preparation phase of development would last for less than one week. Therefore, noise generated during project construction would be a ***less-than-significant impact***.

Once construction is completed, the primary source of project-generated noise would be the arrival and departure of vehicles owned by project residents and visitors. Periodic vehicle trips by maintenance and delivery personnel would also incrementally contribute to vehicle noise generated by the project. A landscape plan has not yet been developed for the project, so it's unknown whether any turf lawn would be planted. If lawns are planted in private back yards or in the landscaped commons, there is a possibility that a lawn mower could be operated periodically, but this would not be a substantial or long-term source of noise. The vehicle-generated noise and periodic lawn mower noise are typical residential sources of noise and are commonly accepted components of urban life. There is no potential for eight dwelling units to double the existing traffic volume on nearby roadways, which is the threshold necessary to produce a barely perceptible increase in traffic-generated noise. There is no potential for project-generated noise to exceed the standards established in the General Plan or Noise Ordinance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Explanation: There are no existing sources of groundborne vibration, such as a railroad line, in proximity to the project site. While vibration generated by construction activity can cause annoyance to nearby receptors, groundborne vibration falls off quickly with distance. Some vibration would likely be generated during demolition of the existing residences and pavements and during site grading. Such vibration is typical of most construction projects and is not sufficiently extreme to have the potential to result in structural damage to nearby properties. It's possible that the closest nearby residential receptors could experience some annoyance from construction-related vibration. However, such vibration would not be expected to result in adverse physical effects. It would represent an intermittent and short-term annoyance that would not last more than a week. Because construction activities would occur during daytime business hours, it's likely that a majority of nearby residents would be at work or away from home on personal business. Therefore, construction-related vibration would be a ***less-than-significant impact***. Following completion of construction, operation of the project would not generate vibration.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation: The project site is not located in an area addressed by an airport land use plan and there are no airports within 2 miles of the project site; the closest airport is San Jose International Airport, located approximately 3 miles northeast of the site. There is therefore no potential for project residents to be exposed to excessive noise levels from airport operations. There would be ***no impact***. from airport noise.

XIV. POPULATION AND HOUSING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Induce substantial unplanned 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)?*	☐	☐	☒	☐

Explanation: The proposed project would directly generate population growth through the development of eight new townhomes. Because there are two existing single-family residences on the site, there would be a net increase of six dwelling units. According to the California Department of Finance, the average household density in Santa Clara is currently 2.63 persons per household.[68] Applying this average household size, the existing population on the site is approximately 5 people, while the proposed project would generate a population of approximately 21 persons, for a net increase of about 16 persons.

According to the Department of Finance, the City of Santa Clara has an existing population of 129,104 persons as of January 1, 2020.[69] A net increase of 16 people would represent a 0.01-percent increase in the City's population, which would not represent "substantial population growth." Furthermore, the project would increase the development intensity on a previously developed parcel, consistent with General Plan policy (e.g., Policies 5.3.1-P4, 5.3.1-P13, 5.3.2-P2, and 5.3.4-P17). Therefore, the population growth induced by the project would be a ***less-than-significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*	☐	☐	☐	☒

Explanation: Although the project would displace two existing housing units from the site, it would create eight new housing units. There would be ***no impact***.

[68] State of California, Department of Finance, Table E-5: Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 20 Census Benchmark, May 2020, Accessed August 19, 2020 at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

[69] State of California, Department of Finance, Table E-1: Population Estimates for Cities, Counties, and the State–January 1, 2019 and 2020, May 2020, Accessed August 19, 2020 at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/.

XV. PUBLIC SERVICES - *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 following public services:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒

Explanation: Fire protection services in Santa Clara are provided by the Santa Clara Fire Department (SCFD), which also provides emergency medical response. The Fire Department has 10 fire stations distributed throughout its service area of approximately 18.4 square miles and is equipped with eight engines, two aerial ladder trucks, one rescue/light unit, two ambulances, one hazardous materials unit, and one command vehicle. The fleet will be expanded by two new fire engines in 2019. The Department currently has 167 personnel supplemented by 40 Reserve Firefighters when fully staffed.[70] The City of Santa Clara also participates in the Santa Clara County Fire and Rescue Mutual Aid Response Plan to further ensure that fires and other emergencies are handled efficiently.

With a service population of about 129,600 residents, the SCFD received 9,050 calls for service in 2018, 6,406 (70.8 percent) of which were for emergency medical response. Just 2.1 percent of the total calls (187 calls) were for structure fires and other fires. Other calls were related to alarm activation (1,405 calls), hazardous materials response (164 calls), service (unspecified) (848 calls), and tech rescue (40 calls).[71]

In 2018 the SCFD completed a complete upgrade of the Computer-Aided Dispatch system, which provides reduced call processing time for emergency calls and provides new technology, including automated call routing and detailed location identification of cellular callers, which will reduce overall response times to emergencies. The SCFD responded to 90 percent of structure fire calls in 2018 within 5 minutes and 58 seconds. In the same year, the Department responded to emergency medical calls within 5 minutes and 51 seconds on 90 percent of the calls.

Since 2015, the Fire Department staffing level and other performance measures are evaluated by a Standards of Cover (SOC) analytical model that evaluates the Department's ability to provide an adequate number of firefighters on the scene of an emergency within a given time period. The current SOC performance measures, which conform to National Fire Protection Association (NFPA) recommendations, are:

> **Distribution of Fire Stations**: To treat medical patients and control small fires, the first-due unit should arrive within 7 minutes, 90 percent of the time. This equates to a 1-minute dispatch time, a 2-minute turnout time, and a 4-minute drive time.
>
> **Multiple-Unit Effective Response for Serious Emergencies**: To confine fires near the room of origin, to stop wildland fires to fewer than three acres, and to treat up to five medical patients

[70] City of Santa Clara Fire Department, *Annual Report 2018*, accessed November 11, 2019 at http://santaclaraca.gov/home/showdocument?id=64140.

[71] *Ibid*.

at once, responding units should arrive within 11 minutes, 90 percent of the time. This equates to a 1-minute dispatch time, 2-minute turnout time, and 8-minute drive time.

Hazardous Materials Response: To minimize or halt the release of a hazardous substance, the first company capable of investigating a hazardous materials release at the operations level should arrive within 6-minutes travel time or less, 90 percent of the time.

Technical Rescue: Respond to technical rescue emergencies within 6-minutes travel time or less 90 percent of the time and initiate a rescue within a total response time of 11 minutes, 90 percent of the time.

Emergency Medical Services: Provide first responder paramedic services to all neighborhoods to 90 percent of the higher priority medical incidents within at least 7:59 minutes from fire crew notification, per the County's EMS Medical Direction.

Fire Station No. 7, located at 3495 Benton Street, would provide first response to the project in the event of a fire or medical emergency. Since the driving distance from Station No. 7 to the project site is approximately 3,850 feet (~0.73 mile), it is assumed that fire response time to the site would be well within the 3-minute response time goal established in the General Plan (Policy 5.9.3-P4).

The proposed project would incrementally increase the development intensity on a site already developed with residential use in a neighborhood fully built out with residential and commercial uses. While the net increase of six homes could result in an incremental increase in the need for fire protection services, the actual increase would likely be imperceptible to the Fire Department and would certainly not result in a need for construction of new fire protection facilities. It should also be noted that the General Plan EIR found that new commercial and residential development and the associated population growth allowed under the 2010-2035 General Plan would result in an increased demand for fire and emergency medical response services, but existing facilities would have the capacity to absorb additional fire personnel without expanding the existing fire stations.[72] The proposed project is consistent with the land use assumptions in the 2010-2035 General Plan, as discussed in more detail in Section XI-b. Furthermore, the Santa Clara Fire Marshal previously stated that the proposed project was not expected to adversely affect Fire Department operations or capacity.[73] Therefore, the proposed project would have a less-than-significant impact on fire protection services. Implementation of the proposed project would not require construction of new or expanded fire stations, and there would be ***no impact*** related to such construction.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	☐	☐	☐	☒

Explanation: Police protection services in Santa Clara are provided by the Santa Clara Police Department (SCPD), which operates out of headquarters located at the Police Building (601 El Camino Real). The SCPD currently has a staff of 239 full-time personnel, consisting of 159 sworn police officers

[72] City of Santa Clara, *City of Santa Clara Draft 2010-2035 General Plan Integrated Final Environmental Impact* Report, SCH #2008092005, Section 4.6.5.1, Fire and Police Protection, January 2011.

[73] Jake T. Tomlin, Fire Marshal, Santa Clara Fire Department, Fire Prevention and Hazardous Materials Division, personal communication, February 13, 2017.

and 80 non-sworn personnel, with a staffing ratio of 1.22 sworn officers per 1,000 residents.[74] The Department also has more than 200 as-needed employees to support its operations, such as crossing guards and per-diem special event police officers, traffic control officers, and dispatchers. In addition, approximately 21 police reserves and an estimated 45 volunteers (community volunteers, explorers, cadets, chaplains, etc.) are available to serve the SCPD. The City of Santa Clara is divided into six police beats. The project site is located within Beat 5.

In 2018, the SCPD handled 5,513 calls for Part I crimes (i.e., homicide, rape, robbery, assault, burglary, larceny/theft, vehicle theft, and arson).[75] There were a total of 44,323 calls for police service in 2018 out of a total of 179,736 emergency and non-emergency calls to the communication center. In 2019, the Department had a Citywide average response time of 4 minutes 26 seconds for Priority One calls.

The Santa Clara General Plan EIR concluded that although population growth allowed under the 2010-2035 General Plan would result in an increased demand for police services, which would require new police officers, the new officers could be housed in existing police facilities and no new construction would be required. The proposed project is consistent with the land use assumed for the site in the General Plan, which assumes that a total of up to 11 dwelling units could be developed on the site, based on the allowable density of 0 to 10 units per gross acre for the Very Low Density Residential land use designation assigned to one-half of the site and the allowable density of 20 to 36 dwelling units per gross acre for the Community Mixed Use land use designation assigned to the other half of the site. With a total of eight dwelling units, the project would result in an on-site population below that envisioned in the General Plan. Therefore, the project's potential impact on police protection services was already disclosed in the General Plan EIR, and no further analysis is necessary. The project would have ***no impact*** on police protection services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?	☐	☐	☒	☐

Explanation: Any students living in the proposed homes attending public (rather than private) schools would attend schools in the Santa Clara Unified School District (SCUSD). SCUSD operates 16 elementary schools, three middle schools, two high schools, one K-8 school, two continuation schools, and one adult education school.[76] The SCUSD schools serving the project site include Pomeroy Preschool and Pomeroy Elementary, at 1250 Pomeroy Avenue (about 1,000 feet south of the project site); Cabrillo Middle School, at 2550 Cabrillo Avenue (about 1.6 miles travel distance from the site); and Santa Clara High School, at 3000 Benton Street (about 3,500 feet travel distance from the project site).

Two private schools are also located nearby: Stratford School Santa Clara, at 890 Pomeroy Avenue, and Monticello Academy, at 3345 Lochinvar Avenue, located about 0.7 mile and 0.85 mile south of the project site, respectively. Both schools offer instruction for students from preschool through the eighth grade.

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[74] Santa Clara Police Department, About Us: Fact Sheet, accessed August 19, 2020 at: https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet.

[75] *Ibid*.

[76] City of Santa Clara*, 2010-2035 General Plan Integrated Final EIR*, Section 4.6.1.3, January 2011.

Although students in the City of Santa Clara are served by six different school districts in the region, the majority attend schools in the SCUSD. The Santa Clara General Plan EIR concluded that implementation of the 2010-2035 General Plan would add approximately 12,500 new households to the District's service area, resulting in an estimated 2,000 new students. The EIR noted that the District has four closed school sites that could be used to serve new development, and was anticipating construction of new school facilities in north San Jose that would accommodate growth in student population.

The General Plan EIR found the increased demand for schools that would result from population growth allowed under the 2010-2035 General Plan to be a less-than-significant impact. Since the proposed project is consistent with the land use and population growth assumed for the site in the General Plan, the project's potential impact on schools was already disclosed in the General Plan EIR, and no further analysis is necessary. Furthermore, pursuant to Senate Bill 50, which became effective in 1998, payment of the School Facilities Mitigation Fee has been deemed by the State legislature to be full and complete mitigation for the impacts of a development project on the provision of adequate school facilities.[77] The proposed project would be required to pay the applicable School Facilities Mitigation Fee, which is based on the number of new housing units developed. With payment of these fees, the project would have a ***less-than-significant impact*** on schools.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?	☐	☐	☒	☐

Explanation: There are 38 parks, playgrounds, and open spaces in Santa Clara, encompassing a land area of approximately 450 acres. The closest public park to the project site is Earl R. Carmichael Park, at 3445 Benton Street, approximately one-half mile southwest of the project. This 10.5-acre neighborhood park provides basketball courts, a little league baseball field, two lighted tennis courts, a picnic/BBQ area, and children's playground. Machado Park is located about one-half mile north of the project site and Central Park is located about 0.65-mile southeast of the site. No other parks are within easy walking distance of the project site.

Although the proposed project residents would incrementally increase the use of existing parks, with an estimated net new population of 16 people (see Section VIX, Population and Housing), the amount of additional use by new residents would not be expected to result in physical deterioration of the parks or to otherwise adversely affect park facilities.

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 Quimby Act and/or Mitigation Fee Act (MFA). Consistent with the Quimby Act, City Code Section 17.35.020 provides that the City shall require payment of a park in-lieu fee only for subdivisions of 50 or fewer parcels. The payment of Quimby fees is generally considered to mitigate the impact of new development on existing parks. Because the proposed project would be required to pay in-lieu fees for parkland as a condition of approval, in accordance with the Quimby Act and Santa Clara City Code Chapter 17.35, the project would have a ***less-than-significant impact*** on parks.

[77] Senate Bill (SB 50), Leroy F. Greene School Facilities Act of 1998, Statutes 1998, Chapter 407.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?	☐	☐	☒	☐

Explanation: The City of Santa Clara has three libraries within its boundaries, including the Central Park Library, at 2635 Homestead Road; the Northside Branch Library, at 695 Moreland Way; and the Mission Library and Family Reading Center, at 1098 Lexington Street. The majority of the Library's collection is housed in the Central Park Library, an 84,000-square-foot facility that serves over 1.4 million visitors per year. The City also has various public arts and cultural facilities, including the Triton Museum of Art, Mission City Center for Performing Arts, de Saisset Museum, Santa Clara Convention Center, Headen-Inman House, Edward Peterman Museum of Railroad History, and other facilities.

The Santa Clara General Plan EIR evaluated the potential impact of future development allowed under the 2010-2035 General Plan on library and other community facilities. With respect to library facilities, the EIR concluded that future new development in the northern portion of the City could generate sufficient demand that construction of new library facilities could be required. However, development in other areas of the City could be served by the large Central Park Library, located approximately 1.3 miles travel distance (southeast) from the project site. Regarding other community facilities, the EIR concluded that the increased demand for arts, cultural, and community facilities generated by new growth allowed under the 2010-2035 General Plan would not exceed the existing capacity of such facilities or require construction of new facilities. Implementation of the 2010-2035 General Plan was therefore found to have a ***less-than-significant impact*** on libraries and other community facilities.

The proposed project could be served by the existing Central Park Library and would not require construction of new facilities to meet project-generated demand. The proposed development is consistent with the land use assumed for the site in the General Plan and would result in an on-site population under that assumed in the General Plan. Therefore, the project's potential impact on libraries and other public facilities was already disclosed in the General Plan EIR, and no further analysis is necessary.

XVI. RECREATION —

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 would occur or be accelerated?	☐	☐	☒	☐

Explanation: The park facilities discussed in Section XIV(d) provide various recreation facilities, including baseball and softball fields, tennis courts, basketball courts, a swimming pool, picnic/BBQ areas, and playgrounds. The potential impact from a project-generated increase in parks and associated recreation facilities was addressed previously in Section XV-d. The project would have a ***less-than-significant impact*** on recreation facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?*	☐	☐	☐	☒

Explanation: The proposed project does not entail construction or expansion of recreational facilities. There would be ***no impact*** on the environment from construction of recreational facilities.

XVII. TRANSPORTATION/TRAFFIC — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*	☐	☐	☒	☐

Explanation: The additional traffic that would be generated by the construction of eight new townhomes would have a negligible effect on the transportation system. According to the 9th Edition of *Trip Generation*, published by the Institute of Transportation Engineers (ITE), the trip generation rate for Residential Condominium/Townhouse is 5.81 daily trips per unit, with 0.44 trips generated during the AM peak hour and 0.52 trips generated during the PM peak hour. Thus, the eight townhomes would generate approximately 46 daily trips, 3 AM peak-hour trips, and 4 PM peak-hour trips. Based on the ITE rates for single-family residential land uses, the two existing homes generate 10 daily traffic trips, including 1 trip during the AM peak hour and 2 trips during the PM peak hour. Thus, the net increase in traffic generated by the project would be 36 daily trips, including 2 trips during the AM peak hour and 2 trips during the PM peak hour.

The General Plan EIR reported an average daily traffic (ADT) volume on Pomeroy Avenue between Calabazas Boulevard and Benton Street of 4,100 vehicles, with a level of service (LOS) of LOS C, which corresponds to moderate traffic congestion.[78] The ADT on Pomeroy was calculated by the City's Travel Demand Model, using actual traffic counts conducted on many road segments in the City in April and May of 2008. With buildout of the General Plan in 2035, the ADT was projected to be 6,900 vehicles with LOS D, which is more congested but still considered an acceptable level of service in the General Plan.

The General Plan EIR reported an ADT on El Camino Real between the Lawrence Expressway and Calabazas Boulevard of 32,800 vehicles, operating with LOS D, also determined by the City's Travel

[78] City of Santa Clara, *City of Santa Clara Draft 2010-2015 General Plan Integrated Final Environmental Impact Report*, Table 4.12-9, January 2011.

Demand Model. With buildout of the General Plan in 2035, the ADT was projected to be 39,280 vehicles with LOS F, which is the most congested level of service, representing oversaturated, stop-and-go conditions.[79] The Santa Clara General Plan considers LOS E and LOS F to be unacceptable levels of service. Although traffic delay is no longer considered a significant impact under CEQA, pursuant to Senate Bill (SB) 743, the level of service analysis is presented in this section to evaluate the project's consistency with the General Plan's transportation policies.

The General Plan EIR reported an ADT on Benton Street between Pomeroy Avenue and Kiely Boulevard of 9,240 vehicles, based on traffic counts on this roadway.[80] West of Pomeroy, the ADT was 9,750 vehicles on Benton Street. The resulting level of service on both segments was LOS C. Under General Plan buildout the ADT was projected to be 13,550 vehicles and 12,660 vehicles, respectively, but the level of service on both segments would continue to be LOS C.

If all net new project-generated traffic were distributed to El Camino Real (a conservative but unrealistic assumption), the project would increase existing traffic on this roadway by about 0.04 percent. Such a negligible increase in traffic would not have the potential to degrade the level of service or cause a noticeable change in operating conditions. While El Camino Real is expected to operate unacceptably at LOS F at General Plan buildout, this was previously identified as a significant and unavoidable impact in the General Plan EIR, despite the adoption of General Plan policies that would implement roadway improvements and contribute to reductions in vehicle trips. Since this impact was already disclosed to the public in the General Plan EIR and the proposed project is consistent with the General Plan, this impact has already been addressed, and no further mitigation requirements would apply to the proposed project.

The General Plan EIR did not evaluate traffic conditions on Pomeroy Avenue between El Camino Real and Calabazas Boulevard, which is a segment of the roadway that is less than 750 feet in length. As noted above, it did evaluate traffic conditions on Pomeroy south of Calabazas Boulevard. Conservatively assuming all new project vehicle trips travelled on Pomeroy south of Calabazas, the project would increase traffic on this roadway by 0.32 percent. The EIR projected a 63.4-percent increase on this roadway between 2008 and 2035 buildout of the General Plan, which did not result in an expected degradation in the current level of service (LOS C). Therefore, the incremental additional traffic generated by the project would not have the potential to degrade the level of service.

If all new traffic trips generated by the project travelled on Benton Street east of Pomeroy Avenue, traffic on this roadway segment would increase by 0.14 percent. If all new project traffic travelled on Benton Street west of Pomeroy Avenue, traffic on this roadway segment would increase by 0.13 percent. The General Plan EIR analysis determined that a 46-percent increase in traffic volume (4,310 vehicles) on Benton Street from existing conditions to General Plan buildout would not adversely affect the level of service. Therefore, the minor amount of traffic that would be added to project roadways by the proposed project would not have the potential to degrade the level of service.

The amount of project traffic that would be added to these local roadways would actually be less than that assumed in the discussions above. It would be distributed in various directions, with smaller increments travelling on any given roadway. Following the addition of project-generated traffic to the local road network, the nearby roadways that would be most affected would continue to operate at acceptable levels of service, based on the standard established in the General Plan. Although El Camino Real would operate unacceptably at LOS F at General Plan buildout, this was already identified as a significant and unavoidable impact in the General Plan EIR. The project would not cause an increase in the severity of this impact, and would not cause any new significant impacts on the

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[79] *Ibid*.

[80] City of Santa Clara, *City of Santa Clara Draft 2010-2015 General Plan Integrated Final Environmental Impact Report*, Table 4.12-4, January 2011.

performance of the circulation system. Therefore, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

Similarly, traffic generated during project construction would not be substantial and would not have the potential to degrade levels of service on area roadways. It is estimated that the number of construction workers on the site at any given time during the 9- to 12-month construction period would range from five to ten workers. Although construction workers typically travel outside the peak traffic periods, if it is conservatively assumed that all workers would drive separately to the site during peak commute hours, this would add up to 10 new trips during the AM and PM peak periods for up to one year. There would be additional trips generated during off-peak hours, with workers traveling to supply stores or off-site for lunch. Again, these trips would represent well under 1 percent of existing traffic on the local road network and, based on the General Plan EIR analysis discussed above, would not have a significant impact on traffic. The City will require as a condition of approval that the applicant submit a truck hauling route for removal of soil and demolition debris, subject to approval of the Director of Community Development, prior to issuance of demolition or building permits. Compliance with the designated truck route would further reduce the project's impact on traffic during demolition and construction.

The project would have a ***less-than-significant impact*** on traffic.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subsection (b)?	☐	☐	☒	☐

Explanation: Pursuant to SB 743, the Governor's Office of Planning and Research (OPR) adopted revisions to the *CEQA Guidelines* on December 28, 2018 stating that adverse effects on Level of Service will no longer be considered to be a significant environmental impact under CEQA. The revised Guidelines have replaced LOS with vehicle-miles-travelled (VMT) as the most appropriate measure of transportation impact.[81] The *Technical Advisory on Evaluating Transportation Impacts in CEQA* published by OPR in December 2018 provided recommendations regarding VMT evaluation methodology, significance thresholds, and screening thresholds for land use projects.

The OPR guidelines and Section 15064.3(b) of the revised *CEQA Guidelines* state that transit-oriented development projects located within ½-mile of an existing major transit stop or high-quality transit corridor would have a less-than-significant impact on VMT. Public Resources Code (PRC) Section 21064.3 defines a major transit stop as an existing rail or bus rapid transit station, a ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The City of Santa Clara VMT Policy adopted on June 23, 2020 also states that transit-oriented development projects located within ½-mile of an existing major transit stop would have a less-than-significant impact on VMT and will not require a VMT analysis. The City's policy defines a major transit stop with the same criteria as PRC Section 21064.3. There are no transit stops meeting these criteria that are within ½-mile of the project site, which is well over a mile from the nearest Caltrain station.

[81] California Public Resources Code, Section 21099(b)(2) and *CEQA Guidelines* Section 15064.3(a).

PRC Section 21155 defines "high-quality transit corridor" as a corridor with a fixed route bus service with intervals no longer than 15 minutes during peak commute hours. The project site is roughly 400 feet from a stop for VTA bus line 22, on El Camino Real at Pomeroy Ave. The peak-period headways on line 22 are 15 minutes. There is also an express VTA line 522 that runs down El Camino Real, which also runs on peak-period intervals of 15 minutes, but the nearest stop is at Bowers, which is approximately 0.54-mile from the project site. Nonetheless, with the proximity to Line 22, the project site is located less than ½-mile from an existing high-quality transit corridor and, therefore, in accordance with *CEQA Guidelines* Section 15064.3(b), the project would have a less-than-significant impact on VMT. Furthermore, the City recently adopted a new Transportation Analysis Policy for purposes of evaluating VMT impacts from new development. Among other provisions, the policy establishes that small projects generating 110 or fewer daily trips are presumed to have a less-than-significant impact on VMT. Since the project would generate 36 net new daily trips, it would also be below this significance threshold. Therefore, the project would have a ***less-than-significant impact on VMT*** per OPR guidelines and City policy.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

Explanation: The project would replace two existing driveways providing access to Pomeroy Avenue with a single centrally-located driveway that would be wider that the existing driveways. This would simplify access to the site, and would not create a traffic hazard or increase an existing traffic hazard. No other project changes would occur within public rights-of-way. There would be ***no impact*** from the creation of traffic safety hazards.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in inadequate emergency access?	☐	☐	☐	☒

Explanation: The project would not affect emergency access to the site. In the event of an emergency at the site, such as a medical emergency involving a future resident, emergency response personnel would access the project site from Pomeroy Avenue, which would not be affected by the project.

XVIII. TRIBAL CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
a) 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)?	☐	☒	☐	☐

Explanation: In 2004 the California legislature passed Senate Bill (SB) 18, which requires local governments to contact and consult with California Native American tribes prior to adoption or amendment of a general plan, specific plan, or designation of open space. This requirement was expanded with the passage in 2014 of Assembly Bill (AB) 52, which established a consultation process with all California Native American tribes included on a list maintained by the Native American Heritage Commission (NAHC). For a specific development project, the consultation must be with a tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.

AB 52 established a new class of cultural resources, Tribal Cultural Resources. A Tribal Cultural Resource (TCR) is a site feature, place, cultural landscape, sacred place, or object that is of cultural value to a Native American tribe and is either on or eligible for the California Register of Historical Resources (CRHR) or a local historic register, or the lead agency chooses, at its discretion, to treat the resource as a TCR.

For any development project application deemed complete by a lead agency after July 1, 2015, the lead agency must provide written notification within 14 days to all tribes that have requested placement on the agency's notification list. The notification must provide the project location, a brief description of the project, the lead agency contact information, and notice that the tribe has 30 days to request consultation. If a tribe requests consultation, it must begin within 30 days.

As of the publication of this Initial Study, the City had not received any requests for consultation on the proposed project from Native American tribal groups culturally affiliated with the project area.

The lead agency must conduct an assessment of potential TCR impacts. In general, potentially significant impacts to prehistoric archaeological resources may be considered potential significant impacts to TCRs. As discussed further in Section V, the NWIC determined that there is a moderate potential for unrecorded Native American archaeological resources to be buried within the confines of the project site. Such resources could potentially include TCRs. Were any TCRs present, any disturbance to such resources during project construction could result in a ***significant, adverse impact*** on tribal cultural resources. Implementation of Mitigation Measures CR-1 and CR-2, set forth in Section V, would reduce the potential impact to a less-than-significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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 the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Explanation: Public Resources Code Section 5024.1 establishes the California Register of Historical Resources and defines the criteria for inclusion on the California Register. As discussed in Section V-a, no historic resources are known or suspected to be present at the project site. However, their potential presence cannot be completely ruled out. Were such resources to be present, disturbance of the subsurface during construction could damage or destroy the resource(s), which would be a ***potentially significant impact*** on historic resources. Implementation of Mitigation Measures CR-1 and CR-2 (see Section V) would reduce the impact to a less-than-significant level.

XIX. UTILITIES AND SERVICE SYSTEMS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐

Explanation:

Water Treatment Facilities

As discussed in more detail in Section XIX-b, below, water would be supplied to the project by the Santa Clara Water Utility. The Water Utility's water system infrastructure includes 335 miles of water mains, 26 wells, and 7 storage tanks with a total storage capacity of approximately 8.8 million gallons.

The City's potable water supply comes from three sources: local groundwater and imported surface water provided by two wholesale water agencies, the Santa Clara Valley Water District (SCVWD) and the San Francisco Public Utilities Commission (SFPUC). The quality of the groundwater, which comprises 62 percent of the City's water supply, is such that no treatment is required prior to its delivery to residential and business customers. Water from the wholesalers is treated at their own water

treatment plants. Recycled water makes up a fourth source of the water supplied by the Water Utility, but use of this water is restricted to landscape irrigation and certain industrial uses.[82]

The SCVWD operates three water treatment facilities that have a combined daily treatment capacity of 220 million gallons per day (mgd). Major upgrades were completed at the Santa Teresa and Penitencia plants in 2006, and both plants now use ozone as the primary disinfectant, which is more effective than chlorine at inactivating microbial contaminants like giardia and cryptosporidium and at removing unpleasant tastes and odors caused by seasonal algae blooms in source waters. Plans are underway to upgrade the Rinconada Treatment Plant, the SCVWD oldest treatment plant, with replaced infrastructure and seismic improvements. The planned improvements will also increase the plant's treatment capacity from 80 mgd to 100 mgd.

Although District-wide consumption is currently well over 220 mgd, as discussed below in Section XVII(b), only about 100 to 120 mgd is treated; the remainder is groundwater and recycled water use.[83] In 2018, the SCVWD used a total of 303,000 acre-feet (AF),[84] but just 108,500 AF was treated, while 120,000 AF was pumped groundwater.[85] This demonstrates that the existing SCVWD water treatment capacity is more than adequate for existing and projected demand, and the project would have no appreciable effect on water treatment capacity.

The primary source of the SFPUC's water is surface water from the Hetch Hetchy watershed in the Sierra Nevada. The Hetch Hetchy water supply is supplemented with surface water from local watersheds and upcountry non-Hetch Hetchy sources. Rainfall and runoff from the 35,000-acre Alameda Watershed in Alameda and Santa Clara counties are first collected in Calaveras Reservoir and San Antonio Reservoir for storage followed by delivery to the Sunol Valley Water Treatment Plant (SVWTP) for treatment. Rainfall and runoff from the 23,000-acre Peninsula Watershed in San Mateo County are stored in Crystal Springs Reservoir, San Andreas Reservoir, and Pilarcitos Reservoir, and are delivered to the Harry Tracy Water Treatment Plant. Water delivered to the two treatment plants is subject to filtration, disinfection, fluoridation, optimum corrosion control, and taste and odor removal. Although Hetch Hetchy water quality is very high and does not require treatment, a U.S. EPA regulation that took effect in 2012 requires all unfiltered drinking water systems to control the waterborne parasite cryptosporidium through secondary disinfection. To comply with this regulation, the SFPUC constructed the Tesla Treatment Facility that provides ultraviolet treatment, with a capacity of 315 mgd. Hetch Hetchy water is also disinfected for bacteria control and the pH is adjusted to compensate for delivery pipeline corrosion.[86]

The treatment capacity of the Sunol Valley Water Treatment Plant was previously expanded in 2013 from 120 mgd to 160 mgd. Other improvements completed at the facility included construction of a 40-mgd sedimentation and flocculation basin, modification of the existing flow distribution structure, upgrade of mixed-media filters, new filtered water and backwash water piping, a new 3-million-gallon chlorine contact tank, a new 17.5-million-gallon treated water reservoir, new chemical feed systems

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[82] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Section 1.2: Water Quality, adopted November 22, 2016.

[83] Michael Martin, Associate Water Resources Specialist, Water Supply Planning and Conservation, Santa Clara Valley Water District, personal communication, November 20, 2019.

[84] An acre-foot is the amount of water necessary to cover 1 acre of land to a depth of 1 foot, and is equivalent to 325,851.43 gallons, or 43,560 cubic feet.

[85] Santa Clara Valley Water District, *Protection and Augmentation of Water Supplies, 48th Annual Report: FY 2019-2020*, page iv, February 2019.

[86] San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, Section 3.1.3: Water Treatment, April 2016.

with tanks, pumps and piping, new standby generator and fuel tanks, upgrade of the electrical system and instrumentation and controls, replacement of large butterfly valves, and construction of a new 78-inch-diameter pipeline and tunnel.

In 2015, the SFPUC also completed upgrades to the Harry Tracy Water Treatment Plant, expanding emergency water supply capacity to 140 mgd, replacing 6.5- and 8-million-gallon reservoirs, and constructing a new 11-million-gallon treated water reservoir. The improvements will allow the SFPUC to provide 140 mgd of water for 60 days within 24 hours of a major earthquake. The treatment has a peak capacity of 180 mgd and a sustainable capacity of 140 mgd.[87] Treatment processes at this plant include ozonation, coagulation, flocculation, filtration, disinfection, fluoridation, corrosion control treatment, and chloramination.

Based on total system water demand projected through 2040, the existing SFPUC water treatment is more than sufficient to treat projected demand. Actual demand in 2015 was 70.1 mgd, while projected water demand in 2020 and 2040 is 77.5 and 89.9 mgd, respectively.[88] With combined treatment capacity at the two treatment plants operated by the SFPUC of 340 mgd, available treatment capacity is far in excess of projected demand. Implementation of the proposed project would not require construction of new water treatment facilities, and the project would have a ***less-than-significant impact*** on water treatment capacity.

Wastewater Treatment Facilities

Wastewater from the project would be treated at the San Jose-Santa Clara Water Regional Wastewater Facility (water pollution control plant, or RWF), owned jointly by the cities of San Jose and Santa Clara, and operated by the San Jose Department of Environmental Services. The RWF is located in San Jose at 700 Los Esteros Road, near San Francisco Bay, about 5 miles north of the project site. The RWF is permitted by the Regional Water Quality Control Board (RWQCB) and effluent from the plant is regularly monitored to ensure that water quality standards are not violated.

The RWF treats wastewater generated by more than 1.4 million residents and over 17,000 businesses located in eight South Bay cities and four sanitation districts. The wastewater treatment plant provides primary, secondary, and tertiary treatment, utilizing a three-step treatment process to remove solids, pollutants, and harmful bacteria. The majority of treated effluent from the RWF is discharged into an outfall channel that flows to Coyote Creek via Artesian Slough, and ultimately discharges into South San Francisco Bay. About 20 percent of the plant's effluent is diverted to South Bay Water Recycling, a recycled water wholesaler that distributes the water through a network of dedicated purple pipes for irrigation of food crops, parks, schools, golf courses, street medians, and business park landscaping.

The current capacity is 167 mgd and average daily flows are approximately 110 mgd.[89] There is substantial excess capacity at the treatment plant, and no potential for the incremental increase in wastewater treatment demand that would be generated by the project to exceed existing treatment capacity or require the construction of new or expanded treatment facilities.

Stormwater Drainage Facilities

The City's stormwater drainage system consists of roadway curb inlets that collect and channel surface water from rainfall and other sources into a series of pipelines beneath City roadways. Stormwater is conveyed through these underground pipelines to the channelized creeks within the City, which then

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[87] *Ibid*.

[88] San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, Table 4-1: Retail Demands (mgd), April 2016.

[89] City of San Jose, San Jose-Santa Clara Regional Wastewater Facility, accessed August 19, 2020 at: https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.

direct flow into San Francisco Bay. Stormwater discharged from the project site would flow into the existing storm drain underlying Pomeroy Avenue that is part of the Citywide system. The proposed project would include an upgrade of a segment of this pipeline to a new 18-inch-diameter reinforced concrete pipe (RCP) storm drain that would extend from in front of the project site for a distance of approximately 215 feet north to tie in with an existing 33-inch-diameter storm drain in El Camino Real. A 12-inch RCP drain would extend through the project site under the driveway, connecting with the new storm drain in Pomeroy Avenue.

Although the proposed project would increase the amount of impervious surfaces on the site by 3,969 square feet in comparison with existing conditions, stormwater would be captured from the site's impervious surfaces (i.e., the rooftops) and directed into landscaped areas, where much of it would infiltrate the soil and percolate to groundwater. Because of this feature, there would likely be a reduction in stormwater discharged from the site during most storm events. During extreme storm events or after a rapid succession of multiple storms, the upper soil layers could become saturated, in which case excess storm runoff would flow to the street and be collected in the storm drain underlying Pomeroy Avenue. While this could result in a short-term increase in stormwater discharged from the site in comparison with existing conditions, it would be a small incremental increase that could be accommodated by the proposed upgrade to the existing storm drain in Pomeroy Avenue. Therefore, the project would have a minor impact on the City's stormwater drainage capacity, and implementation of the project would not require the construction of new or expanded stormwater drainage facilities.

Electric Power Facilities

Electric service would be provided to the proposed project by the City's electric utility, Silicon Valley Power (SVP), which has over 57,000 electric customer accounts in Santa Clara and has provided electric service to the City since 1896. Although 85 percent of SVP's customers are residential, industrial usage accounts for 90.5 percent of the utility's monthly electricity sales. In 2019 SVP generated 742,631,209 kilowatt-hours (kWh) its own generation facilities and it purchased an additional 2,986,714,445 kWh of electric power from other agencies.[90] Outside power was provided by the Western Area Power Administration (WPA) (8.2 percent), Northern California Power Agency (NCPA) (25.3 percent), and other joint power agencies and providers (46.6 percent). The WPA provides hydroelectric power from the Central Valley Project, while the NCPA provides hydroelectric, geothermal, and natural gas-derived power.[91]

In 2018 SVP began providing 100-percent carbon-free power to all of its residential customers. Solar and wind sources comprised 45 percent of power delivered to residential customers, with the remainder provided by large hydroelectric power plants. In the non-residential sector, 32 percent of delivered power was from renewable sources, including biomass/biowaste (2 percent), geothermal (5 percent), eligible hydroelectric (13 percent), and wind (11 percent), while 34 percent was from natural gas power plants, 11 percent was from large hydroelectric plants, and the remainder was unspecified. Electricity is delivered through its 19-square-mile service area in a network of approximately 557 circuit miles of electric distribution lines, 66 percent of which are underground, and approximately 55 circuit miles of electric transmission lines.[92]

Because there are currently two single-family homes on the project site that consume electricity, the proposed project would result in a net increase of six dwelling units. Given the size of the existing electric generation system, the level of consumption from six dwelling units would be readily

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[90] Silicon Valley Power, Utility Fact Sheet: January–December 2019, Accessed December 9, 2020 at: https://www.siliconvalleypower.com/svp-and-community/about-svp/utility-fact-sheet.

[91] Silicon Valley Power, *2018 Integrated Resource Plan,* Section 3.0: Existing Resources and System Description, November 12, 2018.

[92] Silicon Valley Power, 2019, *op cit*.

accommodated by existing electric power infrastructure and would not require the construction or expansion of electric power generation or transmission facilities. As discussed in Section VI, the project would be required to comply with Title 24 energy efficiency standards, which would ensure that operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The project would therefore have a less-than-significant impact on electric power facilities.

Natural Gas Facilities

The proposed project would receive natural gas from PG&E, which has approximately 42,500 miles of natural gas distribution pipelines, 6,700 miles of backbone and local gas transmission pipelines, and various gas storage facilities.[93] In 2014, PG&E delivered 914 billion cubic feet of natural gas to its 4.4 million natural gas customers.[94]

Similar to the preceding discussion on electric power facilities, the incremental increase in natural gas consumption that would be generated by the project would not have the potential to require construction of new or expanded natural gas facilities. This would be confirmed by a will-serve letter from PG&E to the applicant once they submit a request for service.

Telecommunications Facilities

Internet, telephone, and cellular phone service in the City of Santa Clara are provided by a wide range of private companies such as AT&T, Xfinity, Sonic, Sprint, T-Mobile, Verizon, Spectrum, and others. In the competitive telecommunications market, such companies strive to provide capacity to meet the demands of their customers, and are continually expanding and upgrading their facilities. Demand from a single development project such as the proposed townhomes would not have the potential to exceed the capacity of one of these companies or require the construction of new facilities or distribution infrastructure.

Based on the preceding discussions, the proposed project would have a ***less-than-significant impact*** on electric power, natural gas, and/or telecommunications facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*	☐	☐	☒	☐

Explanation: Implementation of the proposed project would temporarily consume water for suppression of dust during site grading activities. Water would also be used during project construction for production of concrete, washing equipment, and for other miscellaneous purposes. Following project construction, domestic water would be consumed by residents and their guests, and for irrigation of the proposed landscaping.

[93] *Ibid*.

[94] *Ibid*.

Water Supply and Demand

As noted in Section XIX-a, water would be supplied to the project by the Santa Clara Water Utility, which derives 62 percent of its water supply from local groundwater and the remainder is purchased wholesale from the Santa Clara Valley Water District (SCVWD) and the San Francisco Public Utilities Commission (SFPUC). Each of these agencies is required by State law to prepare and adopt an Urban Water Management Plan (UWMP) every five years that demonstrates water supply reliability in normal, single dry, and multiple dry years. The 1983 Urban Water Management Planning Act[95] requires urban water suppliers providing water to more than 3,000 customers or delivering more than 3,000 acre-feet per year (AFY) of water to prepare an UWMP that identifies and quantifies projected water demand and water supplies in 5-year increments for 20 years, or as far as data is available. Although both the SCVWD and the SFPUC have adopted UWMPs, this discussion focuses on the UWMP adopted by the Santa Clara Water Utility because it also addresses the supplies provided by SCVWD and SFPUC.

The water supply system in Santa Clara is separated into four interconnected zones in order to provide optimum pressures throughout the City. The source of the water delivered within these zones varies. For example, there are no groundwater wells in a northern area of the City, so all of the water delivered in this zone (Zone IA) is provided by SFPUC. Most of the City, including the project site, is located in Zone I, which relies on groundwater. The groundwater is pumped from 26 wells, drawing water from the Santa Clara Valley groundwater sub-basin, which spreads over 225 square miles (144,000 acres) and is the largest of three interconnected groundwater basins in Santa Clara County. Together, they cover a total of 240,000 acres. The operational storage capacity of the sub-basin is estimated to be 350,000 AF.[96] It is not listed as overdrafted by the California Department of Water Resources, and was not approaching overdraft even during the historic peak for groundwater production in fiscal year 1986/87.

The allowable withdrawal, or safe yield, of groundwater by the City of Santa Clara is dependent upon a number of factors, including withdrawals by other water agencies, quantity of water recharged, and the carry over storage from the previous year. The City's 26 production wells are strategically distributed around the City in order to minimize the possibility of localized subsidence due to localized over-drafting. The City monitors groundwater levels and meters the groundwater pumping to ensure that the sub-basin's safe yield is not exceeded. To further ensure that over-drafting does not occur, the City operates a recycled water system and requires new development along the recycled water distribution system to use recycled water for approved irrigation and industrial uses, thus reducing demand for potable water. The SCVWD also recharges the groundwater basins to bank water locally and protect against drought or emergency outages.

In 2015, the City pumped a total of 11,450 acre-feet (3,730.9 million gallons) of water from the 26 production wells within Santa Clara. That year, groundwater from wells accounted for 54.1 percent of all water used in Santa Clara (including recycled water) and 65.0 percent of the total potable water supply. Total consumption by Water Utility customers in 2015 was 17,620 AF, with residential uses accounting for about 50 percent, commercial/industrial sectors accounting for about 44 percent, and municipal and institutional uses accounting for 6 percent of the total. Recycled water comprised 17.7 percent of water used in the City and totaled 3,529 AF (1,149.8 mgd).

The UWMP projected total water demand in 2020 to increase to 23,532 AF, reflecting population growth projected by the Association of Bay Area Governments (ABAG), with comparison to projections in the City's General Plan. The water demand projections also assume reductions in average per-

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[95] California Water Code, Sections 10610-10657.

[96] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Section 6.2: Groundwater, adopted November 22, 2016.

capita consumption in response to conservation measures and improved efficiency of plumbing fixtures and appliances such as washing machines and dishwashers. Citywide demand, not including recycled water demand, is projected to rise to 25,947 AF by 2030 and to 27,037 AF by 2040.[97]

The City's future water supply will continue to be from groundwater, SCVWD, SFPUC, and recycled water. The recycled water is supplied by the RWF discussed in Section XIX-a, above, provided by the South Bay Water Recycling (SBWR) Program. The UWMP provides projections of future water supplies both with and without water supplied by the SFPUC because, according to engineering studies, a major earthquake could interrupt the delivery of water from the San Francisco Hetch-Hetchy system for up to two months. The UWMP reported that the SFPUC was currently (in 2015) undertaking a multi-billion dollar capital improvement program to improve seismic reliability, and is in its final stages of completion; that program is now 96 percent complete.[98] A similar review of the SCVWD's potable and raw water delivery systems indicates the potential for a 30-day interruption of potable treated water deliveries to the City. However, there are current planned projects that include major capital improvements to both regional water systems for increased reliability. In addition, the City's groundwater source can sustain the entire City's water demand for several months.

The UWMP concludes that the City has the ability to meet the water supply, water quality, and system reliability, needs of the community for the foreseeable future. With or without SFPUC water, supply is projected to exceed demand through 2040 during normal rainfall conditions. Excess supply, including SFPUC water, would be as high as 10,292 AF in 2020, decreasing to 6,287 AF in 2040. Without SFPUC water, the surplus would range from 5,252 AF in 2020 to 1,247 AF in 2040.[99] Under single dry year conditions, the UWMP projects supply to exceed demand in all years, with or without SFPUC water. Even without SFPUC water, the surplus would range from 5,252 AF in 2020 to 723 AF in 2040.[100] This scenario also assumes a 10-percent reduction in surface water supply only in 2040, but for planning purposes the same reduction was assumed for prior years.

In multiple dry years, the availability of surface water is expected to be reduced, but groundwater supplies are expected to remain constant. For planning purposes, the UWMP assumed supply reductions of 30 percent in the 2020 projections (a worst-case scenario), 15 percent in the 2025 projections, 25 percent in the 2030 projections, 35 percent in the 2035 projections, and 40 in the 2040 projections, based on SCVWD demand reductions. SFPUC has indicated that during multiple critical dry years the City can expect a maximum reduction of SFPUC water supplies of 33 percent of normal.

Factoring in these supply reductions, the Water Utility would have sufficient water to meet City demand during all years under multiple dry year conditions, for all years modeled through 2040, assuming the availability of SFPUC water. The lowest surplus supply would be 846 AF during the second and third years of drought in 2040, while the surplus would be as high as 5,682 AF. Without SFPUC water, there would be sufficient water during the first, second, and third years under the multiple dry year scenario through 2030, but there would be a shortage in all three years of 113 AF in 2035, increasing to 847 AF in 2040, when there would be 33,090 AF of supply but 33,937 AF of demand.[101] However, the UWMP

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[97] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Table 4-2: Retail Demands for Potable and Raw Water – Projected, adopted November 22, 2016.

[98] San Francisco Water/Power/Sewer, Completed Projects, Accessed November 10, 2020 at: https://www.sfwater.org/index.aspx?page=968.

[99] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Tables 7-2A and 7-2B: Retail Normal Year Supply and Demand Comparison, adopted November 22, 2016.

[100] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Tables 7-3A and 7-3B: Retail Single Dry Year Supply and Demand Comparison, adopted November 22, 2016.

[101] City of Santa Clara Water and Sewer Utilities, *2015 Urban Water Management Plan,* Tables 7-4A and 7-4B: Retail Multiple Dry Year Supply and Demand Comparison, adopted November 22, 2016.

concluded that the difference in supply can be made-up through water provided by projected future water supply projects.

With the uncertainties inherent in future imported water supplies, the City plans to meet future demand growth by pumping additional groundwater, relying on more recycled water, and increased conservation. In addition to improved water efficiency of plumbing fixtures and appliances, the City will implement programs to encourage drought-tolerant landscaping both on private property and on City properties. The City also anticipates imposing mandatory conservation measures during a multiple-year drought, including prohibitions on outdoor use (irrigation, car washing, washing down pavement, etc.) and water rationing.

Regarding potential adverse environmental effects that could result from increased groundwater pumping during multiple dry years, a safe yield from the Santa Clara Sub-Basin has not been established by SCVWD, the agency responsible for managing the groundwater basin. In addition, there is not a detailed groundwater budget for the Santa Clara Sub-Basin, nor have groundwater rights in the basin been adjudicated by a court. Santa Clara, in conjunction with other water retailers utilizing groundwater from the Santa Clara Sub-Basin, works with the SCVWD to operate groundwater wells in a manner which will prevent subsidence from occurring and preserve the integrity of the groundwater basin.

Because aquifer conditions vary across the sub-basin, with differences in elevation, recharge conditions, and pumping activity, groundwater pumping from a specific location will not necessarily affect groundwater levels at other locations. If portions of the sub-basin were to go into overdraft conditions, the likely environmental consequences would be land subsidence, unproductive wells, water loss from rivers and creeks as the groundwater table drops, and associated riparian impacts as the vegetation loses access to sufficient water. However, recharging the groundwater basin to prevent overdraft is a primary responsibility of the SCVWD. And, as previously noted, even when the City was at the historic peak for groundwater production in FY1986/87, the basin did not approach overdraft conditions. At the time the current UWMP was prepared, some of the City's groundwater wells were being used as less than 10 percent of their rated capacity, and the citywide utilization factor was just 23 percent.

Because the City's projected increased pumping during multiple dry years would fall within the range of historically sustainable pumping, the UWMP concluded that the increased pumping would not result in overdraft of the sub-basin, assuming the continued recharge and groundwater management programs overseen by the SCVWD. It also noted that the City's progressively phased 2010-2035 General Plan will allow reconsideration of available water supplies concurrent with each phase of planned development, coordinated with each successive five-year update to the UWMP, which in turn would be based on the SCVWD's regional wholesale UWMP, also updated every five years, including adjusted imported water quantities to account for pumping restrictions and climate change. Therefore, the City's land use planning processes will serve to prevent potential future overdraft conditions by specifically addressing Santa Clara's contribution to cumulative pumping demands on the aquifer.

The Water Utility's UWMP includes a Water Shortage Contingency Plan in the event there is an unanticipated failure or disruption in one of its water supplies. It has four stages for implementing varying levels of demand reduction. In Stage 1, representing a 10-percent reduction in normal supply, reduction measures are advisory, becoming voluntary with a 20-percent reduction (Stage 2) and mandatory in Stage 3, with a 49-percent reduction. Emergency curtailment is required in Stage 4, which occurs with a 50-percent or greater reduction in supply. Different water use restrictions kick in at each stage of a water shortage, which are in addition to a list of water use restrictions and prohibitions that were adopted in 1989 and are in effect at all times. The Contingency Plan identifies enforcement actions that kick in with Stage 1 and increase at Stage 3.

The UWMP also identifies a variety of demand management measures to promote conservation and reduce demand on water supply, including metering of all water connections, conservation pricing, active conservation planning and implementation, public information and outreach, school education programs, water audits and incentives, residential plumbing retrofits, and financial incentives to commercial and industrial businesses that implement permanent water reduction measures. There are also residential rebate programs for high-efficiency clothes washers, toilets, and landscapes.

The UWMP concludes that the Water Utility has adequate water supplies are available to meet the water demand projected until 2040. Its demand projections are based on development assumed by ABAG and the Santa Clara General Plan. The proposed project is consistent with the land use type and density assumed for the site in the General Plan and, therefore, the water demand that would be generated by the proposed project was included in the Water Utility's water supply and demand projections. Consequently, the project would not result in the need for new water supplies or infrastructure that was not already planned. The project's impact on water supply and water treatment and distribution facilities would be ***less than significant***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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?	☐	☐	☒	☐

Explanation: See Section XIX-b, above.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐

Explanation: Solid waste collection service would be provided to the project by Mission Trail Waste System. Collected non-recyclable waste would be disposed of at the Newby Island Landfill, located in San Jose. The General Plan EIR evaluated potential impacts on waste disposal capacity that would result from implementation of the 2010-2035 General Plan. Although the City has a waste disposal contract to dispose of the City's waste at Newby Island Landfill through 2024, and the landfill has sufficient available capacity to operate through 2024, it is currently unknown whether the City will extend the contract with Newby Island Landfill (if additional capacity remains) or contract with the operator of another landfill.

Solid waste would be generated at the site during project construction, which would include demolition debris from the removal of the existing buildings, pavements, landscaping, and other improvements on the site. The project would be required to comply with the City's Construction and Demolition Debris (C&DD) Ordinance, which requires the recycling of at least 50 percent of construction and demolition

debris generated by a project, or the amounts, criteria and requirements specified in the applicable California Green Building Standards Code, whichever is more restrictive.[102]

Given the uncertainty of the future availability of solid waste disposal capacity through the entire planning horizon of the General Plan (i.e., through 2035), the General Plan EIR concluded that implementation of the 2010-2035 General Plan would have a significant and unavoidable impact on solid waste disposal capacity. Because this impact was previously disclosed, and the proposed project is consistent with the land use type and density evaluated in the General Plan EIR, no further analysis of this impact is required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Explanation: The 2010-2035 General Plan EIR identified General Plan policies intended to ensure adequate solid waste disposal capacity through source reduction, promotion of recycling, and waste diversion. This included the following policies:

> **Policy 5.1.1-P3:** Prior to the implementation of Phase II and of Phase III of the General Plan, undertake a comprehensive assessment of water, sanitary sewer conveyance, wastewater treatment, solid waste disposal, storm drain, natural gas, and energy demand and facilities in order to ensure adequate capacity and funding to implement the necessary improvements to support development in the next phase.
>
> **Policy 5.1.1-P8:** Prior to approval of residential development for Phase II and for Phase III in any Future Focus Area, complete a comprehensive plan for each area that specifies: Infrastructure and Utilities, with provisions for sufficient storm drain, sanitary sewer conveyance, wastewater treatment, water, solid waste disposal and energy capacity.
>
> **Policy 5.1.1-P22:** Prior to 2025, identify and secure adequate solid waste disposal facilities to serve development in Phase III.

Although these policies must be implemented by the City, development and operation of the proposed townhomes would not impede implementation of the policies. Furthermore, the proposed project would be required to comply with the City's C&DD Ordinance discussed in the preceding subsection, as well as any other applicable policies and regulations intended to reduce solid waste generation in effect at the time of project approval. Therefore, the project would have a ***less-than-significant impact*** due to conflicts with solid waste management statutes and regulations.

[102] City of Santa Clara, Municipal Code, Section 8.25.285.

XX. WILDFIRE — *If located in or near a State Responsibility Area or lands classified as a Very High Fire Hazard Severity Zone, would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Explanation: As discussed in more detail in Section IX-f, the project would not block or impede access to emergency evacuation routes, and would not interfere with implementation of the City's *Emergency Operations Plan* or emergency response procedures adopted by any local service providers.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire of the uncontrolled spread of a wildfire?	☐	☐	☐	☒

Explanation: As discussed in more detail in Section IX-g, the project site is not located within a Very High Fire Hazard Severity Zone (VHFHSZ), as mapped by the California Department of Forestry and Fire Protection (CAL FIRE). The site is not adjacent to or near wildlands or slopes, and is located in an urbanized area substantially developed with pavements and buildings. As concluded in Section IX-g, there is no potential for wildfire at the project site. The project would have ***no impact*** due to increased risk of wildfire.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒

Explanation: The project site is fully served by existing roads, water supply, and fire-fighting services. No new infrastructure construction would be required to provide fire-fighting services to the project, so there would be no associated construction impacts to the environment.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*	☐	☐	☐	☒

Explanation: As discussed in Sections X and VII, respectively, there is no potential for flooding or landslide at the project site. As discussed in Section XX-b, above, there is no risk of wildfire at or near the project site, and there are no nearby slopes, so secondary effects such as post-fire slope instability would not occur. The project would have ***no impact*** related to the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE —

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Does the project have the potential to substantially 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, substantially 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?*	☐	☒	☐	☐

Explanation: Operational air quality impacts would be less than significant and mitigation measures have been identified in this Initial Study to ensure that construction-related air quality impacts remain less than significant. There is no special habitat present on the project site, but a pre-construction survey for nesting birds, to be performed by a qualified biologist, would identify any nesting birds and require protections in the event any are found. A Tree Protection Plan must be implemented throughout construction that includes a tree protection zone (TPZ) to be established with exclusionary fencing around the mature avocado tree located adjacent to the project site, which must be maintained throughout project construction. There is a possibility for prehistoric or historic cultural resources to be buried under the site, and subsurface disturbance of the site during construction could damage or destroy any buried cultural resources that may be present. Similarly, if paleontological resources are present, they could also be damaged or destroyed during construction activities. However, mitigation measures have been identified to ensure that these potential impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.)*	☐	☐	☒	☐

Explanation: No significant cumulative impacts were identified for the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☒	☐	☐

Explanation: There may be friable asbestos and/or lead-based paint that could be released into the environment during the proposed demolition of the existing houses, potentially posing a health hazard to workers. If either material is identified in required pre-demolition surveys, they would need to be abated in accordance with all applicable State and local regulations. In addition, limited subsurface soil sampling conducted at the site revealed elevated levels of pesticides and heavy metals, due to the historical use of the property for agricultural production. Required mitigation to address this hazard would include performance of a Phase II Environmental Site Assessment (ESA) of the site that includes additional subsurface soil testing to characterize and determine the extent of soil contamination in excess of applicable regulatory limits. If contaminant levels in excess of applicable regulatory limits are identified, a qualified professional must prepare and implement a Site Remediation Plan, subject to review and approval by the Santa Clara Fire Department, that includes appropriate removal and disposal of contaminated soil as a hazardous waste. A Health and Safety Plan (HASP) must be implemented throughout the excavation and removal of contaminated soil from the project site. Implementation of the identified mitigation measures would ensure that impacts from exposure to hazardous materials would remain less than significant. No other environmental effects of the project were identified that could cause substantial adverse effects on human beings, either directly or indirectly.

REPORT PREPARATION

This Initial Study/Mitigated Negative Declaration was prepared under the direction of Douglas Herring & Associates, with assistance from the City of Santa Clara.

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MITIGATION MEASURES

Air Quality

Mitigation Measure AQ–1: The property owner/applicant shall require the construction contractor to reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures:

- 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 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 5 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 the 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 Lead Agency 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.

Biological Resources

Mitigation Measure BR–1: If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. The survey shall encompass both trees on the project site and trees on adjoining properties if the biologist determines that nesting birds in nearby trees could be adversely affected by project construction activities. If conducted during the early part of the breeding season (January to April), the survey shall be

conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.

Mitigation Measure BR–2: The project sponsor shall plant 24-inch box replacement trees at a 2:1 replacement ratio for the two existing trees (mulberry and black walnut) rated in fair condition and proposed for removal. Replacement trees shall be of species included on the City of Santa Clara's Approved Residential Street Tree List or of species approved by the City Arborist. The project sponsor shall also plant 24-inch box street trees along the project frontage, as directed by the City of Santa Clara Public Works Department. These trees shall also be on the City's Approved Residential Street Tree List.

Mitigation Measure BR–3: Prior to the initiation of demolition and construction activity, a tree protection zone (TPZ) shall be established with exclusionary fencing around the mature avocado tree located adjacent to the project site, and shall be maintained throughout project construction. The TPZ shall extend into the project site approximately 15 feet, or as close to the proposed building foundation as possible, and shall have a width of 35 feet, centered on the tree, as depicted in the arborist report prepared for the project by Kielty Arborist Services (February 2017). The TPZ fencing shall conform to the specifications stipulated in the Kielty arborist report. Within the TPZ, the piers for the pier and grade beam foundation shall be hand dug to a depth of 3 feet below the ground surface (bgs). The grade beams shall be hand dug and shall not exceed a depth of 6 inches bgs. All encountered roots of the avocado or Spanish dagger trees shall be protected from damage and shall be fully exposed by hand and be inspected by a certified arborist. If cutting of any roots is required, the construction contractor shall first receive authorization from the arborist. Any root cuts shall be cut cleanly by hand saw or loppers. Soaker hoses shall be placed within the TPZ for the avocado tree, as close as possible to the proposed foundation, and close to any cut roots of the Spanish dagger trees and shall be turned on every two weeks for five hours at a time throughout the dry season.

Throughout the construction period, the project construction contractor shall comply with all other provisions of the Tree Protection Plan set forth in the Kielty arborist report.

Prior to the initiation of construction activity, all project construction contractors shall attend a pre-construction meeting with the project arborist to review the tree protection guidelines, which should identify access routes, storage areas, and work procedures.

No activity shall encroach upon the TPZ and no materials, debris, or excess soil shall be placed within the TPZ. The TPZ fencing shall be periodically inspected and repaired as needed. A certified arborist shall conduct a final inspection of the TPZ prior to its removal at the end of construction. Any warranted remedial work on the trees identified by the arborist shall be performed prior to issuance of occupancy permits for the project.

Cultural Resources

Mitigation Measure CR–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 Director of Community Development shall be notified, and a qualified archeologist or paleontologist shall examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A professional-quality report of findings documenting any data recovery during monitoring shall be submitted to the Director of Community Development and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)–(f) of the *CEQA Guidelines* and Public Resources Code Section 21083.2.

Mitigation Measure CR–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 will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding the proper burial which shall be implemented in accordance with Section 15064.5(e) of the *CEQA Guidelines*.

Geology and Soils

Mitigation Measure GEO–1: If any paleontological resources—such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions—are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).

Hazards and Hazardous Materials

Mitigation Measure HM–1: Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations. The Bay Area Air Quality Management District (BAAQMD) shall be notified ten days in advance of any required abatement work. To document compliance with the applicable regulations, the project sponsor shall provide the City of Santa Clara Building Inspection Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.

Mitigation Measure HM–2: Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Santa Clara Building Inspection Division prior to issuance of a demolition permit.

Mitigation Measure HM–3: Prior to issuance of a demolition permit for the existing buildings on the site, a Phase II Environmental Site Assessment (ESA) of the site shall be performed by a Registered Environmental Assessor (REA) or Certified Engineering Geologist (CEG). The Phase II ESA shall perform additional subsurface soil testing to characterize and determine the extent of soil contamination in excess of applicable regulatory limits. If contaminant levels in excess of applicable regulatory limits are identified, a qualified professional shall prepare and implement a Site Remediation Plan, subject to review and approval by the Santa Clara Fire Department.

If the Phase II ESA does not identify a need for site remediation, no further action would be required. If it determines that site remediation is required, the project applicant shall implement Mitigation Measures HM–4 and HM–5.

Mitigation Measure HM–4: Areas of contaminated soil identified by the Phase II ESA shall be excavated to the depth(s) indicated in the Site Remediation Plan and properly disposed of prior to issuance of a grading permit for the project. The contaminated soils shall be excavated and removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations and/or applicable State regulations. Employees of the Removal Contractor assigned to the project shall have completed a safety training program that complies with federal

Occupational Safety and Health Administration (OSHA) requirements set forth in Title 29, Section 1910.120 of the Code of Federal Regulation (CFR) and with California Occupational Safety and Health Administration (CAL-OSHA) requirements set forth in Title 8, Section 5192 of the California Code of Regulations (CCR). If temporary stockpiling of contaminated soil is necessary, it shall be covered with plastic sheeting or tarps and a berm shall be constructed around the stockpile to prevent stormwater runoff from leaving the area. Confirmation sampling shall be performed on soils surrounding the excavations to verify that all contaminated soil above regulatory thresholds has been removed.

The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. If applicable, other non-hazardous excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations.

Following completion of the removal of impacted soil, the Removal Contractor or another qualified Registered Environmental Assessor shall prepare a closure report to be reviewed and approved by the Santa Clara County Department of Environmental Health (CSCDEH). The project applicant shall provide a copy of the "No Further Action" letter (i.e., regulatory case closure) from CSCDEH to the City of Santa Clara Building Inspection Division prior to issuance of a grading permit.

Mitigation Measure HM–5: Prior to initiating any work, the Removal Contractor specified in Mitigation Measure HM–4 shall prepare a Health and Safety Plan (HASP) to be implemented throughout the excavation and removal of contaminated soil from the project site. The HASP would specify safe contaminated soil handling and disposal procedures and would identify procedures and other protections for workers to prevent exposure to contaminants, inundation of excavations, excessive noise levels, and other potential hazards. The HASP would identify measures for eliminating or controlling hazards, monitoring exposure levels, worker training procedures, emergency response procedures for a variety of potential emergencies, first aid and medical treatments, and required record keeping.

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CITY OF SANTA CLARA, CALIFORNIA

1530/1540 Pomeroy Avenue Residential Project

INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION

APPENDIX

DECEMBER 2020

Douglas Herring & Associates
Environmental, Policy, and Planning Services

Appendix A

Arborist Report

Kielty Arborist Services LLC

Certified Arborist WE#0476A
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

February 9, 2017

The Ridgecrest Group
Attn: Omid Shakeri
2898 Joseph Avenue
Campbell, CA 95008

Site: 1530-1540 Pomeroy Avenue, Santa Clara CA

Dear Mr. Shakeri,

As requested on Wednesday, February 1, 2017, I visited the above sites to inspect and comment on the trees. New development is planned for these sites and your concern as to the future health and safety of the trees and neighboring trees on site has prompted this visit.

Method:
All inspections were made from the ground; the trees were not climbed for this inspection. The trees in question were located on a "To-Scale" map provided by you. The trees were then measured for diameter at 48 inches above ground level (DBH or diameter at breast height). The trees were given a condition rating for form and vitality. The trees condition ratings are based on 50 percent vitality and 50 percent form, using the following scale.

1	-	29	Very Poor
50	-	69	Fair
70	-	89	Good
90	-	100	Excellent

The height of the trees was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.

1530-1540 Pomeroy Ave /2/9/17 (2)

Survey:

Tree#	Species	DBH	CON	HT/SP	Comments
1***P**	American sycamore *(Platanus occidentalis)*	29.1	45	20/30	Fair vigor, poor form, topped for utilities, damage to surface roots from lawn mower, 10 feet from property line, **street tree.**
2**P**	Mulberry *(Morus alba)*	16.3	60	30/20	Fair vigor, fair form, abundance of sprout growth, abundance of deadwood.
3***P**	Avocado *(Persea americana)*	25est	65	40/35	Fair vigor, fair form, codominant at 6 feet, heavy into property by 10 feet.
4*	Lemon *(Citrus spp.)*	6est	50	12/10	Fair vigor, fair to poor form, multi leader.
5***P**	Spanish dagger *(Yucca gloriosa)*	8"x4est	50	12/10	Fair vigor, poor form, multi leader at base, decay at base, 1 foot from property line.
6***P**	Spanish dagger *(Yucca gloriosa)*	8"x4est	50	12/10	Fair vigor, poor from, multi leader at base, decay at base, 1 foot from property line.
7**P**	Silk tree *(Albizia julibrissin)*	8.1-7.2-7.7	40	25/20	Poor vigor, poor form, decay at base, decay on limbs, multi leader at 3 feet with included bark, history of limb loss, in decline.
8**P**	Black walnut *(Juglans nigra)*	16.3	50	40/25	Fair vigor, fair form.
9**P**	Black walnut *(Juglans nigra)*	35est	45	40/30	Fair vigor, poor form, codominant at 10 feet, history of limb loss.
10**P**	Black walnut *(Juglans nigra)*	60.1	40	45/35	Fair vigor, poor form, codominant at 6 feet, decay at 5 feet, history of limb loss.
11	Almond *(Prunus dulcis)*	5.1-4.2	30	10/6	Poor vigor, poor form, heavily decayed in decline.
12**P**	Black walnut *(Juglans nigra)*	16.5	40	15/10	Fair vigor, poor form, topped, large hanger in canopy.
13**P**	Persimmon *(Diospyros kaki)*	12.8	40	15/20	Poor vigor, poor form, in decline, topped.
14**P**	Persimmon *(Diospyros kaki)*	12.1	40	15/20	Poor vigor, poor form, in decline, topped.

1530-1540 Pomeroy Ave /2/9/17 (3)

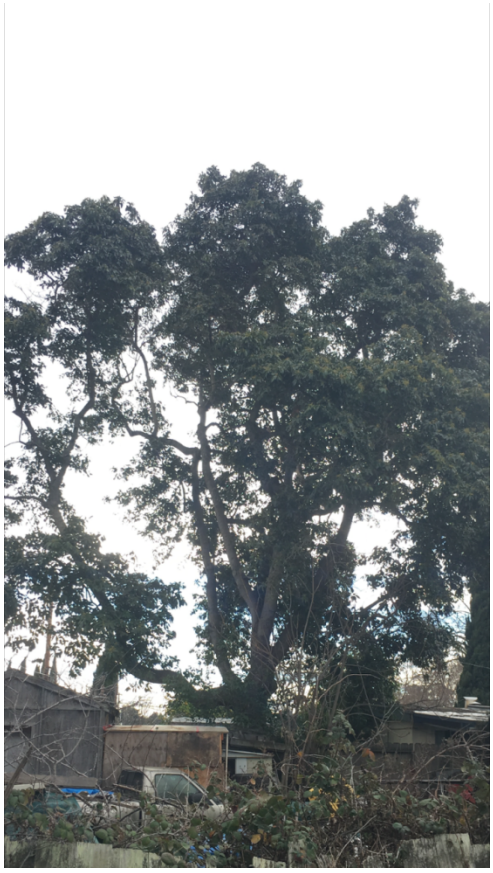
Survey:

Tree#	Species	DBH	CON	HT/SP	Comments
15	Persimmon *(Diospyros kaki)*	11.1	45	25/20	Fair to poor vigor, poor form, multi leader at 2 feet, topped.
16**P**	Lombardy poplar *(Populus nigra 'Italica')*	36.1	45	50/15	Fair vigor, poor form, topped at 25 feet.

*indicates neighbor's trees

Summary:

The trees on both sites are a mix of imported trees. Trees at two properties that are side by side from each other were surveyed, as well as neighboring trees in close proximity to the property line. The majority of the trees on the properties are in poor condition. All of the trees on site are proposed for removal in order to facilitate the proposed construction. In the city of Santa Clara there is a conservation policy that states the following about trees: 5.10.1-P3- Require preservation of all City-designated heritage trees listed in the heritage tree appendix 8.10 of the general plan, 5.10.1-P4- Require all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all other trees over 36 inches in circumference(11.4 inches in diameter) measured from 48 inches above grade on private and public property as well as in the public right-of-way. On this site there are no heritage trees. Trees with a diameter of 11.4 inches in diameter are protected in the city of Santa Clara. Trees #2 and #8 are the only trees on site that are in fair condition. Both of the sites have not received any maintenance for a long period of time. Any property improvements proposed would greatly benefit the surrounding area as the property looks in disrepair.

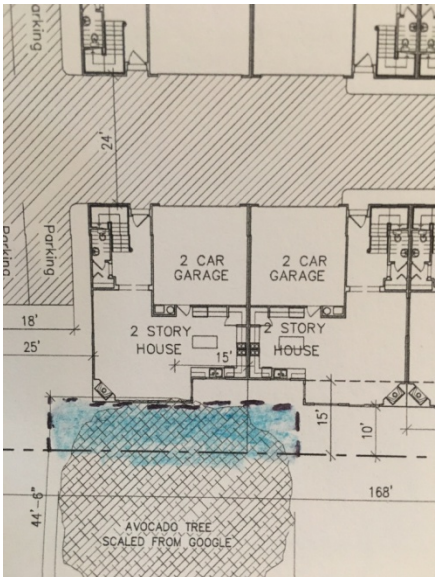


A large avocado tree is located on the neighbors property to the south in close proximity to the property line. This tree is in fair condition and is heavy into the property by 10 feet. The proposed plan shows a new structure to be built at an estimated 12 feet from the property line. The foundation for the home near this tree is recommended to be a pier and grade beam type of foundation with a grade beam no lower than 6 inches below grade. This way the majority of the roots can be bridged over. Pier locations must be hand dug to a depth of 3 feet. The grade beam areas also must be hand dug. During the digging of the foundation near the neighbor's large avocado tree the site arborist must be on site in order to document the work. All encountered roots shall be exposed and must remain damage free for the site arborist to view. The pier locations shall have the ability to be moved if large roots are encountered. If roots are to be cut, the contractor must first get the site arborist's consent to do so. All roots to be cut must be cut cleanly using a hand saw or loppers. By hand digging the pier and grade beam

foundation as described above, with the ability to move pier locations if large roots are encountered, the impact to the neighbor's large avocado tree are expected to be minor.

In order to mitigate the minor impact a soaker hose shall be placed as close as possible to the proposed foundation and be turned on every 2 week for 5 hours at a time during the dry season. It is the contractors responsibility to contact the site arborist 48 hours before the foundation work is to take place near this tree. Kielty Arborist Services can be reached at (650) 515-9783 (Kevin), (650) 532-4418 (David), or by email at kkarbor0476@yahoo.com.

Tree protection fencing for the neighbors avocado tree must be in place before the start of the demolition and must stay in place during the entire length of the proposed construction. Tree protection fencing for the avocado tree must extend off of the property line fence and be placed as close as possible to the proposed foundation. The width of the tree protection fencing shall be 35 feet with the tree on center. Below is a diagram showing the recommended tree protection fencing location.



Indicating tree protection fencing for neighbors avocado tree

The neighbors American sycamore street tree #1 will need to be protected throughout the entire length of construction. This tree is located 10 feet from the property line. Construction site fencing at the property line shall suffice as tree protection fencing for this tree. No impacts are expected to occur to this tree from the proposed construction.

Spanish dagger trees #5 and #6 are located on the neighbors property to the west. These trees have been heavily pruned in the past and likely have a minor amount of decay, as this species usually decays from old pruning cuts. These trees are 1 foot from the property line. A parking area is proposed on the property near these trees. Roots in this area will need to be cut. This species responds well to root cutting. All roots will need to be cleanly cut. The area should be hand dug to expose the roots in order to cleanly cut them. After root cutting has taken place a soaker hose shall be placed as close as possible to where the roots were cut. The soaker hose

shall be turned on for 5 hours at a time every 2 weeks during the dry season. Impacts to these trees are expected to be minor. The existing property line fence shall suffice as tree protection fencing.

Protected trees(over 11.4 inches in diameter) proposed for removal:
#2-Mulberry tree #2 is one of the only trees on site in fair condition. This tree has fair vigor, and fair form. An abundance of deadwood was visible in the tree's canopy and sprout growth was visible. This species is generally a short lived species in the landscape. Because sprout growth was visible this could be a sign of decline in the tree. During my site visit no leafs were visible as the tree is deciduous.

#7-Silk tree #7 is in decline. This tree has poor vigor and poor form. Decay is visible at the base of the tree and decay was visible on the limbs. The tree is a multi leader tree at 3 feet with included bark. A history of limb loss is also visible throughout the tree's canopy. No mitigation measures are expected to improve the trees condition.

Showing decay and included bark

#8- Black walnut tree #8 is the only other tree in fair condition. This tree has fair vigor, and fair form.

Showing walnut trees #8-10, these trees are on the property line separating the two properties

#9- Black walnut tree #9 has an estimated diameter of 35 inches. This tree is in poor condition as a history of large limb failure was evident throughout the tree's canopy. This tree should be removed as it is a hazard to the property. More limbs are likely to fail. The failed areas are now open to decay and insect attack. This tree should be removed regardless of construction.

Showing failed limbs

#10- Black walnut tree #10 has a diameter of 60.1 inches. A large decay pocket was observed at 5 feet. The tree is codominant at 6 feet. Because the decay is located just below the union of the 2 leaders, the risk of a large leader failure is high. This makes the tree a hazard to the property and it should be removed regardless of construction. Also, a history of limb loss is visible throughout the tree's canopy.

Showing decay at 5 feet

#12- Black walnut tree #12 is in a state of decline that no mitigation measures would be expected to reverse the trees state of health. The tree has been heavily topped and a large hanger (dead limb) is visible in the tree's canopy. Topping trees is never recommended as the growth after the topping cut has been made will not form proper branch to trunk unions. As a result all growth after topping cuts have been made have a high risk of failure. This tree should be removed regardless of construction.

Showing topped black walnut

#13 and #14- Persimmon trees #13 and #14 have poor vigor, and poor form. Both of these trees have been topped in the past. No mitigation measures are expected to improve the trees health. Topping trees is never to be recommended as it creates poor structure within the tree that makes the trees prone to failure.

Showing topped persimmon trees

#16- Lombardy poplar tree #16 is in poor condition. In the past this tree was topped at a height of 25 feet. This species is prone to branch failure. The past topping cuts have elevated the risk of branch failure. Cal Poly Select Tree website rates the wood of this species as weak. Because of the poor past maintenance to this tree, the tree is now a hazard to the property and should be removed regardless of construction.

Showing poplar tree

Tree Protection Plan:
Tree protection zones should be established and maintained throughout the entire length of the project. Fencing for the protection zones should be 6 foot tall metal chain link type supported by 2 inch diameter metal poles pounded into the ground to a depth of no less than 2 feet. The support poles should be spaced no more than 10 feet apart on center. The location for the protection fencing should be placed at 10X the trees diameter where possible. Where not possible tree protection should be placed as close as possible to the proposed work while still allowing room for construction to safely continue. Signs should be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment should be stored or cleaned inside the tree protection zones. Areas outside the fencing but still beneath the dripline of protected trees, where foot traffic is expected to be heavy, should be mulched with 4 to 6 inches of chipper chips.

Landscape Buffer
Where tree protection does not cover the entire root zone of the trees(10X diameter), or when a smaller tree protection zone is needed for access, a landscape buffer consisting of wood chips spread to a depth of six inches with plywood or steel plates placed on top will be placed where foot traffic is expected to be heavy. The landscape buffer will help to reduce compaction to the unprotected root zone.

Tree Trimming
During construction any trimming will be supervised by the site arborist and must stay underneath 25% of the trees total foliage

Root Cutting
Any roots to be cut should be monitored and documented. Large roots or large masses of roots to be cut should be inspected by the site arborist. The site arborist may recommend irrigation or fertilizing at that time. Cut all roots clean with a saw or loppers. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist.

Trenching and Excavation
Trenching for irrigation, electrical, drainage or any other reason, should be hand dug when beneath the dripline of desired trees. Hand digging and careful placement of pipes below or beside protected roots will dramatically reduce root loss, thus reducing trauma to desired trees. Trenches should be back filled as soon as possible using native materials and compacted to near original levels. Trenches to be left open with exposed roots shall be covered with burlap and kept moist. Plywood laid over the trench will help to protect roots below.

Irrigation
Normal irrigation should be maintained throughout the entire length of the project. Irrigation should consist of surface flooding, with enough water to wet the entire root zone. If the root zone is traumatized this type of irrigation should be carried out two times per month during the warm dry season. A soaker hose shall be placed underneath the dripline of the neighbors

avocado tree and the neighbors Spanish dagger trees. The soaker hose should be turned on for 5 hours every two weeks during the dry season.

Inspections
It is the contractors responsibility to notify the site arborist when construction is to start, and whenever there is to be work preformed within the dripline of a protected tree on site at least 48 hours in advance. The contractor also must notify the site arborist when the foundation work is to take place near the neighbors avocado tree so the site arborist can document the work. During the site visits the site arborist will offer mitigation measures specific to the work completed. Kielty Arborist Services can be reached at 650-515-9783(Kevin), 650-532-4418(David), or by email at kkarbor0476@yahoo.com

This information should be kept on site at all times. The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kielty
Certified Arborist WE#0476A

David P. Beckham
Certified Arborist WE#10724A

Conservation Policies in the city of Santa Clara-
5.10.1-P3-Require preservation of all city-designated heritage trees listed in the Heritage Tree Appendix 8.10 of the General Plan.

5.10.1-P4- Protect all healthy cedars, redwoods, oaks, olives, bay laurels, 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.

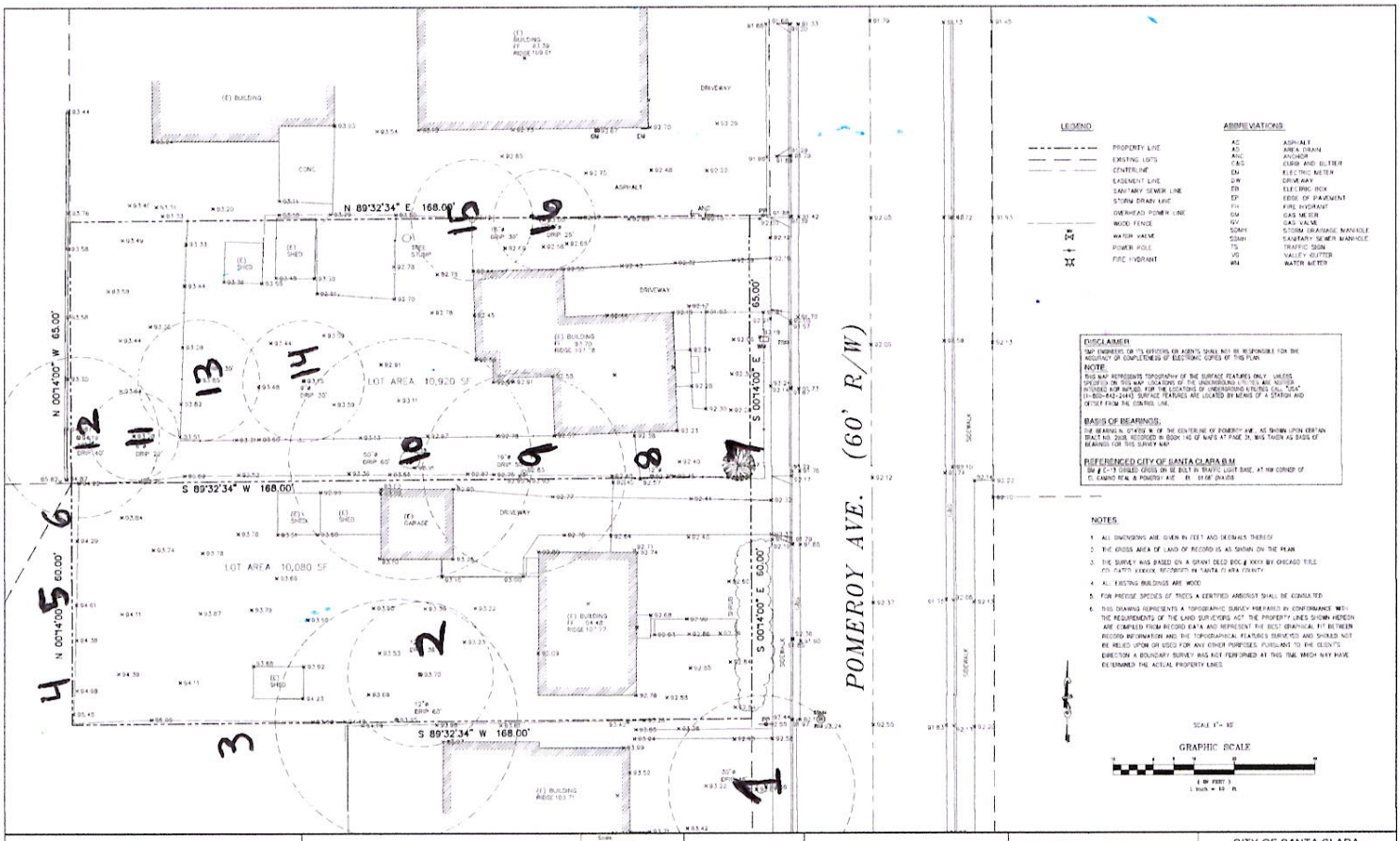
Below is the Heritage Tree Inventory for the city of Santa Clara

TABLE 8.10-1: HERITAGE TREE INVENTORY Location/Property Description Record # or Tree Plaque Tree Description Agnews State Hospital land Elms and Palms Alviso and Franklin Street between Lafayette and The Alameda and East Lafayette between Alviso and Santa Clara Street (both sides) Sycamore trees Brokaw Road between Coleman Avenue and Santa Clara Railroad Station (both sides) Eucalyptus trees City Park properties Each tree to be evaluated 500 El Camino Real - Santa Clara University Trees on campus
Fremont Park – north of the intersection of Fremont and Madison Streets
17 Two Linden Trees
1303 Fremont Street – Senior Center 16 Dawn Redwood 2566 Homestead Road –Rumbolz property at Homestead Road and Caldwell Place 8 Oak and redwood trees 373 Jeff erson Street – Berryessa Adobe Plaque Olive tree
1098 Lexington Street Branch Library 3 European Elms, Bill Wilson Plaque, Vietnam Veteran Memorial Tree 1000 Lincoln Street – Carmelite Monestary 6 Each tree to be evaluated
Pomeroy Avenue (between Pruneridge and Forbes Avenue)
9 Oak in Planter

1530-1540 Pomeroy Ave /2/9/17 (10)

1149 Santa Clara Street – Warburton Property – Santa Clara and Main
11 Magnolia Tree
1000 Scott Boulevard Oaks Coast live tree 3346 Solano Court 22 White Oak tree 3260 The Alameda – Santa Clara Woman's Club Adobe 13, Plaque Redwood tree, large deodora cedar, large olive tree Washington Street and Benton Street (northwest corner) – Dr. Paul House Crepe Myrtle
1124 Washington Street - between Benton and Fremont Street – west side of street.
18 Large Bay Leaf tree Removed 2000 due to disease 1866 Washington Street 1 2 Live Oaks

TABLE 8.10-1: HERITAGE TREE INVENTORY Location/Property Description Record # or Tree Plaque Tree Description Wilson School - Homestead Rd. 14 Redwood trees - Documented but not photographed
420 North Winchester Boulevard - City of Santa Clara Cemetery
2 Various trees (each to be evaluated)



LEGEND

- PROPERTY LINE
- EXISTING LOTS
- CENTERLINE
- EASEMENT LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- OVERHEAD POWER LINE
- WOOD FENCE
- WATER VALVE
- POWER POLE
- FIRE HYDRANT

ABBREVIATIONS

AC	ASPHALT
AD	AREA DRAIN
ANC	ANCHOR
C&G	CURB AND GUTTER
EM	ELECTRIC METER
DW	DRIVEWAY
EB	ELECTRIC BOX
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GM	GAS METER
GV	GAS VALVE
SDMH	STORM DRAINAGE MANHOLE
SSMH	SANITARY SEWER MANHOLE
TS	TRAFFIC SIGN
VG	VALLEY GUTTER
WM	WATER METER

DISCLAIMER

SMP ENGINEERS OR ITS AFFIXERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN.

NOTE

THIS MAP REPRESENTS TOPOGRAPHY OF THE SURFACE FEATURES ONLY. UNLESS SPECIFICALLY ON THIS MAP, LOCATIONS OF THE UNDERGROUND UTILITIES ARE NOTED AS INTENDED NOR IMPLIED. FOR THE LOCATIONS OF UNDERGROUND UTILITIES CALL "USA" (1-800-642-2444). SURFACE FEATURES ARE LOCATED BY MEANS OF A STADIA AND OFFSET FROM THE CONTROL LINE.

BASIS OF BEARINGS:

THE BEARING N. 0°14'00" W. OF THE CENTERLINE OF POMEROY AVE., AS SHOWN UPON CERTAIN TRACT NO. 2008, RECORDED IN BOOK 140 OF MAPS AT PAGE 31, WAS TAKEN AS BASIS OF BEARINGS FOR THIS SURVEY MAP.

REFERENCED CITY OF SANTA CLARA B.M.

BM # E-1 DRILLED CROSS ON SE BOLT IN TRAFFIC LIGHT BASE, AT NW CORNER OF EL CAMINO REAL & POMEROY AVE. EL. 91.06' (NAVD)

NOTES

1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
2. THE GROSS AREA OF LAND OF RECORD IS AS SHOWN ON THE PLAN.
3. THE SURVEY WAS BASED ON A GRANT DEED DOC # XXXX BY CHICAGO TITLE CO. PATD XXXXXX, RECORDED IN SANTA CLARA COUNTY.
4. ALL EXISTING BUILDINGS ARE WOOD.
5. FOR PRECISE SPECIES OF TREES A CERTIFIED ARBORIST SHALL BE CONSULTED.
6. THIS DRAWING REPRESENTS A TOPOGRAPHIC SURVEY PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT. THE PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DATA AND REPRESENT THE BEST GRAPHICAL FIT BETWEEN RECORD INFORMATION AND THE TOPOGRAPHICAL FEATURES SURVEYED AND SHOWN. NOT TO BE RELIED UPON OR USED FOR ANY OTHER PURPOSES. PURSUANT TO THE CLIENT'S DIRECTION A BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME, WHICH MAY HAVE DETERMINED THE ACTUAL PROPERTY LINES.

SCALE 1" = 10'

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

1530 & 1540 POMEROY AVE.
SANTA CLARA, CA
APN: 290-02-097 & 096

SMP ENGINEERS
CIVIL ENGINEERS - LAND SURVEYORS
1534 Coral Lane, Los Altos, CA 94024
Tel (650) 941-8055 Fax (650) 941-8755

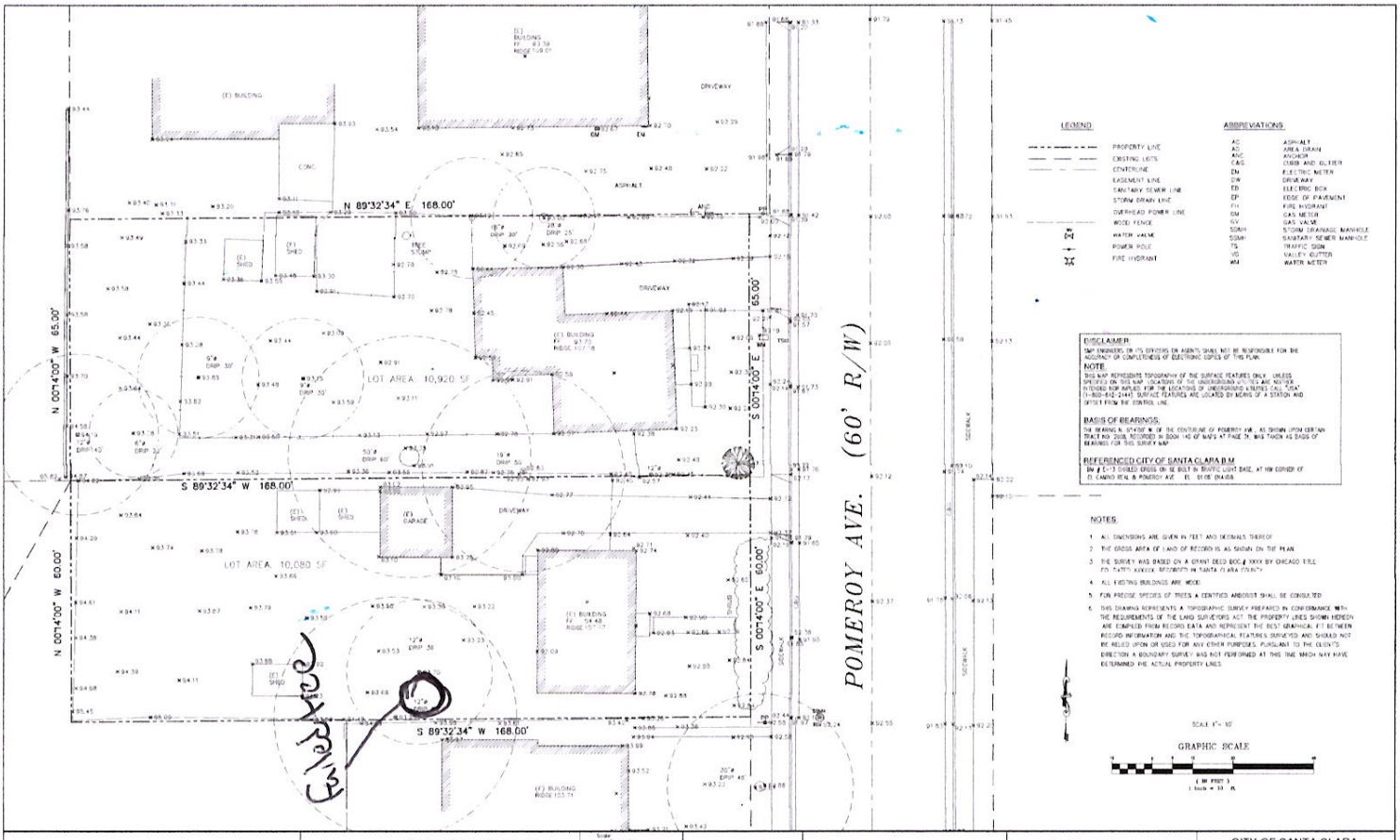
Scale: 1" = 10'
Prepared by: SR
Checked by: SR
Date: 4/12/2016
Project No: 15F021

TOPOGRAPHIC SURVEY MAP

Sheet No: T-1

REVISIONS	DESIGN BY	DESIGN DATE	CITY APPR	APPR DATE

CITY OF SANTA CLARA



1530 & 1540 POMEROY AVE.
SANTA CLARA, CA
APN: 290-02-097 & 096

SMP ENGINEERS
CIVIL ENGINEERS - LAND SURVEYORS
1534 Coco Lane Los Altos, CA 94024
Tel (650) 941-8305 Fax (650) 941-8755

Scale: 1" = 10'
Prepared by: SR
Checked by: SR
Date: 4/12/2016
Project No.: 216121

TOPOGRAPHIC SURVEY MAP

Sheet No. T-1

REVISIONS	DESIGN BY	DESIGN DATE	CITY APPR.	APPR. DATE

CITY OF SANTA CLARA