Draft EIR

950 Monroe Street Mixed Use Project

Prepared by

CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

In Consultation with

50 YEARS EST. 1972
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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

SUMMARY

The site is currently developed with a commercial building and three single-family residences. The project proposes construction of a six-story tower with up to 50 dwelling units, and separately, an additional four townhomes. The following is a summary of the significant impacts and mitigation measures addressed within this EIR. The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0 Project Description* and *Section 3.0 Environmental Setting, Impacts, and Mitigation*.

Significant Impacts	Mitigation and Avoidance Measures
Air Quality	
Impact AIR-3.1: Construction of the proposed development project would generate fugitive dust in the form of PM2.5 and PM10 resulting from disturbed soils at the construction site.	**MM-AIR-3.1:** The proposed development project will implement the following BAAQMD-Recommended Measures to Control Particulate Matter Emissions during all phases of construction. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (i.e., three times a day). Moisture content can be verified by lab samples or moisture probe. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]).

	Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. 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. 9. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries. 10. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity. 11. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 12. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 13. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: a. Site accesses to a distance of 100 feet from public paved

	roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and b. washing truck tires and construction equipment of prior to leaving the site. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
Impact AIR-3.2: Construction of the proposed development project would result in nearby sensitive receptors being exposed to toxic air contaminant emissions in excess of BAAQMD threshold for cancer risk and annual PM2.5.	**MM-AIR-3.2:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction-operations plan to the Director of Community Development or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below. All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously (or 20 hours total) shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter. • If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieves a 60 percent reduction in particulate matter exhaust. • Provide line power to the site to minimize the use of diesel-powered stationary equipment, such as generators.

Biological Resources	
Impact BIO-1.1: Project construction could impact nesting birds on or adjacent to the site, if present.	**MM BIO-1.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31. If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Agreement (MBTA) or Fish and Game Code shall not be disturbed during project construction.
Impact-BIO-5.1: The proposed development project would not comply with the City's tree protection policy. (Significant Impact)	**MM-BIO-5.1:** The project applicant will coordinate with the supervising planner to identify locations off-site for replacement trees in addition to the trees proposed as part of the landscaping on-site in accordance with General Plan Policy 5.3.1-P10. This will require the planting of 13, 24-inch box trees off-site to fully offset the removal of trees on-site. The project applicant will provide the supervising planner with appropriate documentation to confirm that all on- and off-

	site replacement trees have been planted prior to issuance of occupancy permits.
Cultural Resources	
Impact CUL-2.1: Construction of the proposed development project could require excavation in an area which has moderate to high sensitivity for archeological resources and could disturb unrecorded archaeological resources.	**MM CUL-2.1:** Prior to the commencement of any ground-disturbing activity on the project site, the project applicant shall retain a registered professional archaeologist, to be present during all ground-disturbing activity associated with the project. a. A registered professional archaeologist shall be given five days' written notice prior to the start of any ground-disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing. b. The registered professional archaeologist shall be present during construction phases that involve ground-disturbing activities. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of existing structures or site improvements within the development area shown on the project plans. c. Upon discovery of any archaeological resources and tribal cultural resources (TCRs), all ground-disturbing and construction activities within 50 feet of discovery shall cease on the project site until the find can be assessed to the satisfaction of the registered professional archaeologist. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives. **MM CUL-2.2:** The project applicant shall retain a qualified archaeologist, as needed, to be

	present during all ground-disturbing activity associated with the project. **MM CUL-2.3:** In the event that archaeological resources or TCRs are discovered on the project site and cannot be avoided, a detailed archaeological treatment plan shall be implemented. a. The treatment plan shall be developed by the on-call professional archaeologist to determine the most appropriate treatment measures to avoid, minimize, or mitigate any potential impacts. This shall include documentation of the resources and may include data recovery or other measures. b. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource. c. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any TCR artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to

	approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant. d. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site. e. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the NAHC on behalf of the culturally-affiliated tribe.
Impact CUL-3.1 The proposed development project could result in the discovery disturbance of human remains during excavation of the project site.	**MM CUL-3.1:** 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 of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make

	recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
Geology and Soils	
Impact GEO-1.1: The project site is located within a mapped liquefaction hazard zone. Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake.	**MM GEO-1.1:** To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building redevelopment design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.
Impact GEO-2.1: Construction activities at the project site would disturb soils on-site and could result in sedimentation and runoff on the project site.	**MM GEO-2.1:** All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized to withstand or avoid erosion. **MM GEO-2.2:** Stockpiles and excavated soils would be covered during construction with secured tarps or plastic sheeting. **MM GEO-2.3:** Vegetation in disturbed areas would be replanted as quickly as possible after construction.
Hazardous Materials	
Impact HAZ-1.1: The surface and sub-surface soils on-site could be contaminated due to past agricultural operations. Implementation of the project could expose construction workers and adjacent land uses to residual agricultural soil contamination.	**MM HAZ-1.1:** Prior to demolition and excavation of the project site, a limited Phase II Environmental Site Assessment (Phase II ESA) will be completed to determine if agricultural chemicals are present in the soil at the site. The site will be sampled for CAM 17 Metals, pesticides, TPH-G, BTEX, and 5-Oxygenates.

	Phase II ESA sampling activities shall be coordinated with the Santa Clara Fire Department. **MM HAZ-1.2:** Following demolition and removal of pavement, soil samples will be gathered from the site and sent for laboratory analyses to evaluate appropriate disposal alternatives. The analyses would include but not be limited to organochlorine pesticides, lead, petroleum hydrocarbons, and other metals. Sampling will occur prior to the issuance of grading permits. **MM HAZ-1.3:** In the event that impacted soil is found on-site, the Director of Community Development shall be notified and the lateral and vertical extent of soil containing contaminant concentrations greater than the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) environmental screening levels (ESLs) will be identified. Sample results shall be submitted to the Santa Clara Fire Department for review. Contaminated soil shall be handled separately from "clean" soil. Common and potentially applicable remedial measures for the impacted soil may include: 1) excavation and off-site disposal at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. Remedial activities at the site, if warranted, will be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health (SCCDEH).
Noise	
Impact NOI-1.1: Operation of the proposed development project could result in noise levels in excess of City's Municipal Code noise level performance standards.	**MM-NOI-1.1:** To reduce noise resulting from HVAC equipment operations, one of the following measures shall be implemented: • Equipment which would generate substantial noise shall be located at a minimum distance of 90 feet from the nearest residential property lines and a

	minimum distance of 25 feet from adjacent commercial property lines. • The selection of equipment shall be conducted and approved by a qualified acoustical professional such that equipment does not generate noise which would exceed Municipal Code standards at adjacent property lines. • If distance and/or equipment selection is not sufficient to reduce equipment noise consistent with the Municipal Code, equipment shall be shielded by walls, such as by a parapet wall constructed along the proposed building's roof line, such that the adjacent uses are not directly exposed to mechanical equipment noise. To provide adequate noise reduction, walls will constructed to fully block the line of sight between the equipment and the adjacent property line and shall have a minimum surface weight of three pounds per square foot (such as one-inch-thick wood, one-half-inch laminated glass, masonry block, concrete, or one-inch metal).
Impact NOI-2.1: Construction of the proposed development project would result in vibratory levels in excess of established guidelines and could damage nearby structures.	**MM-NOI-2.1:** The following measures are incorporated into the project to reduce vibration impacts from construction activities to a less than significant level: • Prohibit impact or vibratory pile driving as a method of construction. As an alternative, construction of a mat slab, shall be used. • Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 20 feet of the property lines shared with residences and commercial structures adjacent to the site. • Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. • Use smaller equipment to minimize vibration levels below the limits. • Select demolition methods not involving impact tools.

	• Avoid dropping heavy objects or materials near vibration sensitive locations. • A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. • A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks: o Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey (generally described below) would need to be performed. o Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure.

	This distance shall be extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure. o Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities. o The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims. o Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Summary of Alternatives to the Proposed Development Project

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in *Section 7.0 Alternatives*.

No-Project – No Development Alternative

The No Project – No Development Alternative would retain the existing commercial building and single-family residences as is. If the project site were to remain as is, the significant impacts of the project would not occur.

It is possible that in the future an alternative development proposal, such as another residential building or a mixed-use building, may be presented for the project site as this site is within the future Downtown Precise Plan area. Any future development proposals for the site would likely maximize allowable development and result in similar impacts to the proposed development project.

Reduced Development Alternative

Under this alternative, the design of the building would be reduced to allow for a greater distance from historic structures and shorter construction period when compared to the proposed development project. Additionally, the structure would not be as tall as the proposed development project. The noise, cultural, air quality impacts would be marginally reduced by this design alternative, however, all other impacts would be the same as the proposed development project and the project would still be required to utilize the same identified mitigation measures and Conditions of Approval.

Areas of Public Controversy

Areas of public concern include:

- Aesthetics
- Impacts to adjacent historic structures
- Building height and setbacks
- Parking

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of Santa Clara, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the 950 Monroe Street Mixed-Use Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed development project, as well as identifies mitigation measures and alternatives to the proposed development project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of Santa Clara is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of Santa Clara prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on October 26th, 2021. The standard 30-day comment period concluded on November 25th, 2021. The NOP provided a general description of the proposed development project and identified possible environmental impacts that could result from implementation of the project. The City of Santa Clara also held a public scoping meeting on November 8th, 2021 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at 6:00 pm on Zoom Appendix I of this EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Steve Le
1500 Warburton Avenue
Santa Clara, CA 95050
SLe@SantaClaraCA.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of Santa Clara will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.3.1 Notice of Determination

If the project is approved, the City of Santa Clara will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office and available for public inspection for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT LOCATION

The 0.87-acre project site is located at 906-950 Monroe Street and 134 Homestead Road in the City of Santa Clara and consists of three parcels (Assessor's Parcel Numbers [APNs] 269-20-095, -087, and -086). The site currently contains three single-family residences, and their associated outbuildings, and a 6,537 square foot commercial building. The parcels are zoned Historic Combining, General Office, and Community Commercial; and the site is designated as Community Mixed Use in the General Plan. Access to the site is provided by private driveways for the single-family residences on Homestead Road and Monroe Street, and parking lot access points for the commercial property along Monroe Street and Franklin Street. The regional, vicinity, and aerial maps of the project location are provided in Figures 2.1-1, 2.1-2, and 2.1-3.

2.2 PROJECT DESCRIPTION

As proposed, the project would demolish the commercial building and residential outbuildings and construct a six-story, 72,000 square foot mixed-use building with 50 multi-family residential units and approximately 2,000 square feet of ground floor retail/restaurant space. Four detached two-story, townhouses would also be constructed on-site. The existing residences fronting Monroe Street and Homestead Road would be retained in their current location. The project also proposes approximately 3,000 square feet of community amenities including an outdoor community area and gym for on-site residents. The mixed-use building, which would be located along Monroe Street, would be approximately 90 feet tall and would have one basement level for parking which would be accessed from Franklin Street. The townhouses, which would be located behind the mixed-use building and existing houses, and would be approximately 26 feet tall. The mixed-use building would also feature two outdoor patio areas on the fourth and fifth floors on the south side of the building. The project proposes to rezone the site to PD – Planned Development. The proposed site plan is shown in Figure 2.2-1 and the elevations are included in Figure 2.2-2.

2.2.1 Parking and Site Access

Parking for the proposed development project would be provided within the building on the ground-floor and basement level of the mixed-use building. Access to the parking garage would be provided by a driveway and ramp on Franklin Street. The residential parking (including the townhouses) would include 100 parking spaces in automated stackers of which seven would be electric vehicle (EV) spaces. Parking for the retail and restaurant uses would include 10 parking spaces with one clean air/EV space.

2.2.2 General Plan Amendment

The proposed development project includes a General Plan Amendment to revise the specifications of the General Plan designation of Community Mixed Use. This change would allow for very high-density housing (to a maximum of 70 units per acre) on mixed-use sites within the Downtown Precise Plan Area that meet the following criteria:

1) the property is located within 0.25 miles of a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;

2) the property is designated Community Mixed Use;
3) the development provides ground floor retail uses at the required FAR of 0.10;
4) if the project site is listed on the City's Historic Preservation and Resource Inventory or the California Register of Historical Resources, any development affecting the historically significant structure shall be performed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
5) the project provides for affordable housing through the payment of in-lieu fees and/or includes affordable units.

The previous land use designation provided up to 36 units per acre with a FAR of 0.10. The new General Plan designation would allow for an increase of approximately 34 units per acre. The 0.87-acre site previously would have allowed up to 31 units, whereas up to 60 units would be permitted under the proposed General Plan Amendment. This would result in an increase in population and resource consumption higher than the levels analyzed in the General Plan Integrated FEIR

The General Plan Amendment associated with the proposed development project would result in the revision of specific land uses in the Downtown Focus Precise Plan Area, totaling approximately 90 parcels and 12 acres of land within the downtown area. This would result in a potential increase of up to 408 dwelling units within the City of Santa Clara and approximately 1,064 residents compared to what was planned for in the General Plan.[1] This would represent an approximately 14 percent increase in prospective residential development focused in the downtown area of Santa Clara.

2.2.3 Trip Demand Management Plan

The proposed project would be required to implement a Trip Demand Management Plan (TDM Plan) to comply with the Greenhouse Gas Climate Action Plan (CAP) for the City of Santa Clara. This TDM Plan can include any of the following items:

- Transit Incentivization Programs
- Commute Alternatives
- Carpools and Vanpools
- Bicycle Parking Options
- Bikeshare
- Shuttle Bus Service
- Improvement of Walking Conditions
- Parkin Reductions

2.3 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed development project. The applicant's objectives for the project are as follows:

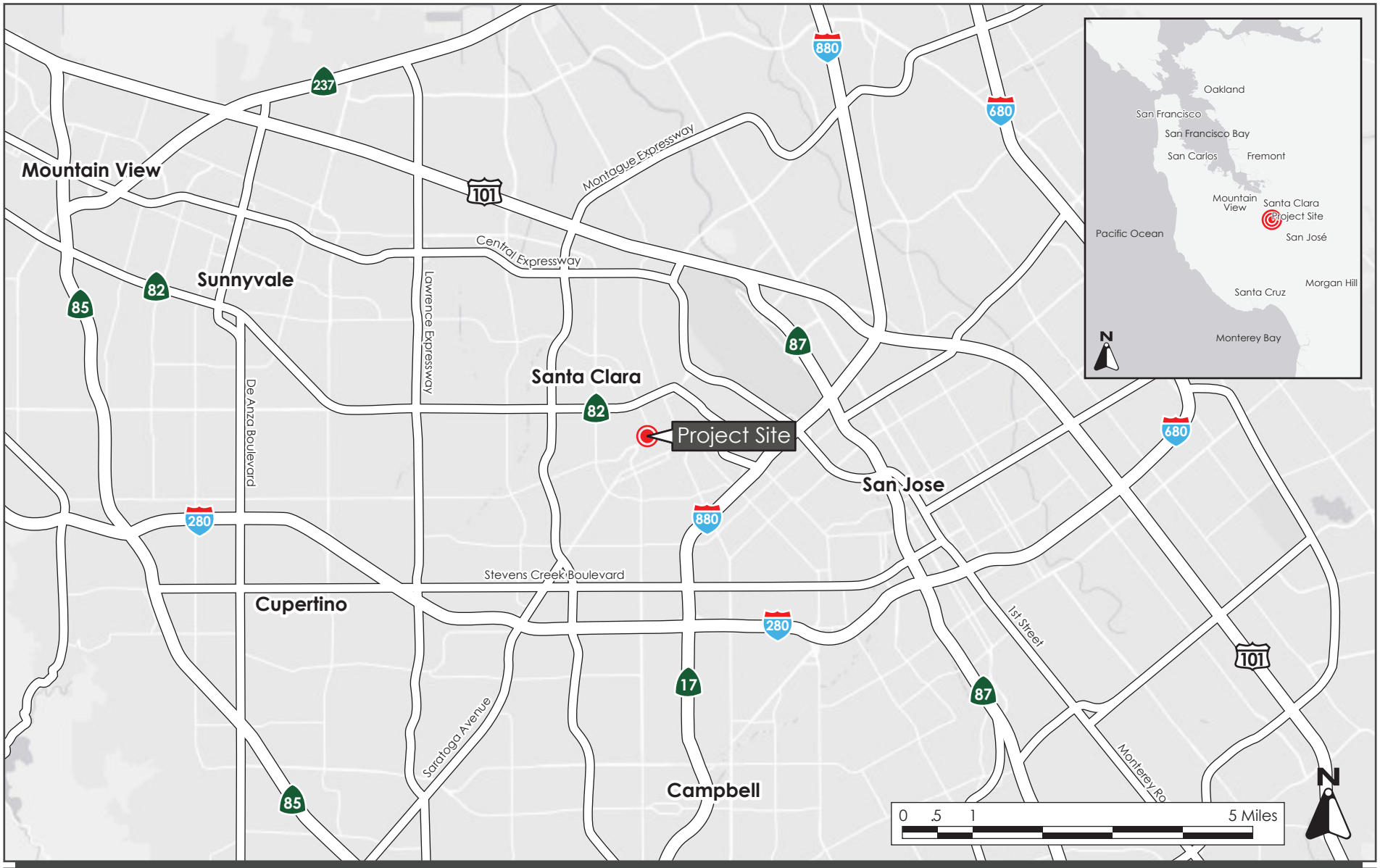
[1] 12 acres x 34 additional units per acre = 408 units x 2.61 residents per unit = 1,064 residents

1. Develop the site into an economically viable, mixed-use project with up to 50 residential units along with up to four townhomes to provide a distinct mix and variety of unit types to serve a broad population that will help address the City's housing needs.
2. Establish intergenerational physical and social connections through the provision of a varied mix of housing types and amenities that support community vitality in accordance with the City's General Plan.
3. Preserve two historic single-family residences and one non-historic single-family residence on-site to strengthen the cultural and historical connection of the project to the neighborhood.
4. Create and maintain a residential built environment that promotes the safety and well-being of its residents and the surrounding community.
5. Create a residential transit-oriented project balanced with community-serving amenities that connects to and enhances the City's bike and pedestrian network, while reducing vehicle trips.
6. Promote sustainability by developing a residential project on an infill and easily accessible project site through the incorporation of environmentally responsible construction techniques and conservation of energy in accordance with the major strategies of the City's General Plan.

2.4 USES OF THE EIR

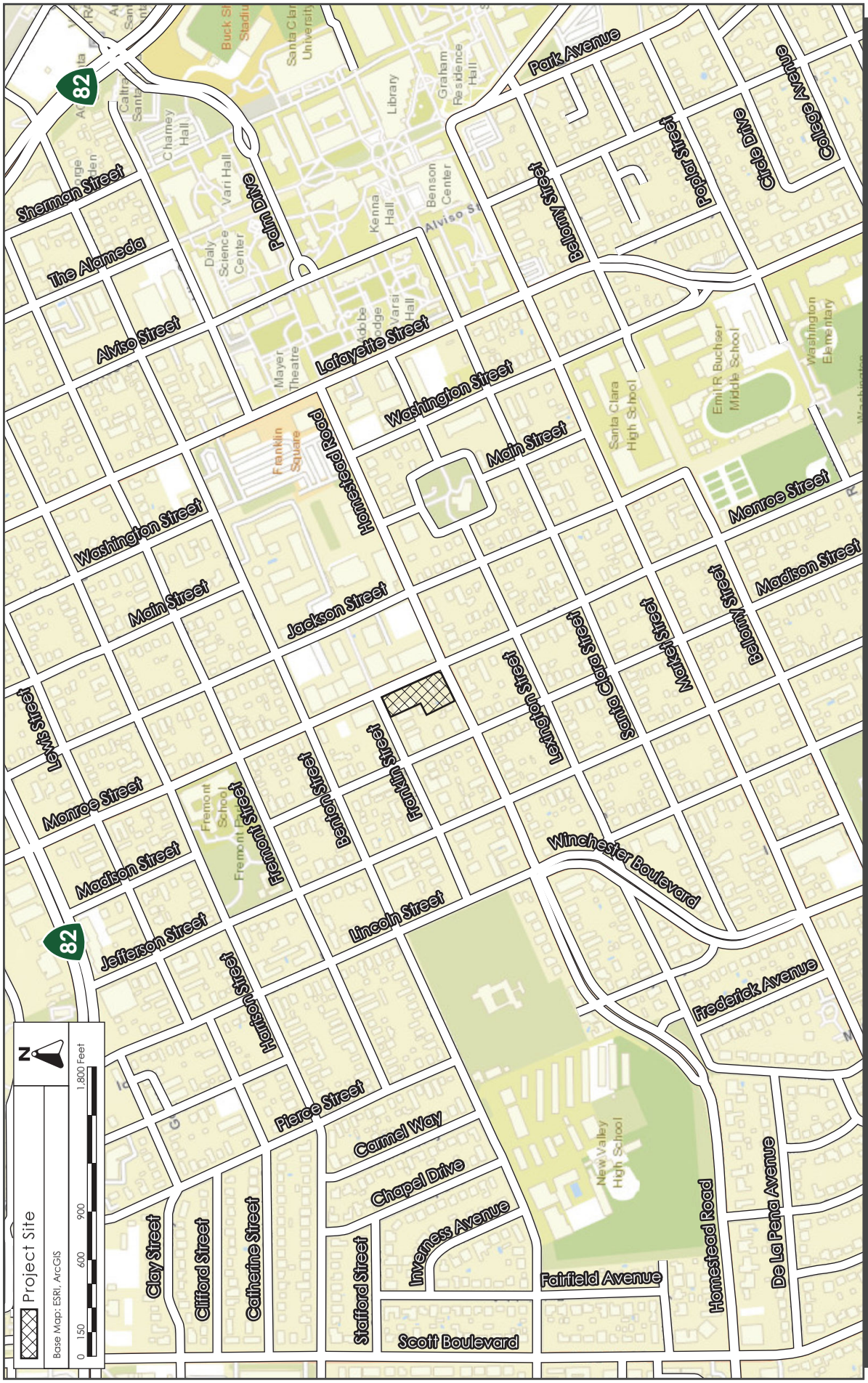
This EIR is intended to provide the City of Santa Clara, other public agencies, and the general public with the relevant environmental information needed in considering the proposed development project. The City of Santa Clara anticipates that discretionary approvals by the City, including but not limited to the following, will be required to implement the project addressed in this EIR:

- Rezoning
- Grading Permit
- General Plan Amendment
- Minor Modification to allow the use of mechanical stackers for parking
- Architectural Review



REGIONAL MAP

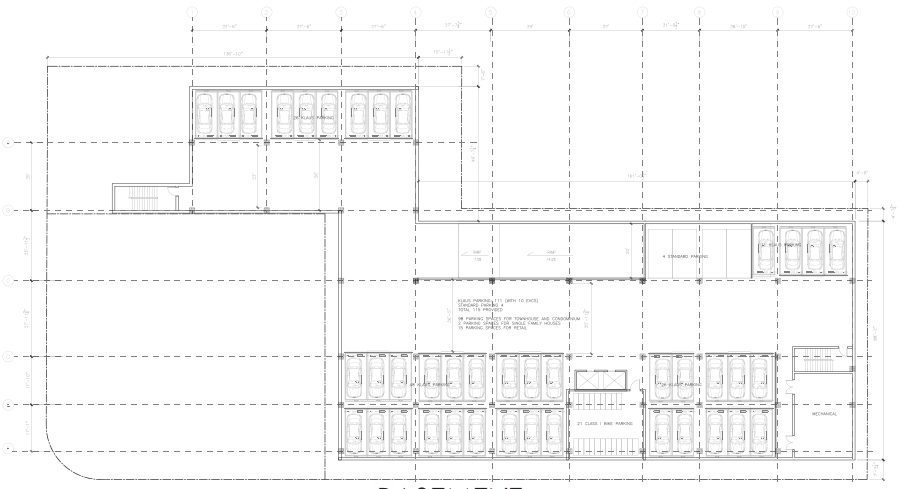
FIGURE 2.1-1



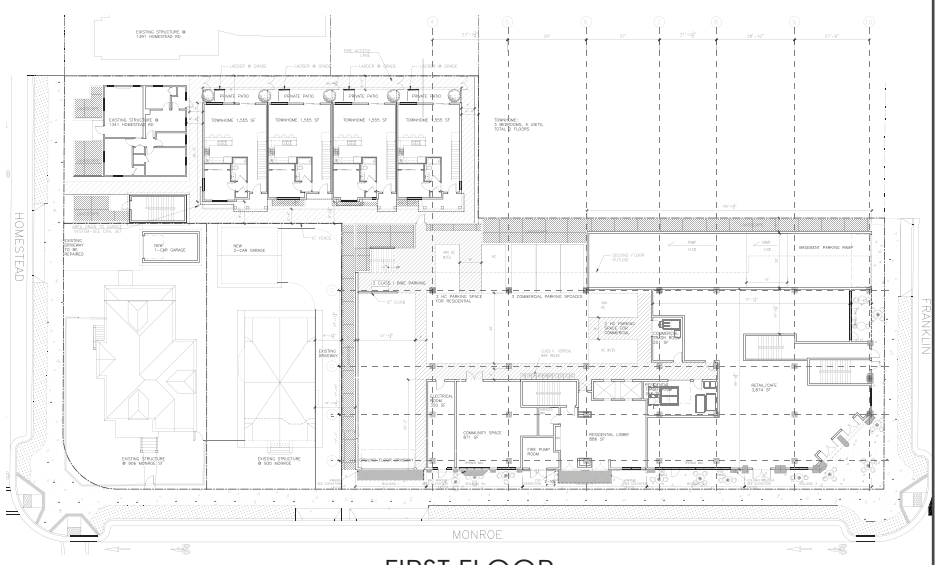
VICINITY MAP

FIGURE 2.1-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.1-3



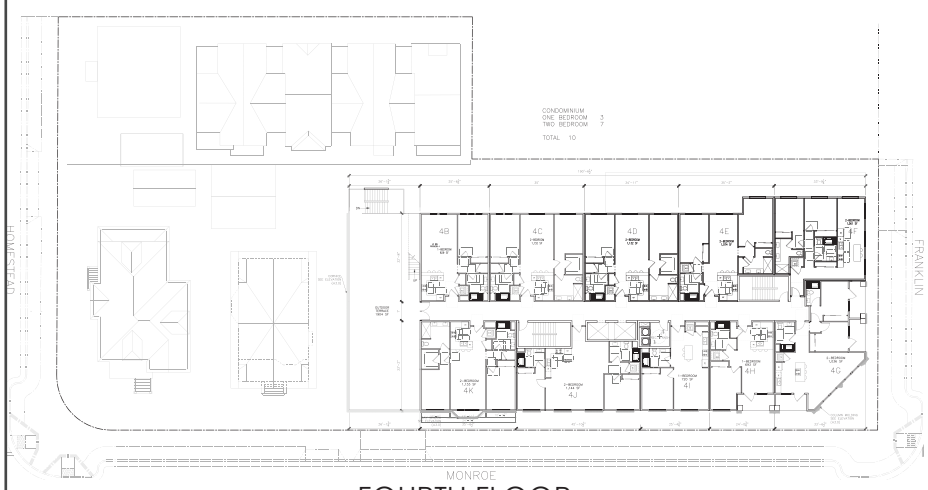
BASEMENT



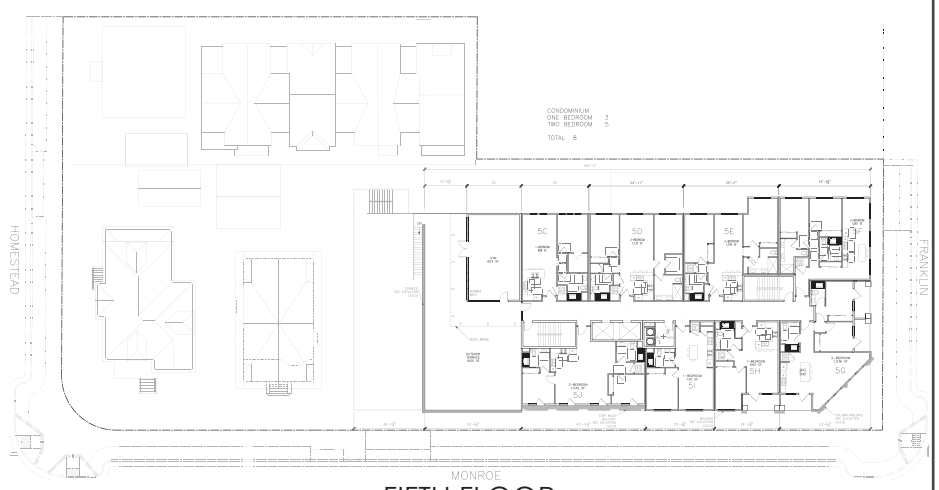
FIRST FLOOR

SECOND FLOOR

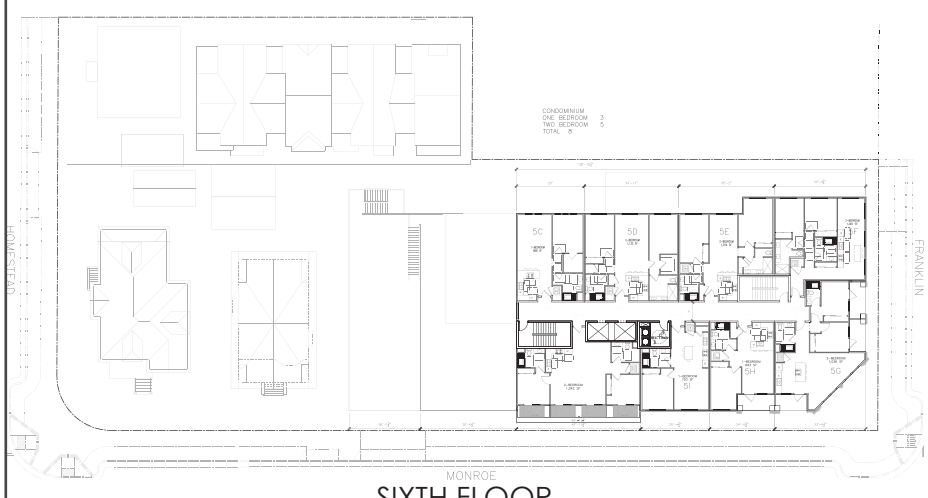
THIRD FLOOR



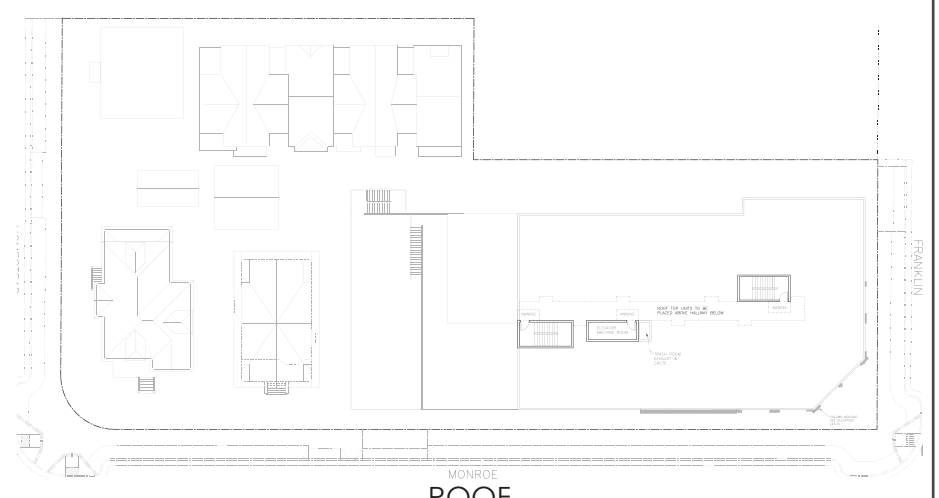
FOURTH FLOOR



FIFTH FLOOR



SIXTH FLOOR



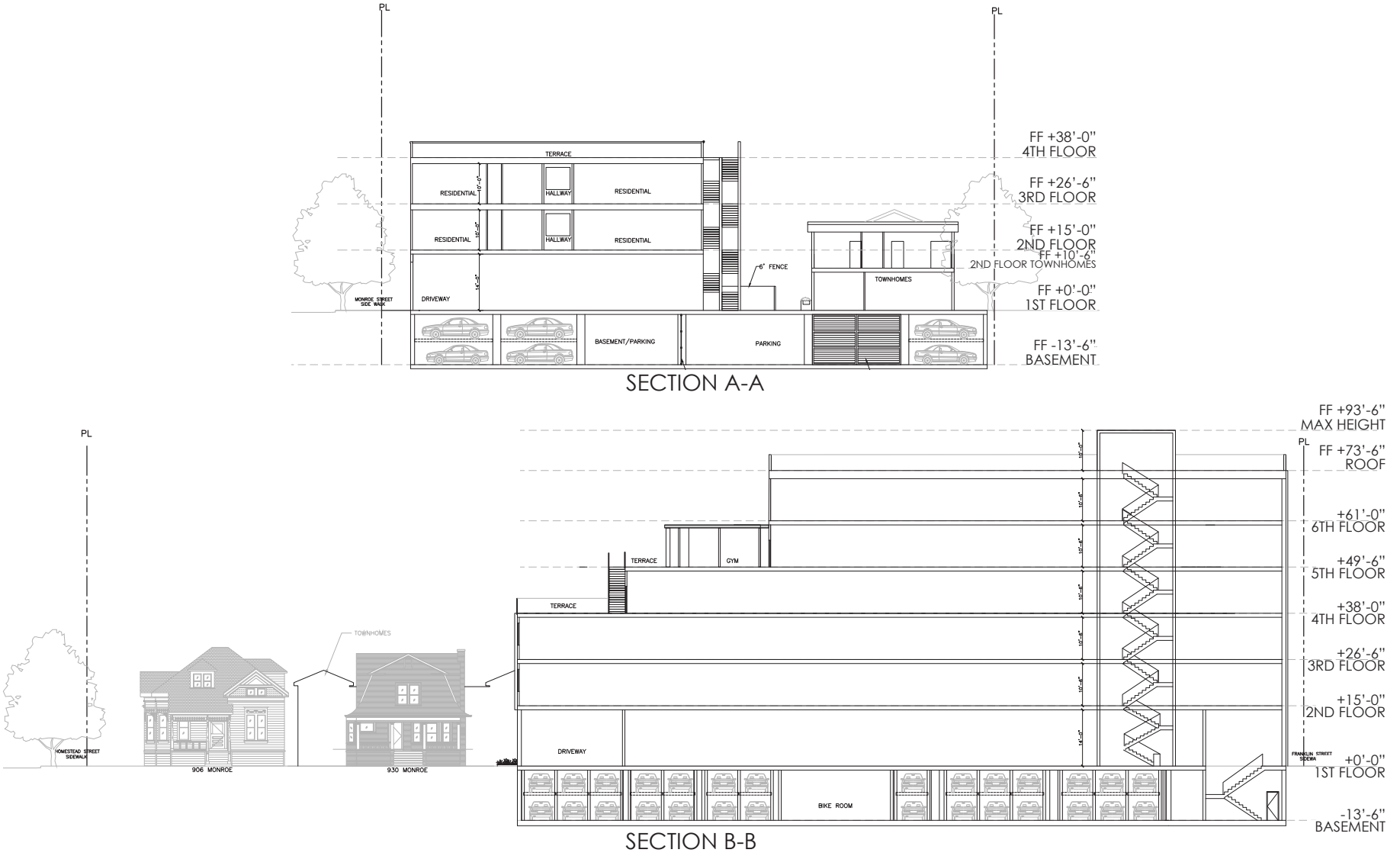
ROOF

0 25' 50' 75'

Source: Salvatore Caruso Design Corporation, June 14, 2022.

SITE PLAN

FIGURE 2.2-1



Source: Salvatore Caruso Design Corporation, June 14, 2022.

ELEVATION DIAGRAM

FIGURE 2.2-2

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

The discussion for each environmental subject includes the following subsections:

Environmental Setting – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

Impact Discussion – This subsection includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.
- **Cumulative Impacts** – This subsection discusses the project's cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the

impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed development project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). This EIR uses the list of projects approach.

The analysis must determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed development project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and pending projects in the project vicinity that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative Projects List

Name and Location	Description	Distance to Proposed Project	Estimated Schedule	
			Start	Finish
Villa Bella Residential Project	56 condominium units	0.55 mile	2022	2023

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed development project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-2: Geographic Considerations in Cumulative Analysis

Resource Area	Geographic Area
Aesthetics	Project site and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels

Table 3.0-2: Geographic Considerations in Cumulative Analysis	
Resource Area	**Geographic Area**
Cultural Resources	Project site and adjacent parcels
Energy	Energy provider's territory
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Project site and adjacent parcels
Hydrology and Water Quality	Guadalupe River watershed
Land Use and Planning/Population and Housing	Citywide
Minerals	Identified mineral recovery or resource area
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	Citywide
Transportation/Traffic	Citywide
Tribal Cultural Resources	Project site and adjacent parcels
Utilities and Service Systems	Citywide
Wildfire	Within or adjacent to the wildfire hazard zone

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.[2]

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[3]

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

[2] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a 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." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 7, 2014. Accessed September 10, 2020. http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.

[3] California Department of Transportation. "Scenic Highways." Accessed January 14, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Local

Santa Clara General Plan

The following General Plan policies related to aesthetics are applicable to the proposed development project.

Policies	Description
5.3.1-P3	Support high quality design consistent with adopted design guidelines and the City's architectural review process.
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-P28	Encourage undergrounding of new utility lines and utility equipment throughout the City.
5.3.4-P8	Encourage building heights of up to five stories in large mixed-use developments along arterial street frontages, with the potential for taller buildings north of the Caltrain corridor.
5.3.4-P10	Require parking to be substantially below-grade or in structures with active uses along streets.
5.3.4-P12	Prioritize pedestrian-oriented streetscape and building design in mixed-use development, including features such as wider sidewalks, street furniture, specialty planters, signage, public art, street trees, special paving materials, decorative awnings, enhanced entrances, colors, variety of materials, and textures and distinctive building massing and articulation.

Santa Clara City Code

The City Code includes regulations associated with protection of the City's visual character, to promote a sound and attractive community appearance, as stated in Chapter 8.30 Public Nuisances and Chapter 18.52 Regulations for Public, Quasi-Public, and Public Park or Recreation Zoning Districts.[4] The City Code also includes an Architectural Review process, as outlined in Zoning Ordinance Chapter 18.76. The Architectural Review process is intended to serve the following purposes:

- Encourage the orderly and harmonious appearance of structures and properties;
- Maintain the public health, safety, and welfare;
- Maintain property and improvement values throughout the City;
- Encourage the physical development of the City that is consistent with the General Plan and other City regulations; and
- Enhance the aesthetic appearance, functional relationships, neighborhood compatibility and excellent design quality.

[4] City of Santa Clara. 2010. *City of Santa Clara 2010-2035 General Plan.*

Architectural Review Process – Community Design Guidelines

At a Development Review Hearing (DRH), the Planning Manager reviews plans and drawings submitted for architectural review for design, aesthetic considerations, and consistency with zoning standards, generally prior to submittal for building permits. The DRH follows the City's Community Design Guidelines. The intent of these guidelines is to provide consistent development standards in the interest of continued maintenance and enhancement of the high-quality living and working environment in the City. However, since the enactment of the Housing Accountability Act (HAA), for residential projects, the DRH process usually focuses only on whether the project meets objective design criteria.

3.1.1.2 *Existing Conditions*

Project Site

The project site is a 0.87-acre parcel on the west side of Monroe Street between Franklin Street and Homestead Road. The project site is currently developed with a large commercial building, a surface parking lot, and three single-family residences. The commercial building is a neutral colored, art deco style, single-story structure with a flat roof and includes landscaped shrubs in cement planters and four trees.

The two residences on the northwest corner of the site, at the Homestead Road and Monroe Street intersection, are two-story single family houses with painted wooden siding and shingle roofs. These structures are surrounded by large landscape trees and numerous small hedges. The residence located on Homestead Road at the southwest corner of the project site is a small one-story building with a stucco facade, a red tile roof, and small landscape hedges. (see Photo 1) The commercial building and the two-story residences appear to be well maintained. The site is separated from the adjacent commercial and residential land uses to the west by a row of landscape hedges and a wood fence. The uses to the north, east, and south are all separated from the project site by the existing roadways.

Surrounding Land Uses

The project site is bound by Franklin Street to the north, Monroe Street to the east, Homestead Road to the south, and commercial and single-family residential development to the west. Franklin Street, Monroe Street, and Homestead Road are all two-lane roadways with no median, and sidewalks on both sides. Overhead utility lines are located along all three roadways adjacent to the project site.

The project site is located along Monroe Street between the Franklin Street and Homestead Road intersections. This portion of Monroe Street, across and to the east of the project site, is developed with commercial and retail uses associated with the Franklin Square/downtown area of Santa Clara. The buildings that house these commercial and retail uses are small, single-story buildings with red tile roofs, set back from the sidewalk by landscaping including shrubs, grass, and several trees (see Photo 2).

Photo 1: View of project site from Monroe Street, looking west.

Photo 2: Views of ajdacent commercial uses to the east.

PHOTOS 1 & 2

Photo 3: Views of mixed use commercial building north of the project site.

Photo 4: View from project site, looking south.

PHOTOS 3 & 4

North of the project site, across Franklin Street, is developed with single-story commercial uses and a four-story mixed used building. The northwest portion of the project site is adjacent to single-story commercial buildings. (see Photo 3) The eastern boundary of the backyards of these properties is separated from the project site by a wood fence and landscape hedges.

South of the project site, across Homestead Road, is developed with two-story multi-family residential buildings, set back from the roadway by a sidewalk and street trees. (see Photo 4).

Overall, the area surrounding the project site is relatively flat with a mix of commercial and residential buildings of varying architectural styles that are surrounded by landscaped areas.

Scenic Views, Resources, and Corridors

Based on the City's General Plan, views of the Santa Cruz Mountains and the Diablo Range and stretches of open space and undeveloped land in the Ulistac Natural Area are scenic features in the Santa Clara area, but not defined scenic vistas. The project site and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. The project area has minimal to no scenic views of the Diablo foothills to the east, Santa Cruz Mountains to the west, and Santa Teresa Hills to the south. No natural scenic resources, such as outcroppings, are present on-site or within the project area. Additionally, the project site is located over 7.6 miles from SR 9.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project site and project area, including but not limited to streetlights, vehicular headlights, internal/external building lights, security lights, and reflective building surfaces and windows.

3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, except as provided in Public Resources Code Section 21099, would the project:

1) Have a substantial adverse effect on a scenic vista?
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[5] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

[5] Public views are those that are experienced from publicly accessible vantage points.

3.1.2.1 *Project Impacts*

Impact AES-1:	The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

There are no scenic vistas within the City according to the certified 2010-2035 General Plan Integrated Final EIR (General Plan FEIR), however there are views of community and surrounding natural features, including panoramic views of the Santa Cruz Mountains and the Diablo Range and stretches of open space and undeveloped land in the Ulistac Natural Area.[6]

The proposed development project is located within an urban, developed area of the City of Santa Clara. The surrounding area is developed with a mix of uses and has no designated scenic vistas. While the proposed development project may block views from existing adjacent residences and businesses, private views are not protected scenic resources under CEQA. Therefore, the proposed development project would not have an adverse effect on a scenic vista. **(No Impact)**

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

The nearest state scenic highway, SR 9, is located more than 7.6 miles from the project site. The proposed development project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less Than Significant Impact)**

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

The project site is visible from the Monroe Street, Franklin Street, and Homestead Road frontages. While the proposed development project would result in a change in the visual character of the project area, the project would be consistent overall with the urban, mixed development in the project area. The project area is a mix of modern and classical architectural styles and while it is located within the Old Quad neighborhood, there is no single defining architectural style. In addition, site development would be subject to the City's Architectural Review process. For these reasons, the proposed development project would not substantially degrade existing visual character or quality of public views of the site or its surroundings. **(Less than Significant Impact)**

[6] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Page 141.

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

Due to the project area's developed character, the current level of light and glare is typical of that in an urban setting. Nighttime lighting impacts are considered significant when they interfere with or intrude into neighboring residences. Light pollution is typically related to the use of high voltage light fixtures with inadequate shields and improper positioning or orientation. Lighting on the project site will be reviewed by Planning staff through the City's Architectural Review Process prior to issuance of building permits for consistency with the City's Design Guidelines to reduce light and glare and to ensure it will not create a substantial new source of light or glare. **(Less Than Significant Impact)**

3.1.2.2 *Cumulative Impacts*

Impact AES-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant aesthetics impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative aesthetic impacts is the area immediately surrounding the project site. The proposed development project would comply with local policies overseeing aesthetics in the City of Santa Clara and would result in less than significant impacts on the existing visual character of the surrounding area and would not contribute significantly to light or glare. Additionally, all other approved and pending development in the project area would be required to comply with city policies overseeing aesthetics. For this reason, the proposed development project would not significantly contribute to aesthetic impacts on the surrounding area and would not increase an existing significant aesthetic impact. **(Less than Significant Cumulative Impact)**

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[7]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[8]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[9] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[10]

3.2.1.2 *Existing Conditions*

The project site is classified as Urban and Built-Up Land on the California Department of Conservation Farmland Mapping and Monitoring Program. The project site does not contain agricultural resources or timberland resources and is not under an existing Williamson Act contract.[11]

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[7] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed August 7, 2020. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[8] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

[9] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[10] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed January 18, 2022. http://frap.fire.ca.gov/.

[11] County of Santa Clara. *Williamson Act Properties Geodatabase*. Accessed June 9, 2021. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

3.2.2 Impact Discussion

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

1) 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?
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
4) Result in a loss of forest land or conversion of forest land to non-forest use?
5) 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?

3.2.2.1 *Project Impacts*

Impact AG-1:	The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The project site is not listed as agricultural land of any type and is not identified as Farmland of Statewide Importance. The site is fully developed, and the proposed development project would not convert this area to a non-agricultural use. Therefore, the proposed development project would have no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is zoned Historic Combining, General Office, and Community Commercial. None of these uses include agricultural use and the project site is not under a Williamson Act contract. Therefore, the proposed development project would not conflict with an existing agricultural use or Williamson Act contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is zoned Historic Combining, General Office, and Community Commercial. None of these uses include forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed development project would not conflict with an existing forestry use or zoning. **(No Impact)**

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is not listed as forest land in the General Plan. The site is fully developed, and the proposed development project would not convert this site to a non-forest use. Therefore, the proposed development project would have no impact on forest land and would not result in the conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5:	The project would not 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. **(No Impact)**

The project site is in a fully urbanized area and does not contain any agricultural or forest lands. The proposed development project would not result in the conversion of agricultural or forest land surrounding the project to non-agricultural or non- forest uses. Therefore, the project would have no impact on surrounding agricultural or forest resources. **(No Impact)**

3.2.2.2 *Cumulative Impacts*

Impact AG-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant agricultural and forestry resources impact. **(No Impact)**

The geographic area for cumulative agricultural and forestry resources is Santa Clara County. The proposed development project would have no impact on agricultural or forestry resources; therefore, the proposed development project would have no cumulative impact on agricultural or forestry resources. **(No Impact)**

3.3 AIR QUALITY

The information in this section is based in part on an Air Quality & Greenhouse Gas Assessment prepared by Illingworth and Rodkin Inc. on May 7, 2021. This is included in Appendix A of this document.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[12] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

[12] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[13] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

3.3.1.2 *Regulatory Framework*

State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

[13] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed May 11, 2021. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[14]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

[14] BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Local

City of Santa Clara 2010 – 2035 General Plan

General Plan policies applicable to reduce air pollutants and exposure to toxic air containments include, but are not limited to, the following listed below.

Policies	Description
5.10.2-G1	Improved air quality in Santa Clara and the region.
5.10.5-G2	Reduced greenhouse gas emissions that meet the State and regional goals and requirements to combat climate change
5.10.5-P3	Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants.
5.10.5-P4	Encourage measures to reduce greenhouse gas emissions to reach 30 percent below 1990 levels by 2020.
5.10.5-P6	Require "Best Management Practices" for construction dust abatement.

3.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

3.3.2 Impact Discussion

For the purpose of determining the significance of the project's impact on air quality, would the project:

1) Conflict with or obstruct implementation of the applicable air quality plan?
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
3) Expose sensitive receptors to substantial pollutant concentrations?
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

3.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and

must be based to the extent possible on scientific and factual data. The City of Santa Clara has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-2 below.

Table 3.3-2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operation Thresholds	
	Average Daily Emissions (pounds/day)	Annual Daily Emissions (pounds/year)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)	

3.3.2.2 *Project Impacts*

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan**. (Less than Significant Impact)**

The most recent and comprehensive Air Quality plan is the Bay Area 2017 Clean Air Plan. The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. BAAQMD has also developed CEQA guidelines to assist lead agencies in evaluating the significance of air quality and GHG impacts. In formulating compliance strategies, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel, which, in turn, affects region-wide emissions of air pollutants and GHGs.

The 2017 Clean Air Plan, adopted by BAAQMD in April 2017, includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. General plans must show consistency with the control measures listed within the Clean Air Plan. The proposed development project would not conflict with the latest Clean Air planning efforts because the project would have construction and operational emissions below the BAAQMD thresholds (see Impact AIR-2 below), the project would be considered urban infill, the project would be located near

employment centers, and the project would be located near transit with regional connections. **(Less than Significant Impact)**

Construction Criteria Pollutant Emissions

The California Emissions Estimator Model (CalEEMod) was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The CARB EMission FACtors 2017 (EMFAC2017) model was used to predict emissions from construction traffic, which includes worker travel, vendor trucks, and haul trucks. The CalEEMod model output along with construction inputs and EMFAC2017 vehicle emissions modeling outputs are included in are included in Appendix A.

Average daily emissions were calculated for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 3.3-3 shows the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project.

Table 3.3-3: Construction Emissions

Year	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Construction Emissions Per Year (Tons)				
2022	0.10	1.03	0.05	0.04
2023	0.35	0.69	0.04	0.03
2024	0.36	0.23	0.01	0.01
Average Daily Construction Emissions Per Year (pounds/day)				
2022 (313 construction workdays)	0.67	6.56	0.31	0.26
2023 (313 construction workdays)	2.22	4.44	0.23	0.19
2024 (195 construction workdays)	3.67	2.36	0.14	0.11
BAAQMD Thresholds (pounds per day)	54 lbs/day	54 lbs/day	82lbs./day	54 lbs/day
Exceed Threshold?	No	No	No	No

Source: Illingworth and Rodkin Inc. *906 – 950 Monroe Street Air Quality & Greenhouse Gas Assessment.* May 7, 2021

As shown in Table 3.3-3, construction period emissions would not exceed the BAAQMD significance thresholds. Therefore, the project would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the Bay Area 2017 CAP. **(Less than Significant Impact)**

Operational Criteria Pollutant Emissions

Operational criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by future residents. CalEEMod was used to estimate the emissions from operation of the project. Vehicle trip generation rates, energy usage, and other default model

assumptions for solid waste generation and water usage/wastewater disposal were input into CalEEMod (refer to Appendix A of this document). The daily emissions were estimated assuming 365 days of operation. Full operation of the site is expected to occur in 2025. Table 3.3-4 shows average daily emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during operation of the project.

Table 3.3-4 Operational Emissions

Scenario	ROG	NOx	PM10	PM2.5
2025 Project Operational Emissions (tons/year)	0.65 tons	0.46 tons	0.69 tons	0.19 tons
2025 Existing Operational Emissions (tons/year)	0.09 tons	0.10 tons	0.18 tons	0.05 tons
BAAQMD Thresholds (tons/year)	0.56 tons	0.36 tons	0.51 tons	0.14 tons
Exceed Thresholds?	No	No	No	No
Net 2025 Project Operational Emissions (lbs./day)	3.08 lbs.	1.94 lbs.	2.80 lbs.	0.79 lbs.
BAAQMD Thresholds (lbs./day)	54lbs.	54lbs.	82lbs.	54lbs.
Exceed Threshold?	No	No	No	No

Source: Illingworth and Rodkin Inc. *906 – 950 Monroe Street Air Quality & Greenhouse Gas Assessment*. May 7, 2021

The operational period emissions would not exceed the BAAQMD significance thresholds. Therefore, the project would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the Bay Area 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The proposed development project would increase criteria pollutants in the Bay Area, contributing to existing violations of O_3 standards. Per the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above, the proposed development project would not result in any air pollutant emissions exceeding BAAQMD's significance thresholds. As a result, the proposed development project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less Than Significant Impact)**

Impact AIR-3:	As mitigated, the project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Particulate Matter and Fugitive Dust

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce these emissions. **(Significant Impact)**

Impact AIR-3.1 Construction of the proposed development project would generate fugitive dust in the form of $PM_{2.5}$ and PM_{10} resulting from disturbed soils at the construction site.

Mitigation Measures

The following mitigation measures would be implemented during all demolition and construction activities to reduce dust emissions impacts.

MM-AIR-3.1: The proposed development project will implement the following BAAQMD-Recommended Measures to Control Particulate Matter Emissions during all phases of construction.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent (i.e., three times a day). Moisture content can be verified by lab samples or moisture probe.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. 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.
9. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries.
10. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.
11. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
12. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
13. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary:
    a. Site accesses to a distance of 100 feet from public paved roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and
    b. washing truck tires and construction equipment of prior to leaving the site. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Through implementation of dust control measures as advised by BAAQMD, the fugitive dust and PM generated by construction of the proposed development project would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Construction Toxic Air Contaminants Impacts

The Air Quality and Green House Gas Assessment assessed the range of infant and adult exposures to TACs at the residences surrounding the project site. Infant exposure at residences was used as a worst-case assumption because child and adult exposures would be less.

The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). The results of the CalEEMod model indicated that the total $PM_{2.5}$ concentration MEI was on the first floor (five feet above ground) of the northernmost single-family residence on the project site and the cancer risk MEI was on the first floor (five feet above ground) of the southernmost single-family residence on-site. The location of

the MEIs are shown in Figure 3.3-1. Table 3.3-5 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities. The MEIs identified in the study were determined to be on the project site. The nearest off-site receptors in the project area, would be exposed to reduced but similar concentrations of contaminants.

Table 3.3-5 Construction TAC effects

Source	Cancer Risk Per Million	Annual PM 2.5	Hazard Index
Project Construction	**19.0 (infant)**	**0.76**	0.01
BAAQMD Single Source Threshold	10	0.3	1.0
Exceeds Threshold?	**Yes**	**Yes**	No

Source: Illingworth and Rodkin Inc. 906 – 950 Monroe Street Air Quality & Greenhouse Gas Assessment. May 7, 2021

During construction activities the proposed development project would exceed the cancer risk and annual $PM_{2.5}$ thresholds established by BAAQMD.

Impact AIR-3.2 Construction of the proposed development project would result in nearby sensitive receptors being exposed to toxic air contaminant emissions in excess of BAAQMD threshold for cancer risk and annual $PM_{2.5}$. **(Significant Impact)**

Mitigation Measures

In addition to the mitigation measures listed under Impact AIR-3.1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts.

MM-AIR-3.2 Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Community Development or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth below. All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously (or 20 hours total) shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards for particulate matter.

- If Tier 4 equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieves a 60 percent reduction in particulate matter exhaust.
- Provide line power to the site to minimize the use of diesel-powered stationary equipment, such as generators.

With the incorporation of Mitigation Measure MM-AIR-3.1 and MM-AIR-3.2, the mitigated risk and hazard values would be reduced to 3.3 cases per million and 0.15, respectively, which is below the BAAQMD single-source significance thresholds. Therefore, the proposed development project would result in a less than significant TAC impact with mitigation incorporated. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Impacts

Operation of the project would have long-term emissions from mobile sources (i.e., traffic). Stationary equipment that could emit substantial TACs (e.g., emergency generators) are not planned. Per BAAQMD recommended risks and methodology, a road with less than 10,000 total vehicles per day is considered a low-impact source of TACs. This project would generate 565 net daily trips dispersed on the roadway system with a majority of the trips being from light duty vehicles (i.e., passenger automobiles). The existing traffic on Monroe Street, the road with the highest volume, has approximately 10,340 average daily trips. With the additional project trips, the post project conditions would result in approximately 10,905 trips which exceeds 10,000 daily vehicles. The proposed development project would contribute light duty trips to the roads around the project, which are not significant sources of TACs, and would not increase the TAC outputs of the mobile sources. Therefore, emissions from project traffic are considered negligible and the proposed development project would result in a less than significant impact. **(Less than Significant Impact)**

Source: Illingworth & Rodkin, Inc., May 7, 2021.

LOCATION OF THE MEIS NEAR THE PROJECT SITE | FIGURE 3.3-1

Impact AIR-4:	The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The proposed development project would introduce residential and commercial uses to the project site which would not result in substantive odors for residents on or around the project site. During construction of the proposed development project, operation of construction vehicles may result in temporary odors related to fuel combustion, but these would be temporary and would not result in a significant impact. Therefore, the proposed development project would not result in other emissions including odors, which may adversely affect a substantial number of people. **(Less than Significant Impact)**

3.3.2.3 *Cumulative Impacts*

Impact AIR-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant air quality impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts. No single project is sufficient in size, by itself, to 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* (2017) recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

Cumulative TAC Sources in the Project Area

Mobile Sources

A review of the area indicates that there are no substantial sources of mobile TAC emissions within 1,000 feet of the project site and which have average daily traffic (ADT) above 10,000 vehicles.

Stationary Sources

Stationary sources are facilities that contain sources of TACs such as a generator or gas station. Nearby stationary sources were identified using BAAQMD's *Permitted Stationary Sources 2018* geographic information system map website which identifies the location of stationary sources and their estimated risk and hazard impacts. One stationary source was identified: a diesel generator at the Santa Clara Senior Center. Table 3.3-6 below summarizes nearby sources of TACs at the MEIs.

Table 3.3-6: Cumulative Sources at Project MEI				
Source		**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
City of Santa Clara - Senior Center (Facility ID #21649, Generator), Project Site 835 feet		<0.1	--	<0.01
Project Construction	Mitigated	3.3 (infant)	0.15	<0.01
Combined Sources	Mitigated	<3.4	0.15	<0.02
BAAQMD Cumulative Source threshold		***>100***	***>0.8***	***>10.0***
Exceed Threshold?	**Mitigated**	No	No	No

Impacts from the combined sources of TACs at the project MEI would not exceed BAAQMD thresholds for cancer risk and $PM_{2.5}$ concentration. Based on the above, the project would not have a cumulatively considerable impact on air quality. **(Less than Significant Cumulative Impact)**

3.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Santa Clara has policies that address existing air quality conditions affecting a proposed development project.

Health Risks to On-Site Residents

Community risk impacts from all surrounding sources upon the project site are reported in Table 3.3-7. The TAC sources are compared to the BAAQMD single-source threshold and then combined and compared to the BAAQMD cumulative-source threshold. As shown in the table, the maximum cancer risk, and annual $PM_{2.5}$ concentrations, and HI from the nearby sources do not exceed their single-source or cumulative-source thresholds. Therefore, the proposed development project would be consistent with the General Plan.

Table 3.3-7: TAC Sources and Effects on Project Site Receptors			
Source	**Cancer Risk Per Million**	**Annual PM 2.5**	**Hazard Index**
City of Santa Clara – Senior Center (Facility ID #21649, generator 835ft.)	<0.1	-	<0.01
BAAQMD Single-Source Threshold	**>10.0**	**>0.3**	**>1.0**
Exceed Threshold?	No	No	No
Cumulative Total	<0.1	-	<0.01
BAAQMD Cumulative-Source Threshold	**>100**	**>0.8**	**>10.0**
Exceed Threshold?	No	No	No
Source: Illingworth and Rodkin Inc. 906 – 950 Monroe Street Air Quality & Greenhouse Gas Assessment. May 7, 2021			

3.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Tree Inventory completed by HMH in September 2020. A copy of the report is provided in Appendix B of this environmental report.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plan and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW id activities associated with a proposed development project would result in the take of a species listed as threated or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and Federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[15] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control

[15] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed January 18, 2022. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
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.
5.10.1-P4	Protect all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property, as well as in the public right-of-way.

3.4.1.2 *Existing Conditions*

The project site is located in a developed, urban area of the City of Santa Clara. Surrounding land use consists of residential and commercial development. Vegetation in the vicinity of the project site includes landscaping consisting of grass, shrubs, and street trees. Habitats in developed areas such as the project areas include predominantly urban adapted birds and animals. There are no waterways, wetlands, or other sensitive habitats located on or adjacent to the project site. The nearest waterways are Saratoga Creek, located approximately 1.3 miles west of the project site, and the Guadalupe River, located approximately 1.9 miles east of the project site.

The project site consists of commercial and residential structures surrounded with landscaping and paved parking areas. The project site is bounded by a paved sidewalk and street trees, and by adjacent development. Tree species present on-site consist of Sweet Gum, Cherry Plum, Evergreen Pear, Persimmon, Mandarin Orange, Tangerine, Northern Caltalpa, Saucer Magnolia, Pin Oak, Apricot, Apple, Privet, and Queen Palm. The tree survey identified 26 trees within the project site, 20 of which are ordinance sized. The trees are listed in Table 3.4-1 below and shown of Figure 3.4-1.

LOCATION OF TREES ON-SITE | FIGURE 3.4-1

Table 3.4-1: Trees Present On-site			
Tree #	**Common Name**	**Circumference**	**Ordinance Tree**
1	Sweet gum	82	Yes
2	Cherry plum	41	Yes
3	Evergreen pear	38	Yes
4	Evergreen pear	38	Yes
5	Cherry plum	19	No
6	Sweet gum	63	Yes
7	Sweet gum	82	Yes
8	Persimmon	28	No
9	Mandarin orange	25	No
10	Tangerine	25	No
11	Northern Caltalpa	75	Yes
12	Saucer magnolia	53	Yes
13	Saucer magnolia	44	Yes
14	Saucer magnolia	50	Yes
15	Saucer magnolia	47	Yes
16	Pin oak	38	Yes
17	Pin oak	35	No
18	Cherry plum	38	Yes
19	Apricot	19	No
20	Privet tree	151	Yes
21	Privet tree	50	Yes
22	Privet tree	75	Yes
23	Tangerine	38	Yes
24	Queen palm	69	Yes
25	Queen palm	72	Yes
26	Apple	75	Yes

3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,

policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?

2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

3.4.2.1 *Project Impacts*

Impact BIO-1:	As mitigated, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

Special-Status Species

As discussed in Existing Conditions, the project site does not contain habitat suitable for special-status plant and animal species. The project would result in the redevelopment of an already urbanized area of the City of Santa Clara and would not result in the modification of any sensitive habitat area. As a result, development of the proposed development project would not adversely affect any candidate, sensitive, or special-status species. **(Less than Significant Impact)**

Nesting Birds

The trees and shrubs within and bordering the project site could provide nesting habitat for birds, including migratory birds or raptors. Nesting birds are among the species protected under the provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. Construction activities on-site during the nesting season (February to August) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that results in abandonment and/or loss of reproductive effort is considered a taking by the CDFW; any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact.

Impact BIO-1.1: Project construction could impact nesting birds on or adjacent to the site, if present. **(Significant Impact)**

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

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.

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

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

The project, with implementation of the above mitigation measure, would reduce impacts to nesting birds by avoiding construction during nesting bird season or completing pre-construction nesting bird surveys to minimize and/or avoid impacts to nesting birds. **(Less than Significant with Mitigation Incorporated)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

The project site is not located near or adjacent to any waterways; therefore, these is no riparian habitat in the area. The site is not identified as containing sensitive habitat.[16] For these reasons, the development of the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. **(No Impact)**

[16] City of Santa Clara. 2010-2035 General Plan. November 16, 2010.

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

The project site does not contain, nor is it adjacent to, any wetlands. As a result, the project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. **(No Impact)**

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

The project site is surrounded by development, and there are no sensitive habitats or waterways on or adjacent to the project site. Due to the highly developed nature of the project area, the project site does not provide dispersal habitat for any native resident migratory fish or wildlife species and does not act as a substantial wildlife corridor. There are no identified wildlife nursery sites present on the project site. For these reasons, future development under the project would have a less than significant impact on migratory fish or wildlife species, wildlife corridors, and wildlife nursery sites. In addition, as described under Impact BIO-1, measures to mitigate impacts to nesting birds will be implemented if they are found on-site during construction. As a result, the project would not substantially interfere with the movement of any native or migratory species, or the use of any nursery sites. **(Less than Significant Impact)**

Impact BIO-5:	As mitigated, the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact with Mitigation Incorporated)**

As proposed, the project would remove 15 existing trees on the project site, 11 of which are ordinance sized trees, and plant new landscaping around the proposed development. As outlined in General Plan Policy 5.3.1-P10, new development is required to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed. As part of the landscape plan, the project proposes nine new trees to be planted along the western site boundary and along the street frontages. Based on the replacement rate required by the General Plan, the proposed development project would not meet the City's replacement requirements and would require additional off-site replacement trees in order to comply with the General Plan Policy 5.3.1-P10.

Impact BIO-5.1: The proposed development project would not comply with the City's tree protection policy. **(Significant Impact)**

Mitigation Measure: In compliance with City requirements, the proposed development project would be required to replace trees in the manner described below:

MM-BIO-5.1: The project applicant will coordinate with the supervising planner to identify locations off-site for replacement trees in addition to the trees proposed as part of the landscaping on-site in accordance with General Plan Policy 5.3.1-P10. This will require the planting of 13, 24-inch box trees off-site to fully offset the removal of trees on-site.

The project applicant will provide the supervising planner with appropriate documentation to confirm that all on- and off-site replacement trees have been planted prior to issuance of occupancy permits.

Through implementation of MM-BIO-5.1 the proposed development project would provide on- and off-site planting of trees at a ratio of 2:1 to replace the trees removed from the site. With full offset of the removed trees the proposed development project would comply with local tree preservation policies and would result in a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

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

3.4.2.2 *Cumulative Impacts*

Impact BIO-C:	As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant biological resources impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The proposed development project could impact nesting birds on the project site during construction. This impact, however, would be reduced to less than significant through the incorporation of avoidance measures and pre-construction surveys. The proposed development project would not result in impacts extending outside of the project site and would incorporate mitigation measures to reduce impacts on site to a less than significant level. Additionally, other nearby projects would be required to incorporate mitigation to reduce impacts to biological resources corresponding to these projects. Therefore, the proposed development project would have a less than significant contribution to cumulative impacts in the project area with the mitigation included above. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.5 CULTURAL RESOURCES

This analysis is based on an Archaeological Literature Search prepared by Holman and Associates in September 2020 and a Historic Building Evaluation prepared by Archeological Resource Management in June 2020. The Historic Building Evaluation is included in Appendix C. The Literature Search in on file at the City of Santa Clara.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
    - Association with events that have made a significant contribution to the broad patterns of history;
    - Association with the lives of persons significant in the past;
    - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
    - Has yielded, or may yield, information important to prehistory or history.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local

planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[17]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

[17] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed January 18, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Local

Santa Clara General Plan

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

Policies	Description
5.6.3-P1	Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
5.6.3-P4	Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and the Old Quad neighborhood.
5.6.3-P5	In the event that archeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archeologist/paleontologist.
5.6.3-P6	In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State Law.

3.5.1.2 *Existing Conditions*

Subsurface Resources

Prehistoric Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people practiced hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate and the impact of the California mission system established by the Spanish in the area in 1777.

Although there are no existing conditions or obvious evidence that would suggest the presence of subsurface historic or prehistoric resources, the project site is located in a culturally sensitive area due to the known prehistoric and historic occupation of Santa Clara. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley and they often established settlements near local waterways.

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776, several expeditions were made during which time the explorers encountered the local Native American tribes. These expeditions lead to the establishment of the California Missions, including the first Mission Santa Clara founded in 1777 near what is today the Kifer Road/De La Cruz Boulevard intersection. After being destroyed by flooding, a second Mission Santa Clara was constructed near the present-day Martin Avenue/De La Cruz intersection. The third, fourth, and fifth Missions were constructed on what is today the Santa Clara University Campus, located approximately 0.4 miles east of the project site. During the Mission period, the Mission controlled much of the land (approximately 80,000 acres) in Santa Clara Valley and the Native Americans were brought into the Mission, effectively ending the Ohlone's traditional occupation of the valley.

Post-Mission and American Period

Historic-era maps of the project area were examined to identify the history of the site from the late 1800s to present. By 1876, the block was subdivided into three parcels, with the current project boundaries the first and third parcels. Homestead Road was called Liberty and appeared to have been a small part of a late-1800s urban landscape. Insurance maps from 1886 began across Monroe Street and continued to the east, suggesting the current project area was just outside the city limits at that time. In 1895 one building faced Monroe Street and a creek flowed northeast of the railroad and near what was then El Camino Real. By 1953 this entire portion of Santa Clara was marked as urban lands with only the nearby Freemont School noted. Large areas of lands to the north, west, and south were planted as orchards. Eight years later all of the orchards were replaced by more intense residential and commercial urbanization. Aerial maps from 1993 to present show the current buildings on the parcel with no visible changes. Based on the review of historical land use patterns and the previously recorded historical buildings, there is a moderate to high potential for Mission-related, and late-1800s to early-1900s features within the current project area.

Literature Review

The records search conducted for the project site identified archaeological resources within a quarter mile, and reviewed all archaeological resources reports for projects within 165 feet of the project site.

There have not been any previous cultural resources studies conducted within the project site and there are no know archeological resources on-site. The records search determined that although there are no known resources on-site there is a moderate to high potential for associated archaeological resources.

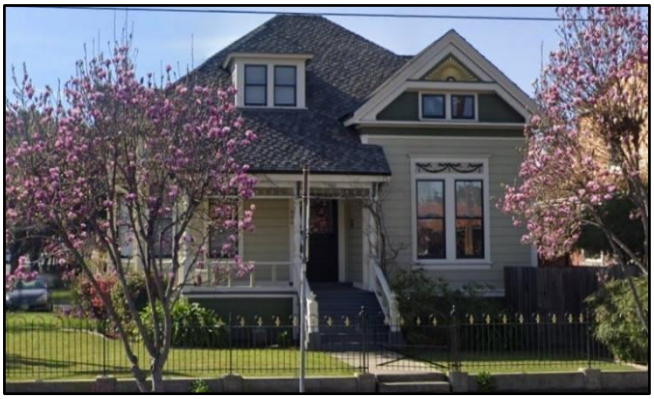
Two historic sites have been identified within a quarter mile of the project site: 1) the Gothic Revival Elim German Community Church built in 1900, and 2) the Colonial Revival Kenneth Morrison House constructed in 1910. No other historic resources or properties are listed on federal, state, or local inventories abutting the project site. There is a low potential for these nearby resources to have associated archaeological resources.

The nearest archaeological resource is designated P-43-1161. Clay roof tiles, oyster shells, and 1900s ceramics and cut bone were observed along with possible prehistoric bone and heat affected rock. Features were suspected but not confirmed.

One Native American and Mission-related resource is recorded beyond the quarter mile study area that is relevant for this project. CA-SCL-30/H documents the multicomponent third location of the Santa Clara De Asis Mission. The Mission included over 150 neophyte homes and its neophyte cemetery, which according to the Mission's death records numbered over 6000 individuals. Most of the site is covered with 19th- and 20th-century buildings, landscaping, and pavement. After the Mission was closed, neophytes managed a land grant on the former mission lands until the 1840s. Within the next decade, the complex became Santa Clara College and later Santa Clara University. The general area surrounding the Mission is extremely sensitive for human remains and other associated archaeological resources.

Historic Resources on the Project Site

906 Monroe Street



The residence at 906 Monroe Street is a Stick/Eastlake style house that was constructed in 1890. This property is listed on the California Register of Historical Resources and is included on the City of Santa Clara Historic Preservation and Resource Inventory as an architecturally or historically significant property.

930 Monroe Street

The residence at 930 Monroe Street is a Colonial Revival Clarence Bjorlie House constructed in 1905. The structure is listed in the City of Santa Clara Historic Preservation and Resource Inventory as an example of the uncommon Dutch Colonial Revival style of architecture. This eligibility is based upon the structural characteristics of the home and is not closely tied to the specific location of the residence. This property was not evaluated for the California Register.

1341 Homestead Road

The residence at 1341 Homestead Road is a small mission style structure with a red tile roof. This structure was not determined to be eligible for listing as a historic resource according to a review of resource databases.

940 Monroe Street

The commercial building located at 940 Monroe Street is a single-story rectangular structure with three awnings and minimal decorative elements on the front façade and building corners. Some of the windows and doors of the building have been replaced with new fixtures and the building signage has changed for the current businesses occupying the site. The building is not on the local historic register for the City of Santa Clara.

3.5.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
3) Disturb any human remains, including those interred outside of dedicated cemeteries?

3.5.2.1 *Project Impacts*

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

There are three single-family houses and one commercial building on the project site. Of the structures on-site, the two-story residences facing Monroe Street are eligible for listing or are listed on the local, state, and/or national historic inventories. The project proposes to retain these residences on the project site. The significance of the resources is not linked to the surrounding structures and the proposed development project would not alter the character-defining features of these historic structures. Therefore, the proposed development project would no result in a substantial adverse change in the significance of these resources as a result of the proposed development project. **(Less than Significant Impact)**

Impact CUL-2:	As mitigated, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

As stated above, the project site is moderately to highly sensitive for archaeological resources due to its proximity to archeologically significant sites. The proposed development project would require the excavation of the project site for the underground parking, which could result in the disturbance of previously unknown archeological resources.

Impact CUL-2.1 Construction of the proposed development project could require excavation in an area which has moderate to high sensitivity for archeological resources and could disturb unrecorded archaeological resources. **(Significant Impact)**

Mitigation Measures

MM CUL-2.1: Prior to the commencement of any ground-disturbing activity on the project site, the project applicant shall retain a registered professional archaeologist, to be present during all ground-disturbing activity associated with the project.

a. A registered professional archaeologist shall be given five days' written notice prior to the start of any ground-disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing.
b. The registered professional archaeologist shall be present during construction phases that involve ground-disturbing activities. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of existing structures or site improvements within the development area shown on the project plans.
c. Upon discovery of any archaeological resources and tribal cultural resources (TCRs), all ground-disturbing and construction activities within 50 feet of discovery shall cease on the project site until the find can be assessed to the satisfaction of the registered professional archaeologist. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives.

MM CUL-2.2: The project applicant shall retain a qualified archaeologist, as needed, to be present during all ground-disturbing activity associated with the project.

MM CUL-2.3: In the event that archaeological resources or TCRs are discovered on the project site and cannot be avoided, a detailed archaeological treatment plan shall be implemented.

a. The treatment plan shall be developed by the on-call professional archaeologist to determine the most appropriate treatment measures to avoid, minimize, or mitigate any potential impacts. This shall include documentation of the resources and may include data recovery or other measures.
b. Any treatment other than preservation in place must be approved by the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource.

c. The culturally affiliated tribe(s) who consulted on the project, or if no consultation occurred the tribe identified by the Native American Heritage Commission (NAHC), shall determine the disposition of any TCR artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by the culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant.

d. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site.

e. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the NAHC on behalf of the culturally-affiliated tribe.

With implementation of the above mitigation measures, the project would have a less than significant impact on archeological resources. **(Less than Significant Impact with Mitigation Incorporated)**

Impact CUL-3:	As mitigated, the project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

The project site has a moderate to high potential for the discovery of human remains during the excavation of the project site.

Impact CUL-3.1 The proposed development project could result in the discovery disturbance of human remains during excavation of the project site. **(Significant Impact)**

Mitigation Measures

MM CUL-3.1: 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 of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

With implementation of mitigation measure MM CUL-3.1, the proposed development project would result in a less than significant impact on human remains. **(Less than Significant Impact with Mitigation Incorporated)**

3.5.2.2 *Cumulative Impacts*

Impact CUL-C:	As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant cultural resources impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The geographic area for cumulative cultural resources impacts is the project site and adjacent parcels. The proposed development project would have no impact on historic structures and would mitigate subsurface cultural resource impacts through the identified mitigation. These impacts would be limited to the immediate project area. Because the project would mitigate all cultural resources impacts to less than significant, the proposed development project would not have a cumulatively considerable contribution to an impact in the area. Therefore, the proposed development project would have a less than significant cumulative impact on historic or cultural resources with the mitigation above incorporated. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.6 ENERGY

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[18] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[19]

[18] California Building Standards Commission. "California Building Standards Code." Accessed May 10, 2021. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[19] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed May 10, 2021. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[20]

Regional and Local

Santa Clara General Plan

Energy-related General Plan policies applicable to the project are shown in the following table.

Policy	Description
5.10.2-P2	Encourage development patterns that reduce vehicle miles traveled and air pollution.
5.10.3-P1	Promote the use of renewable energy resources, conservation and recycling programs.
5.10.3-P3	Maximize the efficient use of energy throughout the community by achieving adopted electricity efficiency targets and promoting natural gas efficiency, consistent with the Climate Action Plan.
5.10.3-P4	Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.
5.10.3-P5	Reduce energy consumption through sustainable construction practices, materials, and recycling.
5.10.3-P6	Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development.

Construction and Demolition Debris Recycling Program

The City of Santa Clara requires applicants seeking building or demolition permits for projects greater than 5,000 square feet to recycle at least 50 percent of discards. Applicants may also meet the City's recycling requirement by reprocessing and reusing construction materials on site or salvaging material, such as wood or fixtures, for reuse.

[20] California Air Resources Board. "The Advanced Clean Cars Program." Accessed May 10, 2021. https://www.arb.ca.gov/msprog/acc/acc.htm.

3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,875 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.[21] Out of the 50 states, California is ranked second in total energy consumption and 46th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,440 trillion Btu) for residential uses, 19 percent (1,510 trillion Btu) for commercial uses, 23 percent (1,847 trillion Btu) for industrial uses, and 39 percent (3,078 trillion Btu) for transportation.[22] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2019 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2019, a total of approximately 16,664 gigawatt hours (GWh) of electricity was consumed in Santa Clara County[23]

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. Starting in January 2018, SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.[24]

Natural Gas

PG&E provides natural gas services within the City of Santa Clara. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[25] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent.[26] Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[27]

[21] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 10, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[22] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed May 10, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[23] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed May 10, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[24] Silicon Valley Power. "Did you Know." Accessed May 10, 2021. https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs.
[25] California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed May 10, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[26] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed April 6, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[27] California Energy Commission. "Natural Gas Consumption by County." Accessed May 10, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[28] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2019.[29] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026. [30,31]

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

3.6.2.1 *Project Impacts*

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

Construction Energy Use

Construction activities would include demolition of the commercial building on-site and would construct a mixed-use residential building and townhouses. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed development project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the mitigation measures identified in Section 3.3 Air Quality of this document, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. With implementation of the mitigation measures, energy would not be wasted or used inefficiently by construction equipment and waste from idling would be reduced. **(Less than Significant Impact)**

[28] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 10, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

[29] United States Environmental Protection Agency. "The 2020 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." January 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf

[30] United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 10, 2021. http://www.afdc.energy.gov/laws/eisa.

[31] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed January 18, 2022. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

Operational Energy Use

The proposed development project would demolish the commercial building on-site and would construct a mixed-use residential building and townhouses. Based on the CalEEMod output provided in the Air Quality and Greenhouse Gas Assessment, the proposed development project would use approximately 996,974 kbtu/yr (2,731 kbtu/day) of natural gas and 469,471 kWh/year (1,286 kWh/day) of electricity.

The proposed development project would be required to be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. The project site is located approximately 0.7 miles from the Santa Clara Caltrain Station. The nearest bus stops are located across Monroe Street at the intersection with Franklin Street, less than 100 feet from the site. The site's proximity to transit would incentivize the use of alternative methods of transportation to and from the site. Additionally, the proposed development project would include bicycle parking in compliance with City polies. The proposed development project would also comply with existing state energy standards. For these reasons, the project would not result in a significant environmental impact due to inefficient consumption of energy during project operation. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Electricity on-site would be provided by SVP. The project would be required to comply with the City's policies overseeing energy consumption and the most recent CALGreen requirements. As a result, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

3.6.2.2 *Cumulative Impacts*

Impact EN-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant energy impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative energy impacts is service area of SVP. The proposed development project alone would result in less than significant impacts on the energy supply and overall energy planning efforts. The Santa Clara General Plan identified that planned growth would not result in exceedance of energy supplies in the City. The proposed development project would require a General Plan Amendment which would increase the potential housing in the downtown area of Santa Clara by approximately 408 units. Although this would result in greater development on these sites, the increase in population would represent less than one percent of the City's population. This would not be a significant increase in population or development and, therefore, the proposed development project would not contribute to a significant cumulative impact on energy resources in the City. **(Less than Significant Cumulative Impact)**

3.7 GEOLOGY AND SOILS

The following discussion is based on a Geotechnical Investigation prepared by Cornerstone Earth Group Inc., in April 2020. This is included in Appendix E

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature. Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

Local

Santa Clara General Plan

General Plan policies applicable to geology and soils include, but are not limited to, the following listed below.

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

Santa Clara City Code

Title 15 of the Santa Clara City Code includes the City's adopted Building and Construction Code. These regulations are based on the CBC and include requirements for building foundations, walls, and seismic resistant design. Requirements for grading and excavation permits and erosion control are included in Chapter 15.15 Building Code. Requirements for building safety and earthquake reduction hazard are addressed in Chapter 15.55 Seismic Hazard Identification.

3.7.1.2 *Existing Conditions*

Regional Geology

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north. The Santa Clara Valley consists of a large structural basin containing alluvial deposits from the Diablo Range and Santa Cruz Mountains.

Native soil underlying the project site are classified as urban land.[32] Expansive near-surface soils are subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs, and below-grade walls. According to the geotechnical investigation of the project site, soil expansivity is low due to the flat topography of the project site, the potential for erosion or landslide to occur on or adjacent to the site is low.

Seismicity

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72 percent probability of experiencing at least a magnitude 6.7 earthquake during the next 30 years.[33] The project area is not located within the Alquist-Priolo Earthquake Fault Zone[34] or the Santa Clara County Geologic Hazard Zone[35]. There are no active faults within the City; therefore, fault rupture is very low. Active faults near the project site are shown in Table 3.7-1 below.

Table 3.7-1: Active Faults Near the Project Site

Fault	Distance from Site (miles)
Monte Vista – Shannon	7.7
Hayward	8.7
Calaveras	11.6
San Andreas	12.4
San Gregorio	16.9

On-site Geological Conditions

Subsurface Conditions

Below the surface pavement, the soil generally consists of between one and two feet of undocumented fill consisting of stiff to very stiff sandy lean clays. Beneath the undocumented fill, test borings encountered further stiff to very stiff lean clay with varying sand content to depths of approximately 10.5 feet below ground surface (bgs). Lean clays and medium dense sands are present in interbedded layers to a depth of approximately 16 feet bgs, below which loose to dense sands are present with varying amounts of silt, clay, and gravel to depths of approximately 22 feet bgs.

Test borings generally encountered medium stiff to hard clays with varying amounts of sands and silts and loose to very dense sands to a maximum explored depth of approximately 82 feet bgs.

Surficial soils sampled indicated a low expansivity potential.

[32] United States Department of Agriculture. "Web Soil Survey." Accessed January 18, 2022.
[33] United States Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System." Accessed January 18, 2022. https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.
[34] California Department of Conservation. "CGS Information Warehouse: Regulatory Maps." Accessed January 18, 2022. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[35] Santa Clara County, *Santa Clara County Geologic Hazard Zones*. *Map 19*. Accessed January 18, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

Groundwater

Exploratory borings conducted on-site encountered groundwater at depths between 18 and 22 feet bgs. Historic high groundwater depths indicated on maps prepared by the California Geologic Survey ranged from 10 to 15 feet bgs. Groundwater levels fluctuate seasonally depending on variables including variations in rainfall, irrigation, and groundwater pumping.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments preserved in the geological strata. The project site is underlain by basin deposits of Holocene age. Holocene geologic units are not generally considered paleontological sensitive, because remains dated less than 10,000 years are not usually considered fossils.

Geologic Hazards

Fault Rupture

There are no known surface expressions of any fault within the project site. As described above, the project site in not located within any state or county designated fault hazard zone[36,37]. Fault rupture is not likely to occur on-site.

Ground Shaking

As described above, there is a high likelihood of a moderate to severe earthquake occurring in the Bay Area region within the operational lifespan of any building at the project site. In the event of a moderate to severe earthquake, strong ground shaking on-site is likely.

Liquefaction Hazards

During strong seismic shaking, cyclically induced stresses can result in increased pore pressures within the soil matrix that can cause soil softening, and potentially significant ground deformation due to soil settlement. The site is located within a State designated Liquefaction Hazard Zone, and a Santa Clara County Liquefaction Hazard Zone[38]. As described above, several sand layers were encountered below groundwater depth (10 to 15 feet bgs). Analyses of liquefaction triggering and settlement indicate that several layers could potentially experience liquefaction triggering resulting in a total ground surface settlement of between 0.75 inches and 2.33 inches.

Lateral Spreading Hazards

Lateral spreading is a type of seismically induced ground failure related to liquefaction. It occurs when flat-lying soil deposits move laterally toward a free face, such as a river channel or deep excavation. The project site is level topographically, and there are no free faces in the vicinity. As a result, lateral spreading risk on-site is low.

[36] California Department of Conservation Website. Accessed January 18, 2022. Available at http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[37] Santa Clara County. *Santa Clara County Geologic Hazard Zones*. *Map 19*. Accessed January 18, 2022. Available at https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[38] Ibid.

3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology and soils, would the project:

1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
   - 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)?
   - Strong seismic ground shaking?
   - Seismic-related ground failure, including liquefaction?
   - Landslides?
2) Result in substantial soil erosion or the loss of topsoil?
3) 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?
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
5) 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?
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

Impact GEO-1:	As mitigated, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides**. (Less than Significant Impact with Mitigation Incorporated)**

The project site is located within a seismically active region and could experience intense ground shaking in the event of a large earthquake. While no active faults are known to cross the project site, ground shaking could damage the proposed buildings and result in ground failures, including liquefaction.

The project would be required to adhere to the most recent CBC and a site-specific geotechnical report, as well as utilize standard engineering techniques to increase the likelihood that the project could withstand minor earthquakes without damage and major earthquakes without collapse. The

project site is located in a seismically active region. Geologic conditions on the site would require the new building be designed and constructed in accordance with standard engineering techniques and current CBC requirements, to avoid or minimize potential damage from seismic shaking and liquefaction on the site.

The project site is located in a mapped liquefaction hazard zone. The site is not located within a landslide hazard zone.

Impact GEO-1.1: The project site is located within a mapped liquefaction hazard zone. Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake. **(Significant Impact)**

Mitigation Measures

MM GEO-1.1: To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building redevelopment design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the 2019 California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

With implementation of the identified mitigation measures, project impacts would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact GEO-2: As mitigated, the project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact with Mitigation Incorporated)**

The project would result in ground disturbance due to demolition of existing buildings, grading, and trenching for utilities. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is complete.

Impact GEO-2.1: Construction activities at the project site would disturb soils on-site and could result in sedimentation and runoff on the project site.

Mitigation Measures

The following mitigation measures will be implemented to reduce possible construction-related erosion impacts:

MM GEO-2.1: All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized [39] to withstand or avoid erosion.

MM GEO-2.2: Stockpiles and excavated soils would be covered during construction with secured tarps or plastic sheeting.

MM GEO-2.3: Vegetation in disturbed areas would be replanted as quickly as possible after construction.

Implementation of the identified mitigation measures would reduce erosion and sedimentation impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact GEO-3:	The project would not 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. **(Less than Significant Impact)**

The project is not located near any cliffs or mountains and would not result in a significant impact from on- or off-site landslides. The site is not subject to lateral spreading and development of the site would not result in significant geological impacts due to lateral spreading. Refer to the response to Impact GEO-1 regarding other geologic conditions. **(Less than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

As described in Existing Conditions, surficial soils on the project site have a low expansivity potential. Due to the inclusion of a single level of below grade parking, the project would result in the excavation and removal of several feet of site soils. The project would be designed and constructed in conformance the requirements of the CBC and the recommendations of the geotechnical report prepared for the site. For these reasons, the project would not result in risks to life or property as a result of expansive soils. **(Less than Significant Impact)**

Impact GEO-5:	As mitigated, the project would not 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. **(No Impact)**

The project site is located within a developed urban area of Santa Clara and would be served by existing municipal sewers for the disposal of wastewater from the project site. As a result, the project site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

[39] Weatherized refers to measures that would protect exposed soils from rain and stormwater runoff.

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

The project would include trenching and grading for utilities and would reach a maximum excavation of 14 feet bgs for the below-grade parking. It is unlikely that paleontological resources would be discovered on-site given that the site was previously developed, shallow excavation is proposed, and that no paleontological resources have been discovered in this area of Santa Clara. Therefore, the proposed development project would have a less than significant impact. **(Less than Significant Impact)**

3.7.2.2 *Cumulative Impacts*

Impact GEO-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant geology and soils impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The geographic area for cumulative geologic and soils impacts would be limited to the project site and adjacent parcels. Ground disturbance and seismic risks created by the proposed development project would be less than significant with the incorporation of identified mitigation measures. With the reduction of impacts the proposed development project would not result in a cumulatively considerable contribution to any geologic or soils impacts in the project area. Therefore, the proposed development project would result in a less than significant impact cumulative impact with mitigation incorporated. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.8 GREENHOUSE GAS EMISSIONS

The information in this section is based on the Air Quality & Greenhouse Gas Assessment prepared by Illingworth and Rodkin Inc. on May 7, 2021. This is included in Appendix A at the end of the EIR.

3.8.1 Environmental Setting

3.8.1.1 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide greenhouse gas (GHG) emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds up on AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

City of Santa Clara General Plan

General Plan policies applicable to GHG emissions from the project include the following.

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.3.1-P14	Encourage Transportation Demand Management strategies and the provision of bicycle and pedestrian amenities in all new development greater than 25 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled, consistent with the Climate Action Plan.
5.8.5-P1	Require new development and City employees to implement transportation demand management programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
5.10.3-P1	Promote the use of renewable energy resources, conservation and, recycling programs.

City of Santa Clara Climate Action Plan

The City of Santa Clara has a Climate Action Plan (CAP),[40] adopted on June 7, 2022, that established goals and measures to create a 40 percent reduction in GHG emissions by 2030 (compliant with SB32), an 80 percent reduction in GHG emissions by 2035, and carbon neutrality no later than 2045 (compliant with EO B-55-18)

The 2022 CAP requires a 20 percent VMT reduction, with 10 percent the reduction resulting from active TDM measures.

[40] City of Santa Clara, 2013. City of Santa Clara Climate Action Plan. December. Accessed May 11, 2021: https://www.santaclaraca.gov/home/showdocument?id=10170.

3.8.1.2 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The site is currently developed with a commercial structure and associated parking, and three single-family residences. GHG emissions from the project site are generated through daily vehicle trips to and from the project site and lighting, heating, and cooling of the buildings.

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

3.8.2.1 *Project Impacts*

Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

Construction Emissions

GHG emissions associated with construction were computed to be 422 MT of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. Construction of the project would be temporary and would not result in a permanent increase in emissions. Therefore, the project would not interfere with the implementation of SB 32 or AB 32. **(Less than Significant Impact)**

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed development project. As shown in Table 3.8-1, the net annual emissions resulting from operation of the proposed development project are estimated to be 511 MT of CO_2e in 2030. The service population emissions for 2030 are predicted to be 4.2 MT/CO_2e/year/service population.

Table 3.8-1: Annual Project GHG Emissions (CO_2e) in Metric Tons and Per Capita		
Source	Existing Conditions	Proposed development project
		2030
Area	<0.1	3
Energy Consumption	24	101
Mobile	141	544
Solid Waste Generation	3	27
Water Usage	2	6
Total (MT CO_2/year)	170	681
Net Emissions (MT CO_2/year)		511
Significance Threshold		**660**
Service Population Emissions (MT CO2/year)		4.2
Significance Threshold?		**2.8 in 2030**
Exceeds both Thresholds?		No
Source: Illingworth and Rodkin Inc. 906 – 950 Monroe Street Air Quality & Greenhouse Gas Assessment. May 7, 2021		

The project emissions must exceed both the GHG significance bright-line threshold in metric tons per year and the service population significance threshold in 2030 to exceed the BAAQMD thresholds. As shown in Table 3.8-1, the project would exceed the per service population threshold of 2.8 MT of CO_2e/year/service population in 2030 but would not exceed the annual emissions bright-line threshold of 660 MT CO_2e/year in 2030. Therefore, the project would not exceed the BAAQMD thresholds for GHG emissions and would have a less then significant impact. **(Less than Significant Impact)**

Impact GHG-2:	The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

The proposed development project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan nor would the project conflict with SB 100 goals. Specifically, the proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficacy standards.

Additionally, he proposed project would incorporate a TDM plan with active trip reduction to comply with the 20 percent vehicle trip reduction required by the 2022 Climate Action Plan adopted by the City of Santa Clara. Therefore, the proposed development project would result in a less than significant impact. **(Less than Significant Impact)**

3.8.2.2 *Cumulative Impacts*

Impact GHG-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact. **(Less than Significant Cumulative Impact)**

As discussed in Section 3.8.1, GHG emissions are not localized and have a broader, global impact; therefore, the project's cumulative GHG impacts are discussed above. **(Less than Significant Cumulative Impact)**

3.9 HAZARDS AND HAZARDOUS MATERIALS

The information in this section is based in part on technical documentation provided in the Phase I Environmental Site Assessment prepared by AEI Consultants on August 18, 2020. This report is included in Appendix F.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[41]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[42]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous

[41] United States Environmental Protection Agency. "Superfund: CERCLA Overview." January 18, 2022. https://www.epa.gov/superfund/superfund-cercla-overview.
[42] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed January 18, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[43]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara Fire Department reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure

[43] California Environmental Protection Agency. "Cortese List Data Resources." Accessed January 18, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[44] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Norman Y. Mineta San José International Airport is located approximately 1.1 miles northeast of the project site. The project site is located just outside the Airport Influence Area (AIA) of the Norman Y. Mineta San José International Airport, as defined by the Comprehensive Land Use Plan (CLUP).

Santa Clara General Plan

General Plan policies related to hazards and hazardous materials that are applicable to the project are listed below.

Policies	Description
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.

Santa Clara Emergency Operations Plan

In June 2016, the City of Santa Clara adopted an Emergency Operations Plan (EOP) to address the planned response of the City of Santa Clara to emergency situations associated with natural disasters and technological incidents, as well as chemical, biological, radiological, nuclear and explosive emergencies. The EOP establishes the emergency organization, assign tasks, specifies policies and general procedures, and provides for coordination of planning efforts for emergency events such as earthquake, flooding, dam failure, and hazardous materials responses.

3.9.1.2 *Existing Conditions*

On-Site Sources

The project site was historically used for agricultural purposes, including orchards, and during this time agricultural chemicals, such as pesticides, herbicides and fertilizers, were likely used on-site. As

[44] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

such, the project site may have been impacted by the use of such agricultural chemicals. By 1891, part of the residence at 950 Monroe Street could be seen occupying the site. Around 1900, the existing residences at 1341 Homestead Road and 906 Monroe Street occupied the site. The site was occupied by just the residences from 1905 through 1939. In 1941, a commercial building could be seen occupying 940 Monroe Street which had multiple different tenants from 1941 to the present date. Based on the age of the buildings on the project site asbestos containing materials (ACMs) and lead based paint (LBP) could be present on-site. Groundwater on the project site is found 16-18 feet bgs and is flowing from west to east.

One site located at 950 Monroe Street Unit 4 was found on a regulatory database to contain asbestos which was then removed and was not found to be of environmental concern.

Off-Site Sources

The surrounding area has been occupied by a variety of uses including residences, institutional buildings and a variety of commercial and retail uses such as gas station, auto repair/greasing, and dry cleaners.

Three sites surrounding the project site were found on a regulatory database, one of which (Holland Cleaners) may pose a risk to the project site for vapor phase contaminant migration.

The Holland Cleaners at 1266-1280 Franklin Street/Mall operated from 1969 to 2017. In 1998 the property was investigated to verify the presence of VOCs on-site. VOCs were determined to be below cleanup levels and the case was granted closure in 1998 by the RWQCB. Housekeeping practices were recommended to prevent future releases on-site. The dry cleaner was also listed as producing liquid with halogen organic compounds from 1993 to 2000. This site is located downgradient from the project site and would not represent a recognized environmental condition for the project site.

3.9.1.3 *Other Hazards*

Airports

The Norman Y. Mineta San José International Airport is located approximately 1.1 miles northeast of the project site. Based on the Airport CLUP, the project site is located just outside the Airport Influence Area (AIA). The proposed development project is not located within a CLUP-defined safety zone. The project site is located outside the 60 dBA CNEL noise contour. The project is not located in the vicinity of a private airstrip.[45]

Wildfire Hazards

The project site is located in a central urban area of Santa Clara which is not designated as a Very High Fire Severity zone according to Cal Fire Resource Assessment Program map.[46]

[45] Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County for the Norman Y. Mineta San José International Airport. November 16, 2016.
[46] Cal Fire. *Very High Fire Severity Zones in LRA*. Accessed January 18, 2022. https://osfm.fire.ca.gov/media/5935/san_jose.pdf.

3.9.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
2) 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?
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4) 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?
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

3.9.2.1 *Project Impacts*

Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Construction and Operation

The proposed development project would demolish the existing commercial and accessory structures on-site and construct a mixed-use residential building and townhouses. Any hazardous materials (e.g., any debris or soil containing LBP or coatings) that would be removed from the site during project construction would comply with applicable regulatory standards for the transport and removal of lead or ACMs.

The proposed development project would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities similar to operation of the existing buildings on-site. The small quantities of cleaning supplies and maintenance chemicals used on-site during project operation would not pose a risk to adjacent land uses. Based on the proposed use of the site, the project would not create a significant hazard to the public or environment from the use, transport, or storage of these chemicals. **(Less than Significant Impact)**

Impact HAZ-2:	As mitigated, the project would not 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. **(Less than Significant Impact with Mitigation Incorporated)**

The project site does not have any documented environmental conditions and the proposed development project would not introduce the use, transport, or disposal of hazardous substances; however, the project site has been used for agricultural land uses in the past and may contain residual contamination from historic agricultural activities.

Agricultural Chemicals

Given the project site was used for agricultural purposes until the early 1900's, there is potential that agricultural chemicals, such as pesticides, herbicides and fertilizers were used on-site. Soils on-site could be contaminated with agricultural chemicals, which could be released into the environment and expose construction workers and adjacent land uses to contamination.

Impact HAZ-1.1: The surface and sub-surface soils on-site could be contaminated due to past agricultural operations. Implementation of the project could expose construction workers and adjacent land uses to residual agricultural soil contamination. **(Significant Impact)**

Mitigation Measures: The following mitigation measures would be implemented to reduce the risk of exposure to residual agricultural contamination on construction workers and adjacent properties:

MM HAZ-1.1: Prior to demolition and excavation of the project site, a limited Phase II Environmental Site Assessment (Phase II ESA) will be completed to determine if agricultural chemicals are present in the soil at the site. The site will be sampled for CAM 17 Metals, pesticides, TPH-G, BTEX, and 5-Oxygenates. Phase II ESA sampling activities shall be coordinated with the Santa Clara Fire Department.

MM HAZ-1.2: Following demolition and removal of pavement, soil samples will be gathered from the site and sent for laboratory analyses to evaluate appropriate disposal alternatives. The analyses would include but not be limited to organochlorine pesticides, lead, petroleum hydrocarbons, and other metals. Sampling will occur prior to the issuance of grading permits.

MM HAZ-1.3: In the event that impacted soil is found on-site, the Director of Community Development shall be notified and the lateral and vertical extent of soil containing contaminant concentrations greater than the San Francisco Bay Regional Water Quality Control Board's (RWQCB's) environmental screening levels (ESLs) will be identified. Sample results shall be submitted to the Santa Clara Fire Department for review.

Contaminated soil shall be handled separately from "clean" soil. Common and potentially applicable remedial measures for the impacted soil may include: 1) excavation and off-site disposal at a permitted facility; 2) the use of engineering and administrative controls, such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above. Remedial activities at the site, if warranted, will be overseen by an appropriate regulatory agency, such as the Department of Toxic Substances Control (DTSC) or the Santa Clara County Department of Environmental Health (SCCDEH).

Implementation of the identified mitigation measures would reduce the risk of construction worker and adjacent land use exposure to residual agricultural contaminated soils and/or groundwater. In addition, dust control measures (as identified in Section 3.3, Air Quality) would be implemented during all applicable phases of construction. For these reasons, adjacent land uses and construction workers would not be exposed to contaminated soils and/or groundwater. **(Less Than Significant Impact with Mitigation Incorporated)**

Off-site Release Sites

Off-site, three hazardous materials cases were identified in the Phase 1. At 1266 Franklin Mall, concentrations of VOCs were discovered in the groundwater. Improved housekeeping practices were recommended by the RWQCB to prevent future releases and the case was closed. Based on the direction of the groundwater flow and current status of the case, 1266 Franklin Mall is not a recognized environmental condition.

Records indicate that the Texaco site at 1270 Franklin Street Texaco site had USTs on-site which could have released contaminants. Due to the location of this site relative to the project site, and the direction of groundwater flow, this site does not represent a significant environmental concern for the proposed development project.

Records show that 1266/1280 Franklin Mall previously contained a dry cleaner which had a release of a hazardous substance. The records did not include information on cleanup at this site; however, the project site is located upgradient from the release site. As a result, the project site would not be at risk of contamination resulting from the release and this would not represent a significant environmental concern for the proposed development project.

Asbestos-Containing Materials and Lead-Based Paint

The project site, specifically 950 Monroe Street Unit 4, was included on the HAZNET and HWTS for containing building materials which are composed of asbestos. This case was closed after the ACMs were removed and disposed of off-site.

Since the buildings on-site were constructed prior to 1978, it is reasonable to assume that ACMs and LBP materials are present on-site. When the existing structures are demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of asbestos. If LBP is still bonded to the building materials, its removal is not required prior to demolition. If the LBP is flaking, peeling, or blistering, it shall be removed prior to demolition. It

would be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately.

Disturbance of these materials during demolition and construction of the proposed development project could expose construction workers to harmful levels of lead. Demolition of the existing structures on-site could expose construction workers or occupants of adjacent buildings to harmful levels of ACMs or lead. The project would be required to implement the following Conditions of Approval in conformance with regulatory requirements to reduce impacts due to the presence of ACMs and/or LBP:

Conditions of Approval

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

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

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

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

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

Conformance with the aforementioned regulatory requirements would ensure project construction would not create a significant hazard to the public or the environment from accident conditions involving the release of hazardous materials (i.e., asbestos and lead) into the environment. **(Less than Significant Impact)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The project site is located within a quarter mile of Buchser Middle School and Santa Clara University. The proposed development project would not require the handling of hazardous materials during construction and would utilize basic household chemicals for cleaning and maintenance

during operation which are not considered significantly hazardous. Therefore, the project would not expose nearby schools to hazardous materials handled on the project site. **(Less than Significant Impact)**

Impact HAZ-4:	The project would not 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, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The record search prepared for the project site determined that there were no hazardous materials sites on or near the site as defined by Government Code Section 65962.5. Because there are no release sites of significant environmental risk, the proposed development project would have a less than significant hazardous materials impact. **(Less than Significant Impact)**

Impact HAZ-5:	The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

The project site is located just outside the airport influence area covered by the San José Norman Mineta Airport CLUP, and is not within an identified safety zone as defined in the CLUP. Additionally, the project would be located outside of the 65 CNEL Aircraft Noise Contour and would not be exposed to excessive noise. Therefore, construction of the proposed development project would not change the hazards or noise impacts of the airport operations on the project area and would result in a less than significant impact. **(Less than Significant Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The project would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan to avoid unsafe building conditions. The proposed development project would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans. **(Less than Significant Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

The project site is located in a central urban area of Santa Clara. This area is not within a very high fire severity zone according to Cal Fire FRAP maps, which means that the residents in the area are not at a high probability of experiencing loss resulting from a wildland fire. Therefore, the project

would not expose people or structures to significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

3.9.2.2 *Cumulative Impacts*

Impact HAZ-C:	As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant hazards and hazardous materials impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The geographic area for cumulative hazards and hazardous materials impacts is the project site and adjacent parcels. The proposed development project would result in less than significant hazardous material impacts with the incorporation of mitigation measures and Conditions of Approval during construction of the project. Additionally, the impacts of the proposed development project would be limited to the area within the project site and in the immediate adjacent area and would not compound with other projects. Therefore, the projects impact would not be cumulatively considerable, and the proposed development project would have a less than significant cumulative impact with mitigation incorporated. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan." The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally-influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that will be inundated by the one-percent annual chance flood (one in one hundred chance of being flooded in any one year based on historic data), which is also referred to as the base flood or 100-year flood. The SFHA is the area where the NFIP floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. Dams under the jurisdiction of the California Division of Safety of Dams are identified in California Water Code Sections 6002, 6003, and 6004 and regulations for dams and reservoirs are included in the California Code of Regulations. In accordance with the state's Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, Santa Clara Valley Water District (SCVWD) routinely monitors and studies the condition of each of its 10 dams. SCVWD also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Santa Clara Valley Water District

SCVWD operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects

within SCVWD property or easements are required under the SCVWD's Water Resources Protection Ordinance and District Well Ordinance.[47]

Local

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
5.10.5-P11	Require that new development meet stormwater and water management requirements in conformance with state and regional regulations.
5.10.5-P13	Require that development complies with the Flood Damage Protection Code.
5.10.5-P15	Require new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for infiltration and retention, including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns, to reduce urban water run-off.
5.10.5-P16	Require new development to implement erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity and protect water quality.
5.10.5-P17	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, Stormwater Best Management Practice Handbook for Construction.
5.10.5-P18	Implement the Santa Clara Valley Nonpoint Source Pollution Control Program (SCVNSPC), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the Urban Runoff Management Plan (URMP).
5.10.5-P20	Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

City Code

Chapter 13.20, Storms Drains and Discharges, of City Code is enacted for the protection of health, life, resources and property through prevention and control of unauthorized discharges into watercourses. The primary goal of this chapter is the cleanup of stormwater pollution from urban runoff that flows to creeks and channels, eventually discharging into the San Francisco Bay. The City Code also includes Flood Damage Prevention Code (Chapter 15.45) and requirements for grading and excavation permits and erosion control (Chapter 15.15).

[47] Santa Clara Valley Water District. "Well Permits and Inspections." 2018. Accessed: January 18, 2022. Available at: https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-and-well-owners/well-permits-and-inspections.

3.10.1.2 *Existing Conditions*

Groundwater

The underground basin over which the City of Santa Clara is located comprises the largest of three inter-connected groundwater basins in Santa Clara County. Hydrologically, the Santa Clara Valley groundwater basin is separated into two zones: the "forebay" and "pressure" zones. Geological conditions in the forebay zone allow precipitation, stream flow, and water diverted into percolation ponds to recharge the deeper aquifers. The pressure zone includes areas of the valley where impervious and generally continuous clay strata overlie the major groundwater aquifers. The City of Santa Clara lies entirely within the pressure zone. Groundwater at the project site was encountered at depths ranging from 16 to 18 feet below the surface.[48]

Flooding

According to the Federal Emergency Management Agency's (FEMA) current Flood Insurance Rate Map (FIRM), the project site is designated as Zone X. Flood Zone X is defined as an area within a 500-year floodplain (0.2 annual risk of flood), and areas protected by levees.

Dam Inundation, Seiche, Tsunami Hazards

According to the Association of Bay Area Government (ABAG) dam failure inundation hazard maps, large portions of the Santa Clara Valley are located in the Lexington Reservoir dam failure inundation hazard zone, including the project site.[49] The project site is located over ten miles from the Lexington reservoir. There are no landlocked bodies of water near the project site that could affect the project site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami.

Hydromodification

The existing project site contains multiple drainage points throughout the parking lot and on the surrounding street curbs. Water from the site would run off into these catch basins and would flow into storm drain lines located in Homestead Road, Monroe Street or Franklin Street. The storm drain system flows to the San Tomas Aquino Creek which then flows to the San Francisco Bay. The project site is located approximately 1.4 miles from the San Tomas Aquino Creek, which is the nearest drainage for the site, and is currently served by a 14-inch storm drain line in Homestead Road, a 12-inch storm drain in Monroe Street, and an eight-inch storm drain in Franklin Street. The segment of San Tomas Aquino Creek nearest the project site is channelized.

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

[48] AEI Consultants, Inc. Phase I Environmental Site Assessment. August 18, 2020.
[49] Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*. Accessed January 18, 2022. https://abag.ca.gov/our-work/resilience.

1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
   - result in substantial erosion or siltation on- or off-site;
   - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
   - create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
   - impede or redirect flood flows?
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

3.10.2.1 *Project Impacts*

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Impacts

Construction of the proposed development project, including demolition of the existing buildings, grading, and excavation activities, would disturb soils within the project site. As a result, surface runoff after rain events may discharge a greater quantity of sediments to the stormwater system, which ultimately outfalls to the San Francisco Bay. The following measures would be required by the City as conditions of project approval to reduce potential construction-related water quality impacts:

Conditions of Approval

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains;
- Earthmoving or other dust-producing activities would be suspended during period of high winds;
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary;
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered;

- All trucks hauling soil, sand, and other loose materials shall be covered;
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers); and
- Vegetation in disturbed areas would be replanted as quickly as possible.

In addition, the project is required to comply with the NPDES General permit for construction activities and submit a SWPPP and NOI to the State Water Resources Control Board to control the discharge of stormwater pollutants including sediments associated with construction activities. With the implementation of the above measures, and compliance with all permit conditions, construction related water quality impacts would be reduced to a less than significant level. **(Less than Significant Impact)**

Post-Construction Impacts

To reduce post-construction water quality impacts, the project is required to comply with the MRP. The proposed development project includes LID measures to treat water flowing from 33 percent of the site and non-LID measures for the remaining 67 percent. The stormwater treatment measures include a storm water media filter on the northeast side of the project and three, flow through planters located near the parking area and townhomes.

The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the project proposes media filters. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation.

Therefore, the proposed development project, in compliance with existing regulations and would not result in significant impacts to water quality **(Less than Significant Impact)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The project is mostly paved and does not directly contribute to groundwater recharge. The proposed development project would, therefore, not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Groundwater on-site is estimated to be 16-18 feet bgs and excavation on-site would extend 14 feet bgs. The excavation associated with the below-grade level may encounter groundwater; however, the project would not interfere with groundwater flow because the depth of excavation and project features would be above the level of groundwater. For these

reasons, the project would have a less than significant impact on sustainable groundwater management. **(Less than Significant Impact)**

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The project site is located approximately 1.4 miles from the San Tomas Aquino Creek, which is the nearest drainage for the site, and is currently served by a 14-inch storm drain line in Homestead Road, a 12-inch storm drain in Monroe Street, and an eight-inch storm drain in Franklin Street. The proposed development project would not modify the surrounding storm drain lines in the surrounding streets and would tie the site drainage systems into the storm drain lines on Homestead Road and Franklin Street. As shown in Table 3.10-1, the project would result in approximately 99 percent impermeable surface area within the project site. This would increase the impermeable surface area by approximately 3,030 square feet from existing conditions which would increase the runoff from the project site. The project would, however, be required to comply with the MRP. The project stormwater treatment measures would reduce the rate of flow from impervious surfaces into the storm drain system and, therefore, the proposed development project would not alter the existing drainage pattern of the project site.

Table 3.10-1: Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (sq ft)	%	Project/Post-Construction (sq ft)	%	Difference (sq ft)	%
Impervious Surfaces						
Roof Area and Parking	26,840	89	29,870	99	+3,030	+10
Pervious Surfaces						
Pavement and Landscaping	3,470	11	440	1	-3,030	-10
Total:	30,310	100	30,310	100		

With the incorporation of the proposed treatment measures, the existing storm drain infrastructure would have sufficient capacity to serve the proposed development project. The project would not impede or redirect flood flows. The project would not alter the course of any stream or river and would not result in substantial erosion or siltation. For these reasons, the proposed development project would have a less than significant impact due to site drainage alterations. **(Less than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

As described above, the project site is located in Flood Zone X, with a 0.2 percent annual chance of flood. Due to the project site's distance from large bodies of water, there is no risk of tsunami or seiche related inundation at the project site. For these reasons, development of the project would not result in pollutant release risks due to project site inundation due to flood, tsunami, or seiche events. **(Less than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The proposed development project would implement the conditions of project approval identified under Impact HYD-1, NPDES General Construction Permit requirements, and the SCVNSPC, SCVURPPP and the URMP. As described under Impact HYD-2, the project would not impact groundwater supplies or impede aquifer recharge. For these reasons, the proposed development project would not conflict with, or obstruct implementation of, any water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

3.10.2.2 *Cumulative Impacts*

Impact HYD-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative hydrology and water quality impacts would be Guadalupe River watershed. The proposed development project would limit impacts to stormwater and water quality during construction and operations of the proposed development project through compliance with regulatory requirements and Conditions of Approval. The project would not substantially contribute to water quality impacts when added to the impacts of other projects in the nearby area. Therefore, the proposed development project would not have a cumulatively considerable effect and would result in a less than significant cumulative impact. **(Less than Significant Cumulative Impact)**

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Local

Santa Clara General Plan

The following land-use related General Plan policies are applicable to the proposed development project.

Policies	Description
5.3.1-P9	Require new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.3.2-P1	Encourage the annual construction of the housing units necessary to meet the City's regional housing needs assessment by reducing constraints to housing finance and development.
5.3.2-P6	Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low- and moderate-income and special needs household.
5.4.1-P9	Residential development should include front doors, windows, stoops, porches, and bay windows or balconies along street frontages.
5.5.2-P12	Screen loading and trash areas to preclude visibility from off-site and public streets.

City of Santa Clara Zoning Code

The City's Zoning Code regulates land uses within the boundaries of Santa Clara. The overall goals of the Zoning Code are to promote the city's growth in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the 2010–2035 General Plan. For each of the zone districts in the city, the Code identifies land uses that are permitted, conditionally permitted, and not permitted. It also establishes standards such as minimum lot size, maximum building height, and the minimum distance buildings must be set back from the street. Provisions for parking, landscaping, lighting, and other rules that guide the development of projects in the city are also included.

3.11.1.2 *Existing Conditions*

The project site is currently developed with three single-family houses and a commercial building. The project site is currently zoned Historic Combining, General Office, and Community Commercial and the General Plan land use is identified as Community Mixed Use. Additionally, the project site is located within the proposed Downtown Precise Plan Area Boundary.

Historic Combining zoning is intended to preserve historic landmarks that represent important elements of the City's past and contribute to the community's identity and educational resources. The conversion of residential structures to commercial use should only be considered when continued residential use is no longer feasible or desirable and when the commercial use will not be detrimental to the surrounding neighborhood.

General Office is intended to provide an environment exclusively for and conducive to the development and protection of administrative facilities and business office centers, wherein the normal development of mixed commercial uses would not be appropriate. This is a heavy employment zone bordering and contiguous to the central business area or community and regional commercial areas.

Community Commercial is intended to encourage organized concentration of a wide variety of retail goods and services for the community.[50]

The General Plan designation of Community Mixed Use 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, including gas stations, are not appropriate in this designation. Parking should be behind buildings, below-grade or in structures, to ensure that active uses face public streets. Retail, commercial and neighborhood office uses, with a minimum FAR of 0.10, is required along with residential development between 19 and 36 units per acre. [51]

The land uses around the project site include a mix of residential and commercial uses. North, across Franklin Street there is one-story commercial building and a five-story mixed use building with commercial and residential uses. East of the site are primarily commercial uses contained within the Franklin Mall commercial center. To the west of the project site there is a mix of residential and small commercial uses in the form of a dentist's office, a nail salon, and a health clinic.

3.11.2 Impact Discussion

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

1) Physically divide an established community?
2) 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?

3.11.2.1 *Project Impacts*

Impact LU-1:	The project would not physically divide an established community. **(Less than Significant Impact)**

The project site is currently accessible from Monroe Street, Homestead Road, and Franklin Street. The proposed development project would demolish the existing commercial building and accessory structures on-site and would not alter the existing access to the site. Additionally, the proposed development project would not construct barriers to access within the nearby area. Therefore, the

[50] City of Santa Clara. Zoning Code. Accessed December 2021. https://www.codepublishing.com/CA/SantaClara/#!/SantaClara18/SantaClara18.html.
[51] City of Santa Clara. 2010-2035 General Plan Integrated EIR. January 2011.

proposed development project would result in a less than significant impact from physically dividing an established community. **(Less than Significant Impact)**

Impact LU-2:	The project would not 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. **(Less than Significant Impact)**

As described within the individual sections of this document, with incorporation of the Conditions of Approval, mitigation measures, and regulatory requirements the project would not cause a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The proposed development project would be reviewed for compliance with applicable land use plans and policies. As a result, the impact is less than significant.

The proposed development project includes a General Plan Amendment to revise the specifications of the General Plan designation of Community Mixed Use. This change would allow for very high-density housing (to a maximum of 70 units per acre) on mixed-use sites within the Downtown Precise Plan Area that meet the following criteria:

1) the property is located within 0.25 miles of a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours;
2) the property is designated Community Mixed Use;
3) the development provides ground floor retail uses at the required FAR of 0.10;
4) if the project site is listed on the City's Historic Preservation and Resource Inventory or the California Register of Historical Resources, any development affecting the historically significant structure shall be performed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
5) the project provides for affordable housing through the payment of in-lieu fees and/or includes affordable units.

The previous land use designation provided up to 36 units per acre with a FAR of 0.10. The new General Plan designation would allow for an increase of approximately 34 units per acre. The 0.87-acre site previously would have allowed up to 31 units, whereas up to 60 units would be permitted under the proposed General Plan Amendment. This would result in an increase in population and resource consumption higher than the levels analyzed in the General Plan Integrated FEIR.

The proposed development project would result in 50 residential units on-site, which would be an increase of 22 units above the current General Plan designation. The General Plan included a net increase of 2,957 dwelling units throughout the city. The increase in housing allowed on-site would be less than one percent of the total planned housing planned for the City of Santa Clara. Therefore, this would not represent a significant amount of growth on the project site. The proposed development project would comply with Conditions of Approval, mitigation measures, and regulatory requirements included as part of the General Plan, Therefore, the proposed development project would result in a less than significant impact related to conflict with any land use plan, policy,

or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

3.11.2.2 *Cumulative Impacts*

Impact LU-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant land use and planning impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative land use impacts is Citywide. The General Plan Amendment associated with the proposed development project would result in the revision of specific land uses in the Downtown Precise Plan Area, totaling approximately 90 parcels and 12 acres of land within the downtown area. This would result in a potential increase of up to 408 dwelling units within the City of Santa Clara and approximately 1,064 residents compared to what was planned for in the General Plan. This would represent an approximately 14 percent increase in prospective residential development focused in the downtown area of Santa Clara.

The City contains approximately 46,000 households and the proposed General Plan Amendment would increase the number of households in the City by less than one percent. This increase would not represent a substantial increase for the City of Santa Clara and would not separate a community or conflict with local plans or policies. Therefore, the proposed development project would have a less than significant cumulative impact on land use. **(Less than Significant Cumulative Impact)**

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

3.12.1.2 *Existing Conditions*

The project site is not identified as an area which contains mineral resources of state or local relevance in the General Plan.

3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

1) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
2) 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?

3.12.2.1 *Project Impacts*

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The General Plan states that there are no significant mineral deposits in the City of Santa Clara. Therefore, construction of the proposed development project would not result in the loss of availability of a known mineral resource of regional or state value. **(No Impact)**

Impact MIN-2:	The project would not 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. **(No Impact)**

The General Plan states that there are no significant mineral deposits in the City of Santa Clara. Therefore, construction of the proposed development project would not result in the loss of availability of a known mineral resource of local value or delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

Impact MIN-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant mineral resources impact. **(No Cumulative Impact)**

The proposed development project would have no impacts on mineral resources, and subsequently the proposed development project would have no cumulative impact. **(No Cumulative Impact)**

3.13 NOISE

The information in this section based on a Noise and Vibration Assessment prepared by Illingworth and Rodkin Inc. on May 7, 2021. This is included in Appendix G of this EIR.

3.13.1 Environmental Setting

3.13.1.1 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 3.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

City of Santa Clara 2010 – 2035 General Plan

The City of Santa Clara's General Plan identifies noise and land use compatibility standards for various land uses and establishes policies to control noise within the community. Table 8.14-1 from the General Plan shows acceptable noise levels for various land uses. Residential land uses are considered compatible in noise environments of 55 dBA CNEL or less. The guidelines state that where the exterior noise levels are greater than 55 dBA CNEL and less than 70 dBA CNEL at residential uses, the design of the project should include measures to reduce interior noise to acceptable levels. Commercial land uses are considered compatible in noise environments of 65 dBA CNEL or less. The guidelines state that where the exterior noise levels are greater than 65 dBA CNEL and less than 75 dBA CNEL at commercial uses, the design of the project should include measures to reduce interior noise to acceptable levels.

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

Policies	Description
5.10.6-P1	Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1.
5.10.6-P2	Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels, as defined on Table 5.10-1.
5.10.6-P3	New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).
5.10.6-P4	Encourage the control of noise at the source through site design, building design, landscaping, hours of operation and other techniques.
5.10.6-P5	Require noise-generating uses near residential neighborhoods to include solid walls and heavy landscaping along common property lines, and to place compressors and mechanical equipment in sound-proof enclosures.

Santa Clara City Code.

Section 9.10.040 of the City Code establishes noise level performance standards for fixed sources of noise, as seen below in Schedule A. Noise levels at single-family residences, multi-family residences, and at public spaces are limited to 55 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA at night (10:00 p.m. to 7:00 a.m.). Noise levels at commercial and office uses are limited to 65 dBA during daytime hours and 60 dBA during nighttime hours. Section 9.10.060 (c) states that if the

measured ambient noise level at any given location differs from those levels set forth in Schedule A, the allowable noise exposure standard shall be adjusted in five dBA increments in each category as appropriate to encompass or reflect the ambient noise level.

Schedule A		
	Noise Level (dBA)	
Receiving Zone	**7:00am – 10:00 pm**	**10:00 pm – 7:00 am**
Single-family and duplex residential	55	50
Multiple-family residential, public space	55	50
Commercial, Office	65	60
Light Industrial	70	70
Heavy Industrial	75	75

Section 9.10.230 prohibits construction activities permitted within 300 feet of residentially zoned property except within the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Section 9.10.070 exempts construction activities which occur during allowed hours from Schedule A noise limits.

The City Code does not define the acoustical time descriptor such as L_{eq} (the average noise level) or L_{max} (the maximum instantaneous noise level) that is associated with the above limits. A reasonable interpretation of the City Code would identify the ambient base noise level criteria as an average or median noise level (L_{eq}/L_{50}).

3.13.1.2 *Existing Conditions*

Due to the COVID-19 pandemic, a current noise monitoring survey which would characterize the noise environment of the site was unable to be conducted for this study. Based on the information provided in Illingworth's Noise and Vibration Assessment and City of Santa Clara General Plan noise contours, the existing noise environment at the project site results primarily from vehicular traffic along Homestead Road, Monroe Street, and Benton Street. Secondary noise sources include vehicular traffic along other nearby major arterial roads such as El Camino Real and occasional aircraft associated with Norman Y. Mineta San José International Airport. The project site lies outside the 60 dBA CNEL noise contours for the Norman Y. Mineta Airport.[52]

Based on modeling results of the noise assessment, the existing noise level at the site is greatest at the along the northeastern façade of the existing commercial building fronting Monroe Street and could reach up to 62 dBA at the northeastern side of the site. Noise levels would be lower along the western side of the site where there is less direct exposure to traffic. The greatest noise exposure at the location for the townhomes on the project site would reach 54 dBA. Additionally, because the site is located well outside of the 60 dBA CNEL aircraft noise contours associated with Norman Y.

[52] Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County for the Norman Y. Mineta San José International Airport. November 16, 2016.

Mineta San José International Airport, aircraft noise would not make a substantial contribution to the overall noise environment at the site.

3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

1) 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?
2) Generation of excessive groundborne vibration or groundborne noise levels?
3) 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?

3.13.2.1 *Project Impacts*

Impact NOI-1:	As mitigated, the project would not result in 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. **(Less than Significant Impact with Mitigation Incorporated)**

Construction Impacts

Section 9.10.230 of the City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Section 9.10.070 of the City Code exempts construction activities which occur during allowed hours from the City Code noise limits.

Construction activities for individual projects are carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Typical construction noise levels for each construction phase at a distance of 50 feet are shown in Tables 3.13-2. Additionally, the average noise level ranges for different construction equipment would be between 66 and 100 dBA. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional five to 10 dBA noise reduction at distant receptors.

Table 3.13-2: Typical Ranges of Construction Noise Levels at 50 feet L_{eq} (dBA)								
	Domestic Housing		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Ground Clearing	83	83	84	84	84	83	84	84
Evacuation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site. **II** - Minimum required equipment present at site.								
Source: Illingworth and Rodkin Inc. 906 – 950 Monroe Street Air Noise and Vibration Assessment. May 7, 2021								

Project construction would occur over a period of 32 months. Construction of the proposed development project would involve demolition of the existing commercial and accessory structures and pavement, site preparation, grading and excavation, trenching, building erection, interior/architectural coating, and paving. Table 3.13-3 shows the anticipated construction noise levels calculated for each phase of construction.

Table 3.13-3 Construction Noise for Each Phase of Construction		
Construction Phase	**At Distance of 50 ft.**	
	L_{eq}, dBA	**L_{max}, dBA**
Demolition (10 days)	76	87
Site Preparation (11 days)	81	88
Grading/Excavation (100 days)	82	89
Trenching/Foundation (25 days)	79	88
Building – Exterior (350 days)	80	85
Building – Interior/Architectural Coating (300 days)	66	67
Paving (30 days)	85	88
Source: Illingworth and Rodkin Inc. 906 – 950 Monroe Street Air Noise and Vibration Assessment. May 7, 2021		

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. As indicated in Table 3.13-2, at 50 feet from the noise source, maximum noise levels generated by project construction equipment are expected to range from 67 to 89 dBA and hourly average noise levels are expected to range from 66 to 85 dBA.

The project site is located in a built-out area with commercial and residential uses adjacent to the project site along the western property line and to the north, east, and south. Noise sensitive uses surrounding the site include residential uses along Franklin Street, and residences and a church along Homestead Road and Madison Street. Anticipated construction noise levels were calculated to reach an hourly average of 69 to 88 dBA and a maximum of 70 to 92 dBA at the nearest commercial use located approximately 35 feet west of the center of construction activity. At the nearest residential property line located approximately 75 feet west of the center of the project site, the expected noise levels would be an hourly average of 62 to 81 dBA and a maximum of 63 to 85 dBA at of the center of construction activity. Noise levels at surrounding uses would vary as construction activity is concentrated at different points throughout the site.

Implementation of the following construction best management practices, required as a Condition of Approval, would regulate the hours of construction, reduce construction noise levels from the site, and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity.

Construction Best Management Practices

Develop a construction noise control plan, including, but not limited to, the following available controls:

- Construction activities shall be limited to hours between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- If geotechnical conditions allow, mat slab should be used in place of impact or vibratory pile driving. Mat slab would generate substantially less noise than impact-drive pile driving.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
    - Utilize "quiet" air compressors and other stationary noise sources where technology exists.
    - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
    - Control noise from construction workers' radios to a point where they are not audible at existing residential uses to the north of the project site.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Compliance with these conditions would reduce the impacts of construction noise on surrounding residential and commercial uses. Therefore, the proposed development project would result in a less than significant construction noise impact. **(Less than Significant Impact)**

Operational Impacts

Section 9.10.040 of the City Code establishes noise level performance standards for fixed sources of noise. At single- or multi-family residences, hourly average noise levels exceeding 55 dBA between the hours of 7:00 a.m. and 10:00 p.m. or 50 dBA between 10:00 p.m. and 7:00 a.m. would constitute a significant noise impact. At commercial uses, hourly average noise levels exceeding 65 dBA, between the hours of 7:00 a.m. and 10:00 p.m. or 60 dBA between 10:00 p.m. and 7:00 a.m. would constitute a significant noise impact.

The proposed development project would include mechanical equipment such as heating, ventilation, and air conditioning systems (HVAC). Project plans currently do not indicate planned locations for HVAC equipment; however, it is reasonably assumed they may be located on the rooftop of the proposed building. Other sources of noise associated with mixed-use buildings such as parking lot activity and deliveries are not anticipated to generate substantial noise outside of project property lines due to the underground location for parking and the proposed buildings shielding vehicular noise from the adjacent residential and commercial uses.

HVAC equipment typical for commercial buildings of this type and size could generate noise levels of up to 78 dBA at a distance of three feet for larger packaged units, and up to 59 dBA at a distance of three feet for smaller or low-noise equipment. Roof lines would be located approximately 50 feet from the nearest residential property lines and approximately 30 feet from the nearest commercial property lines to the west. At this distance, noise levels from rooftop HVAC equipment could reach 35 to 54 dBA Leq. and could exceed the nighttime City Code limit of 50 dBA Leq for residential land uses.

IMPACT-NOI-1.1 Operation of the proposed development project could result in noise levels in excess of City Code noise level performance standards.

Mitigation Measures

MM-NOI-1.1 To reduce noise resulting from HVAC equipment operations, one of the following measures shall be implemented:

- Equipment which would generate substantial noise shall be located at a minimum distance of 90 feet from the nearest residential property lines and a minimum distance of 25 feet from adjacent commercial property lines.
- The selection of equipment shall be conducted and approved by a qualified acoustical professional such that equipment does not generate noise which would exceed City Code standards at adjacent property lines.
- If distance and/or equipment selection is not sufficient to reduce equipment noise consistent with the City Code, equipment shall be shielded by walls, such as by a parapet wall constructed along the proposed building's roof line, such that the adjacent uses are not directly exposed to mechanical equipment noise. To provide adequate noise reduction, walls will constructed to fully block the line of sight between the equipment and the adjacent property line and shall have a minimum surface weight of three pounds per square foot (such as one-inch-thick wood, one-half-inch laminated glass, masonry block, concrete, or one-inch metal).

Implementation of mitigation measure MM NOI-1 would limit the noise exposure resulting from mechanical equipment operations to a less than significant level and the proposed development project would have a less than significant operational impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts from Project Traffic

Neither the City of Santa Clara nor the State of California define the traffic noise level increase that is considered substantial. For the purposes of this analysis, a significant impact would occur if the permanent noise level increase due to project-generated traffic was three dBA or greater at noise-sensitive receptors for existing levels exceeding 55 dBA or was five dBA or greater for existing levels at or below 55 dBA. For reference, a three dBA noise increase would be expected if the project would double existing traffic volumes along a roadway and a five dBA noise increase would be expected if the project would triple existing traffic volumes along a roadway.

Background traffic data with and without project-generated traffic was provided by Hexagon Transportation Consultants, Inc. Based on a comparison of peak-hour volumes between these pre and post project conditions, the permanent traffic noise increase attributable to the project would be zero dBA along all roadway segments considered in the traffic study with the exception of the segment of Homestead Road west of Monroe Street, where there would be a one dBA increase. Therefore, the proposed development project would result in is a less than significant impact. **(Less than Significant Impact)**

Impact NOI-2:	As mitigated, the project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

The City of Santa Clara does not specify a construction vibration limit. For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for new residential and modern commercial/industrial structures, 0.3 in/sec PPV for older residential structures, and a limit of 0.25 in/sec PPV for historic and some older buildings. The nearest vibration-sensitive historic structures are located just southeast of the proposed development project at 1298 Homestead Road church located approximately 180 feet from the nearest façade of the proposed mixed-use building. The 0.25 in/sec PPV vibration limit would be applicable at these structures. The 0.3 in/sec PPV vibration limit would be applicable to residential structures adjoining the site to the west and located across Homestead Road to the south. The 0.5 in/sec PPV vibration limit would be applicable to all other structures in the vicinity of the project site.

Construction of the proposed development project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation, grading and excavation, trenching, building (exterior), interior/architectural coating, and paving. Pile driving, which can cause excessive levels of vibration, is anticipated as a method of construction. Other project construction activities, such as the use of jackhammers, rock drills, and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Erection of the building structure is not anticipated to be a source of substantial vibration with the exception of sporadic events such as dropping of heavy objects, which should be avoided to the extent possible.

The closest structures to the project site are commercial and residential structures located as close as approximately five feet west of the site. Other nearby structures include a commercial structure at a distance of approximately 10 feet, and residential and commercial structures located at a distance of approximately 80 feet. Table 3.13-4 presents typical vibration levels that could be expected from construction equipment at a reference distance of 25 feet and calculated levels at distances representative of the nearest structures. Bolded numbers represent vibration levels which would exceed California Department of Transportation guidelines.

Table 3.13-4: Vibration Source Levels for Construction Equipment (in/sec PPV)				
Equipment		**Reference Distance 25 Feet**	**Commercial and Residential Five Feet**	**Commercial 10 Feet**
Impact Pile Driving	Upper Range	1.158	**6.801**	**3.173**
	Typical	0.644	**3.782**	**1.764**
Vibratory Pile Driving	Upper Range	0.734	**4.311**	**2.011**
	Typical	0.170	**0.998**	0.466
Clam Shovel Drop		0.202	**1.186**	0.553
Hydromill (slurry wall)	In soil	0.008	0.047	0.022
	In Rock	0.017	0.100	0.047
Vibratory roller		0.210	**1.233**	**0.575**
Hoe Ram		0.089	**0.523**	0.244
Large Bulldozer		0.089	**0.523**	0.244
Caisson drilling		0.089	**0.523**	0.244
Loaded Trucks		0.076	**0.446**	0.208
Jackhammer		0.035	0.206	0.096
Small bulldozer		0.003	0.018	0.008
Source: Illingworth and Rodkin Inc. *906 – 950 Monroe Street Air Noise and Vibration Assessment*. May 7, 2021				

As seen in Table 3.13-4, vibration levels, particularly from pile driving, would likely exceed California Department of Transportation guidelines at commercial and residential uses in the site vicinity and could result in damage to nearby structures.

IMPACT-NOI-2.1 Construction of the proposed development project would result in vibratory levels in excess of established guidelines and could damage nearby structures.

Mitigation Measures

MM-NOI-2.1 The following measures are incorporated into the project to reduce vibration impacts from construction activities to a less than significant level:

- Prohibit impact or vibratory pile driving as a method of construction. As an alternative, construction of a mat slab, shall be used.
- Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 20 feet of the property lines shared with residences and commercial structures adjacent to the site.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Use smaller equipment to minimize vibration levels below the limits.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy objects or materials near vibration sensitive locations.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
- A construction vibration-monitoring plan shall be implemented to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
    - Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey (generally described below) would need to be performed.
    - Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures nearest to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 20 feet of the structure. This distance shall be extended to 80 feet for vibratory pile driving and 120 feet for impact pile driving. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.
    - Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.
    - The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.

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

Through implementation of mitigation measure MM-NOI-2.1, the proposed development project would reduce vibratory impacts of construction equipment and would limit the use of high vibratory equipment near residences and historic structures. Therefore, the proposed development project would result in a less than significant impact with mitigation incorporated. **(Less than Significant Impact with Mitigation Incorporated)**

Impact NOI-3:	The project would not be 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. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The proposed development project is within two miles of the Norman Y. Mineta International Airport. The proposed development project is located outside of the 60 dBA noise contour associated with airport operations; therefore, the proposed development project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

3.13.2.2 *Cumulative Impacts*

Impact NOI-C:	As mitigated, the project would not result in a cumulatively considerable contribution to a cumulatively significant noise impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Noise impacts from the proposed development project would be limited to the area in proximity of the project site. The proposed development project would include mitigation measures and comply with conditions of approval to reduce construction and operational noise and construction vibration impacts to a less than significant level. There are no projects currently proposed or pending construction in the immediate area which would contribute to construction noise or vibration impacts created by the proposed development project. For any future project, operational noise would be regulated by the City Code and would not be cumulative. Therefore, the proposed development project would not have a cumulatively considerable impact on construction or operational noise in the project area and would have a less than significant cumulative impact with the incorporation of the mitigation above. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.13.2.3 *Non-CEQA Effects*

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of

Santa Clara has policies that address existing noise conditions affecting a proposed development project.

Future Exterior Noise Environment

The project site would include outdoor use areas intended for residents of the proposed development project including a terrace of the southeast side of the fourth and fifth floor, and private balconies. Exterior noise levels at the balconies are not evaluated against residential outdoor use area noise level limits. Residents with access to private balconies where noise levels exceed the normally acceptable standard of 55 dBA Ldn/CNEL would have access to the outdoor use area at the fourth and fifth-floor terraces. The terraces would be enclosed by a two-foot perimeter wall located along the edge of the fourth-floor terrace and a three-foot perimeter wall located along the edge of the fifth-floor terrace, which would provide some shielding of noise from vehicular traffic along Monroe Street and Homestead Road.

Residents of the proposed townhomes would have private backyards along the southwestern property line of the site. These backyards would be heavily protected from direct exposure to traffic noise by existing buildings in the vicinity and the townhomes themselves.

The outdoor areas throughout the proposed development project would experience noise levels up to 55 dBA CNEL at the building terrace, up to 53 dBA CNEL at the townhome backyards, and up to 62 dBA CNEL at the private balconies fronting Monroe Street. As explained above, exterior noise level standards would not apply to private residential balconies, and therefore noise at the proposed residential outdoor use area, the fourth and fifth floor terraces, would not exceed General Plan standards.

Future Interior Noise Environment

Interior noise levels of the proposed development project would need to be kept at or below 45 dBA CNEL within residences and at 50 dBA (hourly average) within commercial spaces during hours of operation. Standard construction provides approximately 20 to 25 dBA of exterior-to-interior noise reduction, assuming windows are closed. Where exterior noise levels range from 60 to 65 dBA CNEL, the inclusion of adequate mechanical ventilation would reduce interior noise levels to acceptable levels by allowing windows to be closed to control noise. Where noise levels exceed 65 dBA CNEL, mechanical ventilation systems and sound-rated construction methods are normally required. These construction methods include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed to control noise.

The greatest noise exposure at the proposed development project is expected to be along the northeastern façade of the proposed development project fronting Monroe Street, where noise levels would reach up to 63 dBA CNEL at the first floor. The greatest noise exposure at the townhomes portion of the proposed development project is expected to be along the northeastern and southeastern façades of the southernmost unit, where noise levels would reach up to 55 dBA CNEL. Assuming a minimum 20 dBA noise reduction resulting for interior uses from standard construction with windows in a closed position, interior noise levels within first floor commercial uses and residential community space of the mixed-use building would reach up to 43 dBA CNEL.

Peak-hour traffic noise levels typically would not differ substantially from community noise levels and therefore it would not be expected that the Cal Green Code standard of 50 dBA (hourly average) would be exceeded within any, first-floor commercial uses. Assuming the same reduction of noise, the noise levels within the townhome buildings are not anticipated to exceed 35 dBA CNEL. Exterior noise levels along the northeastern side of the proposed development project at floors two through six and along other sides of the proposed development project would be lower than at the first floor, and therefore the interior noise level within all residential units of the proposed development project is not anticipated to exceed 45 dBA CNEL with windows closed under future traffic conditions. Mechanical ventilation is expected to be provided to all residential units therefore, no additional exterior-to-interior noise reduction would be necessary.

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[53]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

3.14.1.2 *Existing Conditions*

According to the California Department of Finance, the City had a population of approximately 129,104 residents in 48,975 households as of January 2020.[54] Of the 129,104 residents, approximately 50 percent are employed residents.[55] There are approximately 137,000 jobs in the City (estimated by ABAG for 2020). In 2035, it is estimated that the City will have approximately 154,825 residents, 54,830 households, 154,300 jobs and 72,080 employed residents. [56]

The jobs/housing relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City of Santa Clara had an estimated 2.50 jobs for every employed resident in 2010.[57] The General Plan focuses on increased housing and the placement of housing near employment. As a

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[53] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20..

[54] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. Accessed: August 8, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

[55] Association of Bay Area Governments. *Plan Bay Area: Projections 2013*. December 2013.

[56] Ibid.
City of Santa Clara. 2010-2035 General Plan. December 2014.

[57] City of Santa Clara 2010-2035 General Plan. December 2014. Appendix 8.12 (Housing Element). Page 8.12-25.

result, the jobs to housing ratio is projected to slightly decrease to 2.48 by 2040.[58] Some employees who work within the City are, and still would be, required to seek housing outside the community with full implementation of the General Plan.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on population and housing, would the project:

1) 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)?
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

3.14.2.1 *Project Impacts*

Impact POP-1:	The project would not 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). **(Less than Significant Impact)**

The project site is currently developed with a 6,537 square foot commercial building and three single-family residences. The project proposes the demolition of the existing commercial structure and preservation of the three residences on-site. The proposed development project would result in a net decrease of approximately 4,500 square feet of commercial space on-site, and a net increase of 57 residential units. The net increase of 57 residential units on-site would result in an increase of approximately 149 residents compared to the existing occupancy.[59] This would be a minimal increase in the overall population of the City of Santa Clara and would be consistent with the City's planned growth. For these reasons, the proposed development project would not result in substantial unplanned population growth. **(Less than Significant Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project would not require the removal or demolition of the three existing residences on-site. In addition, as described above, the project would result in a net increase of 57 residential units within the project site. For these reasons, the proposed development project would not have a significant impact due to the displacement of people or the construction of replacement housing. **(No Impact)**

[58] City of Santa Clara 2010-2035 General Plan Final Environmental Impact Report. 2011.
[59] 57 residential units x 2.61 residents per unit = 149 residents
Source: California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022, available at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/, accessed May 27, 2022.

3.14.2.2 *Cumulative Impacts*

Impact POP-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant population and housing impact. **(Less than Significant Cumulative Impact)**

The projected growth in the City of Santa Clara is approximately 50,000 people over the next 15 years. The proposed development project would result in approximately 149 new residents which is part of the planned population growth of the City. Additionally, the proposed development project would not result in a loss of housing and, therefore, would not result in a cumulative increase in lost housing. Therefore, the proposed development project would not result in a cumulatively significant population and housing impact. **(Less than Significant Cumulative Impact)**

3.15 PUBLIC SERVICES

3.15.1 Environmental Setting

3.15.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

The Quimby Act (California Government Code Section 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. This legislation was initiated in 1980's in response to California's increased rate of urbanization and the need to preserve open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parkland, pay a fee in-lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Mitigation Fee Act.

In 1989, the State Legislature passed Assembly Bill 1600 (AB1600), adding Section 66000 et seq. to the California Government Code (the "Mitigation Fee Act"), which sets forth requirements for local agencies to follow if they collect fees from developers to defray the cost of the construction of public facilities related to development projects. These legal requirements are frequently referred to as "AB 1600 requirements." Each local agency imposing such development impact fees must prepare an annual report providing specific information about these fees (i.e., a "nexus study") that shows the proper connection of the fees to the project and how accounting and reporting for the fees collected are regulated.

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 set forth provisions for the payment of school impact fees by new development for "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development projects. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

City of Santa Clara 2010 – 2035 General Plan

The City of Santa Clara 2010-2035 General Plan includes policies and programs to provide public services throughout the City. Applicable General Plan policies include, but are not limited to, the following listed below.

Policies	Description
Parks, Open Space and Recreation	
5.4.3-P3	Provide pedestrian-oriented ground floor uses and a network of parks and public spaces to serve both residential and non-residential development.
5.9.3-P1	Encourage design techniques that promote public and property safety in new development and public spaces.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium- and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.3-P3	Maintain a City-wide average three minute response time for 90 percent of police emergency service calls.
5.9.3-P4	Maintain a City-wide average three minute response time for fire emergency service calls.
5.9.1-P5	Encourage public visibility for all parks, trails and open spaces.
5.9.1-P14	Encourage publicly accessible open space in new development.
5.9.1-P15	Provide opportunities for private maintenance of publicly accessible open space and trails.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.
5.9.1-P18	Promote open space and recreational facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.
5.9.1-P20	Promote the continuation of parks per population ratio of 2.4 per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24.

City of Santa Clara City Code Chapter 17.35

The purpose of City code Chapter 17.35 is to help mitigate the impacts of new housing development growth on existing parkland and recreational facilities subject to the provisions of the State of California Quimby Act (Quimby) and/or the California Mitigation Fee Act (MFA). Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication, at the City's discretion. The City is meeting the parkland dedication standard of 3 acres per 1,000 residents per the Quimby provisions of the City Code and 2.6 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

3.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). The SCFD is comprised of 120 sworn firefighters. Currently, the SCFD has nine fire stations. The nearest station to the project is Station No.1 located at 777 Benton Street, approximately 0.4 miles northeast of the site.

Police Protection Services

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions: Services, Field Operations, Investigations, and Special Operations, and has approximately 159 sworn officers and 80 civilians.[60] There are currently two police stations, the headquarters located at 601 El Camino Real and a substation located at 3992 Rivermark Parkway. The distance between the project site and the police headquarters is approximately 0.6 miles. The distance between the project site and substation is approximately three miles.

Schools

Schools that serve children in grades K-12 who reside in the City of Santa Clara are operated by six school districts: the Santa Clara Unified School District (SCUSD), San José Unified School District, Cupertino Union School District, Fremont Union High School District, Campbell Union School District, and Campbell Union High School District. The project site is located within the service area of the SCUSD. Students in the project area attend Westwood Elementary School, located at 435 Saratoga Avenue, approximately 1.2 miles southwest of the project site; Buchser Middle School located at 1111 Bellomy Street, approximately 0.6 miles southeast of the project site; and Santa Clara High School, located at 3000 Benton Street, approximately two miles west of the project site.

Parks

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of May 2021, the Department maintains and operates Central Park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (124.517 acres improved and 6.132 acres unimproved resulting in 130.649 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved, excluding the Santa Clara Golf and Tennis Club/BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.588 acres) throughout the City totaling approximately 268.354 improved acres and 84.531 unimproved acres. Community parks are

[60] City of Santa Clara, Police Department. *Fact Sheet.* Accessed June 18, 2021. https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet.

over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication, at the City's discretion, and pursuant to the State of California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) to help mitigate the impacts of the new resident demand on existing parkland and recreational facilities. The City is meeting the standard of three acres per 1,000 residents per the Quimby provisions of the City Code and 2.60 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

The nearest park to the project site is Fremont Park, an approximately one-acre neighborhood park, located approximately 0.16 miles northwest of the project site at 1303 Fremont Street. The park includes a picnic/barbeque area and a playground.

Libraries

There are three libraries in the City of Santa Clara. Central Park Library is the largest Santa Clara City Library facility located at 2635 Homestead Road, approximately three miles south of the project site. The nearest library is Mission Library Family Reading Center, located at 1098 Lexington Street, approximately 650 feet east of the project site.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on 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 public services:

1) Fire protection?
2) Police protection?
3) Schools?
4) Parks?
5) Other public facilities?

3.15.2.1 *Project Impacts*

Impact PS-1:	The project would not 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 fire protection services. **(Less than Significant Impact)**

The certified General Plan EIR concluded that the existing fire station facilities have capacity to absorb additional fire personnel without the need to expand or construct new facilities.[61] As described above in Population and Housing, the proposed development project would result in a net increase of approximately of 149 residents. This would represent an incremental increase in the demand for fire protection services. Additionally, the General Plan Amendment proposed by the project would facilitate the expansion of housing on other sites beyond that planned for in the General Plan. The project site and other sites under the General Plan Amendment are currently within the service area of SCFD and could be served by existing facilities without requiring the construction of new or altered facilities because any additional staffing required for the increase in population could be accommodated within the existing fire facilities.[62] In addition, the proposed development project and any future projects under the General Plan Amendment would be constructed in accordance with current fire codes, including those specifying emergency vehicle access and reduction of fire hazards and would pay fees for the expansion of fire services. Therefore, the proposed development project would result in a less than significant impact on fire protection services. **(Less than Significant Impact)**

Impact PS-2:	The project would not 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 police protection services. **(Less than Significant Impact)**

As described in Impact PS-1, the project would result in a minimal population increase and resultant increase in demand for public services, including police protection. The General Plan FEIR concluded that, if additional police officers are needed, they could be housed in the existing facilities. The proposed development project would result in a General Plan Amendment which would facilitate the expansion of housing in the downtown area of Santa Clara. Although the proposed development project and the General Plan Amendment would result increase the population beyond the level analyzed in the General Plan FEIR, the General Plan concluded that existing facilities have capacity for expansion of staff and resources without the need for new facilities. There would be no need for

[61] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005.* January 2011. Pages 206 to 207.
[62] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011. Pages 209.

the construction of new or expanded facilities.[63] The project would be adequately served by existing police protection facilities. Therefore, the proposed development project would result in a less than significant impact on police protection services. **(Less than Significant Impact)**

Impact PS-3:	The project would not 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 schools. **(Less than Significant Impact)**

The project site is located within the service area of the SCUSD. The General Plan FEIR concluded that the planned increase in City residents will eventually require the construction of additional school facilities.[64] However, the SCUSD currently has four closed school sites that could be employed to serve students generated by new residential development.[65]

A net increase of 57 residential units at the project site would result in approximately two students who would attend local schools.[66] The addition of two students would be incremental and would not result in a substantial adverse impact to school facilities, nor would it require the construction of new facilities. The General Plan Amendment could result in up to 408 additional residential units on other sites within the downtown area. The equates to between eight and 73 new students within the SCUSD. As noted above, the SCUSD has closed school site that could be reopened to serve an increase in the resident population. In addition, the proposed development project and all future projects under the General Plan Amendment would be required to pay school impact fees consistent with AB1600. **(Less than Significant Impact)**

Impact PS-4:	The project would not 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 parks. **(Less than Significant Impact)**

As described above, the project would result in a minimal population increase and resultant increase in demand for public services. It is assumed that some future residents of the project site would make use of local park facilities in addition to the recreational facilities on-site which include a 652 square foot gym, a 638 square foot community room, and a 1,747 square foot terrace area. The increased population associated with the proposed development project as well as the General Plan Amendment would contribute to increased use of existing parks near the project site. Increased use of

[63] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005.* January 2011. Page 207.
[64] City of Santa Clara. 2010-2035 General Plan. December 2014.
[65] City of Santa Clara. 2010-2035 General Plan Integrated FEIR. January 2011. Page 208
[66] 0.02 students per household for apartment units and 0.18 students per household for townhomes
0.02 x 50 units = 1.0 students / 0.18 x 4 townhome units = 0.72 students / Total students = 2 students
Santa Clara Unified School District. Projected Enrollments from 2015 to 2025. February 13, 2016. Page 16.

local parks could lead to physical deterioration of park facilities and overcrowding. The proposed development project and all future projects under the General Plan Amendment would be required to pay a fee in-lieu for parkland dedication to help reduce the impacts of the new resident demand on existing parkland and recreational facilities. Therefore, the proposed development project would result in a less than significant impact. **(Less than Significant Impact)**

Impact PS-5:	The project would not 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 other public facilities. **(Less than Significant Impact)**

The addition of approximately 149 residents on-site would result in an incremental increase in demand for public library facilities. The increase would not, however, result in substantial adverse impacts to existing library, or other, facilities, and would not require the construction of new facilities. The increased population associated with the General Plan Amendment would also contribute to increased use of existing library facilities. The addition of up to 2,906 new residents in the City would not cause a the City to fall below their service goals for library services. If, however, a new library is required in the future, that development would require its own environmental analysis which would determine the impacts of the construction of the facilities. **(Less than Significant Impact)**

3.15.2.2 *Cumulative Impacts*

Impact PS-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant public services impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative public services impacts is Citywide. The proposed development project would result in an increase in the use of public services in the City. The Santa Clara General Plan determined that planned growth in the city would not require the expansion of public services in the City. The proposed development project would include a General Plan Amendment which would increase the number of dwelling units in the City by approximately one percent (see Section 3.11 Land Use). The General Plan established that existing facilities for police and fire services would have capacity for expansion of staffing and determined that some school facilities which have been closed would be available for expansion of school capacity. Additionally, the project and any other future projects allowed by the General Plan Amendment would be required to pay fees for schools and parks to offset the increase in population. The availability for expansion and payment of fees would allow for these services to keep acceptable service ratios, response times, and other performance objectives. Therefore, the proposed development project would not result in a cumulatively considerable contribution to any public services impact and would result in a less than significant cumulative impact. **(Less than Significant Cumulative Impact)**

3.16 RECREATION

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

The Quimby Act (California Government Code Section 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. This legislation was initiated in 1980's in response to California's increased rate of urbanization and the need to preserve open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parkland, pay a fee in-lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

Mitigation Fee Act.

Mitigation Fee Act. In 1989, the State Legislature passed Assembly Bill 1600 (AB1600), adding Section 66000 et seq. to the California Government Code (the "Mitigation Fee Act"), which sets forth requirements for local agencies to follow if they collect fees from developers to defray the cost of the construction of public facilities related to development projects. These legal requirements are frequently referred to as "AB 1600 requirements." Each local agency imposing such development impact fees must prepare an annual report providing specific information about these fees (i.e., a "nexus study") that shows the proper connection of the fees to the project and how accounting and reporting for the fees collected are regulated.

Local

City of Santa Clara 2010 – 2035 General Plan

The City of Santa Clara 2010-2035 General Plan includes policies and programs to provide public services throughout the City. Applicable General Plan policies include, but are not limited to, the following listed below.

Policies	Description
5.1.1-P20	Prior to 2023, identify the location for new parkland and/or recreational facilities to serve employment centers and pursue funding to develop these facilities by 2035.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium- and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.1-P5	Encourage public visibility for all parks, trails and open spaces.
5.9.1-P14	Encourage publicly accessible open space in new development.

5.9.1-P15	Provide opportunities for private maintenance of publicly accessible open space and trails.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.
5.9.1-P18	Promote open space and recreational facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.
5.9.1-P20	Promote the continuation of parks per population ratio of 2.4 per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24.

City of Santa Clara City Code Chapter 17.35

Santa Clara City Code Chapter 17.35 requires new residential developments to provide adequate park and recreational land and/or pay a fee in-lieu of parkland dedication, at the discretion of the City, to help mitigate the impacts of housing development growth on existing parkland and recreational facilities, pursuant to the State of California Quimby Act and/or the Mitigation Fee Act.

3.16.1.2 *Existing Conditions*

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of May 2021, the Department maintains and operates Central Park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (124.517 acres improved and 6.132 acres unimproved resulting in 130.649 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved, excluding the Santa Clara Golf and Tennis Club/BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.588 acres) throughout the City totaling approximately 268.354 improved acres and 84.531 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

Santa Clara City Code Chapter 17.35 requires new residential developments to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication, at the City's discretion, and pursuant to the State of California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA) to help mitigate the impacts of the new resident demand on existing parkland and recreational facilities. The City is meeting the standard of three acres per 1,000 residents per the Quimby provisions of the City Code and 2.60 acres per 1,000 residents per the MFA provisions of the City Code with regard to neighborhood parks.

The nearest park to the project site is Fremont Park, an approximately one-acre neighborhood park, located approximately 0.16 miles northwest of the project site at 1303 Fremont Street. The Park includes a picnic/barbeque area and a playground.

3.16.2 Impact Discussion

For the purpose of determining the significance of the project's impact on recreation:

1) 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?
2) 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?

3.16.2.1 *Project Impacts*

Impact REC-1:	The project would not 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. **(Less than Significant Impact)**

The City's Parks and Recreation Department is meeting the Parkland Dedication Standard of 2.6 acres of park and recreational facilities per 1,000 residents (per the Mitigation Fee Act provisions of the City Code) and 3.0 acres per 1,000 residents (per the Quimby Act provisions of the City Code) with regard to neighborhood parks.[67] [68] This ratio has been developed by the City in order to deliver parkland as the City's population grows, so that overcrowding and excessive use of the City's park facilities does not occur.

The proposed development project would result in a population increase and resultant increase in demand for public services. In addition, the project includes a General Plan Amendment which would allow for changes in land use on other sites resulting in growth beyond what was included in the General Plan. It is assumed that some future residents of the project site would make use of park facilities. The increase of residents resulting from the proposed development project would result in increases in usage or deterioration of existing or planned park facilities or other recreational facilities.

Under City Code Chapter 17.35, the City calculates parkland dedication requirements based upon the most recent available Federal Census data, which currently estimates 2.65 persons per single family residence.[69] [70] The proposed development project would increase the local population by approximately 151 people[71] which would require approximately 0.45 acres of additional parkland to

[67] City of Santa Clara. About Parks and Recreation. Accessed June 18, 2021. https://www.santaclaraca.gov/our-city/departments-g-z/parks-recreation/about-parks-recreation.
[68] City of Santa Clara. 2010-2035 General Plan Integrated FEIR. January 2011. Page 241
[69] U.S. Census Bureau QuickFacts, Santa Clara city, California, available at https://www.census.gov/quickfacts/fact/table/santaclaracitycalifornia,santaclaracountycalifornia/PST045221, accessed on May 27, 2022.
[70] The City relies upon California Department of Finance (DOF) data to calculate anticipated population size for a development in most contexts, as the DOF releases annual updates and this represents the most current population data. The one exception to this is in the context of parkland, where state law provides that if a City's parkland ordinance uses U.S. Census data for population calculations, the ordinance cannot be challenged on that basis. Consequently, following the City's ordinance, the City uses U.S. Census data to calculate anticipated population for parkland dedication requirements.
[71] 2.65 people per unit x 57 units = 151 people

reduce impacts to parkland resources.[72] Based on the number of units being proposed, a fee paid in lieu of parkland dedication would be required to reduce the impact on the City's parks and recreational facilities and to provide for the necessary parkland to serve the increased population. The in-lieu fees paid by the project applicant would be used by the City to acquire and/or develop new parkland and/or amenities and would, therefore, reduce the impacts from the proposed new residential development. Additionally, all other projects allowed under the General Plan Amendment would be subject to project-level environmental review and would be required to pay in-lieu park fees which would provide for the increased population associated with these projects. Therefore, the impact of the proposed development project is less than significant. **(Less than Significant Impact)**

Impact REC-2:	The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The proposed development project would increase the population on the project site. The additional residents would increase the use of recreational facilities near the project site, however the increase in use would not be substantial enough to require the creation of new parks and recreation facilities. Additionally, any new parks and recreation facilities proposed by future projects under the General Plan Amendment would require project-specific environmental analysis and mitigation, if necessary, to reduce impacts on the environment. Therefore, the proposed development project would not have an adverse physical effect on the environment resulting from the construction or expansion of recreation facilities. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

Impact REC-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant recreation impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative recreation impacts is Citywide. As stated above the proposed development project and any future projects under the General Plan Amendment would pay in lieu fees to offset impacts to park land and other recreational facilities within the City created by the proposed development project. Therefore, the proposed development project would increase park usage, however, the impacts would be minimal and would not be cumulatively considerable in relation to the impacts of other projects Citywide. **(Less than Significant Cumulative Impact)**

[72] 151 people x 3.0 acres per 1000 people = 0.45 acre

3.17 TRANSPORTATION

The information in this section is based in part on the Traffic Control Study prepared by Hexagon Transportation consultants on April 1, 2021. This is included in Appendix H of this report.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

City of Santa Clara VMT Policy

The Santa Clara City Council adopted a VMT policy in compliance with SB 743 on June 23, 2020. The policy sets thresholds of significance for various land uses, using the countywide average VMT as the environmental baseline. To determine whether a project will have a significant transportation impact, project VMT is compared to the appropriate threshold. For residential land uses, the adopted threshold is 15 percent below the existing countywide VMT per capita. For employment uses, the adopted threshold is 15 percent below the existing countywide VMT per employee. For retail uses, the threshold is the existing countywide VMT for retail uses.

In addition to establishing the environmental baseline and thresholds of significance, the VMT policy establishes screening criteria for certain projects that are presumed to have a less than significant VMT impact. Projects which meet the screening criteria would not be required to quantify VMT and compare it to the City's adopted threshold. Projects which generate less than 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and would be presumed to have a less than significant VMT impact. Retail land uses providing 50,000 square feet or less would be presumed to be less than significant. Transit supportive projects which are located within ½-mile of an existing major transit stop or an existing transit stop along a High-Quality Transit Corridor would also be presumed to be less than significant, provided that a minimum density of 35 units/acre is met

for residential projects, a minimum FAR of 0.75 is met for office/R&D projects, no excess parking is provided, and no affordable dwelling units are replaced.

All proposed development projects are required to undergo environmental review as part of the approval process. This includes an analysis of CEQA impacts (VMT) and non CEQA operational measures of intersection efficiency (LOS). The City's VMT policy also establishes LOS as an operational measure of intersection efficiency, which is not defined as transportation environmental impact per CEQA.

City of Santa Clara Bicycle Plan

The City of Santa Clara Final Bicycle Plan Update (2018) provides a bikeway planning and design tool, which contains the policy vision, design guidance, and specific recommendations to guide public and private investments in active transportation bicycle facilities and related programs.

Santa Clara Pedestrian Master Plan

The Pedestrian Master Plan is a forward-looking plan to capture the benefits of walking as the City anticipates growth and redevelopment. Pedestrian Master Plan Goals include developing safe, comfortable, convenient, active, and implementable pedestrian facilities in the City of Santa Clara. This plan was adopted by City Council on February 25, 2020 and designated nine Priority Pedestrian Zones to help the City focus on areas with the highest potential for increasing walkability.

Congestion Management Program

Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

3.17.1.2 *Existing Conditions*

The proposed development project is located along Monroe Street between Franklin Street and Homestead Road. Regional access to the project site is provided through Interstate 880 and Highway 101 which are south and northeast of the project site respectively. These regional roadways connect to The Alameda, El Camino Real, and Winchester Boulevard which provide access to local streets around the project site.

The existing site is accessible via driveways located on Homestead Road, Monroe Street, and Franklin Street. Marked pedestrian crossings are located at the intersection of Franklin Street and Monroe Street on the north and west sides of the intersection.

3.17.2 Impact Discussion

For the purpose of determining the significance of the project's impact on transportation, would the project:

1) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
4) Result in inadequate emergency access?

3.17.2.1 *Project Impacts*

Impact TRN-1:	The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

Transit Facilities

The proposed development project would increase the population on-site by approximately 149 people. This could increase the use of public transportation in the surrounding area. The additional transit users would not interfere with the normal operations of transit services and would not exceed the capacity of the existing transit operations. Therefore, the proposed development project would have a less than significant impact on transit services. **(Less than Significant Impact)**

Roadways

The proposed project would contribute vehicle trips to the roadway network surrounding the project. The City of Santa Clara determined that, based on the trip generation rate of the proposed project, there would not be operational issues associated with these new trips. Additionally, the proposed project would not alter the roadway circulation network. Therefore, the proposed project would result in less than significant impacts on roadway operations. **(Less than Significant Impact)**

Pedestrian Facilities

Hexagon Transportation Consultants conducted a Pedestrian Crossing Study to determine safety improvements at the existing crosswalk across Monroe Street at Franklin Street. The report determined recommended improvements to crosswalks near the project site that would improve the safety of pedestrians with the addition of the proposed development project. The proposed project would be required to comply with the following condition of approval which would require the improvement of pedestrian facilities surrounding the project site.

Condition of Approval

The proposed project will improve the crosswalk at the intersection of Franklin Street and Monroe Street through installation of advance yield markings and signs at the marked crosswalk as an appropriate pedestrian safety enhancement.

The safety improvements suggested would be in compliance with the Pedestrian Master Plan and would improve the pedestrian traffic environment around the project site as identified in the plan. Although there are recommended improvements that would improve safety the proposed development project would not modify the existing pedestrian access around the site and would not conflict with existing plans, policies, or ordinances corresponding to pedestrian access. **(No Impact)**

Bicycle Facilities

The proposed development project would not remove existing bicycle facilities and would not interfere with existing plans, policies, or ordinances corresponding to bicycle facilities. Therefore, the proposed development project would not impact existing bicycle facilities, such as local bike lanes. **(Less than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

VMT Policy

The OPR and City of Santa Clara VMT guidelines state that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor would have a less than-significant impact on VMT. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. This presumption might not be appropriate if the project: has an FAR of less than 0.75 for office/R&D developments, residential developments with density less than 35 units/acre, includes more parking for use by residents, customers, or employees than required by the jurisdiction (if the jurisdiction requires the project to supply parking), and replaces affordable residential units with a smaller number of moderate- or high income residential units.

The proposed development project would be constructed at the corner of Monroe Avenue and Homestead Road which is located approximately 0.75 miles from the Caltrain Station and 0.25 miles from multiple bus stops in the area including 21, 22, 60, and 53. Based on analysis performed using the VMT analysis tool, the proposed development project would result in VMT lower than the Santa Clara threshold, meaning the project VMT would be more than 15 percent below the countywide VMT average. Additionally, transit route 22, located within 0.4 miles of the project site, provides service between the Palo Alto Transit Center to Eastridge, with 15-minute headways during both commute hours. This would qualify as a high-quality transit corridor. The proposed project would construct a residential development with 65 units per acre. Additionally, the project is meeting but not exceeding the parking requirements of the City of Santa Clara. Therefore, the proposed

development project would result in a less than significant VMT impact. **(Less than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The proposed development project would not alter the geometric design of the roadways surrounding the project and would not substantially change circulation of vehicles on the project site. Additionally, the proposed development project would comply with design requirements as prescribed by the City of Santa Clara. Therefore, the proposed development project would not substantially increase hazards due to geometric design features on-site and would not introduce incompatible uses. **(Less than Significant Impact)**

Impact TRN-4:	The project would not result in inadequate emergency access. **(No Impact)**

The proposed development project would comply with the regulations of the City of Santa Clara emergency services and would ensure emergency access to the project site. There would be two access points for the project site, one accessing the building on the north side of the site and one providing access to the garage of the single-family house in the center of the site. These two driveways would provide emergency access for the site. Therefore, the proposed development project would provide adequate emergency access to the site and would result in no impacts. **(No Impact)**

3.17.2.2 *Cumulative Impacts*

Impact TRN-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant transportation impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative transportation impacts is Citywide. The proposed development project is located near multiple modes of transportation and would have an average VMT below the City's threshold. The proposed development project, in concert with other projects in the region, would not substantially impact the transit services in the area around the site. Additionally, the proposed development project would not result in significant changes to pedestrian or bicycle facilities and therefore, would not cumulatively impact these facilities throughout the City. Further, the proposed development project would not impact emergency access to the project area and would not cumulatively reduce emergency response in the City of Santa Clara. Therefore, the proposed development project would have a less than significant cumulative impact because the proposed development project would not result in a cumulatively considerable contribution to transportation impacts in the project area. **(Less than Significant Cumulative Impact)**

Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on VMT, in accordance with City of Santa Clara Transportation Policy (Resolution No. 20-8861), the following

discussion is included for informational purposes because the City of Santa Clara requires parking to be provided in quantities sufficient for the development.

Parking

The proposed development project would provide 10 parking spaces for the commercial land uses and 100 parking spaces for the residential units. Parking for the residential units would be provided in the underground parking garage in automated stackers. Because the parking standards identified in the City Code do not allow for mechanical stackers, a minor modification would be necessary to allow for the alternate non-standard layout. With that modification, the proposed development project would not result in parking deficiencies on the project site.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

3.18.1.2 *Existing Conditions*

According to the archaeological literature search prepared for the project by Holman and Associates, no tribal cultural, cultural, or historical resources have been recorded on the project site. The Tamien Nation has requested notification of projects in the City of Santa Clara under AB 52.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying 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.

3.18.2.1 *Project Impacts*

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). **(Less than Significant Impact)**

Based on available records, the project site does not contain any tribal cultural resources listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Nevertheless, mitigation measures MM CUL-2.1 through CUL-2.3 also address the discovery of tribal cultural resources. Therefore, the project would not cause substantial adverse change in the significance of tribal cultural resources 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). **(Less than Significant Impact)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. **(Less than Significant Impact)**

The City of Santa Clara has not identified tribal cultural resources on the project site. Nevertheless, mitigation measures MM CUL-2.1 through CUL-2.3 also address the discovery of tribal cultural resources. Therefore, the proposed development project would not cause substantial adverse change in the significance of a tribal cultural resource as determined by the City. **(Less than Significant Impact)**

3.18.2.2 *Cumulative Impacts*

Impact TCR-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative tribal cultural resources impacts is the project site and adjacent parcels. As stated above, the project site is not known to contain tribal resources and is not expected to impact these resources. With implementation of mitigation measures MM CUL-2.1 through CUL-2.3, the proposed development project would not have a cumulatively considerable contribution to an identified impact on tribal cultural resources in the area and, therefore, would have a less than significant cumulative impact on tribal cultural resources. **(Less than Significant Cumulative Impact)**

3.19 UTILITIES AND SERVICE SYSTEMS

3.19.1 Environmental Setting

3.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Santa Clara adopted its most recent UWMP in June 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

Santa Clara General Plan

General Plan Policies applicable to utilities and service systems that are relevant to the project include the following:

Policies	Description
5.10.1-P6	Require adequate wastewater treatment and sewer conveyance capacity for all new development.
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.3.1-P27	Encourage screening of above-ground utility equipment to minimize visual impacts.
5.3.1-P28	Encourage undergrounding of new utility lines and utility equipment throughout the City.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

3.19.1.2 *Existing Conditions*

Water Supply

The City of Santa Clara has four sources of water. These sources include two treated water sources from SCVWD and the San Francisco Public Utilities Commission, groundwater pumped from the Santa Clara sub-basin through the City's owned and operated groundwater wells, and recycled water purchased from South Bay Water Recycling.[73] In 2020, the City had a demand of approximately 16.3 mgd for potable water and 3.1 mgd for recycled water.[74]

The water system consists of approximately 335 miles of water mains, 26 active water wells and seven storage tanks with 28.8 million gallons of water storage capacity.[75] Drinking water is provided in the form of groundwater sourced from an underground aquifer (accessed by the City's wells) and by imported water from two wholesale water importers: SCVWD (imported from the Sacramento-San Joaquin Delta) and the San Francisco Public Utilities Commission (imported from the Sierra Nevada). About 38 percent of the City's water comes from imported water supplies. The remaining 62 percent is pumped from the City's 26 active water wells. The three sources are used interchangeably or blended. The citywide water demand is approximately 19.5 mgd as estimated in the 2020 Urban Water Management Plan.

The current on-site water usage is approximately 2,282 gallons per day.[76]

Recycled Water serves as a fourth source of water supply and comprises approximately 16 percent of the City's overall water supply. Recycled water is supplied by South Bay Recycled Water, which provides advanced recycled water from the San José-Santa Clara Regional Wastewater Facility.

[73] South Bay Recycled Water provides advanced tertiary treated water from the RWF. The City's recycled water program delivers recycled water throughout the City for landscaping, parks, public services and businesses.
[74] City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.
[75] City of Santa Clara. 2015 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted November 22, 2016.
[76] Bay Area Water Supply and Conservation Agency. Per Capita Water Use. Accessed August 28, 2020. https://bawsca.org/water/use/percapita.
57.8 gallons per residence per day x 3 residences = 173.4 gallons per day/ 6,537 square foot commercial building 177.734 gallons per square foot per year = 2,108.6 gallons per day

Demand for recycled water is approximately 3.2 mgd. Recycled water lines are located near the project to the east on Madison Street and south on Market Street.

Wastewater Services

Sanitary Sewer lines that serve the site are maintained by the City of Santa Clara Sewer Utility. Wastewater from the City of Santa Clara is treated at the Regional Wastewater Facility (RWF), which is owned jointly by the Cities of San José and Santa Clara and is operated by the City of San José's Department of Environmental Services. The facility is one of the largest advanced wastewater treatment facilities in California and serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno.[77] The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day.

Approximately 10 percent of the RWF's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay. The NPDES permit for the RWF includes wastewater discharge requirements. Wastewater for the project site would be approximately 85 percent of the water use on site, which is approximately 1,940 gallons per day.

Stormwater Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system which serves the project site. Existing storm drain lines are located beneath Homestead Road, Monroe Street and Franklin Street. A storm drain inlet is located on the curbs surrounding the project site, which primarily collects storm water from the access roads, and a storm drain inlet within the parking lot of the commercial building which connects to the storm drainage in the street. Approximately 11 percent of the project site consists of pervious surfaces.

Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System and is disposed of at Newby Island Landfill through a contract with the City. As of December 2019, Newby Island Landfill has a disposal capacity of 14.6 million cubic yards of remaining capacity.[78] Recycling services are provided through Stevens Creek Disposal and Recycling. The site currently contains three single-family residences and generates approximately 134 pounds of solid waste each day.[79]

3.19.2 Impact Discussion

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

[77] City of San Jose. San Jose-Santa Clara Regional Wastewater Facility. Accessed June 18, 2021. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[78] North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019
[79] Calrecycle. California's 2017 Per Capita Disposal Rate. Accessed May 11, 2021. https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent/.
2.63 existing residents per unit x 3 units x 6.2 lbs. per resident per day = 50 lbs. per day / 6,537 square feet x 13lb. per 1000 square feet per day = 84.98 pounds of solid waste per day

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
4) 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?
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

3.19.2.1 *Project Impacts*

Impact UTL-1:	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

Water

It is estimated that each of the residential units on the project site would use approximately 152 gallons per day (or a total of 9,120 gallons of water per day) and the commercial unit would use 1,805 gallons per day[80]. Additionally, the proposed development project includes a General Plan Amendment which would result in the expansion of development capacity which would expand water use by approximately 62,016 gpd[81] if all housing sites were built out. The project would utilize existing water lines in Monroe Street and would not require expansion or relocation of City water facilities or installation of new water lines because the proposed development project would only marginally increase the total water demand of the City within the projected growth identified in the Urban Water Management Plan.[82] The proposed project would also be required to perform a Development Impact Analysis (DIA) to determine if upsizing of water lines would be required. Additionally, the proposed project would result in expanded capacity for development on other sites in the area of the Downtown Precise Plan. This development would require its own environmental analysis that would determine the need for water facilities on an independent basis. Thus, the

[80] Bay Area Water Supply and Conservation Agency. Per Capita Water Use. https://bawsca.org/water/use/percapita Accessed August 28, 2020.
2.63 persons per residence x 57.8 gallons per capita per day = 152 gallons per day per residence x 60 residences = 9,120 gallons per day.
Bay Area Water Supply and Conservation Agency. Projected Water Usage for BAWSCA Member Agencies: Water Use Breakdown for the City of Santa Clara. 2006.
1 commercial spaces x 1,805 gallons per day per account = 1,805 gallons per day
[81] 152 gallons per day per residence x 408 dwelling units = 62,016 gallons per day
[82] City of Santa Clara. 2020 Urban Water Management Plan. June 22, 2021

proposed development project would have a less than significant impact. **(Less than Significant Impact)**

Wastewater

The proposed development project would produce an estimated 9,287 gallons of wastewater per day.[83] Additionally, if all housing was built out the proposed development would result in approximately 52, 713 gallons per day of wastewater. This is less than one tenth of one percent of the City's total allocation of treatment capacity.[84] The proposed development project would not increase the need for wastewater treatment beyond the capacity of the RWF which has capacity for future population growth. The General Plan Amendment would not directly result in increased population on the other applicable sites and any projects on these sites would be required to provide project level analysis of wastewater impacts. Therefore, the project would have a less than significant impact on the need for new wastewater facilities.

The project would connect to existing sewer lines in Homestead Road and Monroe Street, which have adequate capacity to serve the project. There would be sufficient capacity in the sanitary sewer to serve the proposed development project, therefore the project would and would not require the construction or relocation of new or expanded wastewater lines. The project would have a less than significant impact. **(Less than Significant Impact)**

Stormwater Drainage

The project site is currently developed with residential and commercial uses and associated paved parking. Runoff from the project site currently enters the storm drainage system untreated and unimpeded. The project would increase the impervious area on the project site by 3,030 square feet or 10 percent compared to the existing impervious area. While the project would increase impervious surfaces on-site, the project would install treatment planters to decrease the rate and volume of stormwater runoff entering the City's storm drainage system. For these reasons, the project would not exceed the capacity of the existing storm drainage system serving the project site and would not require the construction or relocation of new or expanded storm drains. Any new development project would be required to comply with the MRP regardless of land use. As a result, future projects under the proposed General Plan Amendment would have no greater impact to the existing storm drainage system then redevelopment under the existing land use designation and would have to be assessed at a project level. Therefore, the proposed change in land use would not result in runoff in excess of existing storm drain capacity. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunication Facilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to

[83] Wastewater generated by the proposed development project is assumed to be 85 percent of the total water demand.
[84] Based on the City's allocation of treatment capacity of 25 mgd as identified by the Tributary Agencies Estimated Available Plant Capacity – 2020. December 18, 2020. https://www.sanjoseca.gov/Home/ShowDocument?id=68283.

serve the proposed development project. As a result, the proposed development project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

As proposed, the project would use approximately 10,925 gpd of water, a net increase of 8,643 gpd compared to existing conditions. Additionally, the proposed development project includes a General Plan Amendment which would result in the expansion of development capacity which would expand water use by approximately 62,016 gpd[85] if all housing sites were built out. Full build out under the proposed General Plan Amendment would be approximately one half of one percent of the existing Citywide water use. This increase would not impact the ability for the City to provide water in future years, including normal, dry, and multiple dry years. Therefore, the proposed development project would have a less than significant impact on the City's water supplies. **(Less than Significant Impact)**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

As stated above, the proposed development project would produce an estimated 9,287 gallons of wastewater per day and the General Plan Amendment would allow for the expansion of housing on 90 parcels (12 acres in total) which could result in up to 52,713 gallons of wastewater per day at full built out. Together, this is less than one half of one percent of the City's total allocation of treatment capacity of 25 million gallons. This would not impact the ability for the RWF to serve the City of Santa Clara and would fall within the capacity for water treatment of the facility. Therefore, the project would have a less than significant impact on the ability for the wastewater provider's existing commitments. **(Less than Significant Impact)**

Impact UTL-4:	The project would not 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. **(Less than Significant Impact)**

Construction

During construction, the project would be required to comply with the City of Santa Clara construction debris diversion ordinance which requires projects over 5,000 square feet to divert 65 percent of construction and demolition debris from landfills. This policy would reduce the waste disposal required during the project construction and limit waste accumulation at local landfills. **(Less than Significant Impact)**

[85] 152 gallons per day per residence x 408 dwelling units = 62,016 gallons per day

Operation

The project is estimated to generate approximately 995 pounds of solid waste per day.[86] Santa Clara County's Integrated Waste Management Plan (IWMP) requires each jurisdiction in the County to achieve a landfill diversion requirement of 50 percent per year. The Newby Island Landfill has remaining capacity of approximately 14.6 million cubic yards, as of December 2019, with a reasonable compaction rate of 1,850 pounds per cubic yard.[87] Closure of the Landfill is expected to occur in 2041.[88] Additionally, future development under the General Plan Amendment would contribute up to 6,652 addition pounds per day if all units were constructed.[89] In total new development could result in an additional four yards of waste per day based on the compaction rate above. Therefore, implementation of the proposed development project would not result in a significant increase in solid waste and recyclable materials generated within the City of Santa Clara and would not require that new landfill facilities be contracted with or constructed to serve the proposed development project. **(Less than Significant Impact)**

Impact UTL-5:	The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

Consistent with CALGreen requirements, the proposed development project and all future development under the General Plan Amendment would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 65 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. Additionally, the estimated increases in solid waste generation from future development would be avoided through implementation of the Santa Clara County Integrated Waste Management Plan. The Integrated Waste Management Plan, in combination with existing regulations and programs, would ensure that the proposed development project and future development under the General Plan Amendment would not result in significant impacts on solid waste disposal capacity in excess of state or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

3.19.2.2 *Cumulative Impacts*

Impact UTL-C:	The project would not result in a cumulatively considerable contribution to a cumulatively significant utilities and service systems impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative utilities and service systems impacts is Citywide. The proposed development project would marginally contribute to the use of utilities and service systems in the City of Santa Clara. The General Plan for the City of Santa Clara determined that the planned

[86] Calrecycle. California's 2017 Per Capita Disposal Rate. Accessed November 30, 2020. https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent/. 2.63 existing residents per unit x 61 units x 6.2 lbs. per resident per day = 995 lbs. per day
[87] North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.
[88] North, Daniel. General Manager, Republic Services. Personal communications. November 21, 2019.
[89] 2.63 existing residents per unit x 408 residential units x 6.2 lbs. per resident x 6652 lbs. per day

development in the City would not reduce the ability of the City to provide adequate utility capacity or other services. The proposed development project would include a General Plan Amendment which would increase the number of dwelling units in the City by approximately one percent. This would result in unplanned growth in the City, however, as stated above this would not result in increases in demand for utilities beyond their current capacity. Future projects built under the proposed General Plan Amendment would be independently analyzed for impacts and any mitigation required would be implemented at that time. Therefore, the proposed development project would not have a cumulatively considerable contribution to the reduction in the availability of water or the adequate availability of utility services. **(Less than Significant Cumulative Impact)**

3.20 WILDFIRE

3.20.1 Environmental Setting

3.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara County Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the Santa Clara County WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337. The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the building and fire department.

3.20.1.2 *Existing Conditions*

The project site is located in a developed urban area of Santa Clara. The site is located outside of the Cal Fire Very High Fire Severity Zones as identified in the Cal Fire, Fire and Resource Assessment Program map.[90]

3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

[90] CalFire. Fire Hazard Severity Zones for Santa Clara County. November 6, 2007. https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf.

3) 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?
4) 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?

3.20.2.1 *Project Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

3.20.2.2 *Cumulative Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in cumulative wildfire impacts. **(No Cumulative Impact)**

SECTION 4.0 GROWTH-INDUCING IMPACTS

Impact GRO-1:	The project would not foster or stimulate significant economic or population growth in the surrounding environment. **(Less than Significant Impact)**

The CEQA Guidelines require that an EIR identify the likelihood that a proposed development project could "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Section 15126.2[d]). This section of the Draft EIR is intended to evaluate the impacts of such growth in the surrounding environment. Examples of projects likely to have significant growth-inducing impacts include removing obstacle to population growth, for example by extending or expanding infrastructure beyond what is needed to serve the project. Other examples of growth inducement include increases in population that may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

The project proposes to demolish the existing commercial building on-site and develop 57 residential units. The project would also result in a General Plan Amendment which would increase allowable residential development within the City. As discussed in *Section 3.19 Utilities and Service Systems* of this document, expansion of the existing utility infrastructure is not proposed or required because the existing utilities would have capacity for the growth which could occur under the General Plan Amendment. In addition, the site is an infill location within Santa Clara and would not require new roads to be constructed to access the site. For these reasons, the project would not foster or stimulate substantial economic growth or population growth, or the construction of additional housing in the surrounding environment.

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed development project, should it be implemented." [§15126(c)]

The project site is currently developed with three single-family residences and their associated outbuildings, and a commercial building. The proposed development project would construct a six-story mixed-use residential building with up to 50 dwelling units and four townhomes. Future development on-site would involve the use of non-renewable resources both during construction phase and future operations/use of the site. Construction would include the use of building materials, including petroleum-based products and metals that cannot reasonably be re-created. Construction would also involve the significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Upon completion of new construction on-site, occupants may use non-renewable fuels to heat the buildings.

The City of Santa Clara encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. The new buildings would be built to current codes, which require insulation and design to minimize wasteful energy consumption. The proposed development project would be constructed in compliance with CALGreen requirements and the City's policies and ordinances controlling wasteful energy use. In addition, the project would be constructed consistent with the RWQCB Municipal Regional Stormwater NPDES Permit to avoid impacts to waterways. The project site is centrally located which would provide future residents access to existing transportation networks and other services. Therefore, the proposed development project would facilitate a more efficient use of resources over the lifetime of the project. The project would not result in significant and irreversible environmental changes to the project site.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. No significant unavoidable impacts have been identified as a result of the project.

SECTION 7.0 ALTERNATIVES

7.1 OVERVIEW

CEQA requires that an EIR identify and evaluate alternatives to a project as it is proposed. Two key provisions from the CEQA Guidelines pertaining to the discussion of alternatives are included below:

> **Section 15126.6(a). Consideration and Discussion of Alternatives to the Proposed Project.** An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.
>
> **Section 15126.6(b). Purpose.** Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or be more costly.

Other elements of the Guidelines discuss that alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed development project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed development project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed development project.

The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed development project that could be reduced or avoided by an alternative, (2) consistency with the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.2 PROJECT OBJECTIVES

While CEQA does not require that alternatives be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. The objectives of the proposed development project are to:

1. Develop the site into an economically viable, mixed-use project with up to 50 residential units along with up to four townhomes to provide a distinct mix and variety of unit types to serve a broad population that will help address the City's housing needs.

2. Establish intergenerational physical and social connections through the provision of a varied mix of housing types and amenities that support community vitality in accordance with the City's General Plan.
3. Preserve two historic single-family residences and one non-historic single-family residence on-site to strengthen the cultural and historical connection of the project to the neighborhood.
4. Create and maintain a residential built environment that promotes the safety and well-being of its residents and the surrounding community.
5. Create a residential transit-oriented project balanced with community-serving amenities that connects to and enhances the City's bike and pedestrian network, while reducing vehicle trips.
6. Promote sustainability by developing a residential project on an infill and easily accessible project site through the incorporation of environmentally responsible construction techniques and conservation of energy in accordance with the major strategies of the City's General Plan.

7.3 SIGNIFICANT IMPACTS FROM THE PROJECT

The CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. Impacts that would be significant include:

- **Air Quality** - The construction of the proposed development project would create fugitive dust in the form of $PM_{2.5}$ and PM_{10} resulting from disturbed soils at the construction site. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Air Quality** - The construction of the proposed development project would create cancer risk and annual $PM_{2.5}$ and would expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Biology** - Project construction could impact nesting birds on or adjacent to the site, if present. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Cultural Resources** - The proposed development project could discover and disturb previously unknown archaeological resources during excavation and construction on the project site. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Cultural Resources** - The proposed development project could discover and disturb human remains during the excavation of the project site. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Geology** - The project site is located within a mapped liquefaction hazard zone. Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Geology** - The construction at the project site would disturb soils on-site and could result in sedimentation and runoff from the project site. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Hazardous Materials** - The surface and sub-surface soils on-site could be contaminated due to past agricultural operations. Implementation of the project could expose construction

workers and adjacent land uses to residual agricultural soil contamination. **(Less Than Significant Impact with Mitigation Incorporated)**

- **Noise** - The proposed development project construction would result in noise levels in excess of City Code noise level performance standards. **(Less Than Significant Impact with Mitigation Incorporated)**
- **Noise** - The proposed development project construction would result in vibratory levels in excess of levels that would create potential damage to surrounding structures. **(Less Than Significant Impact with Mitigation Incorporated)**

7.4 ALTERNATIVES

The City considered the following alternatives to the proposed development project:

- Location Alternative
- No Project – No Development Alternative
- Reduced Development Alternative

7.4.1 Considered and Rejected

7.4.1.1 *Location Alternative*

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location". The project proposes to construct a six-story mixed use building with up to 50 dwelling units and four townhouses on an approximately 0.45-acre site in the proposed Downtown Precise Plan area.

It is reasonable to assume that there are other sites available within the proposed Downtown Precise Plan area that could be redeveloped to support the proposed residential development if the proposed General Plan Amendment were to be approved.

The Plan area is, however, a limited geographic area and all the sites within the Plan area are within 1,000 feet of existing residential development. As such, air quality and noise construction-related impacts would be comparable to the proposed development project. Furthermore, due to the known cultural sensitivity of the City, ground-disturbance on any site in the Plan area would have the potential to uncover unrecorded subsurface resources. Lastly, impacts to nesting birds could occur on any site which has trees or where there are trees nearby.

Santa Clara is not a large geographic area and soil conditions are generally constant in that soils are susceptible to failures due to seismic activity. As such, geologic impacts from seismic activities would be found at any location. Hazardous materials contamination varies by location, but most of Santa Clara has residual soil contamination from historic agricultural activities. Therefore, while contaminants may vary by site, any alternative location would likely have some contamination issues to be remediated.

For all these reasons, the impacts of the proposed development project would not be reduced or avoided by constructed the project on a different parcel within the Plan area. Because of this, and due to the fact that the applicant does not control other parcels in the area, this alternative was not considered further.

7.4.2 No-Project – No Development Alternative

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services."

The No Project – No Development Alternative would retain the existing commercial building and single-family residences as is. If the project site were to remain as is, there would be no significant impacts. This alternative would not meet any of the project objectives. In addition, the City would lose the opportunity to redevelop an underutilized site in central location near services and transit to meet the strategies and goals of the City of Santa Clara General Plan.

The project site has a zoning designation of Historic Combining, General Office, and Community Commercial and which is intended to serve the needs of the general population. The General Office and Community Commercial districts allow for a full range of retail and commercial uses with a local or regional market which would be developed in a similar manner to the proposed development project in accordance with the zoning regulations for setbacks and height allowances. Development is expected to be auto-accommodating and includes commercial buildings as well as office space. It is possible that in the future an alternative development proposal, such as another mixed-use building, may be presented for the project site. These projects would be required to comply with zoning regulations and would have similar impacts related to construction and geologic impact areas Any future development proposals for the site would require review and approval by the City of Santa Clara.

This alternative would not result in a residential development fitting the project objectives because the zoning for the project site would not allow for a residential development.

7.4.3 Reduced Development Alternative

Impacts associated with the proposed development project would primarily result from construction of the project. While all impacts have been mitigated to less than significant, a reduced density alternative would lessen and/or avoid one of more of the construction related impacts.

A building of reduced size would require the use of heavy construction equipment for shorter period of time and could allow for greater setbacks between the new construction and existing historic buildings. This would reduce the construction impacts on historic structures resulting from construction vibration. Additionally, air quality and noise impacts during construction would be incrementally reduced. Although a reduced size alternative would lessen the impacts of noise and air quality, mitigation could still be required to reduce particulate matter and noise impacts from heavy machinery. Impacts to subsurface archaeological resources and nesting birds, and impacts from soil conditions and contamination would still occur and be comparable to the proposed development

project. Therefore, the reduced development alternative would result in similar impacts to the proposed development project.

The reduced development alternative would develop the site with residential units, which may include townhouses and would provide amenities and a housing mix which would meet project objectives 1 and 2. A reduced size of project would retain the historic structures on-site, as stated in project objective 3, and would strengthen the cultural and historical connection of the project to the neighborhood. Any development on-site would be required to comply with the local zoning regulations which promote safety and wellbeing of the surrounding environment, so the alternative would satisfy project objective 4. The alternative would create a transit-oriented development with local serving amenities and would be constructed with environmentally responsible construction techniques in accordance with the City's General Plan goals and policies. Therefore, the alternative would satisfy project objectives 5 and 6.

7.4.4 Environmentally Superior Alternative

As stated above the Location and No Project – No Development alternatives would not satisfy the project objectives, but would avoid the environmental impacts of the proposed development project. The Reduced Development Alternative would result in similar significant impacts to the proposed development project and would satisfy all project objectives. Therefore, the Reduced Development Alternative would be the environmentally superior alternative.

7.4.5 Comparison of Environmental Impacts for Alternatives to the Project

A comparison of alternatives based upon whether they avoid or substantially lessen the significant environmental effects is shown in the table below.

Impacts	Proposed Project	No Project Alternative	Reduced Development Alternative
Aesthetics	LTS	**NI**	LTS
Agricultural and Forestry Resources	NI	NI	NI
Air Quality	LTSM	**NI**	LTSM
Biological Resources	LTSM	**NI**	LTSM
Cultural Resources	LTSM	**NI**	LTSM
Energy	LTS	**NI**	LTS
Geology and Soils	LTSM	**NI**	LTSM
Greenhouse Gas Emissions	LTS	**NI**	LTS
Hazards and Hazardous Materials	LTSM	**NI**	LTSM
Hydrology and Water Quality	LTS	**NI**	LTS
Land Use	LTS	**NI**	LTS
Mineral Resources	NI	NI	NI
Noise	LTSM	**NI**	LTSM
Population and Housing	LTS	**NI**	LTS
Public Services	LTS	**NI**	LTS
Recreation	LTS	**NI**	LTS
Transportation/Traffic	LTS	**NI**	LTS
Tribal Cultural Resources	LTS	**NI**	LTS
Utilities and Service Systems	LTS	**NI**	LTS
Wildfire	NI	NI	NI
Meets City's Objectives?	Yes	No	Yes

NI=No Impact
LTS= Less than Significant Impact
LTSM= Less than Significant Impact with Mitigation Incorporated

SECTION 8.0 REFERENCES

The analysis in this Environmental Impact Report is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 9.0 LEAD AGENCY AND CONSULTANTS

9.1 LEAD AGENCY

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