# Draft Initial Study/ Mitigated Negative Declaration

# 3000 Bowers Avenue Office Project

## File Nos.: PLN2019-14222/CEQ2021-01091

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

**February 2022**

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

# SECTION 1.0 INTRODUCTION AND PURPOSE

## 1.1 PURPOSE OF THE INITIAL STUDY

The City of Santa Clara, as the Lead Agency, has prepared this Initial Study for the 3000 Bowers Avenue Office Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Santa Clara, California.

The project proposes to construct two new office buildings. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

## 1.2 PUBLIC REVIEW PERIOD

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

Debby Fernandez, Associate Planner
City of Santa Clara
Community Development Department
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Email: Dfernandez@SantaClaraCA.gov

## 1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

## 1.4 NOTICE OF DETERMINATION

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

# SECTION 2.0 PROJECT INFORMATION

## 2.1 PROJECT TITLE

3000 Bowers Avenue Office Project, File Numbers: PLN2019-14222/ CEQ2021-01091

## 2.2 LEAD AGENCY CONTACT

Debby Fernandez, Associate Planner
City of Santa Clara
Community Development Department
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Email: Dfernandez@santaclaraca.gov

## 2.3 PROJECT APPLICANT

Jeffrey Sobrato
The Sobrato Organization
599 Castro Street Suite 400
Mountain View, CA 94041
Email: jeff@sobrato.com

## 2.4 PROJECT LOCATION

The project site is located at 3000 Bowers Avenue in the City of Santa Clara. Refer to Figures 2.4-1, 2.4-2, and 2.4-3 for the regional map, vicinity map, and aerial photograph and surrounding land uses of the site.

## 2.5 ASSESSOR'S PARCEL NUMBER

APN 216-48-033

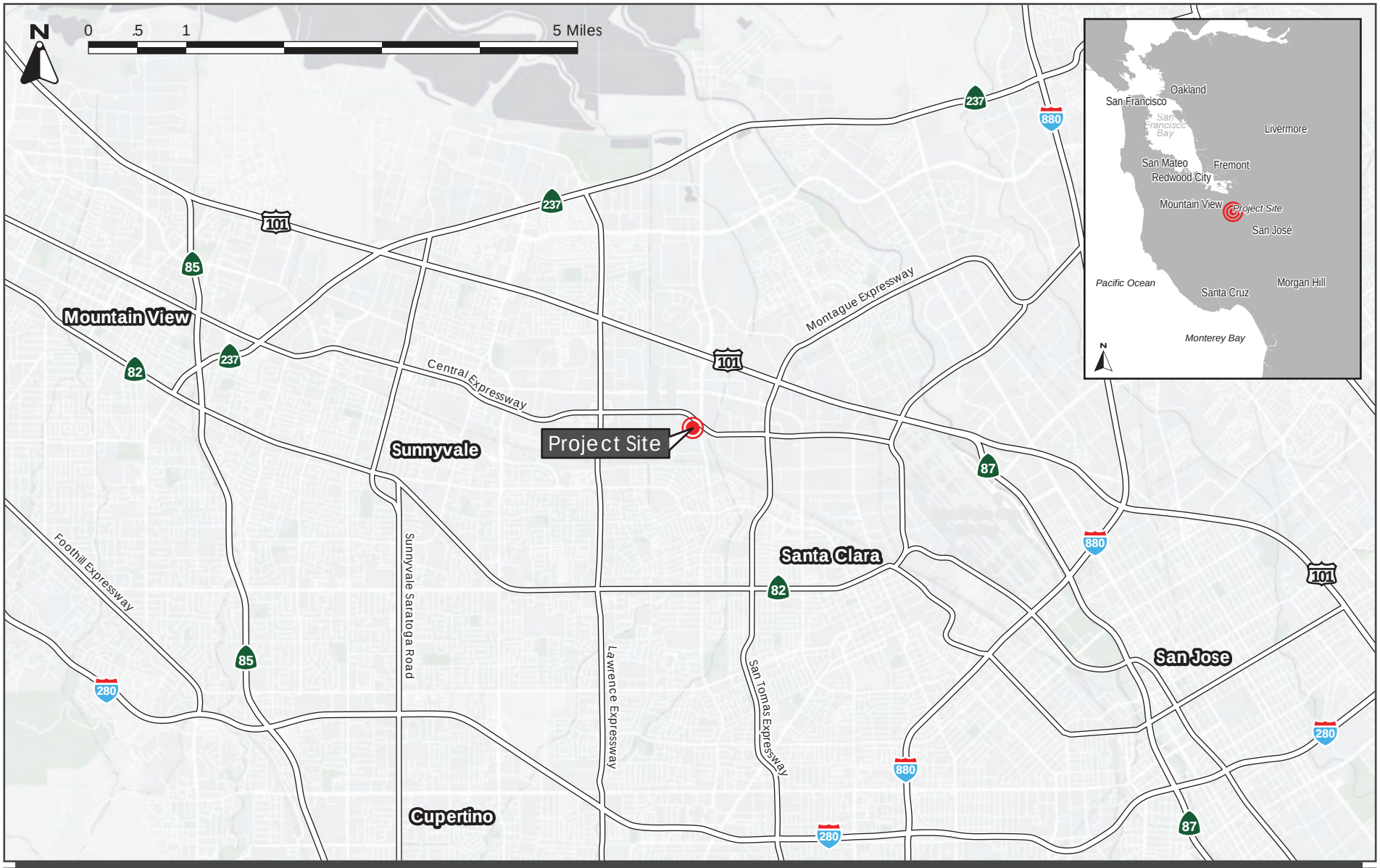
## 2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: *High Intensity Office/R&D*
Zoning District: *Light Industrial (ML)*

## 2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The discretionary approvals required for the proposed project include, but are not limited to, the following:

- Modification to increase maximum building height from 70 feet to 87.5 feet and decrease minimum parking requirement from 1,100 spaces to 980 spaces.
- Architectural Approval
- Issuance of Demolition, Grading, Building, and Occupancy permits




REGIONAL MAP

FIGURE 2.4-1

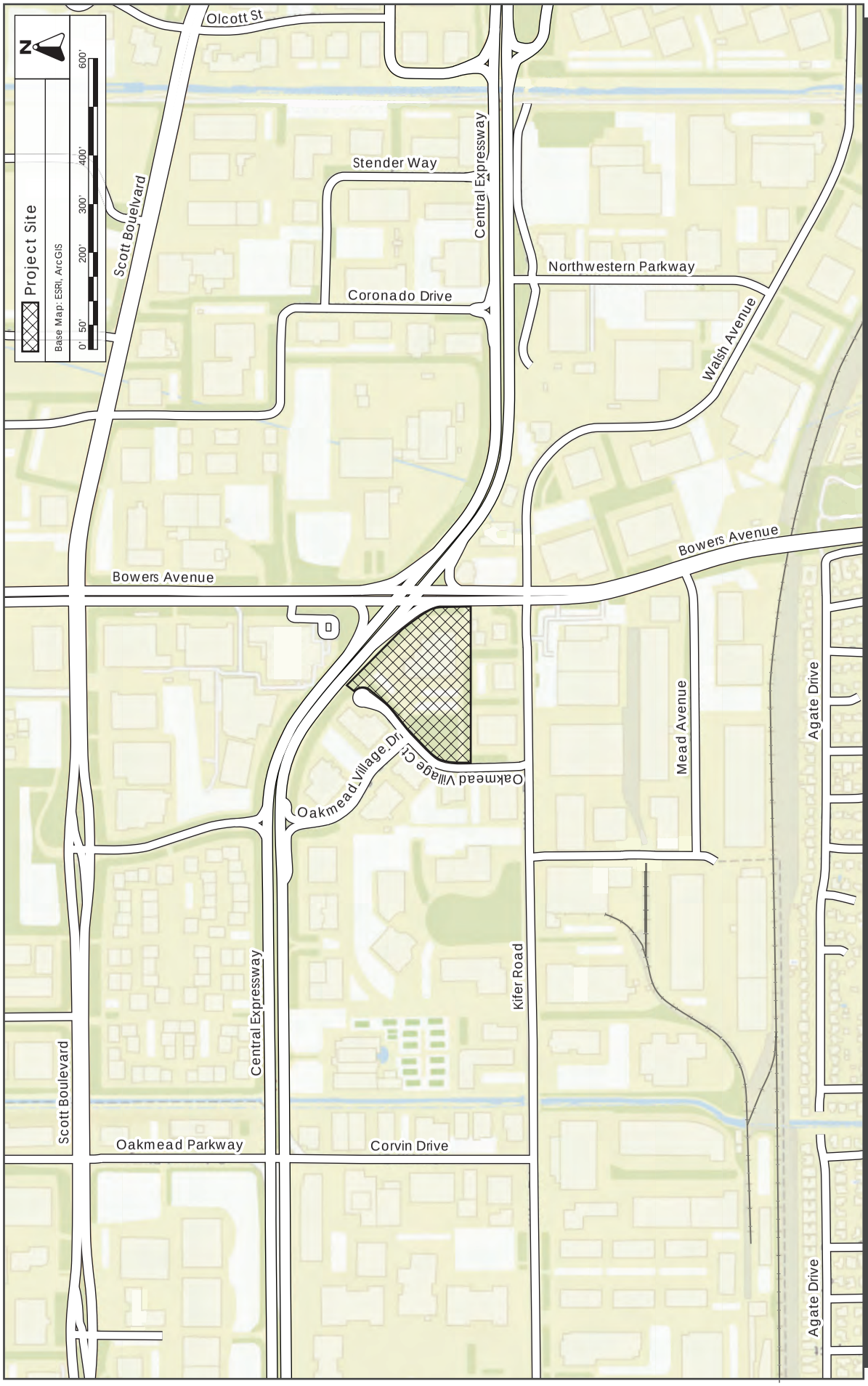
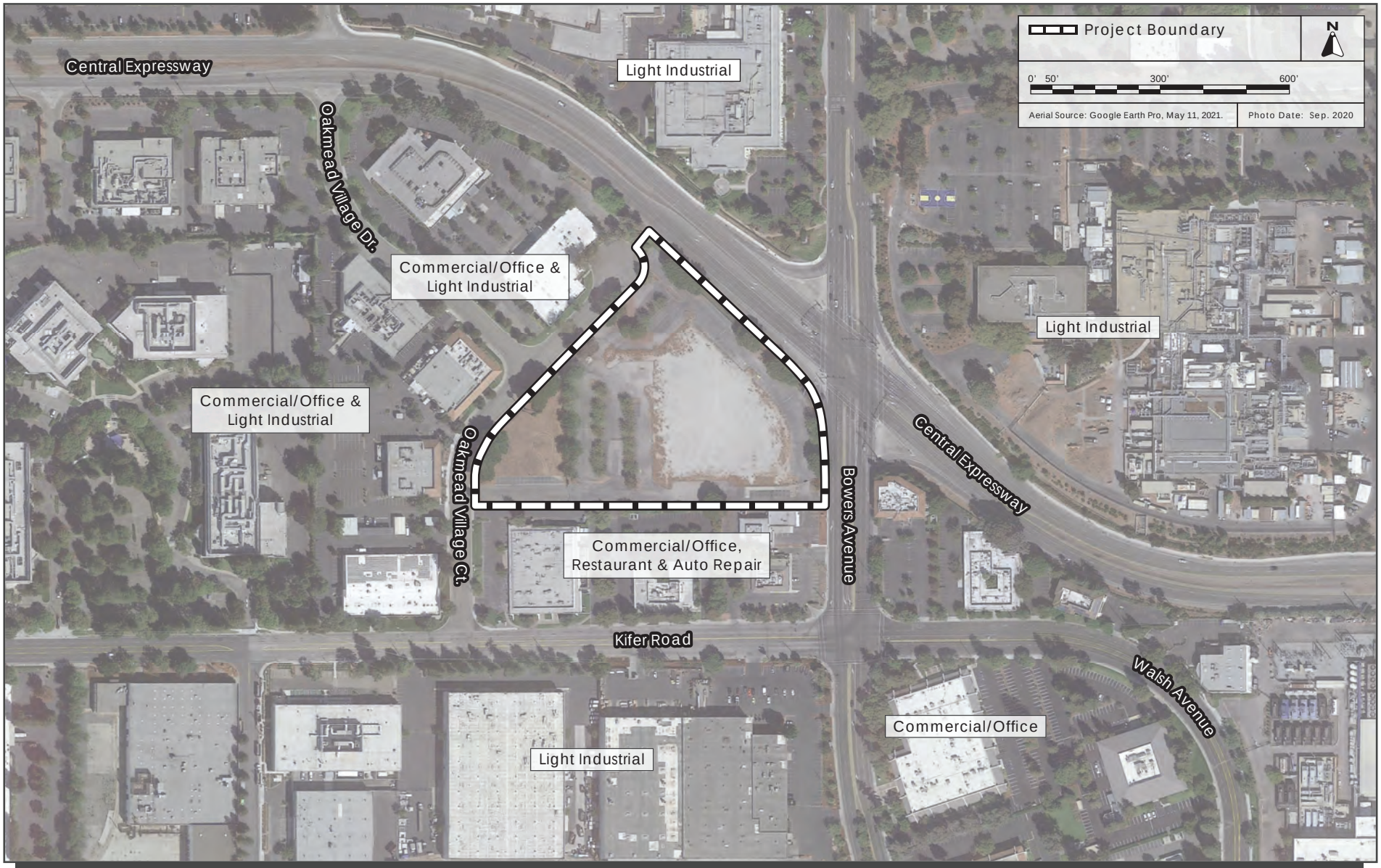



FIGURE 2.4-2

VICINITY MAP




AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

# SECTION 3.0 PROJECT DESCRIPTION

## 3.1 PROJECT LOCATION AND SETTING

The 7.2-acre project site (APN 216-48-033) is located at 3000 Bowers Avenue in the City of Santa Clara. The site is surrounded by Bowers Avenue and office buildings to the east, Central Expressway and industrial buildings to the north, Oakmead Village Court, industrial, and office buildings to the west, and retail/restaurant, automobile repair, and office buildings to the south. Regional, vicinity, and aerial maps of the project site are shown on Figures 2.4-1, 2.4-2, and 2.4-3, respectively. The project site is a vacant lot that consists of a surface parking lot, and landscaping.

## 3.2 PROJECT DESCRIPTION

The project is proposing to construct two 165,000 square foot five-story office buildings totaling 330,000 square feet; a five-level parking garage and surface lots providing a total of 980 parking spaces; and site and public-right-of-way improvements (Figures 3.2-1 through 3.2-3 show the project site plan and building elevations). The maximum height of the office buildings would be 87.5 feet above the ground surface at the top of the roof screen and the maximum height of the parking structure would be 63.5 feet above the ground surface at the top of the elevator tower. The proposed project would result in a floor area ratio (FAR) of 1.05.

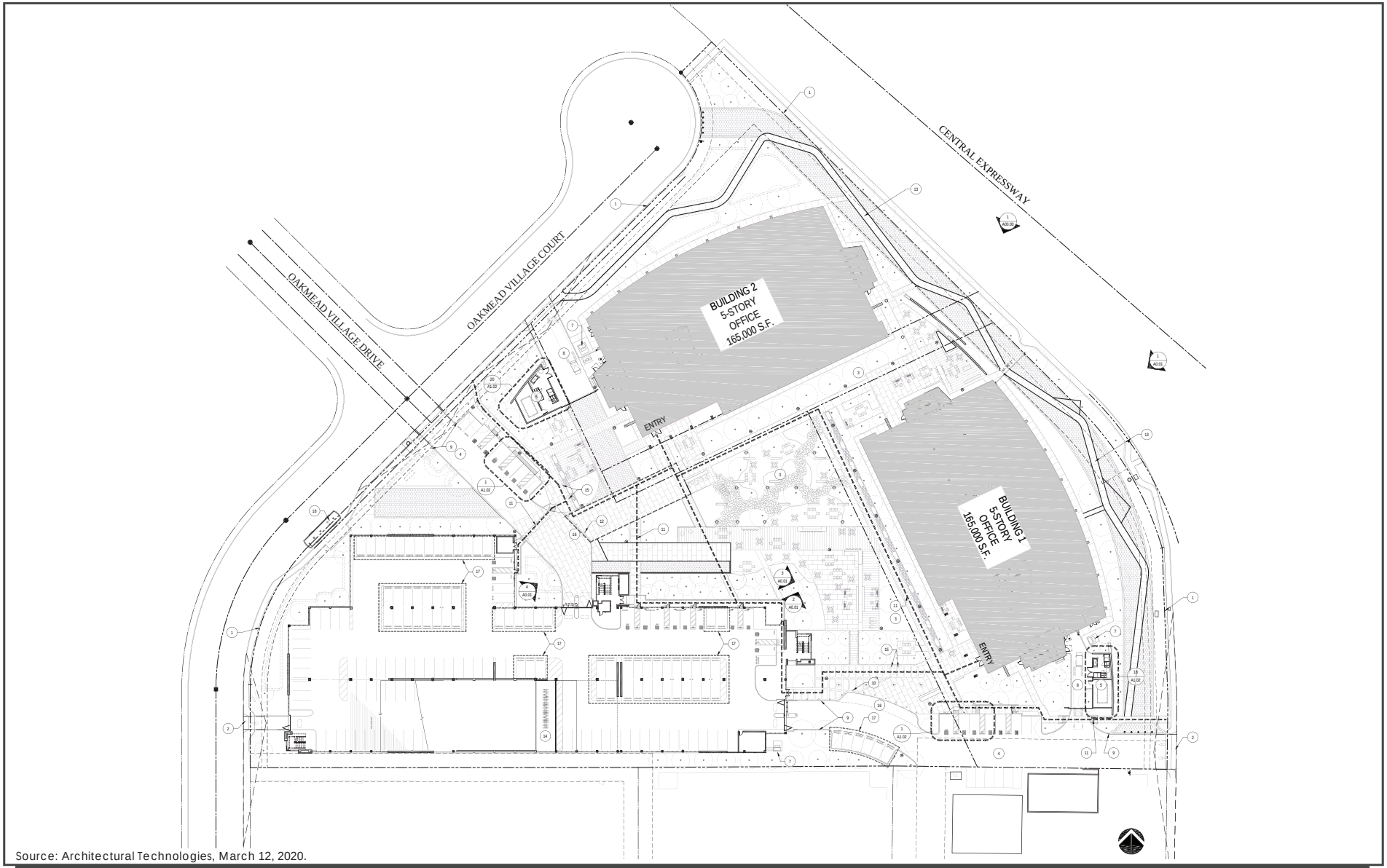
The project would construct new five-foot wide sidewalks along the site's frontage on Oakmead Village Court and Central Expressway, which would connect to the existing sidewalk on Bowers Avenue. The project proposes to replace the existing driveways on Oakmead Village Court and Bowers Avenue. Vehicles would enter and exit the site by a right-in/right-out only driveway on Bowers Avenue as well as one full-access driveway and one exit-only driveway on Oakmead Village Court. The northern full-access driveway on Oakmead Village Court would be located at the Oakmead Village Court/Oakmead Village Drive intersection opposite Oakmead Village Drive. The southern exit-only driveway on Oakmead Village Court would exit from the parking garage.

An internal roadway spanning driveways on Oakmead Village Court and Bowers Avenue would provide access to the parking. Pedestrian paths would be included throughout the site, providing connections to buildings and outdoor recreational areas. The project would provide 980 parking spaces, including 958 spaces within the proposed parking structure and 22 surface parking spaces.

The proposed office buildings would be set back a minimum of 20 feet from Oakmead Village Court, 35 feet from Central Expressway, and 20 feet from Bowers Avenue. The parking structure would be set back a minimum of 15 feet from Oakmead Village Court.

### 3.2.1 Utilities

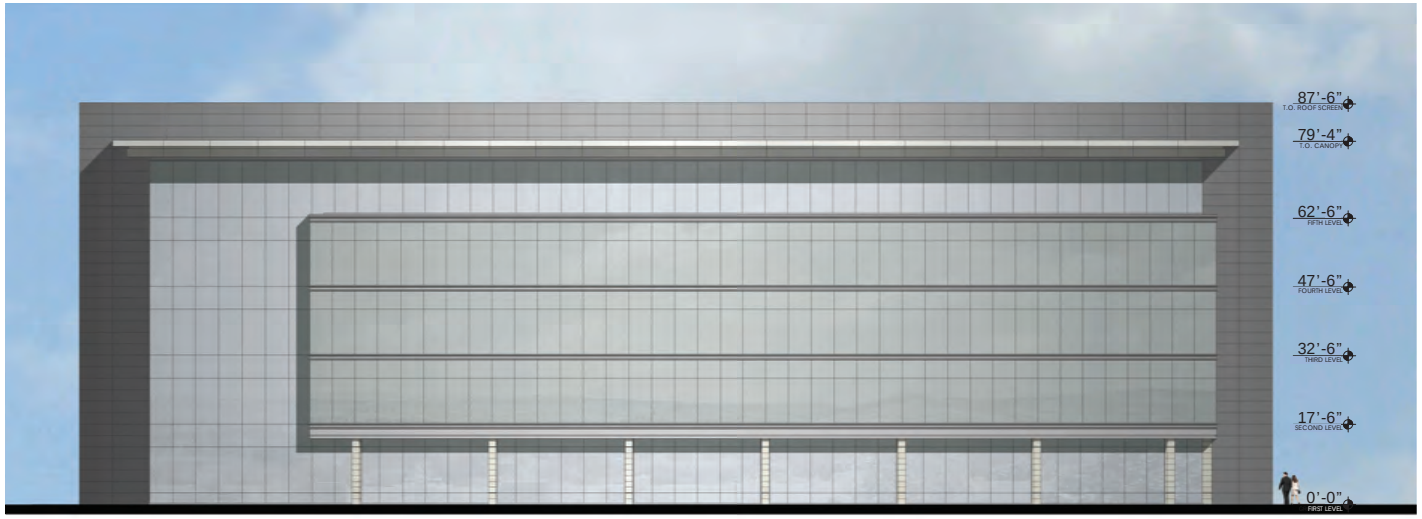
Stormwater runoff would flow to bioretention treatment areas and would be collected via on-site catch basins. Stormwater would be treated and then directed to the City's stormwater system.



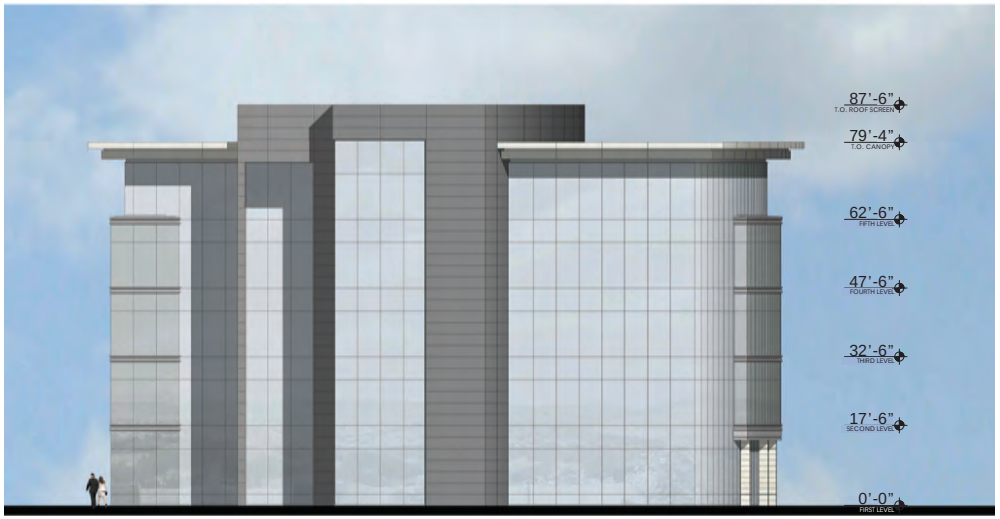

Source: Architectural Technologies, March 12, 2020.

SITE PLAN

FIGURE 3.2-1




FRONT ELEVATION




SIDE ELEVATION

Source: Architectural Technologies, March 12, 2020.

OFFICE BUILDING ELEVATIONS | FIGURE 3.2-2


NORTH ELEVATION


SOUTH ELEVATION

Source: Architectural Technologies, March 12, 2020.

PARKING STRUCTURE ELEVATIONS | FIGURE 3.2-3

New domestic and fire service water lines would connect to existing and new 12-inch water mains on Oakmead Village Court and an existing 10-inch water main on Bowers Avenue. The project's new sanitary sewer lines would connect to an existing 12-inch sanitary sewer line on Oakmead Village Court.

Electricity at the project site would be provided by Silicon Valley Power (SVP) and natural gas would be provided by Pacific Gas and Electric (PG&E). Solid waste services would be provided by Mission Trail Waste System.

### 3.2.2 Landscaping and Outdoor Areas

The project site contains a total of 57 trees, 43 of which would be removed and replaced with new trees. The proposed office development would have landscaping throughout the site, including trees and shrubs planted along the perimeter of the buildings and in the surface parking lot area. The development would also include outdoor deck areas with seating and meeting areas. Recreational areas available to the tenants are proposed including game tables and outdoor kitchen/barbeque areas.

### 3.2.3 Green Building Measures

The project would comply with the California Green Building Standards code (CALGreen) and achieve a minimum of 50 points through the GreenPoint Rated certification system or a Leadership in Energy and Energy and Environmental Design (LEED) Silver certification. The project would include the following green building measures:

- Access to public transit
- Bicycle facilities
- Electric vehicle (EV) charging stations
- Construction in conformance with Title 24 and CALGreen requirements to promote energy and water efficiency
- Buildings constructed with low-emitting interior building materials (e.g., flooring and ceilings)
- Construction waste management
- Use of recycled materials during construction

### 3.2.4 Transportation Demand Management Plan

In compliance with the City's Climate Action Plan, the project would achieve a 20 percent vehicle-miles traveled (VMT) reduction, of which half (a 10 percent reduction) would be achieved with implementation of the project's transportation demand management (TDM) measures and the remaining 10 percent from the project's design and location. The project would include the following TDM measures:

- On-site Transportation Coordinator
- Provide transportation information packets for new employees
- "Online Kiosk": online transportation information center
- Bicycle parking
- Showers and changing rooms

- Biking Resources (maps and information)
- Preferential parking for carpools and vanpools
- Passenger loading zone for drop-off and pick-up
- On-site ride-matching assistance
- Rideshare resources
- Incentives for new vanpools
- Pre-tax benefit for employees (Clipper Direct)
- Emergency Ride Home Program
- Telecommute/Flexible Work Schedule
- Employee mode share surveys
- Annual driveway counts
- Annual reporting to City

### 3.2.5 Construction and Demolition

Demolition and construction of the proposed office project would take approximately 14 months. The project would remove approximately 9,595 cubic yards of soil from the site and import 1,000 cubic yards of fill to the site. Construction activities would include excavation, grading, building construction, and paving. Construction equipment would be staged on-site.

### 3.2.6 General Plan and Zoning

The project site has a General Plan land use designation of High Intensity Office/Research and Development (R&D) and has a zoning designation of ML - Light Industrial. The General Plan designation allows development with up to a 2.0 FAR, which would permit up to approximately 628,000 square feet of development on the site. The High Intensity Office/R&D General Plan designation is intended for high-rise or campus-like developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted.

The ML - Light Industrial zoning designation for the site is intended to provide an optimum general industrial environment and to accommodate industries operating substantially within an enclosed building. Permitted uses under this district include commercial storage and wholesale distribution warehouses, as well as plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing, or treatment of equipment, materials, merchandise, or products.[1] The zoning allows for a maximum building height of 70 feet and the proposed office use would require 1 parking space per 300 square feet of gross floor area.

The proposed project is consistent with the existing General Plan designation. The project includes a Modification application to increase the maximum building height to 87.5 feet and reduce the minimum parking requirement to 980 spaces for the proposed development. Please see Section 4.11, Land Use for a full discussion of the project's consistency with applicable land use controls.

[1] City of Santa Clara. *City Code: Chapter 18.48, Regulations for ML – Light Industrial Zoning Districts.* Accessed January 6, 2021. https://www.codepublishing.com/CA/SantaClara/#!/SantaClara18/SantaClara1848.html#18.48.

# SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

| | | | |
|---|---|---|---|
| 4.1 | Aesthetics | 4.12 | Mineral Resources |
| 4.2 | Agriculture and Forestry Resources | 4.13 | Noise |
| 4.3 | Air Quality | 4.14 | Population and Housing |
| 4.4 | Biological Resources | 4.15 | Public Services |
| 4.5 | Cultural Resources | 4.16 | Recreation |
| 4.6 | Energy | 4.17 | Transportation |
| 4.7 | Geology and Soils | 4.18 | Tribal Cultural Resources |
| 4.8 | Greenhouse Gas Emissions | 4.19 | Utilities and Service Systems |
| 4.9 | Hazards and Hazardous Materials | 4.20 | Wildfire |
| 4.10 | Hydrology and Water Quality | 4.21 | Mandatory Findings of Significance |
| 4.11 | Land Use and Planning | | |

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 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) 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.

## 4.1 AESTHETICS

### 4.1.1 Environmental Setting

#### 4.1.1.1 *Regulatory Framework*

**State**

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 within the City of Santa Clara.

In Santa Clara County, the one state-designated scenic highway is State Route (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]

**Local**

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. 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
- Enhance the aesthetic appearance, functional relationships, neighborhood compatibility and excellent design quality

[2] California Department of Transportation (Caltrans). California Scenic Highways. Accessed January 7, 2022. https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a.

Architectural Policies – Community Design Guidelines

The City's Architectural Review Process considers plans, and drawings submitted for architectural review for design, aesthetic considerations, and consistency with zoning standards, generally prior to submittal for building permits. In reviewing architectural submittals, the Director of Community of Development 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.

#### 4.1.1.2 *Existing Conditions*

**Project Site**

The site is developed with a paved surface parking lot on the eastern section of the site. An unpaved area that consists of grasses and gravel at the location of a former office building is also located on the eastern section of the site. An undeveloped area, consisting of grasses and trees, is located on the western corner of the site. Trees are also located in the surface parking area throughout the site and along the perimeter of the site. The southern section of the site includes a paved driveway and aisle that provides access to the site. Views of the project site are shown on Photos 1 through 3.

**Surrounding Land Uses**

Development in the project area consists mostly of commercial/office and light industrial land uses. The building heights vary by land use from one to three stories. There are two office buildings (one and two story), a one-story fast-food restaurant, and a one-story automobile repair shop (refer to Photos 3, 5, and 6) to the south of the site. The office buildings and restaurant are made of concrete with tinted windows along the front façade and flat and Mansard-styled roofs.[3] The automobile repair business is also made of concrete and has a flat roof.

To the east of Bowers Avenue, west of Oakmead Village Court, and north of Central Expressway are one- to three-story concrete office buildings with tinted windows and flat and Mansard-styled roofs. All of the surrounding developments have paved surface parking lots and well-maintained landscaping (refer to Photos 4 through 8).

**Scenic Views and Resources**

A scenic vista is the view of an area that is visually or aesthetically pleasing. No designated scenic vistas or view corridors are located within the City; however, the City of Santa Clara 2010-2035 General Plan Integrated Environmental Impact Report lists the Santa Cruz Mountains, Diablo Range, San Tomas Aquino Creek, and the Guadalupe River as "visual resources" that can be viewed from areas within the City. Other areas within the City provide views of the community and surrounding natural features, including views of the open space/undeveloped land in the Ulistac Natural Area (approximately two miles northeast of the site). Views of the Santa Cruz Mountains to the west, Diablo Range to the east, and the Ulistac Natural Area to the northeast, from the project area, are obstructed due to existing urban development and landscaping.

[3] A Mansard roof is a roof has two slopes on every side, with the lower slope being considerably steeper than the upper.

**Photo 1:** View of the project site from the adjacent parking lot, facing north.

**Photo 2:** View of the project site from across Bowers Avenue, facing west.

PHOTOS 1 & 2

**Photo 3:** View of landscaped area on the southeastern corner of the site and adjacent office building, looking southeast.

**Photo 4:** View of office building looking east, from Bowers Avenue.

PHOTOS 3 & 4


**Photo 5:** View of commercial buildings, looking south, from Bowers Avenue.

**Photo 6:** View of adjacent office building, looking south.

PHOTOS 5 & 6

**Photo 7:** View of office building across Oakmead Village Court, looking west.

**Photo 8:** View of office building across Oakmead Village Court/Oakmead Village Drive, looking northwest.

PHOTOS 7 & 8

There are no state-designated scenic roadways near the project site. The nearest state-designated highway is SR 9/Los Gatos-Saratoga Road, approximately nine miles southwest of the site.[4]

The project site and the surrounding area are relatively flat and, as a result, the site is only visible from the immediate area.

**Light and Glare**

Sources of light and glare in the project area include streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

### 4.1.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |

#### 4.1.2.1 *Project Impacts*

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

The project site is developed with a surface parking lot and is located within an urban, developed area of the City of Santa Clara. The project site itself is not a designated scenic vista, and there are no designated scenic vistas in the City. The project site is surrounded by commercial/office and light industrial developments and is not in proximity to any scenic resources (e.g., the Ulistac Natural Area, Santa Cruz Mountains, Diablo Range). Given the distance of these resources from the project

[4] Caltrans. Caltrans State Scenic Highway Program. Accessed January 7, 2022. https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a..

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

area, flat topography of the area, and surrounding development which blocks views, the proposed office development would not result in an impact to views of scenic vistas within or surrounding the City. **(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. (No Impact)** |

As stated in Section 4.1.1.2, Existing Conditions, the project site is not located within or in the vicinity of a scenic highway. Therefore, the project would not damage scenic resources within a state scenic highway. **(No Impact)**

| | |
|---|---|
| **Impact AES-3:** | **The project would not conflict with applicable zoning and other regulations governing scenic quality. (Less than Significant Impact)** |

The project site is currently developed with a surface parking lot and includes landscaping. Development of the project would include construction of two five-story office buildings, a parking garage and surface parking lots, landscaping and site improvements. The proposed buildings would be primarily made of tinted glass with aluminum framing and reach a maximum height of 87.5 feet. The proposed buildings would be comparable in size and scale to the buildings in the surrounding area, and would not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area.

Approximately 43 trees are planned to be removed for the project. The trees to be removed are common species for the area. The project would plant at least 86 new trees on-site to replace the removed trees. As discussed in Section 4.4, Biological Resources, the planned replacement trees would meet City of Santa Clara tree replacement guidelines. Furthermore, site development would be subject to the City's Development Review Hearing process for architectural review. Therefore, the project would not conflict with the City's regulations related to scenic quality. **(Less Than Significant Impact)**

| | |
|---|---|
| **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)** |

The project site is located in an urbanized area with existing sources of light, including exterior lighting sources from the current development on-site and surrounding developments. The proposed office project would incrementally increase the level of illumination in the area. The proposed building would include interior lighting and exterior security lighting on the site, along walkways, driveways, entrance areas, and within the parking garage. The outside lighting would comply with the City's lighting requirements (City Code Section 18.48.140[6]) and would be comparable in brightness to the ambient lighting in the surrounding area. The new building would be constructed with non-reflective materials and would not result in glare to adjacent buildings. The project,

[6] Section 18.48.140 states that lighting shall reflect away from residential areas and public streets.

therefore, would not significantly impact adjacent land uses due to increased nighttime light levels or daytime glare from building materials. **(Less than Significant Impact)**

## 4.2 AGRICULTURE AND FORESTRY RESOURCES

### 4.2.1 Environmental Setting

#### 4.2.1.1 *Regulatory Framework*

**California Resources Agency 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]

**CAL FIRE - 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]

#### 4.2.1.2 *Existing Conditions*

The project site is located in a developed, urban area of Santa Clara and is surrounded by office, industrial, and commercial uses. The project site is within the ML zoning district. The Santa Clara County Important Farmland 2016 Map designates the project site as "Urban and Built-Up Land."[11] Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common

[7] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed January 6, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[8] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca. Accessed January 6, 2022.
[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 7, 2022. http://frap.fire.ca.gov/.
[11] California Department of Conservations. *California Important Farmland Finder*. Accessed January 6, 2022. https://maps.conservation.ca.gov/DLRP/CIFF/.

examples of “Urban and Built-Up Land” are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses. The site is not subject to a Williamson Act contract.

The project site and surrounding area do not meet the definition of forest land or timberland.[12]

### 4.2.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |

[12] According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, “Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

| | |
|---|---|
| **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 located in an area designated "Urban and Built-Up Land" by the California Resource Agency. The proposed project would not affect a farmland area mapped pursuant to the Farmland Mapping and Monitoring Program. For these reasons, the proposed project would not convert farmland to non-agricultural use. **(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 Light Industrial and is not zoned for agricultural use. The project site is not subject to a Williamson Act contract. For these reasons, the proposed project would not conflict with agricultural zoning or a 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)** |

Per Sections 12220(g) and 4526 of the California Public Resources Code, the project site does not meet the definition of forest land or timberland. Therefore, the project would not conflict with existing zoning or cause rezoning of forest land or timberland. **(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)** |

As identified above in discussion of Impact AG-3, the project site is not designated as forest land or timberland. Therefore, the proposed project would not result in a loss of forest land. **(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 not designated by the California Natural Resources Agency as important farmland. The site is not designated as forest land. The site is not adjacent to farmland or forest land. The project, therefore, would not result in the conversion of farmland or forest land to a non-agricultural or non-forest use. **(No Impact)**

## 4.3 AIR QUALITY

The following discussion is based in part on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on May 14, 2020. A copy of the report is provided in Appendix A of this Initial Study.

### 4.3.1 Environmental Setting

#### 4.3.1.1 *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.[13] 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 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

**Table 4.3-1: 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<br>• Irritation of eyes<br>• Cardiopulmonary function impairment |
| Nitrogen Dioxide ($NO_2$) | Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions | • Aggravation of respiratory illness<br>• 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<br>• Aggravation of respiratory and cardiorespiratory diseases<br>• Increased cough and chest discomfort<br>• 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<br>• Chronic eye, lung, or skin irritation<br>• 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

[13] 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**

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).[14] 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.

#### 4.3.1.2 *Regulatory Framework*

**Federal and 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.

[14] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed January 3, 2022. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

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.[15]

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.

[15] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. Accessed January 3, 2022. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

## Local

City of Santa Clara General Plan

The City of Santa Clara 2010-2035 General Plan includes goals, policies, and actions to reduce air pollutants and exposure to toxic air contaminants (TACs). The following goals, policies, and actions are applicable to the proposed project:

| Policies | Description |
|---|---|
| 5.10.2-P3 | Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants. |
| 5.10.2-P6 | Require "Best Management Practices" for construction dust abatement. |

### 4.3.1.3 *Existing Conditions*

## Climate and Topography

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Diablo Range on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward Santa Clara.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restricts horizontal dilution give Santa Clara a relatively high atmospheric potential for pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

## Existing Air Pollutant Levels

BAAQMD monitors air pollution at various sites within the Bay Area. The nearest official monitoring station to the City of Santa Clara is located at 158 East Jackson Street in San José, approximately five miles southeast of the site. Pollutant monitoring results for the years 2017 to 2019 (the most current data available) at the San José monitoring station are shown in Table 4.3-2.

| Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations | | | | |
|---|---|---|---|---|
| **Pollutant** | **Standard** | **Days Exceeding Standard** | | |
| | | **2017** | **2018** | **2019** |
| **San José Station** | | | | |
| Ozone | State 1-hour | 6 | 2 | 6 |
| | Federal 8-hour | 6 | 3 | 9 |
| Carbon Monoxide | Federal 8-hour | 0 | 0 | 0 |
| | State 8-hour | 0 | 0 | 0 |
| Nitrogen Dioxide | State 1-hour | 1 | 0 | 0 |
| | Federal 1-hour | 0 | 0 | 0 |
| $PM_{10}$ | Federal 24-hour | 0 | 1 | 0 |
| | State 24-hour | 6 | 6 | 5 |
| $PM_{2.5}$ | Federal 24-hour | 18 | 18 | 1 |
| **Source:** BAAQMD. Air Pollution Summaries (2017-2019). Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries. | | | | |

The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level $O_3$ and $PM_{2.5}$, nor does it meet state standards for $PM_{10}$. The Bay Area is considered in attainment or unclassified for all other pollutants.

### Local Community Risks/Toxic Air Contaminants

The project area includes both mobile and TAC sources. The primary mobile TAC sources within 1,000 feet of the site include emissions from vehicles travelling along Central Expressway to the north, and Bowers Avenue to the east. BAAMQD-permitted stationary TAC sources within 1,000 feet of the site include office and industrial uses located on 3000 Oakmead Village Drive, 3050 Bowers Avenue, and 3065 Bowers Avenue.[16]

### Sensitive Receptors

There are no sensitive receptors within 1,000 feet of the project site. The nearest sensitive receptors are residences approximately 1,750 feet south of the site.

### Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are

[16] BAAQMD. Permitted Stationary Sources Risk and Hazards. Accessed January 3, 2022. https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65.

typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The project site is in an office R&D and commercial area and is not surrounded by facilities that produce substantial odors.

### 4.3.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

**Bay Area Air Quality Management District**

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 4.3-3.

| Table 4.3-3: 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) | |

## Friant Ranch Case

In a 2018 decision (*Sierra Club v. County of Fresno*), the Supreme Court of California determined that CEQA requires that the potential for the project's emissions to affect human health in the air basin must be disclosed when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute considerably to a significant cumulative impact. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria air pollutants, it is assumed not to have an adverse health effect with respect to those pollutants.

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

### 2017 BAAQMD Clean Air Plan

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the Clean Air Plan. In general, a project is considered consistent if, a) the plan supports the primary goals of the Clean Air Plan; b) includes relevant control measures; and c) does not interfere with implementation of Clean Air Plan control measures. The project supports the goals of the 2017 BAAQMD CAP of protecting public health and protecting the climate and is consistent with BAAQMD CAP transportation, building, natural and working lands, and water control measures by:

- Implementing mitigation/avoidance measures to reduce criteria air pollutant emissions during construction,
- Reducing motor vehicle miles traveled (VMT) by proposing office/employment development in proximity to existing/proposed/planned pedestrian, bicycle, and transit facilities,
- Including a TDM program that encourages automobile-alternative transportation, and ridesharing,
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 and California Green Building Standards Code,
- Planting new trees in accordance with The City's General Plan Policy 5.3.1-P10 to reduce the urban heat island effect, and
- Complying with the City's construction debris diversion ordinance and state waste diversion requirements to reduce the amount of waste in landfills.

The project as proposed would not disrupt or hinder the implementation of applicable control measures. **(Less than Significant Impact)**

### Regional Criteria Pollutants

As discussed previously in Section 4.3.1.3, 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 the California Clean Air Act. The area is also considered to be in non-attainment for $PM_{10}$ under the California Clean Air Act. 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 and are summarized in Table 4.3-4 and Table 4.3-5 and described below.

Construction Period Emissions - Criteria Pollutants

The California Emissions Estimator Model (CalEEMod) was used to estimate annual emissions for on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The CARB Emission Factors 2017 (EMFAC2017) model was also used to predict emissions from construction traffic that includes worker and truck trips. The proposed project would have a construction duration

of approximately 14 months.[17] The project land use types and size, and anticipated construction schedule, were input to CalEEMod. Table 4.3-4 below shows the average daily construction emissions of ROG, $NO_X$, $PM_{10}$ exhaust, and $PM_{2.5}$ exhaust during construction of the project.

| **Table 4.3-4: Construction Period Emissions** | | | | |
|---|---|---|---|---|
| **Scenario** | **ROG** | **$NO_X$** | **$PM_{10}$ Exhaust** | **$PM_{2.5}$ Exhaust** |
| Total construction emissions 2021-2022 | 2.3 tons | 5.6 tons | 0.28 tons | 0.22 tons |
| **Average daily emissions[1]** | **14.9 lbs/day** | **37.1 lbs/day** | **1.9 lbs/day** | **1.4 lbs/day** |
| BAAQMD Thresholds | 54 lbs/day | 54 lbs/day | 82 lbs/day | 54 lbs/day |
| ***Exceed Threshold?*** | ***No*** | ***No*** | ***No*** | ***No*** |
| [1]Assumes 979 workdays | | | | |

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.

As shown in Table 4.3-4 above, construction emissions for the proposed project would not exceed BAAQMD thresholds. Implementation of the BAAQMD best management practices (BMPs) listed below, would ensure impacts are reduced to a less than significant level.

**Conditions of Approval:** The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

[17] Construction was estimated to start in January 2021 and end in March 2022. Given construction would occur later than what was estimated in the air quality model, project construction emissions are assumed to be lower since more modern construction equipment that generates less emissions would be used.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number of the on-site project superintendent to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The project, with the implementation of the above BMPs, would reduce fugitive dust emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing $PM_{10}$ and $PM_{2.5}$ exhaust emissions from construction equipment. The project would, therefore, not result in a significant criteria air pollutant impact from construction emissions**. (Less Than Significant Impact)**

Operational Criteria Pollutant Emissions

Operational air pollutant emissions from the proposed project would be generated primarily from vehicles driven by future employees, customers, and vendors. Evaporative emissions from architectural coatings and maintenance products are typical emissions from these types of uses. CalEEMod, EMFAC2017, and Santa Clara County vehicle emissions factors were used to estimate emissions from operation of the proposed project. In addition to operational emissions generated from the above uses, it was assumed the project would include three 1,000-kilowatt (kW) emergency generators, powered by diesel engines. The air quality analysis assumed the project would achieve full build out and be operational in 2023. Table 4.3-5 below shows average daily emissions of ROG, $NO_X$, total $PM_{10}$ and total $PM_{2.5}$ during operation of the project.

**Table 4.3-5: Operational Period Emissions**

| Scenario | ROG | $NO_X$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| Annual 2023 Project Operational Emissions | 2.9 tons | 2.1 tons | 2.1 tons | 0.6 tons |
| BAAQMD Thresholds (tons/year) | 10 tons | 10 tons | 15 tons | 10 tons |
| **Exceed Threshold?** | **No** | **No** | **No** | **No** |
| Daily 2023 Project Operational Emissions[1] | 16.1 lbs | 11.4 lbs | 11.5 lbs | 3.3 lbs |
| BAAQMD Thresholds (pounds/day) | 54 lbs | 54 lbs | 82 lbs | 54 lbs |
| **Exceed Threshold?** | **No** | **No** | **No** | **No** |

[1]Assumes 365-day operation.

The project's operational criteria pollutant emissions would be below BAAQMD's screening thresholds. Therefore, the project would not result in a significant operational criteria pollutants impact in a region classified as non-attainment. **(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)** |

As discussed in the response to Impact AIR-1, the proposed project's construction and operational criteria pollutant emissions would not exceed the BAAQMD significance thresholds. Since the project would have a less than significant criteria pollutant impact, the 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:** | **The project would not expose sensitive receptors to substantial pollutant concentrations. (No Impact)** |

The project would construct an office development with three emergency diesel-operated generators, which would be considered stationary TAC sources. Diesel-operated construction equipment would also be a TAC source at the site. Based on BAAQMD CEQA Air Quality Guidelines, TAC sources have the potential to impact off-site sensitive receptors located within 1,000 feet of a project site. Given the nearest sensitive receptors are 1,750 feet south of the project site, the project would not result in TAC impacts to off-site sensitive receptors. **(No Impact)**

| | |
|---|---|
| **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)** |

No new stationary odor sources are proposed as part of the proposed project; the project would not expose existing nearby sensitive receptors to new odor sources. Operation of construction equipment could create objectionable odors, however, due to the localized and temporary nature of construction-related odors, construction of the project would not generate odors that would affect a substantial number of people. **(Less Than Significant Impact)**

## 4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report completed by Kielty Arborist Services in April 2020. A copy of the report is provided in Appendix B of this Initial Study.

### 4.4.1 Environmental Setting

#### 4.4.1.1 *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 plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened 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.[18] 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

[18] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." December 22, 2017. Accessed January 3, 2022. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control 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 General Plan

The Santa Clara 2010-2035 General Plan includes policies that address the preservation of biological resources during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

| 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 trees over 36 inches in circumference (approximately 11 inches or more in diameter) as measured from 48 inches above the ground surface. |

#### 4.4.1.2 *Existing Conditions*

The project site is located in a developed, urban area of the City of Santa Clara. Surrounding land use consists of commercial development. Vegetation in the vicinity of the project site includes landscaping consisting of grass, shrubs, and trees. Habitats in developed areas such as the project area would 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 Calabazas Creek, located approximately 2,000 feet west of the project site, and San Tomas Aquino Creek, located approximately 3,000 feet east of the project site.

Mature trees (both native and non-native) are valuable to the human environment as they reduce the impacts of global climate change through carbon dioxide absorption, reduce urban heat island effect, provide nesting and foraging habitat for raptors and other migratory birds, and provide visual enhancement. The goal of the City's General Plan Policy 5.10.1-P4 is to protect all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all trees over 36 inches in circumference (approximately 11 inches or more in diameter) as measured from 48 inches above the ground surface.

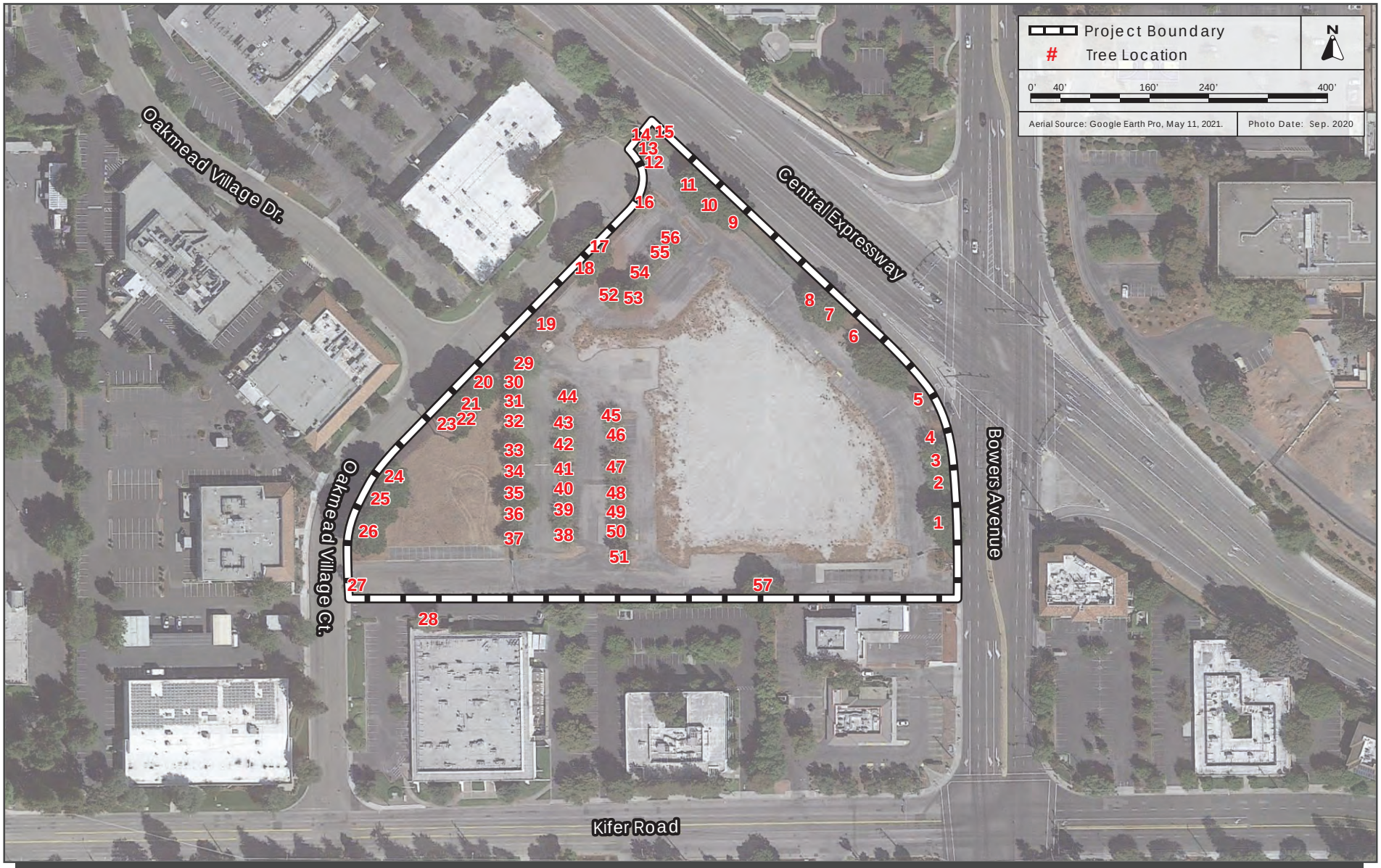
Based on a tree survey completed at the site in October 2019, tree species present consist of Italian stone pine, mulberry, silver dollar gum, river red gum, Mexican fan palm, London plane, and redwood. The tree survey identified 57 trees within the project site, all of which are protected trees

per General Plan Policy 5.10.1-P4. Table 4.4-1 identifies the species, size, and condition of trees on-site. Figure 4.4-1 shows the location of trees on-site. Trees #1 through #27 are in good to fair condition #28 to #57 are in fair to poor condition based on the current structure and maintenance of the trees.

**Table 4.4-1: Tree Species on Project Site**

| Tree # | Common Name | Diameter |
|---|---|---|
| 1 | Italian stone pine | 47 |
| 2 | Mulberry | 18.9 |
| 3 | Mulberry | 20.7 |
| 4 | Italian stone pine | 40.0 |
| 5 | Mulberry | 24.0 |
| 6 | Italian stone pine | 43.3 |
| 7 | Italian stone pine | 42.4 |
| 8 | Mulberry | 14.3 |
| 9 | Italian stone pine | 49.0 |
| 10 | Italian stone pine | 42.0 |
| 11 | Italian stone pine | 42.8 |
| 12 | Mexican fan palm | 29.0 |
| 13 | Mexican fan palm | 28.0 |
| 14 | Silver dollar gum | 18.8 |
| 15 | Silver dollar gum | 13.5 |
| 16 | London plane | 11.0 |
| 17 | Italian stone pine | 47.1 |
| 18 | Italian stone pine | 40.5 |
| 19 | River red gum | 30.5 |
| 20 | Italian stone pine | 57.8 |
| 21 | Italian stone pine | 43.1 |
| 22 | Mexican fan palm | 22.0 |
| 23 | Mexican fan palm | 22.0 |
| 24 | Italian stone pine | 52.5 |
| 25 | Italian stone pine | 45.3 |
| 26 | Italian stone pine | 49.1 |
| 27 | Mexican fan palm | 15.0 |
| 28 | Redwood | 18 |

| Table 4.4-1: Tree Species on Project Site | | |
|---|---|---|
| **Tree #** | **Common Name** | **Diameter** |
| 29 | Mulberry | 19.3 |
| 30 | Mulberry | 15.6 |
| 31 | Mulberry | 16.3 |
| 32 | Mulberry | 14.3 |
| 33 | Mulberry | 17.7 |
| 34 | Mulberry | 12.8 |
| 35 | Mulberry | 19.5 |
| 36 | Mulberry | 14.2 |
| 37 | Mulberry | 16.1 |
| 38 | Mulberry | 13.5 |
| 39 | Mulberry | 16.2 |
| 40 | Mulberry | 14.6 |
| 41 | Mulberry | 14.1 |
| 42 | Mulberry | 11.9 |
| 43 | Mulberry | 16.3 |
| 44 | Mulberry | 17.5 |
| 45 | Mulberry | 14.0 |
| 46 | Mulberry | 12.5 |
| 47 | Mulberry | 16.0 |
| 48 | Mulberry | 14.0 |
| 49 | Mulberry | 11.8 |
| 50 | Mulberry | 15.5 |
| 51 | River red gum | 20.5 |
| 52 | Italian stone pine | 21.5 |
| 53 | Italian stone pine | 39.0 |
| 54 | Mulberry | 13.8 |
| 55 | Mulberry | 12.3 |
| 56 | Mulberry | 15.2 |
| 57 | Italian stone pine | 45.0 |




TREE LOCATION MAP | FIGURE 4.4-1

### 4.4.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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, 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? | ☐ | ☐ | ☐ | ☒ |

| | |
|---|---|
| **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 Section 4.4.1.2, the project site does not contain habitat suitable for special-status plant and animal species. The project will result in the redevelopment of an already urbanized area of the City of Santa Clara and would not result in the modification of any habitat area. As a result, development of the proposed project would not adversely affect any candidate, sensitive, or special-status species. **(Less than Significant Impact)**

### Nesting/Migratory Birds

Impacts to Birds During Construction

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.

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

**MM BIO-1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay 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 CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game Code shall not be disturbed during project construction.

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

Impacts to Birds During Project Operation

The project site is surrounded by office, industrial, and commercial development. There is no open space or wetland areas, where a substantial number of migratory birds are known to occur, surrounding the project site. In addition, the project site is more than one-third of a mile from Calabazas Creek, which is channelized with no substantive riparian vegetation. The proposed design would be subject City's Development Review Hearing process for architectural review, including bird safe guidelines as applicable. Therefore, the project would not result in significant bird strikes/collisions. **(Less than Significant Impact)**

| | |
|---|---|
| **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)** |

No riparian habitat or sensitive natural communities exist on or adjacent to the site. As stated in Section 4.4.1.2, Existing Conditions, the nearest waterway is Calabazas Creek, located approximately 2,000 feet west of the project site. 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)**

| | |
|---|---|
| **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 it is adjacent to, any wetlands. As a result, the project will 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, the proposed 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 identified 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:** | **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)** |

Of the 57 trees located on-site, 43 trees would be removed and 14 would be preserved since they have a high potential for longevity after construction. In accordance with the City's General Plan, the project would be required to provide a minimum 2:1 replacement for removal of existing trees. The Santa Clara City Code, Sections 12.35.020 and 12.35.030, serve to protect all trees (native and non-native) planted or growing in the streets or public places of the City from removal without a permit from the City and prohibits the attaching of anything to a tree in the City, unless it is necessary and proper to the growth and care of the tree. As a result, the proposed project would be required to plant a minimum of 86 trees.

Although 43 City-protected trees would be removed as part of the project, the project would be required to comply with the City's tree replacement policy and, as a result, the overall loss of these trees would be less than significant. **(Less Than Significant Impact)**

| | |
|---|---|
| **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)**

## 4.5 CULTURAL RESOURCES

This section is based in part on a Cultural Resources Literature Search and Native American Coordination and Consultation Memorandum prepared by PaleoWest on November 2, 2021. A copy this memorandum is on file at the City of Santa Clara, Community Development Department.

### 4.5.1 Environmental Setting

#### 4.5.1.1 *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.

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.[19]

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.

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

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.

#### 4.5.1.2 *Existing Conditions*

**Historic Resources/Properties**

The project site is a vacant lot which consists of a surface parking lot and landscaping.

The project site was mostly undeveloped and used for agricultural purposes from the 1930s to the late 1960s. An office building was constructed on-site between 1974 and 1980. In 2016 the building was demolished. The project site currently vacant. No buildings are located on-site and, therefore, there are no historic buildings on-site.

Neither the project site nor its surrounding properties are listed on the City's Historic Properties Inventory.[20] Therefore, the site is not a historic property and there are no historic properties located adjacent to the site.

**Archaeological/Prehistoric Resources**

The City of Santa Clara contains a number of prehistoric archaeological sites that reflect Native American land use and residency. Native American settlements are commonly associated with the abundant food supply (e.g., near creeks) in the Santa Clara Valley. The project site is located approximately 2,000 feet west of Calabazas Creek. Based on a cultural sensitivity analysis and map completed for the City as a part of the General Plan, the project site is not located within a known archaeological site. However, aside from the sites already identified within the City of Santa Clara,

[20] City of Santa Clara. Historic Properties. Accessed January 3, 2022. https://missioncity.maps.arcgis.com/apps/MapTour/index.html?appid=c3261a39356546e38ec3445f953fbe1b.

there may be other undiscovered archaeological sites. In addition, historic occupation of Santa Clara has been well documented, and the City has a strong record reflecting early settlement by Spanish missionaries.

On August 19, 2021, a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) at Sonoma State University was completed for the project site and areas within one-quarter mile of the site. The purpose of the records search was to identify prehistoric or historic-age cultural resources that have been recorded during prior cultural resource investigations. The results showed that no cultural resource investigations have occurred within the project site, and 12 previous investigations have taken place within the one-quarter mile of the site. No cultural resources have been identified within the project site or the one-quarter mile study area.

The project site, however, is located within an archaeologically sensitive area due to its proximity to several creeks, including Calabazas Creek, approximately 1,835 feet east and San Tomas Aquino Creek, approximately 2,765 feet west of the site, and Saratoga Creek (previously located 500 feet west of the site).[21] A disturbed large habitation site was located 0.7 miles east of the project site, near Calabazas Creek. Fragmented human bone and artifacts, such as shell beads, ground stone, lithic manufacturing debris, and fire affected rock were found scattered around the area, which had been disturbed, likely from the construction of Central Expressway starting in 1962. Based on the proximity of previously recorded prehistoric archaeological deposits and human remains, and the project site's proximity to local creeks, the project site has a moderate to high sensitivity for buried prehistoric archaeological deposits and human remains.

As noted above, the parcel was used for agricultural purposes until the construction of a former industrial building between 1974 and 1980. For this reason, the sensitivity for encountering buried historic-era archaeological sites is low.

### 4.5.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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 as pursuant to CEQA Guidelines Section 15064.5? | ☐ | ☒ | ☐ | ☐ |

[21] Personal Communications: Munir, Saarah, PaleoWest, LLC (cultural resources consultants). Re: 3000 Bowers Avenue Office Project – Cultural Resources Report. January 5, 2022.
Saratoga Creek was previously located approximately 500 feet west of the site. Based on the review of historic aerials, in the vicinity of the project area, Saratoga Creek was filled with development between 1968 and 1980. Saratoga Creek is no longer located in the project area. The nearest segment of Saratoga Creek is currently three miles north of the site.

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 3) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☒ | ☐ | ☐ |

**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. (No Impact)**

There are no buildings on-site and, therefore, no historic structures on the project site. The buildings directly adjacent to the project site and in the immediate project area are not classified as historic by the City of Santa Clara and are not currently eligible for inclusion on the CRHR given they are less than 50 years of age and are of a common of modern architectural style.[22] None of the adjacent buildings are listed on the City's list of Historically Significant Properties. Development of the project site would not physically damage or materially impair the integrity of any historic building. Implementation of the proposed project would, therefore, have no impact on any designated or eligible historic structures. **(No 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)**

Although there are no known prehistoric archaeological deposits on the site, the results of the cultural resources literature search show that the project site has a moderate to high sensitivity for prehistoric archaeological resources based on nearby archaeological sites and due to its location between three waterways. Construction on-site could result in the exposure or destruction of as yet undiscovered subsurface prehistoric or historic archaeological resources. If exposure or destruction of subsurface archaeological resources were to occur, it would be considered a significant impact.

**Mitigation Measures:** The following project-specific mitigation measures will be implemented during all ground disturbing construction activities to avoid significant impacts to unknown subsurface 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 and tribal monitor from Tamien Nation, as needed, to be present during all ground-disturbing activity associated with the project.

a. A registered professional archaeologist and Tamien Nation shall be given five days' written notice prior to the start of any ground-

[22] Based on the aerial photographs from the Phase I Environmental Site Assessment, the buildings adjacent to the site were constructed after 1974.

disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing.

b. Prior to any ground-disturbing activity on the project site, all project personnel shall receive mandatory tribal cultural resource sensitivity training from Tamien Nation.
c. The registered professional archaeologist and tribal monitor 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.
d. The tribal monitor shall complete daily monitoring logs that will provide description of the day's activities, includes construction activities, locations, and any cultural materials identified. The daily monitoring logs shall be retained by Tamien Nation.
e. 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 and Tamien Nation. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives.
f. At the discretion of Tamien Nation, soils that have been previously subject to excavations and were monitored by the tribal representative need not be monitored again if re-excavated or moved. The project applicant shall consult with the tribal monitor prior to any disturbance of previously excavated soils.
g. Should Tamien Nation choose not to send a monitor for any of the above-referenced ground-disturbing activity, work may continue without the monitor, provided that the project applicant has given a minimum of five days' written notice to Tamien Nation. The project applicant shall document receipt of notification in writing.
h. At the completion of monitoring, Tamien Nation shall send an email notification to the City that monitoring has been completed.

**MM CUL-2.2:** The project applicant shall retain a qualified archaeologist and tribal monitor from Tamien Nation, 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 in collaboration with and agreed upon by Tamien Nation 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 Tamien Nation and 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. Data recovery shall be subject to approval by Tamien Nation.
c. Tamien Nation 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 Tamien Nation. 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. Tamien Nation shall have sole discretion in determining if reburial within the cultural easement area is the desired method of disposition.
f. 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 Native American Heritage Commission (NAHC) on behalf of Tamien Nation.

**MM CUL-2.4:** If applicable, the project applicant shall, in consultation with Tamien Nation, incorporate into the Project design a commemorative plaque that acknowledges the traditional history of the land with respect to tribal communities.

With implementation of these measures, impacts to unknown subsurface prehistoric and historic archaeological resources would be less than significant. **(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)** |
|---|---|

Although there are no known human remains on the site, construction on-site could result in the exposure or destruction of as yet undiscovered subsurface prehistoric human remains. If the exposure or destruction of these resources were to occur, it would be considered a significant impact.

**Mitigation Measure:** The following project-specific mitigation measures will be implemented during construction to avoid significant impacts to unknown human remains:

**MM CUL-3.1:** In the event that human remains and/or grave goods are discovered or recognized during ground-disturbing activities or construction, all ground disturbance work shall cease within 50 feet of the discovery, and the tribal monitor shall immediately notify the construction supervisor. The construction supervisor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641) and shall immediately notify the City and the Santa Clara County Medical Examiner-Coroner (per California Health and Safety Code Section 7050.5). If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

- Reburial shall be conducted within the cultural easement identified on the project plans, or on tribal or other lands that will not be disturbed in the future.

- Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

With implementation of these measures, impacts to unknown human remains would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

## 4.6 ENERGY

The following discussion is based in part on an Air Quality/Greenhouse Gas Assessment completed by Illingworth & Rodkin, Inc. on May 14, 2020. A copy of the report is provided in Appendix A of this Initial Study.

### 4.6.1 Environmental Setting

#### 4.6.1.1 *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 (RPS) 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 Senate Bill (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.[23] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[24]

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.[25]

## Local

City of Santa Clara General Plan

The City of Santa Clara 2010-2035 General Plan includes goals, policies, and actions to protect and conserve energy resources in the City. The following goals, policies, and actions are applicable to the proposed project:

| Policies | Description |
|---|---|
| 5.10.3-P1 | Promote the use of renewable energy resources, conservation, and recycling programs. |
| 5.10.3-P4 | Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities. |
| 5.10.3-P5 | Reduce energy consumption through sustainable construction practices, materials, and recycling. |
| 5.10-3-P6 | Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development. |
| 5.10.3-P8 | Provide incentives for LEED certified, or equivalent development. |

[23] California Building Standards Commission. “California Building Standards Code.” Accessed January 6, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[24] California Energy Commission (CEC). “2019 Building Energy Efficiency Standards.” Accessed January 6, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.
[25] California Air Resources Board. “The Advanced Clean Cars Program.” Accessed January 6, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

#### 4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,787 trillion British thermal units (Btu) in the year 2019, the most recent year for which this data was available.[26] Out of the 50 states and the District of Columbia, California is ranked second in total energy consumption and 50th in energy consumption per capita. The breakdown by sector was approximately 19 percent (1,455 trillion Btu) for residential uses, 19 percent (1,468 trillion Btu) for commercial uses, 23 percent (1,805 trillion Btu) for industrial uses, and 39 percent (3,058 trillion Btu) for transportation.[27] 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 2020 was consumed primarily by the non-residential sector (736 percent), followed by the residential sector consuming 27 percent. In 2020, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[28]

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. 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.[29]

California's total system electric generation in 2020 was approximately 272,576 gigawatt-hours (GWh), which was down two percent from 2019's total generation of approximately 277,932 GWh. California's non-$CO_2$ emitting electric generation categories (nuclear, large hydroelectric, and renewables) accounted for 51 percent of its in-state generation, compared to 57 percent in 2019. The change is directly attributable to the significantly reduced hydroelectric generation, some 44 percent lower than 2019 generation levels, due to dry conditions.[30]

In 2020, natural gas represented the largest portion of the state's energy sources (at 48 percent). Renewable energy sources (solar, wind, hydroelectric, etc.) accounted for approximately 33 percent of the state's energy sources.[31]

No existing buildings are located on-site. The site does not include uses that consume electricity.

[26] United States Energy Information Administration. "State Profile and Energy Estimates, 2019." Accessed January 6, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[27] Ibid.
[28] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 6, 2022. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[29] Silicon Valley Power. "Carbon-Free FAQ." Accessed May 10, 2021. https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs/carbon-free-faq#:~:text=Starting%20January%201%2C%202018%2C%20Silicon,uses%20no%20fossil%20fuel%20generation.
[30] CEC. "2020 Total System Electric Generation" Accessed January 6, 2022. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation
[31] Ibid.

## Natural Gas

PG&E provides natural gas services within the City of Santa Clara. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[32] In 2020, residential and commercial customers in California used approximately 35 percent of the state's natural gas, the industrial sector used approximately 34 percent, electric power plants used approximately 30 percent, and the transportation sector used approximately one percent natural gas.[33] In 2020, Santa Clara County used approximately 3.4 percent of the state's total consumption of natural gas.[34] No buildings are located on-site and there is no natural gas usage on-site.

## Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[35] 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.[36] 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. [37,38]

There is no direct use of gasoline on the project site. Since the project site is vacant, there is no indirect use of gasoline on the project site because no gasoline is consumed as a result of trips made to and from the project site.

[32] California Gas and Electric Utilities. *2020 California Gas Report.* Accessed January 6, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.
[33] U.S. Energy Information Administration. *Natural Gas Consumption by End Use.* Accessed January 6, 2022. https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_SCA_a.htm.
[34] California Energy Commission. "Natural Gas Consumption by County." Accessed January 6, 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[35] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 6, 2022. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[36] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[37] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed January 6, 2022. http://www.afdc.energy.gov/laws/eisa.
[38] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed January 6, 2022. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

### 4.6.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |

**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)**

The proposed project would construct two office buildings and a parking garage on a vacant site. The proposed project would result in an increased demand for energy at the project site during construction and operation.

**Estimated Energy Use of the Proposed Project**

The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site for grading, and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. Implementation of the proposed development would consume energy (in the form of electricity and natural gas) during operation, primarily from building heating and cooling, lighting, and water heating. Table 4.6-1below summarizes the estimated energy use of the proposed project.

**Table 4.6-1: Estimated Annual Energy Use of Proposed Development**

| Land Use | Electricity Use (kWh/yr) | Natural Gas Use (kBTU/yr) |
|---|---|---|
| General Office Buildings | 5,883,900 | 5,402,100 |
| Enclosed Parking with Elevator | 1,886,690 | 0 |
| Parking Lot | 3,080 | 0 |
| **Total** | **13,172,690** | **5,402,100** |

**Source:** Illingworth & Rodkin, Inc. *3000 Bowers Avenue Office Project Air Quality and Greenhouse Gas Assessment.* May 14, 2020.

Compared to existing conditions, the proposed project would substantially increase on-site electricity and natural gas use. However, the project would be built in accordance with the 2019 CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall project and reduce impacts. Based on the CalEEMod results, the total annual vehicle miles traveled (VMT) for the project would be approximately 5,541,735.[39] Using the U.S. EPA fuel economy estimates (24.9 mpg) the proposed project would result in consumption of approximately 222,560 gallons of gasoline per year.[40] New automobiles purchased by future employees of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. In addition, the project proposes bicycle storage and would be required as a Condition of Approval to implement a TDM program (discussed in Section 3.2.4, Transportation Demand Management Plan) to reduce daily traffic trips by a minimum of 10 percent. These measures would help to reduce vehicle trips to and from the project site and, therefore, the project would not result in the wasteful use of fuel. Implementation of the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources during operation. **(Less than Significant Impact)**

### Energy Efficiency During Construction

The project is proposed to be constructed in approximately 14 months. The project would require site preparation, grading and excavation, trenching, paving, and building of interior and exterior. Energy would not be wasted or used inefficiently by construction equipment, as the proposed project would include several measures to improve efficiency of the construction process. For example, during construction, construction waste management methods and processes would be employed to reduce the amount of trash and construction waste. The project would be required to achieve a 65 percent construction and demolition waste diversion rate and would be required to prepare a Construction Waste Management Plan or utilize a waste management company to recycle, reduce and/or reuse construction waste (CALGreen Code Sections 4.408 and 5.408). Adherence to CALGreen Code would further reduce energy expenditures during the construction phase.

In addition, the project would implement BMPs (refer to Section 4.3, Air Quality) which 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 to prevent the inefficient use of construction equipment. The project site is in proximity to local sources of construction materials which would reduce fuel usage. Implementation of the proposed project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources during construction. **(Less than Significant Impact)**

### Energy Efficiency During Operation

Operation of the project would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip generated by future employees. The building would meet or exceed the requirements of the California Building Energy Efficiency Standards.

[39] Illingworth & Rodkin, Inc. *3000 Bowers Avenue Office Project Air Quality and Greenhouse Gas Assessment: CalEEMod Model.* May 14, 2020.
[40] 5,541,735 VMT / 24.9 mpg = 222,560 gallons of gasoline

The project would not use energy or fuel in a wasteful manner, given the project features that reduce energy use, including the following:

- Access to public transit
- Bicycle facilities
- EV charging stations
- Construction in conformance with Title 24 and CALGreen requirements to promote energy and water efficiency
- Buildings constructed with low-emitting interior building materials (e.g., flooring and ceilings)
- Construction waste management
- Use of recycled materials during construction

The project would include landscaping comprised of large shade trees throughout the site. This will have the effect of providing shade and reducing the heat island effect of the project, thus reducing the energy demand required to cool the proposed buildings. To reduce operational VMT and vehicle fuel consumption, the project would include TDM measures (such as providing incentives for vanpools and a pre-tax benefit for transit passes) for employees of the project (refer to Section 4.17, Transportation). For all the reasons listed above, the proposed project would have a less than significant impact. **(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 for the proposed project would be provided by SVP and natural gas would be provided by PG&E. Although the project would increase the project site's energy use, the proposed development would be completed in compliance with the current energy efficiency standards set forth in Title 24, CALGreen, the RPS Program, and the City Code. Therefore, the project would comply with state and local plans for energy efficiency. **(Less than Significant Impact)**

## 4.7 GEOLOGY AND SOILS

### 4.7.1 Environmental Setting

#### 4.7.1.1 *Regulatory Framework*

**State**

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 to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and 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 by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, 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 2019 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 Resource 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.

**Local**

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).

### 4.7.1.2 *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.

Surficial soils on the project site are classified as urban land with zero to two percent slopes.[41] These soils are primarily made of transported fill material. Localized geologic conditions were documented during previous environmental investigations of the project site. In general, soils underlying the site consists of medium-stiff to stiff clay extending to depths of three to five feet below the ground surface. Medium-stiff to stiff-lean clays with varying amounts of fine sands underlying the surficial clays to a maximum depth of 7.5 feet below the ground surface. [42] 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. Since the site's soils contain clay, the on-site soils have expansion potential. Groundwater in the vicinity of the site is found at depths of approximately seven to nine feet below the ground surface.[43] 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 project site is located within the San Francisco Bay Area, which is a seismically active region. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72

[41] United States Department of Agriculture. "Web Soil Survey: Custom Soil Report." Accessed January 7, 2022. https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.
[42] PES Environmental, Inc. *Phase I Environmental Site Assessment – 2980 and 3000 Bowers Avenue, Santa Clara, California*. July 22, 2020.
[43] Ibid.

percent probability of experiencing at least a magnitude 6.7 earthquake during the next 30 years.[44] The project area is not located within the Alquist-Priolo Earthquake Fault Zone[45] or the Santa Clara County Geologic Hazard Zone[46]. There are no active faults within the City; therefore, fault rupture is very low. Active faults near the project site are shown in Table 4.7-1 below.

**Table 4.7-1: Active Faults Near the Project Site**

| Fault | Distance from Site |
|---|---|
| Calaveras | 12.7 miles east |
| Hayward | 10.9 miles east |
| San Andreas | 7.6 miles west |
| Monte Vista – Shannon | 4.7 miles west |

### Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The project site is located within a liquefaction zone.[47]

### Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. Therefore, the potential for lateral spreading is low.

### Paleontological Resources

As discussed in Section 4.7.1.1, paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. The project site is underlain by Holocene deposits.[48] Geologic units of Holocene age are generally not considered sensitive paleontological resources because biological remains younger than 10,000 years are not usually considered fossils; however, these recent sediments overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources.[49] These older sediments, often found at depths of 10 feet or

[44] United States Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System." Accessed January 6, 2022. https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.
[45] California Geological Survey. Earthquake Zones of Required Investigation. Accessed January 7, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[46] Santa Clara County, *Santa Clara County Geologic Hazard Zones. Map 19.* Accessed January 6, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[47] California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application.* Accessed January 7, 2022. . https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[48] City of Santa Clara. Integrated Final EIR for the City of Santa Clara Draft 2010-2035 General Plan. January 2011. Figure 4.5-1.
[49] Ibid. City of Santa Clara. Integrated Final EIR for the City of Santa Clara Draft 2010-2035 General Plan. January 20112. Page 323.)

more below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

Ground disturbing activities of 10 feet or more have the potential to impact undiscovered paleontological resources in older Pleistocene sediments. The City, including the project site, is underlain by alluvial fan deposits of Holocene age, made up of gravel, sand and finer sediments.

### 4.7.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |
| Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | ☐ | ☐ | ☒ | ☐ |
| - Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42.)? | | | | |
| - 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 will 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? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 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? | ☐ | ☐ | ☒ | ☐ |

**Impact GEO-1: 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)**

The project site is located within a seismically active region and could experience intense ground shaking in the event of a large earthquake. There is a high probability of a strong earthquake occurring within the operational lifespan of the proposed construction. 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 California Building Code (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. As a result, the proposed project would not expose people or property to significant impacts associated with seismically induced ground failures or other geologic conditions on-site. **(Less Than Significant Impact)**

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

The project would require ground disturbance due to grading, trenching for utilities, and excavation for construction of the footings and foundations of the new structures. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until construction is complete.

**Mitigation Measures:** The following mitigation measures have been included in the project 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[50] to withstand or avoid erosion.

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

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

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)** |

According to the most recent Alquist-Priolo Earthquake Fault Zoning map, the project site is not within a fault hazard zone. The proposed project would not be located on an unstable geologic unit, nor would the proposed project be at risk for soil instability resulting in a landslide, subsidence, liquefaction, or collapse. The proposed project would not adversely affect local geology, increasing potential for off-site landslides, subsidence, liquefaction, or collapse. **(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)** |

Soils on-site contain clay and likely have expansion potential. Consistent with City requirements, buildings will be designed and constructed in accordance with the design-level geotechnical investigation prepared for the site, which will identify specific design features that will be required for the project, including site preparation, compaction, foundation design, and pavement design. The design-level geotechnical investigation shall be reviewed and approved by the City prior to issuance of a building permit for the project.

The proposed project will be built in conformance with the requirements of the CBC and, therefore, will not expose people or property to significant impacts associated with the soil conditions of the site. **(Less than Significant Impact)**

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

| | |
|---|---|
| **Impact GEO-5:** | **The project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste-water disposal systems where sewers are not available for the disposal of wastewater. (No Impact)** |

The proposed project will be connected to the City sewer system for waste-water disposal and would not require septic tanks or alternative waste-water disposal systems. For this reason, the project would not have a significant impact due inadequate waste-water disposal stemming from incapable soils. **(No Impact)**

| | |
|---|---|
| **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 but would reach a maximum excavation of eight feet below the ground surface. 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. **(Less Than Significant Impact)**

## 4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on May 14, 2020. A copy of the report is provided in Appendix A of this Initial Study.

### 4.8.1 Environmental Setting

#### 4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of $CO_2$ equivalents ($CO_2e$). The most common GHGs are carbon dioxide ($CO_2$) and water vapor but there are also several others, most importantly methane ($CH_4$), nitrous oxide ($N_2O$), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- $CO_2$ and $N_2O$ are byproducts of fossil fuel combustion.
- $N_2O$ is associated with agricultural operations such as fertilization of crops.
- $CH_4$ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and $SF_6$ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes, and drought; and increased levels of air pollution.

#### 4.8.1.2 *Regulatory Framework*

**State**

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide 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 EO 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 upon 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**

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would 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 the climate, the 2017 CAP includes control measures designed to reduce emissions of $CH_4$ and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of $CO_2$ 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 City of Santa Clara and other 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.

**Local**

City of Santa Clara Climate Action Plan

The City of Santa Clara has a Climate Action Plan (CAP),[51] adopted in December 2013, that established goals and measures to reduce GHG emissions by 23% below 2008 levels by 2020, which is enough to surpass the City and State goals. However, the Plan does not have a specific metric ton GHG threshold for project-level construction or operation.

City of Santa Clara General Plan

The Santa Clara 2010-2035 General Plan includes policies that address the reduction of GHG emissions during the planning horizon of the General Plan. The applicable General Plan policies and the project's consistency with these policies is discussed in Section 4.8.2, Impacts Discussion, under the response to Impact GHG-2 (see Table 4.8-2).

### 4.8.1.3 *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 project site is unoccupied and does not currently contribute to the City's GHG emissions.

Post 2020-Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of $CO_2e$ per year or 4.6 MT $CO_2e$ per service population per year. A project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD and included within the City's Climate Action Plan were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified

[51] City of Santa Clara, 2013. *City of Santa Clara Climate Action Plan.* Accessible at: https://www.santaclaraca.gov/home/showdocument?id=10170.

target of 40 percent below the 1990 GHG emissions level). Because the project would be completed in the post-2020 timeframe, the project would not be covered under the City's Climate Action Plan and the 2020 thresholds would not be applicable.

CARB has completed a Scoping Plan to achieve SB 32 GHG reduction targets, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. In lieu of an updated efficiency threshold from BAAQMD, a Substantial Progress efficiency threshold of 2.8 MT $CO_2e$/service population/year threshold, which is a 40 percent reduction from the BAAQMD 2020 service population emissions target of 4.6 MT $CO_2e$ /service population/year, is utilized in this Initial Study. An adjusted bright-line threshold of 660 MT$CO_2e$/year, which is 40 percent below BAAQMD 2020 bright-line threshold of 1,100 MT $CO_2e$, is also used in this Initial Study.[52] The efficiency and adjusted bright-line thresholds were calculated based on the GHG reduction goas of SB 32 and EO B-30-15 for 2030.[53]

### 4.8.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 1) Generate greenhouse gas (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? | ☐ | ☐ | ☒ | ☐ |

[52] The 2020 BAAQMD bright-line threshold of 1,100 MT $CO_2e$ was established by BAAQMD to help the state reduce GHG emissions to 1990 levels by 2020. 1,100 MT $CO_2e$ – (1,100 MT $CO_2e$ * 0.4) = 660 MT $CO_2e$. 660 MT $CO_2e$ is the 2030 bright-line threshold calculated for projects constructed and operational post-2020 and pre-2031.
[53] Illingworth & Rodkin, Inc. 3000 Bowers Avenue Office Project: Air Quality and Greenhouse Gas Emission Assessment. May 14, 2020.

| 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) |
|---|---|

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy, and water usage, and solid waste disposal. Emissions for the proposed project were analyzed using CalEEMod and the methodology recommended in the BAAQMD CEQA Air Quality Guidelines and are discussed below.

**Construction Emissions**

Construction activity would generate an estimated 2,180 MT $CO_2e$ of GHG emissions 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. BAAQMD also encourages the incorporation of best management practices (BMPs) to reduce GHG emissions during construction where feasible and applicable.

**Operational Emissions**

The proposed project would generate an estimated 2,321 MT $CO_2e$ in 2030. The service population emission is predicted to be 1.76 MT $CO_2e$ per year per service. These results are shown in Table 4.8-1 below.

**Table 4.8-1: Annual Project GHG Emissions ($CO_2e$) in Metric Tons**

| **Source Category** | **Proposed Project in 2030** |
|---|---|
| Area | <0.1 |
| Energy Consumption | 373 |
| Mobile | 1,753 |
| Solid Waste Generation | 154 |
| Water Usage | 41 |
| **Metric Ton Total** | **2,321** |
| *Bright-Line Significance Threshold* | *660 MT of $CO_2e$* |
| Service Population Emissions | 1.76 |
| *Per Capita Significance Threshold* | *2.8 MT of $CO_2e$/year/service population* |
| **Exceed Both?** | **No** |

A project results in a significant GHG impact if the operational emissions exceed the 2030 bright-line threshold of 660 MT of $CO_2e$ and the per capita emissions threshold of 2.8 MT of $CO_2e$ per service

population. The service population for the proposed project is estimated to be 1,320 employees.[54] Although the project's operational emissions would exceed the 2030 bright-line threshold, the project's emissions would not exceed the per capita threshold of 2.8 MT $CO_2e$ per year per service population. Therefore, the project would not result in a significant GHG impact. **(Less than Significant)**

| **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)** |
|---|---|

### 2017 BAAQMD Clean Air Plan

As discussed in *Section 3.3 Air Quality*, the project supports the goals of the 2017 BAAQMD CAP for protecting public health and the climate and is consistent with 2017 BAAQMD CAP control measures of reducing exposure to TACs and reducing DPM emissions by:

- Implementing mitigation measures to reduce criteria air pollutants during construction,
- Reducing motor VMT by proposing office/employment development in proximity to existing/proposed/planned pedestrian, bicycle, and transit facilities,
- Including a TDM program that encourages automobile-alternative transportation, and ridesharing,
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 and California Green Building Standards Code,
- Planting new trees in accordance with the City's General Plan Policy 5.3.1-P10 to reduce the urban heat island effect, and
- Complying with the City's construction debris diversion ordinance and state waste diversion requirements to reduce the amount of waste in landfills.

In addition, the project, as proposed, would not disrupt or hinder the implementation of applicable control measures in the 2017 BAAQMD CAP. **(Less than Significant Impact)**

### Santa Clara Climate Action Plan

As described previously, the City of Santa Clara Climate Action Plan (CAP) was adopted in December 2013, and the City is currently preparing the 2030 CAP, which would include strategies for meeting the GHG emission reduction targets required by SB 32 and identify further actions the City can undertake to further reduce GHG emissions and meet new targets.

A summary of the project's consistency with applicable CAP measures is provided in Table 4.8-2. In accordance with the City's CAP, a 20 percent VMT reduction is required for the project. Half of the VMT reduction (a 10 percent reduction compared to business as usual) is required through implementation of the TDM Plan, and the other 10 percent is required through site design. The project would implement a TDM Plan and the following measures to ensure consistency with the Climate Action Plan.

[54] Consistent with the project's TDM Plan, the number of employees estimated for the project is based on the ratio of four employees per 1,000 square feet.

| Table 4.8-2: Summary of Applicable Climate Action Plan Measures and Project Consistency | | |
|---|---|---|
| **Applicable Climate Action Plan Measures** | | **Notes/Comments** |
| **Energy Efficiency** | | |
| 2.4 | Customer Installed Solar Photovoltaic Systems on Customer-Owned Residential and Nonresidential Projects | Not proposed. |
| **Water Conservation** | | |
| 3.1 | Water Conservation: Reduce GHG-Intensive Water Use Practices | The project proposes to integrate water conservation practices, such as high-efficiency irrigation systems. |
| **Waste Reduction** | | |
| 4.2 | Increase Waste Diversion: Recycle, Food Waste Pickup, Construction, and Demolition Waste Programs to Increase Solid Waste Diversion to 80 percent | The proposed project would include recycling services and participate in the City's Construction and Demolition Debris Recycling Program. |
| **Off-Road Equipment** | | |
| 5.2 | Use Cleaner Alternative Technologies for Construction Vehicles and Equipment (BAAQMD BMPs) | As discussed in Section 3.3, the project proposes to implement BAAQMD construction BMPs. |
| **Transportation and Land Use** | | |
| 6.1 | Transportation Demand Management Programs for Residential Projects More Than 25 Units and Nonresidential Projects More Than 10,000 square feet in Transportation Districts | The project proposes a TDM Plan that would achieve a 10 percent reduction in VMT. |
| 6.3 | Electric Vehicle Parking and Charging Station(s) for Multi-Family Residential or Nonresidential Projects | The project would provide clean air and electric vehicle parking stations. |
| **Urban Heat Island Effect** | | |
| 7.1 | Urban Forestry: Shade trees on new developments near south- or west- facing windows. | Per the site plan, the project proposes to have shade trees for south- and west- facing windows. |

### General Plan Policies

In addition to the reduction measures in the CAP, the City of Santa Clara General Plan has goals and policies to address sustainability (see Appendix 8.13: Sustainability Goals and Policies Matrix in the General Plan) aimed at reducing the City's contribution to GHG emissions. For the proposed project, implementation of policies that increase energy efficiency or reduce energy use would effectively

reduce indirect GHG emissions associated with energy generation. The consistency of the proposed project with the Air Quality, Energy, Transportation, and Water Policies of the General Plan is described in Table 4.8-2 below.

**Table 4.8-2: General Plan Sustainability Policies**

| Emission Reduction Policies | Project Consistency |
|---|---|
| **Air Quality Policies** | |
| 5.10.2-P3 Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants. | Water conservation and energy efficiency measures included in the project would reduce GHG emissions associated with the generation of electricity. |
| 5.10.2-P4 Encourage measures to reduce GHG emissions to reach 30 percent below 1990 levels by 2020. | |
| **Energy Policies** | |
| 5.10.3-P1 Promote the use of renewable energy resources, conservation, and recycling programs. | The project would divert at least 65 percent of construction waste.<br><br>The project would utilize lighting controls to reduce energy usage for new exterior lighting and air economization for building cooling. Water efficient landscaping and ultra-low flow plumbing fixtures in the building would be installed to limit water consumption. |
| 5.10.3-P4 Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities. | |
| 5.10.3-P5 Reduce energy consumption through sustainable construction practices, materials, and recycling. | |
| 5.10.3-P6 Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development. | |
| 5.10.3-P8 Provide incentives for LEED certified, or equivalent development. | |
| 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. | The project would plant trees that would provide shading throughout the site to reduce the heat island effect. |
| **Transportation Policies** | |
| 5.3.1-P14 Encourage TDM strategies and the provision of bicycle and pedestrian amenities in all | The project includes TDM measures such as rideshare resources, incentives for vanpools, |

| Table 4.8-2: General Plan Sustainability Policies | |
|---|---|
| **Emission Reduction Policies** | **Project Consistency** |
| new development greater than 24 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. | bicycle parking, preferential parking for carpools and vanpools, and pre-tax benefits for transit passes. |
| 5.8.5-P1 Require new development and City employees to implement TDM programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities. | |
| 5.8.5-P5 Encourage TDM programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles. | |
| **Water Policies** | |
| 5.10.4-P7 Require installation of native and low-water consumption plant species with landscaping new development and public spaces to reduce water usage. | The project would use water efficient landscaping with low water usage plant material to minimize irrigation requirements. |

The project is consistent with the above 2017 BAAQMD CAP, City Climate Action Plan, and General Plan policies and measures and, therefore, would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less Than Significant Impact)**

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment completed in July 2020 and a Phase II Supplemental Site Investigation completed in May 2021 by PES Environmental, Inc. Copies of the reports are provided in Appendix C of this Initial Study.

### 4.9.1 Environmental Setting

#### 4.9.1.1 *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
- 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 (NPL) which is a list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants thought the U.S. and its territories. The NPL serves as a guide to the U.S. EPA in determining which sites warrant further investigation.[55] CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[56]

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.[57]

[55] United State Environmental Protection Agency. Superfund: National Priorities List (NPL). Accessed January 7, 2022. https://www.epa.gov/superfund/superfund-national-priorities-list-npl.
[56] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed January 7, 2022. https://www.epa.gov/superfund/superfund-cercla-overview.
[57] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed January 7, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

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 substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[58]

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.

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**

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

The Norman Y. Mineta San José International Airport (Airport) is located approximately five miles southeast of the project site. Given this distance, the project site is not located within the Airport Influence Area (AIA) of the Airport, as defined by the Comprehensive Land Use Plan (CLUP).

[58] California Environmental Protection Agency. "Cortese List Data Resources." Accessed January 7, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

Federal Aviation Administration Regulations

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 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.

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.

City of Santa Clara General Plan

The Santa Clara 2010-2035 General Plan includes policies that address hazards and hazardous materials during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

| Policies | Description |
|---|---|
| 5.10.5-P22 | Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants, and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations. |
| 5.10.5-P24 | Protect City residents from risks inherent in the transport, distribution, use and storage of hazardous materials. |
| 5.10.5-P25 | Use Best Management Practices to control the transport of hazardous substances and to identify appropriate haul routes to minimize community exposure to potential hazards. |
| 5.10.5-P26 | Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations. |
| 5.10.5-P33 | Limit the height of structures in accordance with the Federal Aviation Administration Federal Aviation Regulations, FAR Part 77 criteria. |

#### 4.9.1.2 *Existing and Historic Site Conditions*

**Site History and Current Use**

From at least 1939 to the late 1960s, the project site was used for agricultural purposes. Aerial photographs from 1968 show that orchards were removed, and the ground was fallowed. Based on the historical agricultural uses, there is a potential that residual organochlorine pesticides (such as DDT and chlordane) are present in shallow soils on the site.

An office building was constructed on-site between 1974 and 1980. In 2016 the building was demolished. The project site currently contains no buildings and is unoccupied.

## On-Site Contamination

Underground and Aboveground Storage Tanks

Historically, the site contained a 6,000-gallon underground storage tank (UST) that was used to store heating oil. The UST was removed in 1998. There are no historical records of above-ground storage tanks (ASTs) at the project site, and none were observed during the Environmental Site Assessment (ESA) completed by PES Environmental Inc.

Previous Sub-surface Soil Investigations

Due to the past UST and agricultural uses at the site, subsurface soil investigations at the project site were completed by PES Environmental in 2015 and 2016. Soil samples were collected to a maximum depth of four feet below the ground surface and were analyzed for total petroleum hydrocarbons, volatile organic compounds (VOCs), semi-volatile organic compounds, organochlorine pesticides, PCBs, Title 22 metals, and asbestos. In 2015, results showed that all contaminants of concern in soil samples were detected below regulatory screening levels with the exception of pesticides (DDT, DDD, and DDE) located at the southwestern corner of the site. It was estimated that 1,500 cubic yards of soil would require special handling and management if disturbed during redevelopment.

In 2016, additional soil sampling was completed to characterize subsurface soil conditions beneath a portion of the building foundation that was removed in 2016. Chlordane (a chlorinated pesticide) was detected above regulatory screening levels in the area of the former building. It was estimated that approximately 613 cubic yards of chlordane-impacted soil would require management and off-site disposal at the proper waste facilities.

Due to the presence of a contaminated groundwater plume located at Intel Magnetics/Micro-storage Corporation Superfund Site, discussed in Section 4.9.1.3, Surrounding Land Uses, located 70 feet west of the project site (3000 Oakmead Village Drive), soil vapor and groundwater sampling was completed at the project site in March 2021. Groundwater was sampled for VOCs; only one VOC (Freon-113) was detected above laboratory limits. However, this VOC was detected well below regulatory cleanup levels. The absence of VOCs above regulatory screening levels in groundwater indicates that the VOC-containing groundwater plume associated with the off-site Intel Magnetics Superfund Site has not significantly encroached onto the site and the plume is not an environmental concern at the project site.

Soil vapor samples were also collected at depths of five to eight feet and were analyzed for VOCs such as benzene, 1,1-dichloroethane, cis-1,2-dichloroethene, freon 113, tetrachloroethene, toluene, 1,1,1-trichloroethane, trichloroethene, and naphthalene. Of these detected VOCs, only benzene and naphthalene were found above regulatory screening levels for vapor intrusion risk. Benzene was detected above screening levels in several locations throughout the site and an elevated concentration of naphthalene was found in one location, near the previous location of the 6,000-gallon UST. Another sample of naphthalene was detected slightly above the regulatory screening level; however, this is not considered an environmental concern. The source benzene in soil vapor is unknown.

However, given that the elevated concentration of naphthalene is near the former UST location, this detection is likely due to the presence of residual petroleum hydrocarbons in the subsurface soil and remnants of the past UST operations.

Regulatory Database Listings

A review of regulatory environmental database searches was completed for the project site and surrounding properties. The project site was listed in numerous environmental databases as shown in Table 4.9-1 **.** below.

**Table 4.9-1: Project Site Listings on Regulatory Databases**

| Database Listing [1] | Description | Potential Impact |
|---|---|---|
| CUPA Listings, HWTS, HAZNET, FINDS, LUST, RGA LUST, HIST LUST, HIST Cortese, CERS | Wyle Laboratories – Electronics Market | Historical presence and environmental actions related to releases from a former UST: Potential impact is from use and storage of waste oil and oil mix, photochemical/photo processing waste, other organic solids for disposal and construction washes. |

Notes:

[1] CUPA: Certified Unified Program Agencies

HWTS: Hazardous Waste Tracking System

HAZNET: Hazardous Waste Information System

FINDS: Facility Index System

LUST: Leaking Underground Storage Tank

RGA LUST: Recovered Government Archive LUST

CA HIST LUST: A list of open and closed LUSTs. This listing is no longer updated by the County of Santa Clara. LUSTs are now handled by the Santa Clara Department of Environmental Health.

CA HIST Cortese: The sites for this list are designated by the State Water Resource Control Board, Integrated Waste Board, Department of Toxic Substances Control. This listing is no longer updated by the state agencies.

CERS: California Environmental Reporting System

According to the Leaking Underground Storage Tank (LUST) database, the site received a case closure letter from the Santa Clara Valley Water District (SCVWD) in August 1998. The release was contained and cleaned up, and no further action is necessary.

#### 4.9.1.3 *Surrounding Land Uses*

**Historical and Current Uses of the Surrounding Properties**

The surrounding properties were used for agricultural purposes until the mid-1950s, when commercial construction began (south of Kifer Road) and residential construction began further south (to the south of the railroad tracks). By 1968, Central Expressway and Bowers Avenue were constructed along the east, northeast, and north property boundaries. By 1974, construction of the Intel Corporation facility to the northeast of the site, a commercial warehouse facility to the west of the site, and several buildings south of Kifer Road was completed. By 1982, many of the

commercial/office buildings west and immediately south of the site were constructed. By 1993, the warehouse facility to the west of the site was redeveloped into a commercial office campus and development in the vicinity of the site was consistent with the present uses. The site is currently surrounded by office, commercial, and industrial uses.

**Potential Off-Site Contamination Sources**

2986 Oakmead Village Court and 3000 Oakmead Village Drive (Superfund Site)

The former Intel Magnetics/Micro Storage Corporation (at 2986 Oakmead Village Court and 3000 Oakmead Village Drive) previously manufactured circuit boards and electrical components. The chemicals used in manufacturing, process and wastes generated from this process were handled and stored in drums, a UST, and above-ground storage tank (AST). The 2986 Oakmead Village Court and 3000 Oakmead Village Drive properties have been listed on a number of environmental databases (see Table 4.9-2). Elevated concentrations of VOCs have been found in groundwater at the 2986 Oakmead Village Court and 3000 Oakmead Village Drive sites due to the former UST (removed in 1985) at the Oakmead Village Drive property and above-ground storage tank at the Oakmead Village Court property. The properties were listed as Federal Superfund sites in 1986 and 1988. There have been several cleanup actions taken by the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) and EPA at the properties. Groundwater extraction and treatment was completed at the site from 1986 to 1996. RWQCB approved the completion of groundwater extraction and treatment given the contaminant levels were significantly reduced. Shallow groundwater sampling still occurs at the properties to monitor groundwater contamination. VOC-affected groundwater plumes associated with this Superfund site show that plumes are located to the north of the source areas and cross-gradient of the project site. One monitoring well is located on-site as a part of Intel Magnetics/Micro Storage's groundwater monitoring program, which is under US EPA's oversight.

Regulatory Databases

Several facilities near the project site are listed in regulatory environmental databases hazardous materials release and storage databases and have the potential to affect environmental conditions at the subject property. These facilities and their potential impacts are shown in Table 4.9-2.

| Table 4.9-2: Nearby Project Site Listings on Regulatory Databases | | |
|---|---|---|
| **Site Address, Name, and Database Listing[1]** | **Description** | **Potential Impact** |
| 3000 Oakmead Village Drive (Intel Magnetics/Micro Storage Corporation)<br><br>Part of an ongoing Federal Superfund<br><br>Listed on SEMS-Archive, RCRA-LQG, EnviroStor, CPS-SLIC, DEED, CERS, HIST Cortese, Cortese, NPDES, CIWQS, CUPA, EMI, and ENF | The property is listed for having a historical 500-gallon UST that was removed in June 1985. Groundwater beneath the site is contaminated with VOCs due to the former UST. | Located 70 feet west of the project site, the property has the potential to present an environmental concern. In March 2021, soil vapor and groundwater samples of VOCs were collected at the project site to determine if contaminated groundwater at this property affected the project site (refer to Section 4.9.1.2 above). There were no VOCs detected in groundwater above cleanup levels. Therefore, it was determined this property's groundwater contamination has not significantly encroached on to the property. Elevated soil vapor samples were due to former project site uses. |
| 2986 Oakmead Village Court (Micro-Chem, Inc.)<br><br>Listed on CPS-SLIC and EnviroStor, and is part of an ongoing Federal Superfund | The property is listed as a cleanup site for groundwater contaminated by VOCs. The source of contamination was an above-ground storage tank.<br>The property is also listed on EnviroStor for a release of hazardous substances; however, new soil samples in 2014 showed hazardous substances were below screening levels. | Due to the property's proximity to the project site (65 feet), the property was considered to have a potential environmental concern to the project site. March 2021 groundwater samples show there were no VOCs detected above regulatory cleanup levels. Contamination at this property, therefore, has not significantly affected the project site's groundwater. |
| 2940 Bowers Avenue (Jiffy Lube) | The property is listed for having a 5,030-gallon oil AST. The tank's status was unknown at the time the Phase I ESA was completed. | Based on the size of the AST and its cross-gradient location with respect to the groundwater flow direction, the property has the potential to present an environmental concern to the proposed project site, if a release from the tank occurred. |

| Table 4.9-2: Nearby Project Site Listings on Regulatory Databases | | |
|---|---|---|
| **Site Address, Name, and Database Listing[1]** | **Description** | **Potential Impact** |
| 3065 Bowers Avenue (Intel Corporation)<br><br>Listed on SPS-SLIC | The property is listed for having a 5,160-gallon oil AST and is a known generator of hazardous waste. | The facility is a potential concern for trichloroethylene (TCE) and total petroleum hydrocarbons (TPH). The property does not represent a significant environmental concern for the project site, based on downgradient and regional groundwater flow direction. |

Notes:

[1] SEMS-Archive: Superfund Enterprise Management System Archive

RCRA-LQG: Large Quantity Generators as defined by RCRA

EnviroStor: DTSC's database that identifies sites that have known contamination or sites for which there may be reasons to investigate further.

CPS-SLIC: Cleanup Program Sites and Spills, Leaks, Investigations, and Cleanups

DEED: Recorded land use restrictions maintained by DTSC.

Cortese: The sites for this list are designated by the State Water Resource Control Board, Integrated Waste Board, Department of Toxic Substances Control.

NPDES: National Pollutant Discharge Elimination System

CIWQS: California7 Integrated Water Quality System

CA EMI: Emissions Inventory Data

CA ENF: A listing of Water Board enforcement actions.

## 4.9.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 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, will 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? | ☐ | ☐ | ☐ | ☒ |

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

### Site Operation

Operation of the proposed project could include the use and storage of small quantities of chemicals for janitorial cleaning and landscape maintenance. Compliance with applicable federal, state, and local handling, storage, and disposal requirements would avoid significant hazards to the public or the environment created by the routine transport, use, or disposal of these substances. **(Less Than Significant Impact)**

### Construction

No long-term release of hazardous materials into the environment would occur as a result of project implementation. Project construction would require the temporary use of heavy equipment. Construction would also require the use of hazardous materials including petroleum products, lubricants, cleaners, paints, and solvents. The use and storage of hazardous materials in the City of Santa Clara is regulated by Santa Clara Fire Department. Construction of the proposed project would conform to the requirements of the SCCDEH. Compliance with applicable federal, state, and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment are created by these routine activities. The project would also implement mitigation measures MM HAZ-2.1 through MM HAZ-2.5 below to ensure proper handling and disposal of contaminated soil. For these reasons, the storage and handling of hazardous materials on the site, under the proposed project, would not result in a significant impact. **(Less than Significant Impact)**

| | |
|---|---|
| **Impact HAZ-2:** | **As mitigated, the project would 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)** |

Based on the March 2021 groundwater sampling completed at the site, the site does not contain VOCs above clean up levels. Therefore, groundwater beneath the site is not considered an environmental concern. Of the soil vapor samples collected at the site, benzene and naphthalene were the only VOCs detected above regulatory screening levels. Concentrations in benzene samples were not substantially above the regulatory screening levels. The elevated concentration of naphthalene is likely associated with the former on-site UST. Based on previous investigations, there are elevated concentrations of pesticides in soil samples at the southeastern corner of the site and beneath the former building foundation.

**Mitigation Measures**: The following mitigation measures would be implemented to reduce the risk of exposure to volatile organic compounds (VOCs) and pesticide contamination on construction workers and adjacent properties:

**MM HAZ-2.1:** The project applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH) regarding the next steps and appropriate actions. Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination.

The project applicant shall enter SCCDEH Site Cleanup Program to address soil and soil vapor contamination.

The project applicant shall provide the SCCDEH with the most recent Phase I ESA and supplemental investigation results. Any further investigation and/or remedial actions must be performed under regulatory oversight to mitigate the contamination.

**MM HAZ-2.2:** A Site Management Plan (SMP) shall be prepared by a qualified environmental professional and implemented during project construction activities. The SMP shall establish management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP shall include: a detailed discussion of the site background; preparation of a Health and Safety Plan (HSP) by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil is encountered during construction.

The SMP and HSP shall characterize the soil and establish appropriate management practices for handling impacted soil that may be encountered during construction activities. The SMP shall evaluate potential disposal options if excess soil is generated that will require off-haul and describe

methods for segregating impacted and non-impacted soil during excavation activities. The HSP shall establish soil management practices to ensure construction worker safety and the health of future workers, residents, and the environment.

If groundwater dewatering is to be completed, the SMP shall describe methods for groundwater extraction. The SMP shall outline protocols for pumping groundwater into appropriate storage containers, as well as sampling and analysis. The SMP shall also establish appropriate disposal options for the groundwater.

**MM HAZ-2.3:** Prior to issuance of grading permits, a copy of the SMP shall be approved by the City's Planning Manager and the City's Fire Marshal.

**MM HAZ-2.4:** The SMP shall focus on soil removal of pesticide- and naphthalene impacted areas in the southeastern corner of the site, former building footprint area (for the removal of pesticide-impacted soils) and former UST area (for the removal of naphthalene impact soils).

Additional testing shall be completed in the areas containing elevated benzene in soil vapor following the removal hardscape and site grading activities associated with the proposed development. If concentrations are found to be below commercial environmental screening levels, then no further action would be recommended. If soil vapor concentrations remain elevated, soil remediation or installation of a vapor intrusion mitigation system would be warranted for the benzene-affected areas.

**MM HAZ-2.5:** Any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

Implementation of the identified mitigation measures would reduce the risk of construction worker and adjacent land use exposure to residual agricultural contaminated soils and VOCs in soils/soil vapor. In addition, dust control measures would be implemented during all applicable phases of construction (refer to Section 4.3, Air Quality). For these reasons, the project would not create a significant hazard to the public (including construction workers and tenants at the adjacent properties) and or the environment through the accidental release of contaminants in the environment. **(Less Than Significant Impact with Mitigation Incorporated)**

| | |
|---|---|
| **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. (No Impact)** |

There are no schools within one quarter mile of the site. The nearest school to the site is Bracher Elementary School located at 2700 Chromite Drive in Santa Clara, approximately 0.6 miles south of

the site. Given the distance of the site from the nearest school, the project would not have a hazardous materials impact on nearby schools. **(No 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)** |

As discussed in Section 4.9.1.2, the project site is listed on the State Water Resources Control Board's as a LUST case pursuant to Government Code Section 65962.5,[59] due to releases from a former UST. The release was contained and remediated; the site received a case closure in 1998, requiring no further action. The project will be required to implement mitigation measures MM HAZ-2.1 to MM HAZ-2.5 to ensure residual contaminated soils are handled and disposed of properly. For these reasons, the project would not result in a significant hazard to the public or environment due to the listed UST chemical release. **(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 nearest airport to the project site the Norman Y. Mineta San José International Airport, approximately five miles southeast of the site. Development within the AIA can be subject to hazards from aircraft and pose hazards to aircraft traveling to and from the airport. The project site is not located within the AIA nor the safety zones designated by the CLUP.

For the project site, any proposed structure more than 110 feet in height above the ground surface is required under FAR Part 77 to be submitted for airspace safety review by the FAA.[60] The maximum height of the proposed buildings would be 87.5 feet above the ground surface. Therefore, the project would not require airspace safety review by the FAA nor result in an aircraft safety hazard to the proposed building heights. For these reasons, the project would be compatible with aircraft operations and would not result in a significant aircraft safety hazard to people residing or working in the project area. **(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. (No Impact)** |

In June 2016, the City adopted an Emergency Response Plan, which addresses the planned response of the City of Santa Clara to emergency situations associated with natural disasters, technological

[59] California Environmental Protection Agency. Cortese List Data Sources. Accessed January 7, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.
[60] Norman Y. Mineta San José International Airport. *Notice Requirement Criteria for Filing FAA Form 7460-1*. 2013.

incidents, and chemical, biological, radiological, nuclear, and explosive emergencies. The project would include construction at a site designated for light industrial uses, including office development and would comply with relevant building and fire codes. The proposed project would not, therefore, impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **(No 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 in a developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. The project site is not located in a fire hazard severity zone (FHSZ).[61] Therefore, implementation of the proposed project would not expose people or structures in the project area to wildland fires. **(No Impact)**

[61] California Office of the State Fire Marshal. *Fire Hazard Severity Zones Maps*. Accessed January 7, 2022. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

## 4.10 HYDROLOGY AND WATER QUALITY

### 4.10.1 Environmental Setting

#### 4.10.1.1 *Regulatory Framework*

**Federal and State**

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (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 RWQCBs. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) 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 (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. 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 is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related stormwater discharges.

**Regional and Local**

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay 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 San Francisco Bay 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.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[62] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development 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 local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold; drain into tidally influenced areas or directly into the Bay; drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map).

Water Resources Protection Ordinance and District Well Ordinance

Valley Water 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 Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[63]

[62] MRP Number CAS612008.
[63] California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed January 7, 2022.

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water 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.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

#### 4.10.1.2 *Existing Conditions*

**Storm Drainage System**

The City of Santa Clara owns and maintains the storm drainage system which serves the project site. There is no overland release of stormwater directly into any creek from the project site; all stormwater enters San Tomas Aquino Creek through the existing stormwater drainage system. Stormwater on-site is diverted to San Tomas Aquino Creek via the City's storm drains.

Under existing conditions, the project site is approximately 52.5 percent impervious (i.e., the site consists of approximately 164,710 square feet of impervious surfaces). There are existing storm drain lines that run along Central Expressway, Oakmead Village Drive, and Bowers Avenue.

**Groundwater**

Groundwater depth in the project area ranges from seven to nine feet below the ground surface (bgs). Groundwater levels will typically fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors.

Based on the SCVUPPP Watershed Map for the City of Santa Clara, the project site drains into a hardened channel. As a result, the project is not subject to the NPDES hydromodification requirements.[64]

**Flooding**

Based on the FEMA FIRMs (Map No. 06085C0063H, dated May 18, 2009), the project site is located in Flood Zone X. Zone X is defined as areas with 0.2 percent chance of flooding annually; areas with one percent chance of flooding annually with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from the one percent annual flood.[65]

[64] Santa Clara Valley Urban Runoff Pollution Prevention Program web site. Accessed January 7, 2022. https://scvurppp.org/pdfs/1516/c3_handbook_2016/Appendix_E.pdf.

[65] Federal Emergency Management Agency. "FEMA Flood Map Service Center: Welcome!" Accessed January 7, 2022. Available at: https://msc.fema.gov/portal.

### Dam Failure

According to the Valley Water dam failure inundation hazard maps, the project site is located within the Lexington Dam failure inundation hazard zone and outside the Anderson Dam failure inundation zone.[66]

### Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[67]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

## 4.10.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 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; | ☐ | ☐ | ☒ | ☐ |

[66] Santa Clara Valley Water District. "Local Dams and Reservoirs." Accessed January 7, 2022. Available at: https://www.valleywater.org/your-water/local-dams-and-reservoirs.
[67] California Geological Survey. "Tsunami Hazard Area Map." Accessed January 7, 2022. https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/.

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| - 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? | ☐ | ☐ | ☒ | ☐ |

**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 Water Quality Impacts

There is the potential for water quality impacts to occur during project construction. In addition to generating dust, litter, oil, and other pollutants that could contaminate runoff from the site, construction activities would increase the potential for erosion and sedimentation by disturbing and exposing underlying soil to the erosive forces of water and wind. Since construction of the proposed project would disturb more than one acre of soil, the project would be required to comply with the NPDES General Permit for Construction Activities. The project would include stormwater quality BMPs such as directing site runoff into bioretention areas, implementing pervious pavement, and using beneficial landscaping (i.e., minimizing irrigation, pesticides, and fertilizer application). These measures are consistent with the site design, treatment control and source control requirements of the NPDES General Permit.

**Conditions of Approval**: The proposed project would implement the following BMPs in order to reduce construction-related water quality impacts.

- 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 shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust, as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, and staging areas adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

Implementation of the above conditions of approval would reduce construction-related water quality impacts to less than significant level. **(Less than Significant Impact)**

**Post-Construction Water Quality**

The existing and proposed square footages of pervious and impervious surfaces for the project site are shown below in Table 4.10-1. Implementation of the project would result in a 24 percent increase in impervious surfaces on-site, compared to existing conditions.

**Table 4.10-1: Pervious and Impervious Surfaces On-Site**

| Total Site Area: 7.2 acres | b. Total Site Area Disturbed: 7.2 acres (including clearing, grading, or excavating) | | | |
|---|---|---|---|---|
| | **Existing Area ($ft^2$)** | **Proposed Area ($ft^2$)** | | **Total Post-Project Area ($ft^2$)** |
| | | **Replaced** | **New** | |
| **Impervious Area** | | | | |
| Roof | 0 | 0 | 130,972 | 130,972 |
| Surface Parking | 149,066 | 19,535 | 10,262 | 29,797 |
| Sidewalks and Streets | 15,641 | 15,641 | 41,553 | 57,194 |
| c. Total Impervious Area | 164,707 | 35,176 | 182,787 | 217,963 |
| d. Total new and replaced impervious area | | 217,963 | | |
| **Pervious Area** | | | | |
| Landscaping | 148,640 | -- | -- | 95,384 |
| e. Total Pervious Area | 148,640 | -- | -- | 95,384 |
| f. Total Site Area | 313,747 | | | 313,747 |

Because the proposed project would replace more than 10,000 square feet of impervious surfaces, the project would be required to comply with the provisions of the NPDES MRP. Plans would be certified by engineers to ensure incorporation of appropriate and effective source control measures to meet LID requirements to prevent discharge of pollutants, reduce impervious surfaces, retain a percentage of runoff on-site for percolation, and treatment control measures to remove pollutants from runoff entering the storm drainage system. Stormwater runoff on-site would flow to bio-treatment areas and would be collected via on-site catch basins. Stormwater would be treated, then directed to the City's stormwater system.

The following measures, based on the RWQCB BMPs and City requirements, are included in the proposed project as a condition of project approval to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.

**Conditions of Approval**: The project applicant shall implement the following measures to reduce the project's impact on post-construction water quality:

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Santa Clara. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.

- All post-construction Treatment Control Measures (TCMs) shall be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.

- The property owner/site manager shall keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.

The City will review the project's Stormwater Control Plan (SWCP) to ensure that the project would not exceed the capacity of the local drainage system and ensure compliance with the NPDES permit requirements to reduce post-construction water quality impacts. Therefore, installation and maintenance of the proposed stormwater treatment systems would result in a less than significant impact on 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 highest depth to groundwater expected at the project site is approximately seven feet below the ground surface. The maximum depth of excavation proposed is eight feet below the ground surface for the installation of utilities and building foundations. Any dewatering required for excavation and construction activities would comply with the City of Santa Clara's requirements for the discharge of

groundwater and any applicable RWQCB procedures for discharges. Development of the proposed project would include trenching/grading for utilities but would not have any substantial excavations. The project site is not an aquifer recharge facility (i.e., streams or ponds). The project would not use groundwater, deplete groundwater supply, or interfere with groundwater recharge. Therefore, the impact to groundwater would be less than significant. **(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 proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **(Less than Significant Impact)**

Under existing conditions, the storm drainage system has sufficient capacity to convey runoff from the site. Implementation of the project would result in a less than one percent increase in impervious surfaces compared to existing conditions, which would not substantially increase stormwater runoff. In addition, the project would be required to comply with the NPDES MRP requirements; therefore, runoff from the project site would not exceed the capacity of the local drainage system. With the implementation of the conditions of approval to reduce construction-related water quality impacts discussed in the response to Impact HYD-1 and compliance with the post-construction NPDES MRP requirements to reduce or prevent discharge of pollutants from stormwater runoff, the project would not provide substantial additional sources of polluted runoff to the City's storm drainage system. The project site is not in a flood hazard area, and, therefore, the project would not impede or redirect flood flows. **(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. (No Impact)** |

The project site is located within Flood Zone X and is not located in a flood hazard area. The project site is not subject to inundation by tsunami or seiche; therefore, there would be no risk of release of pollutants at the project site due to floods, tsunamis, or seiches. **(No 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 project would implement the BMPs, and conditions of project approval identified under Impact HYD-1, NPDES General Construction Permit requirements, and the Santa Clara Valley Nonpoint Source Pollution Control Program, Santa Clara Valley Urban Runoff Pollution Prevention

Program, and the Urban Runoff Management Plan. Therefore, the proposed project would not conflict or obstruct implementation of a water quality control plan. **(Less than Significant Impact)**

## 4.11 LAND USE AND PLANNING

### 4.11.1 Environmental Setting

#### 4.11.1.1 *Regulatory Framework*

**State**

Farmland Mapping and Monitoring Program

The California Resources Agency'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.

**Local**

Zoning Ordinance

The City of Santa Clara Zoning Ordinance (Title 18 of the City Code) provides a regulatory framework for development and operation of uses within the City. The intent of the Zoning Ordinance is to encourage development of various kinds of living, working, and commercial activities in specific areas as defined in the General Plan and to accomplish the following purposes:

- To promote the public health, safety, comfort, and general welfare
- To conserve the values of property throughout the City and to protect the character and stability of residential, commercial, professional, and manufacturing areas, and to promote the orderly and beneficial development of such areas
- To provide adequate light, air, privacy, and convenience of access to property
- To minimize congestion on the public streets and highways
- To provide for the elimination of incompatible and nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district
- To establish official plan lines and building setback lines
- To define the powers and duties of the administrative officers and bodies as provided herein
- To promote efficient urban design arrangement and to secure economy in governmental expenditures
- To preserve landmarks which reflect the City's historical, architectural, cultural, and aesthetic traditions and promote a sense of community identity and historic perspective

City of Santa Clara General Plan

The City of Santa Clara 2010-2035 General Plan includes goals, policies, and actions to reduce land use impacts. The following policies are applicable to the proposed 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-P4 | Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan. |
| 5.3.1-P9 | Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth. |
| 5.3.5-P5 | Allow the development of Office/Research and Development uses in varied configurations and intensities to meet the needs of existing and new businesses. |
| 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. |
| 5.3.1-P12 | Encourage convenient pedestrian connections within new and existing developments. |
| 5.3.5-P16 | Protect the industrial land use designations from incompatible uses in order to maintain the City's strong fiscal health and quality services that are supported by new businesses and technologies and retention of well-established existing businesses. |

#### 4.11.1.2 *Existing Conditions*

The 7.2-acre project site (APN 216-48-033) is located at 3000 Bowers Avenue in the City of Santa Clara. The site is bounded by Bowers Avenue to the east, Central Expressway to the north, Oakmead Village Court to the west and commercial and office uses to the south. The project site is vacant and contains a paved parking lot and landscaping.

The project site has a General Plan land use designation of High Intensity Office/R&D and a zoning designation of ML - Light Industrial. The General Plan designation allows development with up to a 2.0 FAR, which would permit up to approximately 628,000 square feet of development on the site. The High Intensity Office/R&D General Plan designation is intended for high-rise or campus-like developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted.

### 4.11.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |

**Impact LU-1: The project would not physically divide an established community. (No Impact)**

The project area includes a mix of office, industrial, and commercial uses. Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes to construct two five-story office buildings and a parking structure, would not include the construction of dividing infrastructure. The project site is located in an area with similar uses and patterns of development, and, therefore, implementation of the project would not physically divide an established community. **(No 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)**

#### General Plan

The proposed project would develop up to 330,000 square feet of office space and have an FAR of 1.05. The project is, therefore, consistent with the site's existing General Plan land use designation of High Intensity Office/R&D (which allows up to 628,000 square feet of office/R&D development and a FAR of up to 2.0). The project would be consistent with General Plan policies for office/industrial uses listed in Section 4.11.1, Environmental Setting. The project, therefore, would not conflict with the General Plan. The proposed project is consistent with surrounding land uses and would be compatible with the existing land uses in the project area. As a result, the proposed project would not conflict with the office, industrial, or commercial uses that surround the site.

#### Zoning Ordinance

The project is zoned *ML – Light Industrial*. The *ML – Light Industrial* zoning designation limits building height to 70 feet. The maximum height of the proposed buildings would be five stories tall (approximately 87.5 feet above the ground surface) and the minimum parking requirement for office use is one space per 300 square feet of gross floor area. The project would require a Modification to

increase the maximum building height and reduce the minimum parking requirement for the proposed office development. In accordance with City Code Section 18.90.020, the Zoning Administrator is granted the authority to permit minor modifications to development standards for height and parking requirements, not to exceed 25 percent of the requirement.

Because the project would either be granted the modification or the design and/or size of the project would be modified to fit within the existing zoning regulations, the proposed project would be compatible with the existing General Plan and zoning designations. **(Less Than Significant Impact)**

## 4.12 MINERAL RESOURCES

### 4.12.1 Environmental Setting

#### 4.12.1.1 *Regulatory Framework*

**California 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, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

#### 4.12.1.2 *Existing Conditions*

Based on the City's General Plan, the City is located in an area zoned MRZ-1 for aggregate materials by the State of California. MRZ-1 zones are areas where no significant mineral deposits are present or where little likelihood exists for their presence. No significant mineral resources have been identified within the City.

### 4.12.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

**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 project site is not in the vicinity of any mineral extraction sites, and no known mineral resources are present within the project site. For these reasons, the proposed project would not result in the loss of availability of a known mineral resource of 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)** |

There are no locally important mineral resources identified in the City's General Plan. Therefore, the project would not result in the loss of a locally important mineral resource recovery site. **(No Impact)**

## 4.13 NOISE

### 4.13.1 Environmental Setting

#### 4.13.1.1 *Background Information*

**Noise**

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including $L_{eq}$, DNL, or CNEL.[68] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). $L_{max}$ is the maximum A-weighted noise level during a measurement period.

**Vibration**

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

#### 4.13.1.2 *Regulatory Framework*

**State**

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 Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor/Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property

[68] $L_{eq}$ is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak hour $L_{eq}$.

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.

State CEQA Guidelines

CEQA contains guidelines to evaluate the significance of effects resulting from a proposed project. These guidelines have been used in this EIR as thresholds for establishing potentially significant noise impacts and are listed under Thresholds of Significance.

**Local**

Santa Clara City Code

Section 9.10.040 of the Santa Clara City Code Schedule A shows the noise levels considered consistent with specific zoning designations. For ML and MP zoned land uses, outdoor noise levels of up to 70 decibels are considered acceptable.

Santa Clara General Plan

The Santa Clara 2010-2035 General Plan includes policies that address noise and vibration during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

| 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. [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.[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-P7 | Implement measures to reduce interior noise levels and restrict outdoor activities in areas subject to aircraft noise in order to make Office/Research and Development uses compatible with the Norman Y. Mineta International Airport land use restrictions. |

Notes:

General Plan Policies 5.10.6-P1 and 5.10.6-P2 reference the General Plan Noise Standards as Table 5.10-1. This General Plan Noise Standards table is labeled as Table 5.10-2 in the General Plan.

Based the noise standards listed in Table 5.10-2 of the General Plan, industrial uses are considered compatible in noise environments of 70 dBA CNEL.[69] Where noise levels are greater than 70 dBA CNEL and less than 80 dBA CNEL, the design of the project should include measures to reduce

[69] The Santa Clara General Plan considers industrial uses to be uses that have a General Plan land use designation of High Intensity Office/R&D, Low-Intensity Office/R&D, Light Industrial, and Heavy Industrial. Since the project site has a High Intensity Office/R&D General Plan designation, the project is considered an industrial use.

noise levels to acceptable levels. Noise levels exceeding 80 dBA CNEL at industrial land uses are incompatible.

Commercial land uses are considered compatible in noise environments of 65 dBA CNEL or less. Where noise levels are greater than 65 dBA CNEL and less than 75 dBA CNEL, the design of the project should include measures to reduce noise levels to acceptable levels. Noise levels exceeding 75 dBA CNEL at commercial land uses are incompatible.

#### 4.13.1.3 *Existing Conditions*

The project site is located at the intersection of Central Expressway and Bowers Avenue in the City of Santa Clara. Noise in the project area is generated primarily from vehicular traffic along the surrounding roadways: Central Expressway, Bowers Avenue, and Kifer Road. Based on Figure 5.10-4 of the City's General Plan, existing noise levels at the project site ranges from 65 to 75 dBA.[70] Based on the Norman Y. Mineta San José International Airport Master Plan, the project site is located outside the 60 dbA CNEL noise contour for the airport.

There are no sensitive receptors located within proximity to the site. The nearest noise-sensitive receptors (i.e., residences) are located approximately 1,750 feet south of the project site.

[70] Figure 5.10-4 in the General Plan shows existing (2010) noise level contours (from roadway traffic) within the City of Santa Clara.

### 4.13.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☒ | ☐ |

#### Thresholds of Significance

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. The General Plan defines a change of three dBA CNEL as noticeable, five dBA CNEL as distinct in noise level.[71] Typically, project generated noise level increases of three dBA CNEL or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA CNEL or greater is considered significant.

[71] City of Santa Clara. 2010. *City of Santa Clara 2010-2035 General Plan, Section 8.14.1 Noise Measurement.*

| | |
|---|---|
| **Impact NOI-1:** | **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)** |

## Operational Noise Impacts

Project-Generated Traffic Noise

Based upon the traffic study prepared by Hexagon Transportation Consultants, the proposed project would generate approximately 364 new AM peak hour and 361 PM peak hour trips distributed amongst the surrounding roadway system. A traffic noise increase is considered substantial if it increases the ambient noise level by three decibels or more in sensitive noise areas (e.g., residences, schools, hospitals, libraries, and assisted living facilities) , equivalent to a doubling of traffic on local roadways.

The proposed project is located approximately 1,750 feet north of the nearest sensitive receptors and based on the existing and existing plus project traffic volume data, would not double the amount of traffic on local roadways. As a result, traffic generated by the project would result in a less than significant noise impact. **(Less Than Significant Impact)**

Project-Generated Rooftop Equipment Noise Impacts

The proposed project would include various operational mechanical equipment such as ventilation systems, air conditioning, exhaust fans, etc. The City Code limits noise levels from building equipment to 55 dBA $L_{eq}$ during the daytime (7:00 AM to 10:00 PM) and 50 dBA $L_{eq}$ during the evening (10:00 PM to 7:00 AM) in residential land use areas. As mentioned previously, the nearest noise-sensitive receptors are located approximately 1,750 feet south of the project site. Given the distance of the project site from the nearest sensitive receptors, operation of the project's mechanical equipment would not result in a significant noise impact to off-site receptors.

Per Section 9.10.040 of the City of Santa Clara City Code, the project would be required to comply with the City Code, which limits noise levels from building equipment to 70 dBA $L_{eq}$ anytime at adjacent ML and MP zoned land uses. The proposed project would comply with City Code requirements.

As a result, the noise produced by mechanical equipment during project operations would not significantly impact any sensitive receptors or adjacent businesses. **(Less Than Significant Impact)**

## Construction Noise

There are no noise-sensitive land uses in the immediate vicinity of the project. Construction of the proposed project would temporarily increase noise levels in the immediate area of the project site. Construction activities generate considerable amounts of noise, especially during building demolition and construction of project infrastructure when heavy equipment is used.

Construction activities would include site preparation, excavation, grading, trenching, building construction, paving, and architectural coating. Construction activities for individual projects are typically carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Typical construction noise levels at a distance of 50 feet, based on the Federal Highway Administration's Roadway Construction Noise Model, are shown on Table 4.13-1. The maximum noise level ($L_{max}$) and average noise level ($L_{eq}$) is shown for each type of equipment, ranges for different construction equipment are also shown. Most demolition and construction noise falls with the range of 80 to 90 dBA at a distance of 50 feet from the source.[72]

**Table 4.13-1: Construction Noise Levels Calculated at 50 Feet (dBA)**

| Construction Phase | Equipment Type | Equipment $L_{max}$ | Equipment $L_{eq}$ | Construction Phase $L_{eq}$ |
|---|---|---|---|---|
| Demolition | Concrete/Industrial Saws | 90 | 83 | 86 |
| | Excavators | 80 | 77 | |
| | Rubber-Tired Dozers | 82 | 78 | |
| | Tractors/Loaders/Backhoes | 84 | 80 | |
| Site Preparation | Graders | 85 | 81 | 85 |
| | Rubber Tired Dozers | 82 | 78 | |
| | Tractors/Loaders/Backhoes | 84 | 80 | |
| Grading / Excavation | Scrapers | 84 | 80 | 86 |
| | Excavators | 81 | 77 | |
| | Graders | 85 | 81 | |
| | Rubber Tired Dozers | 82 | 78 | |
| | Tractors/Loaders/Backhoes | 84 | 80 | |
| Trenching | Tractor/Loader/Backhoe | 84 | 80 | 82 |
| | Excavators | 81 | 77 | |
| Building Exterior | Cranes | 81 | 73 | 83 |
| | Forklifts | 75 | 68 | |
| | Generator Sets | 81 | 78 | |
| | Tractors/Loaders/Backhoes | 84 | 80 | |
| | Welders | 74 | 70 | |
| Building Interior | Air Compressors | 78 | 74 | 75 |
| | Aerial Lift | 75 | 68 | |
| Paving | Cement and Mortar Mixers | 80 | 77 | 86 |

[72] Illingworth & Rodkin, Inc. *Gateway Crossings Project Noise and Vibration Assessment, Santa Clara, California.* January 22, 2018.

| Table 4.13-1: Construction Noise Levels Calculated at 50 Feet (dBA) | | | | |
|---|---|---|---|---|
| **Construction Phase** | **Equipment Type** | **Equipment $L_{max}$** | **Equipment $L_{eq}$** | **Construction Phase $L_{eq}$** |
| | Pavers | 77 | 74 | |
| | Paving Equipment | 90 | 83 | |
| | Rollers | 80 | 73 | |
| | Tractors/Loaders/Backhoes | 84 | 80 | |
| Notes:<br>$L_{max}$ = The maximum A-weighted noise level during the measurement period.<br>$L_{eq}$ = The average A-weighted noise level during the measurement period. | | | | |

The following measures, consistent with City Code requirements, would reduce impacts from construction activities on-site:

- Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.
- The applicant shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator shall respond to and address all complaints about noise.

A project could result in a significant construction noise impact if it is within 300 feet within residences and construction occurs outside allowed construction hours allowed in the City Code (Section 9.10.230). The nearest residences to are located 1,750 feet south of the site. Given that construction noise would be limited to 14 months and would not be located in proximity to residences, the project would not result in construction noise in excess of standards established in the City Code.[73] **(Less than Significant Impact)**

**Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact)**

### Construction-Related Vibration

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. For structural damage due to construction-vibration, Caltrans recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened.[74]

[73] The General Plan noise standards described in Section 4.13.1.2, Regulatory Framework apply to a project and surrounding environments during project operations.
[74] Caltrans. Transportation and Construction Vibration Guidance Manual. April 2020. Accessed January 7, 2022. https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals.

The project site is located adjacent to standard office and industrial buildings that were constructed in the mid to late 1970s and 1980s and, therefore, there are no historic buildings adjacent to the project site. Based on the Caltrans Transportation and Construction Vibration Guidance Manual, vibration induced by typical construction equipment does not result in adverse effects on people or structures. The project would not include the use of pile driving and vibratory compaction equipment, which typically generates the highest construction related groundborne vibration levels and would not utilize other construction equipment that generates high vibration levels. Therefore, the project would not cause significant structural damage to adjacent buildings due to construction-related vibration.

For the above reasons, the project would not result in a significant groundborne construction noise- or vibration-relation impacts. **(Less Than Significant Impact)**

| | |
|---|---|
| **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)** |

Based on the Norman Y. Mineta San José International Airport (Airport) Master Plan, the project site is located outside the 60 dbA CNEL noise contour for the airport. The project site is outside of the Airport Influence Area, a composite of areas surrounding the Airport that are affected by noise, height, and safety considerations. The project is not located within the vicinity of a private airstrip. Therefore, the project would not expose people residing or working in the project area to excessive noise levels. **(Less Than Significant Impact)**

## 4.14 POPULATION AND HOUSING

### 4.14.1 Environmental Setting

#### 4.14.1.1 *Regulatory Framework*

**Regional and 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.[75]

ABAG 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.

#### 4.14.1.2 *Existing Conditions*

According to the California Department of Finance, the City had a population of approximately 130,745 residents in 127,550 households as of January 2021.[76] Of the 130,745 residents, approximately 50 percent are employed residents.[77] There are approximately 137,000 jobs in the City (estimated by ABAG for 2020).[78] 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.[79]

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.[80] The General Plan focuses on increased housing and the placement of housing near employment. As a result, the jobs to housing ratio is projected to slightly decrease to 2.48 by 2040.[81] 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.

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[75] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.
[76] California Department of Finance. "E-5 City/County Population and Housing Estimates." January 2021. Accessed: January 7, 2022. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[77] Association of Bay Area Governments. *Plan Bay Area: Projections 2013*. December 2013.
[78] The above population and employment estimated are based on pre-COVID/pandemic conditions.
[79] Ibid. City of Santa Clara. 2010-2035 General Plan. December 2014 Update.
[80] City of Santa Clara 2010-2035 General Plan. December 2014. Appendix 8.12 (Housing Element). Page 8.12-25.
[81] City of Santa Clara 2010-2035 General Plan Final Environmental Impact Report. 2011

### 4.14.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |

**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 approximately 7.2-acre project site is a vacant lot. The proposed project would construct two five-story office buildings within an area previously developed with a paved parking lot and landscaping. The proposed project would result in 330,000 square feet of new office space (165,000 square feet per building) at a 1.05 FAR. At an estimated average of four employees per 1,000 square feet of office space, this would result in an increase of 1,320 available jobs within the City of Santa Clara.

The proposed project is consistent with the High Intensity Office/R&D General Plan land use designation which allows a FAR of 2.0 and office/R&D space up to 626,694 square feet. The project is consistent with the General Plan job growth projections for the site. The project would not result in an extension of growth inducing infrastructure. The project would not extend roads or other infrastructure that would indirectly induce growth. For these reasons, the project would not directly or indirectly 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 site is vacant, and no residents or employees currently occupy the site. The project proposes to develop a total of 330,000 square feet of office space which would accommodate approximately 1,320 employees on the site. The project would add jobs to the site and would not displace existing people or housing. **(No Impact)**

## 4.15 PUBLIC SERVICES

### 4.15.1 Environmental Setting

#### 4.15.1.1 *Regulatory Framework*

**Regional and Local**

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

City of Santa Clara General Plan

The City of Santa Clara 2010-2035 General Plan addresses public safety and its connection to quality of life in the City. Policies of the General Plan include, but are not limited to, the following:

| Policies | Description |
|---|---|
| 5.9.3-P2 | Provide police and fire services that respond to community goals for a safe and secure environment for people and property. |
| 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. |
| 5.10.5-P28 | Continue to require all new development and subdivisions to meet or exceed the City's adopted Fire Code provisions. |

#### 4.15.1.2 *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..[82] Currently, the SCFD has nine fire stations. The nearest station to the project is Station No. 9 located at 3011 Corvin Drive, located approximately 0.5 miles west 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

[82] City of Santa Clara. FY 2021/22 and FY 2022/23 Proposed Operating Budget. Accessed January 7, 2022. 637565176748600000 (santaclaraca.gov).

has approximately 159 sworn officers and 80 civilians.[83] 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 2.7 miles. The distance between the project site and substation is approximately two 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 area is within the SCUSD attendance boundaries.

### Parks

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities with the City. Overall, as of May 2021, the Department maintains and operates Central Park, a 45.04-acre community park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (124.51 acres improved and 3.189 acres unimproved resulting in 5.779 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 (23.89 acres improved, and excluding the Santa Clara Golf and Tennis Club/Bicycle Moto-Cross [BMX] track ), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.58 acres) throughout the City, totaling approximately 268.35 improved acres and 84.531 unimproved acres. Community parks are over 15 acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one-acre in size.

The nearest park to the project site is Bracher Park, a 3.5-acre neighborhood park, located at 2560 Alhambra Drive, approximately 0.4 miles southwest of the project site. The park includes a picnic/barbeque area, basketball courts, and a playground. There are no City parks within a 10-minute walk of the project site.

### 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 2.5 miles southeast of the project site. The Northside Branch Library is located at 695 Moreland Way, approximately two miles northeast of the project site. The Mission Library Family Reading Center is located at 1098 Lexington Street, approximately three miles southeast of the project site.

[83] City of Santa Clara, Police Department. *Divisions*. Accessed January 7, 2022. https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet

### 4.15.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| 1) Fire Protection? | ☐ | ☐ | ☒ | ☐ |
| 2) Police Protection? | ☐ | ☐ | ☒ | ☐ |
| 3) Schools? | ☐ | ☐ | ☐ | ☒ |
| 4) Parks? | ☐ | ☐ | ☒ | ☐ |
| 5) Other Public Facilities? | ☐ | ☐ | ☐ | ☒ |

**Impact PS-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. (Less than Significant Impact)**

The project site is located in an area developed with office, commercial, and industrial uses, which are currently served by the SCFD. The project proposes to construct two 165,000 square foot office buildings and a parking structure. The proposed development would increase the total population of Santa Clara during regular business hours but would not permanently increase the resident population because there is no housing proposed as part of the project. The project would accommodate approximately 1,320 employees, consistent with the General Plan planned growth projections. The General Plan FEIR concluded that additional SCFD officers, if needed to serve the build-out of the General Plan, would be housed in existing facilities and no new or expanded facilities would be necessary. Consequently, the project would not require new facilities or expansion of current facilities to provide adequate fire protection services and meet the City's overall service goals. The proposed project would be reviewed by the SCFD and be built to applicable Fire Code standards in use when construction permits are issued, including sprinklers and smoke detectors, and would include features that would reduce potential fire hazards. **(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, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. (Less than Significant Impact)** |

The project site is located in an area developed with office, commercial, and industrial uses, which are currently served by the SCPD. The proposed project would increase the total population of Santa Clara during standard business hours but would not permanently increase the resident population because no housing is proposed as part of the project. The project does not propose new housing units and future employees of the proposed project would occupy existing housing in the City or elsewhere. The project would be constructed in conformance with current codes and the project design would be reviewed by the SCPD to ensure that it incorporates appropriate safety features to minimize criminal activity. The project would be consistent with growth projections of the General Plan EIR, which concluded that additional officers, if needed to serve the build out of the General Plan, would utilize the existing facilities and no new or expanded facilities would be necessary. Consequently, new facilities or expansion of existing facilities would not be required to provide adequate police services to serve the proposed project and meet the City's overall service goals. **(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, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. (No Impact)** |

The proposed project would construct an office development and would not include any residential uses. New students are generated by a project when new housing units are proposed. As stated in the response to Impact PS-2, future employees of the project would occupy existing housing in the City or elsewhere. Implementation of the proposed office development would not generate new students and, therefore, would not increase the student population within the City of Santa Clara. Therefore, the proposed project would have no impact on school facilities or capacities in the City. **(No Impact)**

| | |
|---|---|
| **Impact PS-4:** | **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public park facilities, the need for new or physically altered public park 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)** |

The project proposes to construct two new office buildings and would not include any residential uses. An increase in the daily employee population in the City would not result in a substantial increase in usage of local recreational facilities. The proposed office development would include

recreational areas available for the tenants including outdoor deck areas with seating and meeting areas. Recreational areas would also include game tables and outdoor kitchen/barbeque areas. The proposed on-site recreational facilities would offset the use of off-site recreational facilities by future employees of the site.

No City parks or trails are within walking distance of the proposed development and, therefore, the number of future employees that would use these facilities would not be substantial. Although future employees might use City parks or trails, weekday employees would not place a substantial physical burden on these facilities. Therefore, the proposed project would not have a significant impact on park facilities in the City of Santa Clara. **(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, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. (No Impact)** |

The proposed project would construct two new office buildings and would not include any residential uses. Therefore, the proposed project would have no impact on library facilities in the City of Santa Clara. **(No Impact)**

## 4.16 RECREATION

### 4.16.1 Environmental Setting

#### 4.16.1.1 *Existing Conditions*

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities with the City. Overall, as of May 2021, the Department maintains and operates Central Park, a 45.04-acre community 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 130.64 acres), 13 mini parks (2.59 acres improved and 3.18 acres unimproved resulting in 5.77 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.89 acres improved and 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 (48.58 acres) throughout the City totaling approximately 268.35 improved acres and 84.53 unimproved acres. Community parks are over 15 acres, neighborhood parks are one to 15 acres and mini parks are typically less than one acre in size.

The closest neighborhood park to the project site is Bracher Park, located at 2560 Alhambra Drive, approximately 0.4-mile south, and a 15-to-20-minute walk from the site.

### 4.16.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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 will 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? | ☐ | ☐ | ☒ | ☐ |

**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 proposed office development would accommodate approximately 1,320 new employees. The proposed office development would include recreational areas available for employees including outdoor deck areas with seating and meeting areas. Recreational areas would also include game

tables and outdoor kitchen/barbeque areas. The proposed on-site recreational facilities would offset the use of off-site recreational facilities by future employees of the site.

No City parks or trails are within a 10-minute walking distance of the proposed development and, therefore, the number of future employees that would use these facilities would not be substantive. Although future employees might use City parks or trails, weekday employees would not place a substantial physical burden on these facilities. For these reasons, the project would not increase the use of existing neighborhood and regional parks or other facilities such that the facilities would be substantially physically degraded. **(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)** |

As discussed in response to Impact REC-1 above the project would include the construction of on-site recreational areas. The impacts (e.g., construction related water quality impacts, trees/nesting birds, construction noise, hazards and hazardous materials, and hydrology and water quality) from construction of these areas would be reduced to less than significant with the implementation of standard measures, best management practices, and mitigation measures described throughout the Initial Study. Therefore, construction of on-site recreational facilities would not result in an adverse physical effect on the environment. **(Less than Significant Impact)**

## 4.17 TRANSPORTATION

The following discussion is based on a Local Transportation Analysis (LTA) and TDM Plan prepared by *Hexagon Transportation Consultants, Inc.* in May 2021. The report is included in its entirety in Appendix D of this Initial Study.

### 4.17.1 Environmental Setting

#### 4.17.1.1 *Regulatory Framework*

**State and Regional**

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 analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional, and local sources over the next 24 years).

Congestion Management Program

The 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 all 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 level of service (LOS) standards, transit service standards, a trip reduction and transportation demand management, 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.

## Local

Santa Clara General Plan

All future development allowed by the proposed GPA shall be in conformance with adopted City plans and policies. General Plan policies applicable to transportation/traffic include, but are not limited to, the following listed below.

| Policies | Description |
|---|---|
| General Mobility and Transportation Policies | |
| 5.8.1-P3 | Identify opportunities to connect people to supportive services, public amenities, and transit. |
| Roadway Network Policies | |
| 5.8.2-P2 | Discourage widening of existing roadway or intersection rights-of-way without first considering operational improvements, such as traffic signal modifications, turn-pocket extensions, and intelligent transportation systems. |
| 5.8.2-P3 | Encourage undergrounding of utilities and utility equipment within the public right-of-way and site these facilities to provide opportunities for street trees and adequate sidewalks. |
| 5.8.2-P9 | Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas. |
| 5.8.3-P9 | Require new development to incorporate reduced on-site parking and provide enhanced amenities, such as pedestrian links, benches, and lighting, in order to encourage transit use and increase access to transit services. |
| 5.8.3-P10 | Require new development to participate in public/private partnerships to provide new transit options between Santa Clara residences and businesses. |
| Bicycle and Pedestrian Network Policies | |
| 5.8.4-P6 | Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation. |
| 5.8.4-P7 | Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas. |
| 5.8.4-P8 | Require new development and public facilities to provide improvements, such as sidewalks, landscaping, and bicycling facilities, to promote pedestrian and bicycle use. |
| 5.8.4-P9 | Encourage pedestrian- and bicycle-oriented amenities, such as bicycle racks, benches, signalized mid-block crosswalks, and bus benches or enclosures. |
| 5.8.4-P10 | Encourage safe, secure, and convenient bicycle parking and end-of-trip, or bicycle “stop” facilities, such as showers or bicycle repair near destinations for all users, including commuters, residents, shoppers, students, and other bicycle travelers. |
| 5.8.4-P13 | Promote pedestrian and bicycle safety through “best practices” or design guidelines for sidewalks, bicycle facilities, landscape strips and other buffers, as well as crosswalk design and placement. |
| Transportation Demand Management Policies | |
| 5.3.1-P14 | Encourage TDM 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. |

| Policies | Description |
|---|---|
| 5.8.5-P1 | Require new development and City employees to implement TDM programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities. |
| 5.8.5-P5 | Encourage TDM programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles. |

#### 4.17.1.2 *Existing Conditions*

**Roadway Network**

Regional access to the project site is provided by US 101, as described below.

- *US 101* is an eight-lane freeway with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction in the vicinity of the site. It extends north through San Francisco and south through Gilroy. Regional access to the project site is provided via its interchange with Bowers Avenue.

Local access to the site is provided by Central Expressway, Bowers Avenue, Kifer Road and Oakmead Village Court.

- *Central Expressway* is a six-lane east-west expressway with four to six lanes. It begins at De La Cruz Boulevard in San José and extends westward to San Antonio Road where it transitions into Alma Street in Mountain View. East of San Tomas Expressway, Central Expressway has HOV lanes. Central Expressway provides access to and from the project site via Bowers Avenue and Oakmead Village Drive.

- *Bowers Avenue* is a six-lane north-south street, north of Kifer Road, and a four-lane street south of Kifer Road. It transitions from Great America Parkway north of US 101 and extends southerly to El Camino Real, where it transitions to Kiely Boulevard. Bicycle lanes exist along most of Bowers Avenue, except along the project frontage between Central Expressway and Kifer Road. Bowers Avenue provides direct access to the project site via an existing right-in and right-out only driveway.

- *Kifer Road* is a four-lane east-west street with left-turn pockets provided at intersections and a center turn lane provided between intersections. It runs between Fair Oaks Avenue in Sunnyvale and Bowers Avenue, where it transitions into Walsh Avenue. Bicycle lanes exist west of Uranium Road. Kifer Road provides access to the project site via its intersection with Oakmead Village Court.

- *Oakmead Village Court* is a two-lane north-south street that runs from Kifer Road to south of Central Expressway, along the western project site boundary, where it terminates in a cul-de-sac. Oakmead Village Court provides direct access to the project site via two proposed driveways. One of the driveways would intersect with Oakmead Village Drive, which provides access to and from eastbound Central Expressway.

## Existing Bicycle and Pedestrian Facilities

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. The San Tomas Aquino Creek trail/bicycle path extends from Sunnyvale Baylands Park, north of SR 237, to Homestead Road. Between Cabrillo Avenue and Homestead Road, the trail runs on the west side of San Tomas Expressway. The trail can be accessed via the bicycle lanes on Scott Boulevard and Central Expressway.

Class II bicycle lanes, which are preferential use areas within a roadway designated for bicycles, within one mile of the project site are present along the following roadways:

- Kifer Road, west of Uranium Road
- Scott Boulevard/Arques Avenue, between Monroe Street and North Fair Oaks Avenue in Sunnyvale
- Bowers Avenue/Great America Parkway, between Chromite Drive and Yerba Buena Way,
- Lakeside Drive, for the entire street
- Oakmead Parkway, for the entire street
- Calabazas Boulevard, for the entire street

Class III bicycle routes are typically designated with signage or with painted shared lane markings (sharrows) on a road that indicate to motorists that bicyclists may use the full travel lane. Within a one-mile radius of the project site, sharrows are present along the following roadway segments:

- Bowers Avenue, between Chromite Drive and El Camino Real
- Chromite Drive, between Monroe Street and Bowers Avenue

Bicycles are also allowed on Central Expressway, Lawrence Expressway, and San Tomas Expressway. Existing bicycle facilities are shown on Figure 4.17-1.

Pedestrian Facilities

Pedestrian Facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the project vicinity, sidewalks are provided on both sides of Bowers Avenue and Walsh Avenue. Kifer Road has sidewalks along the north side of the street between Oakmead Village Court and Bowers Avenue, and along both sides of the roadway west of Uranium Road. Sidewalks are present along the north side of Central Expressway between Oakmead Village Drive and the San Tomas Aquino Creek Trail. Existing sidewalks are missing on Oakmead Village Court and Central Expressway adjacent to the project site.

Crosswalks are provided at all signalized study intersections in the vicinity of the project site, except for the east leg of the Oakmead Parkway/Corvin Drive and Central Expressway intersection. All of the crosswalks at the signalized study intersections include pedestrian signal heads and push buttons.


Source: Hexagon Transportation Consultants, Inc.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

Sidewalks in the project vicinity provide adequate access to the local pedestrian network and the nearby transit facilities from the project site.

**Existing Transit Facilities**

Existing transit service in the project vicinity is provided by the VTA. The nearest bus stops to the project site are located along Bowers Avenue, south of Kifer Road (approximately a 750-foot walking distance from the project site), at the intersection of Bowers Avenue and Central Expressway (approximately one quarter-mile walking distance from the project site), at the intersection of Bowers Avenue and Scott Boulevard (approximately one half-mile walking distance from the project site). Transit facilities in the vicinity of the site are shown on Figure 4.17-2. The nearest VTA bus services are described in Table 4.17-1.

**Table 4.17-1: VTA Bus Service in the Project Area**

| Route | Route Description | Location of Nearest Bus Stops | Headway (min) |
|---|---|---|---|
| Local Route 20 | Milpitas BART and Sunnyvale Transit Center | Bowers Avenue/Scott Boulevard | 30[a] |
| Local Route 57 | Old Ironsides/Great America Parkway to West Valley College in Saratoga | Bowers Avenue/Kifer Road | 20 [a] |
| ACE Gray (822) Shuttle | Great America Station to South Sunnyvale | Scott Boulevard at its intersections with Garrett Drive, Lakeside Drive, and Bowers Avenue | 85-115 (two runs southbound, three runs northbound) |
| ACE Yellow (827) Shuttle | Great America Station to South Santa Clara | Bowers Avenue and Central Expressway | 85-116 (two runs each direction) |

[a] Headways for Local Routes 20 and 57 were 15 minutes prior to the COVID-19 pandemic (March 2020).

### 4.17.1.3 *VMT Methodology*

The City of Santa Clara adopted a VMT Transportation Analysis Policy for environmental review on June 30, 2020. The City of Santa Clara's VMT Policy establishes screening criteria for various types of developments such as infill developments, small projects, and/or transit supportive projects near major transit corridors are considered to have a less than significant impact on VMT under CEQA and are not required to prepare further VMT analysis. If projects meet the following screening criteria, they are considered to have a less than significant VMT impact:

- The project is located within ½ mile of a major transit stop, or a transit stop along a high-quality transit corridor
- A minimum 0.75 FAR for office/R&D uses
- The project promotes multimodal transportation
- The project incorporates transit-oriented design elements
- The project does not propose excessive parking


Source: Hexagon Transportation Consultants, Inc.

EXISTING TRANSIT SERVICES | FIGURE 4.17-2

### 4.17.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |

**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)**

The project is consistent with the policies of the City's General Plan to improve sidewalk connectivity and expand pedestrian and transit opportunities. The project's consistency with these policies is described below.

**Impacts to Bicycle, Pedestrian, and Transit Facilities**

Pedestrian Facilities

New pedestrian traffic facilities could potentially be generated by the project. Although the project site is surrounded primarily by office/employment land uses, various bus stops are located along Bowers Avenue and Kifer Road, within a reasonable walking distance.

Consistent with General Plan Policies 5.8.4-P7 and 5.8.4-P8, the project would construct new five-foot sidewalks along the project site frontages on Central Expressway and Oakmead Village Court. The sidewalks would facilitate pedestrian movements between the project site and nearby bus stops. With the existing and proposed pedestrian facilities within and in the vicinity of the project site, pedestrian access to and from the project site would be adequate. **(Less than Significant Impact)**

Bicycle Facilities

The project could incrementally increase the demand on bicycle facilities in the vicinity of the project site. Assuming bicycle trips would comprise one to two percent of the total project-generated trips (according to the 2018 Bicycle Plan Update) the project would generate up to eight new bicycle trips during the peak hours. The potential demand could be served by the various bicycle transit facilities in the immediate vicinity of the project site. Therefore, the potential increase in bicycle trips by the

project would not have an adverse effect on the existing or planned bicycle facilities in the project area (shown in the City's Bicycle Master Plan Update 2018) and would not require new off-site bicycle facilities. **(Less than Significant Impact)**

Transit Services

Due to the proximity of bus stops to the project site, it is assumed that some employees of the proposed project would utilize the existing transit services. Assuming a commute hour transit mode share of two percent (as recommended by VTA guidelines), the project would generate up to eight new transit riders during the peak hours. Given that the project site is served by two local bus routes, two Altamont Commuter Express (ACE) shuttle routes, an average of two new transit riders would access each of the available bus routes during the peak hours. Therefore, it is anticipated that the projected transit riders associated with the project could be accommodated by the existing transit services.

An evaluation of the effects of project traffic on transit vehicle delay was also completed as part of the traffic study. The analysis shows that for most routes, the traffic associated with the project would increase delay to transit vehicles by 15 seconds or less per vehicle. The VTA has no established policies or significance criteria related to transit vehicle delay. These results, therefore, are presented for informational purposes only. The proposed project would not interfere with the construction of planned transit facilities nor would the project exceed the capacity of the existing system. The project would not conflict with a program plan or policy addressing transit. **(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)** |
|---|---|

As discussed in Section 4.17.1, Environmental Setting, the City's VMT Transportation Analysis Policy sets forth screening criteria that allow various types of developments such as infill developments, small projects, and/or transit supportive projects near major transit corridors to be considered to have a less than significant impact on VMT. The project would qualify as a transit supportive project since it meets the following criteria:

- The project is located within 0.5 mile of a major transit stop, or a transit stop along a high-quality transit corridor
- A minimum 0.75 FAR for office/R&D uses
- Promotes multimodal transportation
- Incorporates transit-oriented design elements
- Does not propose excessive parking

### Proximity to Transit

Transit supportive projects must be located within one half mile of an existing major transit stop or an existing transit stop along a high-quality transit corridor. A "high-quality transit corridor" is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

A "major transit stop" is defined as a location containing any of the following:

- An existing rail or bus rapid transit station
- 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; or
- A major transit stop that is included in Plan Bay Area 2040.

The project is approximately 0.33 miles from the Bowers Avenue/Scott Boulevard intersection where Routes 20 and 57 provide a frequency of service interval of 15 minutes during the morning and afternoon peak commute periods prior to the COVID-19 pandemic. Therefore, the intersection meets the definition of a major transit stop.

### Intensity

The proposed project would have a FAR of approximately 1.05. Therefore, the development intensity meets the minimum 0.75 FAR requirement for office/R&D uses to be considered a transit supportive project.

### Multimodal Transportation and Transit-Oriented Design Elements

The City Policy requires that transit supportive projects promote multimodal transportation and include transit-oriented design elements. The project would include the following design features that support safe, active, and sustainable travel options for employees:

- New five-foot wide sidewalks along the project frontages on Central Expressway and Oakmead Village Court. The sidewalks would facilitate pedestrian movements between the project site and surrounding points of interest, such as bus stops.
- Pedestrian paths throughout the project site, providing connections between sidewalks on the adjacent streets, the proposed buildings, parking garage, and other amenities on-site.
- Long-term and short-term bicycle parking. The short-term spaces would be racks located near the main entrance to each of the office buildings. The long-term spaces would be in a secure bicycle room located on the ground floor of the parking garage.
- Showers/changing rooms for employees to use after biking or walking to the office.
- Fewer vehicle parking spaces than the City requirement. The City requires 1,100 parking spaces for the project. The project would provide 980 parking spaces with Zoning Administrator approval of a Modification.
- Loading zones for dropping off and picking up passengers who carpool or vanpool. The drop-off and pick-up zones would provide greater convenience for employees who rideshare

with people who work at other nearby work locations, as well as those who use on-demand ride services such as Lyft and Uber.
- Transportation demand management (TDM) strategies to promote sustainable modes of transportation and reduce vehicle miles traveled by at least 10 percent.

**Parking**

Transit supportive projects may not include more parking than required by the City Code. The project would provide fewer parking spaces (980) than what is ordinarily required by the City Code without a modification (1,100). Therefore, the project meets this requirement.

Given the project is transit supportive per the City's VMT Policy, the project would have 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 project proposes the construction of two office buildings and a parking garage on an unoccupied, surface parking lot located in a developed, urban area of Santa Clara. The project would not result in the construction of dangerous intersections or sharp corners that could result in safety hazards; nor does the project propose incompatible uses, such as farm equipment. The proposed project is consistent with the land uses allowed on-site by the General Plan and compatible with the land uses of the surrounding area.

**Driveway Design**

Vehicle access to the site would be provided via a right-in/right-out only driveway on Bowers Avenue, and one full-access driveway and one exit-only driveway on Oakmead Village Court. The two-way project driveways would be 24 to 30 feet wide, and the one-way driveway (exit-only) would be 12 feet wide. According to the Santa Clara City Code, Chapter 18.74 (Parking Regulations), two-way driveways providing access to all properties other than residential should be a minimum width of 22 feet and a maximum width of 30 feet, and one-way driveways should be a minimum width of 14 feet. The two-way driveways would satisfy City driveway design standards. However, the width of the one-way driveway would be two feet less than the City's minimum width requirement. The following condition of approval shall be implemented to provide safe driveway access.

**Condition of Approval**

- The exit-only driveway (southern driveway) on Oakmead Village Court at the parking garage shall be widened to meet the City's minimum width requirement of 14 feet. Prior to issuance of a grading permit, the project applicant shall modify the 12 foot-wide exit-only driveway on Oakmead Village Court to 14 feet wide on the site plan, in accordance with the Santa Clara City Code.

### Driver Sight Distance

The proposed driveway locations were evaluated to determine if the sight distance at each driveway would be adequate. Adequate sight distance reduces the likelihood of a collision at driveways and provides drivers with the ability to locate sufficient gaps in traffic to exit a driveway. Sight distance of a driveway is evaluated based on the stopping sight distance recommended by Caltrans for a given speed.

For the driveways on Oakmead Village Court, which has a posted speed limit of 25 miles per hour (mph), the Caltrans stopping sight distance is 200 feet (based on a speed of 30 mph). Therefore, a driver must be able to see 200 feet in both directions of Oakmead Village Court to locate a sufficient gap to turn out of the driveways. Similarly, the driveway on Bowers Avenue requires a stopping sight distance of 300 feet, based on a design speed of 40 mph.

The right-turn only driveway on Bowers Avenue would be located 250 feet south of Central Expressway. Because no roadway curve or no-street parking is present on Bowers Avenue that would not obstruct the vision of exiting drivers, vehicles exiting the driveway would be able to see approaching traffic on Central Expressway with an adequate sight distance (greater than 300 feet) for the southbound through traffic. Vehicles turning from Central Expressway to southbound Bowers Avenue would travel with lower speed while making turns. The sight distance for traffic turning from Central Expressway is adequate.

There is a horizontal curve on Oakmead Village Court between the two project driveways. The sight distance at the north driveway for the northbound traffic from the curve is approximately 210 feet, which is adequate sight distance for both the outbound and inbound vehicles at the driveways. However, the sight distance at the south driveway for the southbound traffic from the curve is approximately 150 feet, which is shorter than the Caltrans stopping sight distance is 200 feet. To ensure a minimum of 200 feet of clear sight distance from the south driveway, the landscaping would be kept at a low height, as discussed below. The following condition of approval shall be implemented by the project applicant to improve driver sight distance.

**Condition of Approval**

- The on-site landscaping along Oakmead Village Court between the two driveways shall be kept to a low height (three feet) to ensure a minimum of 200 feet of clear sight distance from the south driveway. The City requires that no visual obstructions over three feet in height are allowed within a driver's sight triangle near driveways.

In addition, on-street parking is currently allowed on Oakmead Village Court along the project frontage and could obstruct the vision of exiting drivers if cars park near the driveways. The following condition of approval shall be implemented to reduce potential collisions due to vehicles exiting the site.

**Condition of Approval**

- The curb segments adjacent to the project driveways on Oakmead Village Court shall be painted red for 15 feet to prohibit parking and ensure adequate sight distance for outbound traffic.

The final design of roadways, driveways, and access points shall be approved by the City. With the implementation of the above conditions of approval, the project would not substantially increase hazards due to a design feature or incompatible land use. **(Less than Significant Impact)**

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

Emergency vehicles would access the project site from Bowers Avenue and Oakmead Village Court via the Bowers Avenue driveway, the driveway on Oakmead Village Court at Oakmead Village Drive, and the truck access driveway on Oakmead Village Court north of Oakmead Village Drive. A 26-foot-wide fire access path would be provided along the project boundary on Central Expressway and Bowers Avenue between the Bowers Avenue driveway and the Oakmead Village Court cul-de-sac. Therefore, based on the driveway and fire access lane widths, the project would provide adequate access and circulation for fire trucks/emergency vehicles. For this reason, the project would not result in inadequate emergency access. **(No Impact)**

### 4.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on VMT, a discussion in accordance with the City's level of service (LOS) standards is included for informational purposes. This evaluation is included Appendix D of this Initial Study.

## 4.18 TRIBAL CULTURAL RESOURCES

### 4.18.1 Environmental Setting

#### 4.18.1.1 *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.

#### 4.18.1.2 *Existing Conditions*

Under AB 52, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. On June 14, 2021, Tamien Nation requested to be notified of all projects within the City of Santa Clara in accordance with AB 52.

The NAHC was contacted on August 17, 2021, to provide information from a Sacred Lands File on sacred sites or tribal cultural resources within the project site and for a list of Native American tribal representatives with heritage ties to the project area. On September 21, 2021, NAHC stated that the site is not listed as a sacred or tribal cultural resource and provided a list of representatives from Native American tribes. On September 21, 2021, tribal representatives from Amah Mutson Tribal Band, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Trible of the San Francisco Bay Area, the Ohlone Indian Tribe, North Valley Yokuts Tribe, Tamien Nation, the Confederated Villages of Lisjan, and Wuksache Indian Tribe/Eshom Valley Band were informed of the project and were requested to identify cultural resources in the project area. No responses were received from these notifications/inquiries.

On September 10, 2021, the City submitted notification letters regarding the proposed project to Chairwoman Quirina Luna Geary and Cultural Resource Officer Johnathan Costillas of the Tamien Nation in accordance with AB 52, as an invitation for government-to-government consultation for

the 3000 Bowers Avenue Project. On October 16, 2021, a response from the Tamien Nation requested formal consultation. The City of Santa Clara completed formal consultation with Tamien Nation on November 15, 2021. Based on this consultation, no known tribal cultural resources occur on-site. A large former Native American habitation site located 0.7 miles east of the project site could contain tribal cultural resources. However, this site is disturbed, likely from the construction of Central Expressway (refer to Section 4.5, Cultural Resources for a description of archaeological deposits discovered at the former habitation site). Based on the number and proximity of previously recorded prehistoric archaeological deposits, human remains, and proximity to creeks, the project site is considered generally sensitive for buried prehistoric archaeological deposits and human remains. Tamien Nation recommended conditions of approval to reduce impacts to potential undiscovered tribal cultural resources on-site (refer to Section 4.5.2, Cultural Resources Impact Discussion).

### 4.18.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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. | ☐ | ☐ | ☒ | ☐ |

| | |
|---|---|
| **Impact TCR-1:** | As mitigated, 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 with Mitigation Incorporated)** |

Based on the Sacred Land Files search results and consultation with Tamien Nation that concluded on November 15, 2021, no tribal cultural resources including sites, features, places, cultural landscapes, or sacred place have been identified at the site.[84]

Any tribal cultural resources found on-site would be addressed consistent with mitigation measures MM CUL-2.1, CUL-2.2, MM CUL-2.3, MM- CUL-2.4 and CUL-3.1 recommended by Tamien Nation. Therefore, with the implementation of mitigation measures, the proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact with Mitigation Incorporated)**

| | |
|---|---|
| **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)** |

As discussed under Impact TCR-1, there are no known tribal cultural resources on-site, and the project includes mitigation measures to reduce potential impacts to a less than significant level. For this reason, the project would not cause a substantial adverse change in the significance of a tribal cultural resources that is determined by the lead agency. **(Less than Significant Impact)**

[84] City of Santa Clara. *2010-2035 General Plan.* 2014 Update.
Albion Environmental, Inc. *Cultural Resources Sensitivity of the City of Santa Clara.* May 2010.

## 4.19 UTILITIES AND SERVICE SYSTEMS

The following analysis is based in part on a Water Supply Memorandum completed by the City of Santa Clara in November 2020. The memorandum can be found in Appendix E of this Initial Study.

### 4.19.1 Environmental Setting

#### 4.19.1.1 *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 (2011) 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 (2016) 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.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The most recent

edition was issued by the state in 2019 and became effective in Santa Clara on January 1, 2020. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

1. Reducing indoor water use by 20 percent
2. Reducing wastewater by 20 percent
3. Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris
4. Providing readily accessible areas for recycling by occupants

**Local**

City of Santa Clara General Plan

The Santa Clara 2010-2035 General Plan includes policies that address the reduction of GHG gas emissions during the planning horizon of the General Plan. The following goals, policies, and actions are applicable to the proposed project:

| Policies | Description |
|---|---|
| 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. |
| 5.10.1-P6 | Require adequate wastewater treatment and sewer conveyance capacity for all new development. |
| 5.10.5-P21 | Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy. |

### 4.19.1.2 *Existing Conditions*

**Water Services**

Water is provided to the site by the City of Santa Clara Water Utility. The system consists of more than 335 miles of water mains, 26 active wells, and seven storage tanks with approximately 28.8 million gallons of water capacity.[85] Drinking water is provided by an extensive underground aquifer (accessed by the City's wells) and by two wholesale water importers: Valley Water (imported from the Sacramento-San Joaquin Delta) and the San Francisco Hetch-Hetchy System (imported from the Sierra Nevada). The three sources are used interchangeably or are blended together. A water recharge program administered by Valley Water from local reservoirs and imported Sacramento-San Joaquin Delta water enhances the dependability of the underground aquifer.

For certain approved non-potable uses, recycled water from the San Jose/Santa Clara Regional Wastewater Facility's South Bay Recycled Water facility is used. There are no recycled water lines

[85] City of Santa Clara. "Water Utility." Accessed: January 7, 2022. Available at: https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-utility.

near the project site.[86] The project site is unoccupied and does not currently utilize the City's water utilities for indoor uses. Minimal water services may be required for irrigation of the landscaped area.

### Wastewater Services

The City of Santa Clara Departments of Public Works and Water and Sewer Utilities are responsible for the wastewater collection system within the City. Wastewater is collected by sewer systems in Santa Clara and is conveyed by pipelines to the Regional Wastewater Facility (RWF) located in San José. The RWF is one of the largest advanced wastewater treatment facilities in California and serves over 1.4 million people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno.[87] The RWF has available capacity to treat up to 167 million gallons per day (mgd). The RWF presently operates at an average dry weather flow of 110 mgd, which is 57 mgd (or 35 percent) under the facility's 167 mgd treatment capacity.[88] Approximately 10 percent of the plant'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. The site is unoccupied and does not generate wastewater.

### 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 Central Expressway, Oakmead Village Court, and Bowers Avenue. All stormwater enters San Tomas Aquino Creek through the existing stormwater drainage system.

### Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System through a contract with the City. Mission Trail Waste System also has a contract to implement the Clean Green portion of the City's recycling plan by collecting yard waste. All other recycling services are provided through Stevens Creek Disposal and Recycling. The City has an arrangement with the owners of the Newby Island Landfill, located in San José, to provide disposal capacity for the City of Santa Clara through 2024. The City of San José approved expansion of Newby Island Landfill in August 2012 and the landfill could continue to provide disposal capacity to Santa Clara beyond 2024. Prior to 2024, the City would need to amend their contract with Newby Island or contract with another landfill operator, which would be subject to environmental review. The City also owns property outside its jurisdictional boundaries that could provide for solid waste disposal. The Newby Island Landfill has a remaining capacity of 13.7 million cubic yards.[89] Newby Island Landfill is currently in the process of seeking authorization from San José to expand the permitted capacity and

[86] City of San Jose. Recycled Water: South Bay Water Recycling. Accessed January 7, 2022. https://www.sanjoseca.gov/home/showdocument?id=522.
[87] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed: January 7, 2022. Available at: https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.
[88] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.
[89] Personal Communication. North, Daniel, General Manager, Republic Services. Re: NISL - remaining capacity and est. closure date. April 19, 2021.

accept an additional 15.1 million cubic yards.[90] If the landfill is not available to accept waste, the City will prepare a contract with another landfill, such as Guadalupe Mines in San José, which is anticipated to close in 2048.

As discussed in Section 4.19.1.1, 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. In addition to the state targets, the City of Santa Clara has a construction debris diversion ordinance which requires all projects over 5,000 square feet to divert a minimum 50 percent of construction and demolition debris from landfills. Landscaping/tree maintenance would occur on the project site that would generate yard waste.. Minimal soil waste is generated from site maintenance.

### 4.19.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 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? | ☐ | ☐ | ☒ | ☐ |

[90] The Mercury News. "San José to Study Odors from Newby Island Landfill Before Considering Any Expansion." Accessed: January 7, 2022. Available at: https://www.mercurynews.com/2016/01/14/san-jose-to-study-odors-from-newby-island-landfill-before-considering-any-expansion/.

| | |
|---|---|
| **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)** |

The proposed project would connect to the City's existing stormwater, electric, natural gas, telecommunications, solid waste, and wastewater system infrastructure. The proposed project would incrementally increase the demand on existing facilities in the City of Santa Clara. The analysis in the following sections discusses the potential impacts of the project on existing facilities. Based on the following analysis, no relocation of existing or construction of new facilities that would cause a significant environmental effect are needed to serve the proposed project. **(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)** |

The project would construct two five-story, 165,000 square foot office buildings, a five-level parking garage and site improvements. There would be a total of 95,384 square feet of landscape area to be irrigated. The proposed development would use approximately 29,700 gallons of water (gpd) per day[91] for the proposed buildings, and 77,170 gpd for irrigation [92] a net increase of approximately 106,870 gallons of water per day when compared to existing conditions. Based on the City's November 2020 water supply memorandum and an August 2012 Water Supply Assessment for the project, the increase in water demand would not exceed the capacity of the Santa Clara Water Utility to provide water services to the site. In addition, the City's Water Utility has sufficient water supplies to meet the projected water demand of the City and the proposed project during normal, single dry year, and multiple dry year scenarios. **(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)** |

Based on the City's General Plan, the RWF has the capacity to treat 167 million gallons of wastewater a day. The City's average dry weather flow is 13.3 mgd while the treatment capacity is

[91] Personal Communications. Asuncion, Diane, Acting Compliance Manager, City of Santa Clara. RE: Water Supply Assessment for 3000 Bowers. November 5, 2020, and December 1, 2020.
Based on the personal communications and water supply memorandum completed by the City, since a water supply assessment was completed for a similar 300,000 square foot office development previously proposed at the site in August 2012, and the changes to the project are not substantiative, a new water supply assessment is not required. Ibid. Water demand rate for indoor water use =0.09 gallons per day per square foot based on the City's Water Supply Assessment completed for the project.

[92] Personal Communications. Asuncion, Diane, Acting Compliance Manager, City of Santa Clara. RE: Water Supply Assessment for 3000 Bowers. December 1, 2020.
Irrigation demand rate = 0.809 gallons per day per square foot.

23 mgd. [93] The proposed project would generate approximately 49,500 gpd of wastewater, based on a wastewater generation rate of 0.15 gpd/square foot.[94] The proposed project would not increase the need for wastewater treatment beyond the capacity of the RWF.

The proposed project would connect to existing sewer lines in Oakmead Village Court. Construction of the project would increase the wastewater flow rate by 49,500 gpd compared to existing conditions. City staff have concluded that there is sufficient wastewater treatment capacity for the project.[95] **(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)** |

The Newby Island Landfill, located in San José, has an agreement with the City to provide disposal capacity through 2024. The proposed project would generate a total of approximately 1,980 pounds of solid waste per day.[96] This is 1,980 pounds per day more than the solid waste currently generated on-site.

The proposed project would comply with the City's construction debris diversion ordinance and state waste diversion requirements. If the Newby Island Landfill is not available to accept waste after 2024, the City will prepare a contract with another landfill with capacity, such as Guadalupe Mines in San José, which is not anticipated to close until 2048. Because the project can be served by a landfill with capacity and would not result in a significant increase in solid waste or recyclable materials, the project's impacts related to solid waste and landfill capacity would be less than significant. **(Less than Significant Impact)**

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

The proposed project would not negatively impact the provision of solid waste services and would comply with AB 341 which requires all businesses in California that generate four or more cubic yards of garbage per week (approximately 6,740 pounds per week) to recycle. Future occupants of the site would be required to direct and recycle waste consistent with federal, state, and local requirements. Thus, the project would not impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

[93] City of Santa Clara. 2010-2035 General Plan Integrated Final Environmental Impact Report. SCH# 2008092005. January 2011.
[94] Personal Communications. Nguyen, Viet, City of Santa Clara. RE: Sanitary Sewer Capacity Study. December 7, 2020.
[95] Personal Communications. Nguyen, Viet, City of Santa Clara. RE: Sanitary Sewer Capacity Study. December 4, 2020. The City determined that there is sufficient wastewater treatment capacity, and no sanitary sewer capacity study is necessary for the project. The sewer discharge coefficient for the City's office projects is 0.15 gpd/square feet; this rate is used for the City's sewer modeling and provides a conservative estimate for wastewater generation.
[96] The solid waste generation is based on a solid waste generation rate of six pounds per 1,000 square feet per day for office use. 330,000 sf of office / 1,000 sf * 6 pounds = 1,980 pounds

## 4.20 WILDFIRE

### 4.20.1 Environmental Setting

#### 4.20.1.1 *Existing Conditions*

The California Department of Forestry and Fire Protection (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 (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located in a FHSZ.[97]

### 4.20.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

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)**

[97] California Office of the State Fire Marshal. *Fire Hazard Severity Zones Maps*. Accessed January 7, 2022. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| 2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | ☐ | ☒ | ☐ | ☐ |
| 3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

**Impact MFS-1: As mitigated, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. (Less than Significant Impact with Mitigation Incorporated)**

As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, with the implementation of the identified mitigation measures (mitigation measure MM BIO-1.1), the project would not significantly impact migratory bird or nesting raptor populations. The project site is developed, is within an urban area, and does not contain suitable habitat for special-status plant or wildlife species. As discussed in Section 4.5, Cultural Resources, with implementation of the mitigation measures MM CUL-2.1, MM CUL-2.2, and MM CUL-3.1, the project would not result in less than significant impacts to archaeological and tribal cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

| Impact MFS-2: | The project does not have impacts that are individually limited, but cumulatively considerable. (Less than Significant Cumulative Impact with Mitigation Incorporated) |
|---|---|

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." This Initial Study evaluates the environmental impacts of the proposed office development project. This Initial Study also takes into account other past, pending, and probable future projects whose impacts could combine to produce cumulative impacts.

Based on the City's pending and approved list of projects, there are no current or future projects adjacent to the project site. The nearest projects within one-half mile of the site include: a 145-unit multi-family residential project under construction at 2904 Corvin Drive (approximately 0.4 miles west of the site), a pending 80-unit affordable housing development project located on 3335 Kifer Road, 0.4 miles west of the site, and an approved 240,000 square foot office development at 3375 Scott Boulevard, approximately 0.4 miles northwest of the site.

### Resource Topics not Impacted by the Project

The project would have no impact on agricultural, mineral resources, and wildfire hazards; therefore, the project has no potential to combine with other projects to result in cumulative impacts to those resources.

### Cumulative Air Quality Impacts

By its nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. 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 project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in *Section 4.3, Air Quality*) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. The project's construction (with the implementation of best management practices to reduce fugitive dust emissions) and operational criteria air pollutant emissions would be below BAAQMD thresholds for these pollutants. No sensitive receptors are located within 1,000 feet of the site and, therefore, the project would not contribute to a significant community health risk to sensitive receptors. Therefore, the project's incremental contribution to regional air quality impacts and localized community health risks would not be cumulatively considerable, resulting in a less than significant cumulative impact. **(Less Than Significant Cumulative Impact)**

### Cumulative Greenhouse Gas Emissions and Energy Impacts

The proposed project and past, present, and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in *Section 4.8, Greenhouse Gas Emissions*, the project's operational emissions would exceed the 660 MT of $CO_2e$ per year 2030 bright-line threshold, but the project's emissions would not exceed the per capita threshold of 2.8 MT $CO_2e$ per year per service population. The project would, therefore, not result in a significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact. **(Less Than Significant Cumulative Impact)**

The geographic area for cumulative energy impacts is the State of California. Past, present, and future development projects contribute to the state's energy impacts. If a project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. The project would not result in significant energy impacts or conflict or obstruct a state or local plan for energy efficiency. The project, therefore, would not have a cumulatively considerable contribution to a significant cumulative energy impact. **(Less Than Significant Cumulative Impact)**

### Cumulative Noise Impacts

The geographic area for cumulative noise impacts is approximately a 1,000 feet radius from the site. There are no pending or approved projects within 1,000 feet of the project site. Therefore, the project would not result in cumulative construction noise impacts.

A significant cumulative traffic noise impact would occur if the cumulative traffic noise level increase would be three dBA $L_{dn}$ or greater for future levels exceeding 60 dBA $L_{dn}$ or was five dBA $L_{dn}$ or greater for future levels at or below 60 dBA $L_{dn}$. For the proposed project, traffic noise increase is considered substantial if it increases the ambient noise level by three decibels or more in sensitive noise areas, equivalent to a doubling of traffic on local roadways. Based on traffic volume data in the project's traffic study, the project would not cause traffic volumes to double in the project area. Therefore, the project would not result in a cumulatively considerable contribution to traffic noise in the area. **(Less Than Significant Cumulative Impact)**

### Cumulative Traffic Impacts

The geographic area for cumulative transportation resource impacts is the City of Santa Clara. Since the project is transit-supportive and would result in a less than significant VMT impact, the project would result in a less than cumulatively considerable contribution to the significant Citywide VMT impact. The project is consistent with the General Plan and, therefore, would not cause an increase VMT beyond the General Plan projections. **(Less than Significant Cumulative Impact)**

### Cumulative Aesthetics and Land Use Impacts

The geographic area of cumulative aesthetics (from which the project would be visible) and land use impacts is the project's immediate vicinity. Since there are no pending or approved projects within the project site's immediate vicinity, the project would not result in cumulative aesthetics or land use impacts.

### Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to trees includes the project site and adjacent parcels. There are no current or reasonably foreseeable projects adjacent to the project site. Therefore, the project would not have the potential to result in combined impacts to trees. **(No Cumulative Impact)**

The geographic area for cumulative impacts to sensitive habitats such as wetland, riparian habitats, and serpentine habitats, and special-status species would be Santa Clara County. The project would have no impact on riparian, wetland habitats or special-status species, and therefore, would not combine impacts to these habitats with other projects elsewhere. **(No Cumulative Impact)**

The project site is not located within an adopted Habitat Conservation Plan; therefore, the applicant is not required to pay Habitat Plan fees and the project would not have a cumulative impact. **(No Cumulative Impact)**

The geographic area for cumulative impacts to migratory wildlife would be Santa Clara County. Construction of projects throughout the County, including the proposed project, could result in a significant cumulative impact on nesting birds. Each project is subject to federal, state, and local regulations (including the MBTA, Fish and Game Code, and CEQA), which would avoid and/or minimize impacts to nesting birds. The project, with the implementation of mitigation measure MM BIO-1.1 would comply with the MBTA and Fish and Game Code, would not result in a cumulatively considerable contribution to a significant cumulative impact to nesting birds. **(Less Than Significant Cumulative Impact with Mitigation Incorporated)**

### Cumulative Cultural Resources, Tribal Cultural Resources, and Geology Impacts

The project would have no impact on historic resources and, therefore, would not combine impacts to these resources with other projects or contribute to any cumulative impacts to these resources. **(No Cumulative Impact).**

The geographic area for archaeological resources, human remains, and tribal cultural resources is limited to the project site and adjacent parcels because it is assumed the surrounding projects would affect similar resources. The nearest pending and approved development projects are located at least 0.4 miles from the site and would not have the potential to combine impacts to archaeological resources and human remains with the proposed project.
**(No Cumulative Impact)**

The geographic area for cumulative geological impacts would be locations adjacent to the site since geological impacts are limited to the project site and adjacent properties. There are no other current or future projects immediately adjacent to the project site. Therefore, the project has no potential to combine impacts to geological resources or soils with other projects. **(No Cumulative Impact)**

### Hazards and Hazardous Materials Impacts

The geographic area for hazards and hazardous materials is the project site and adjacent parcels. The potential for on-site hazardous materials contamination to affect adjacent properties in combination with other development in the project vicinity is limited. Based on previous investigations at the site, there are VOCs in groundwater with concentrations above regulatory standards. VOCs in soil vapor

were localized and has limited potential to affect off-site properties. Given the history of agricultural uses in the project area, the areas of the site's soils are contaminated with pesticides. Given the distance of the project site from other pending or approved development and with the project's implementation of mitigation measures MM HAZ-1.1 through MM HAZ-1.5, the project does not have the potential to combine impacts, due soil contamination, with other cumulative projects. The project, in combination with cumulative projects in the area, therefore, would not result in a cumulative hazardous materials impact. **(Less Than Significant Cumulative Impact with Mitigation Incorporated)**

### Cumulative Hydrology Impacts

The geographic area for cumulative hydrology and water quality impacts is the San Tomas Aquino Creek watershed. Cumulative developments within the watershed would have similar hydrological and urban runoff conditions. All projects occurring within Santa Clara would be required to implement the same standard measures/BMPs related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance if greater than one-acre). In addition, all cumulative projects that would disturb more than one-acre of soil or replace/add more at least 10,000 square feet of impervious surfaces would be required to meet applicable San Francisco RWQCB requirements and the City's SWCP requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**

### Cumulative Utility and Service System Impacts

The geographic area for cumulative utility and service system impacts is the City of Santa Clara. The project, by itself, would have a less than significant impact on utilities and service systems (refer to Section 4.19). As discussed in Section 4.19, there is sufficient water supply to meet the projected water demands of the City (including water demand from existing uses and projected growth) and the proposed project.

Build-out of the General Plan would result in an increase in sewage generated within the City. As discussed in the certified General Plan EIR, the average dry weather flows projected from the full build-out of the General Plan were projected to be within the City's allocated treatment capacity at the RWF, which at the time of the certification of the General Plan EIR was 20.1 mgd[98] and below the City's 2017 flow allocation of approximately 20.5 mgd.

Since the certification date of the General Plan EIR, however, the City has approved development applications that have included General Plan amendments, each of which have incrementally increased the potential sewage generation at full build-out. Consequently, it is conceivable that at some point prior to 2035, the City could exceed its current capacity allocation, and the proposed project is anticipated to generate an additional 0.3 mgd.[99] However, the RWF has excess flow

[98] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH# 2008092005. January 2011. Page 228.
[99] V&A Consulting Engineers. *City of Santa Clara Gateway Crossing Mixed Use Sewer Capacity Study.* June 2017.

capacity of approximately 59.7 mgd, and the City has a process to obtain additional capacity rights at the RWF, without the need for any physical improvements to the RWF, should the need arise.[100]

Based on the above discussion, there is sufficient treatment capacity at the RWF to serve the build out of the General Plan and the cumulative projects (including the proposed project). The cumulative projects would not result in a significant cumulative impact on wastewater treatment capacity.

Wastewater flow from the site to the City's pump stations would not cause the facilities to exceed capacity. The cumulative projects would not cause the City's pump stations to exceed capacity, as the City is planning for future capacity improvements as additional developments are proposed, for which environmental analysis would be conducted. The project would, therefore, not result in cumulative impacts to pump stations or sanitary sewer facilities. **(Less than Significant Cumulative Impact)**

The project would not relocate natural gas, electricity, or telecommunications lines. The project would not combine impacts to these utility lines with other projects, therefore, no cumulative impacts to these utilities would result from the combined projects. **(No Cumulative Impact)**

Build out of the City and the proposed project would generate solid waste that would need to be disposed of appropriately. Consistent with the conclusion in the certified General Plan EIR and City Place Santa Clara Project EIR,[101] without a specific plan for disposing of solid waste beyond 2024, the solid waste generated by development in the City post-2024 (including waste from the proposed project and other cumulative projects such as City Place Santa Clara) would result in a significant unavoidable cumulative impact.

The proposed project, by itself, would not have a cumulatively considerable contribution towards solid waste. **(Less than Significant Cumulative Impact)**

### Population and Housing

The geographic area for cumulative population and housing impacts is the City of Santa Clara. Although the project would add jobs and contribute to the jobs/housing imbalance within the City, the project is consistent with the existing General Plan designation and planned employment growth and housing production projections. For this reason, the jobs added by the project would not make a cumulatively considerable contribution to a worsening of the jobs/housing imbalance. **(Less Than Significant Cumulative Impact)**

### Public Services and Recreation

The geographic area for cumulative public services impacts is the City of Santa Clara. All cumulative projects would be built in conformance with current fire code standards and public safety

[100] The total flow capacity at the RWF is 167 mgd, and the joint owners (Santa Clara and San José) have agreements with several tributary agencies, which have capacity rights of approximately 35 mgd. Pursuant to Section V.B.3 of the 1983 agreements with the tributary agencies, Santa Clara can purchase additional capacity from those tributary agencies.

[101] City of Santa Clara. *City Place Santa Clara Project Draft Environmental Impact Report.* SCH# 2014072078. Certified June 2016. Pages 3.14-38 and 3.14-39.

requirements in the General Plan. The project would not develop residences and would construct recreational amenities on the site, and therefore, would not result in a cumulatively considerable contribution to a cumulative park and recreational facility impacts. For this reason, the cumulative projects would result in a less than significant cumulative impact to police, fire, and recreational facilities. **(Less than Significant Cumulative Impact)**

The project does not propose construction of residences, and therefore, would not contribute to cumulative school or library impacts. **(No Cumulative Impact)**

| | |
|---|---|
| **Impact MFS-3:** | **The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. (Less than Significant Impact)** |

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Pursuant to this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of the best management practices, standard permit conditions, mitigation measures, and adherence to General Plan, City Code, and state and federal regulations described in these sections of the report, would avoid significant impacts. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact)**

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# SECTION 6.0 LEAD AGENCY AND CONSULTANTS

## 6.1 LEAD AGENCY

**City of Santa Clara**
Debby Fernandez, Associate Planner

## 6.2 CONSULTANTS

**David J. Powers & Associates, Inc.**
Environmental Consultants and Planners
Shannon George, Principal Project Manager
Amber Sharpe, Project Manager
Maria Kisyova, Assistant Project Manager
Ryan Osako, Graphic Artist

**Hexagon Transportation Consultants**
Kai-ling Kuo, P.E., Senior Associate

**Illingworth and Rodkin, Inc.**
*Air Quality and Greenhouse Gas Consultants*
James Reyff, Principal

**Kielty Arborist Services**
*Arborists*
David Beckham, Certified Arborist

**PaleoWest, LLC.**
*Cultural Resources Consultants*
Garret Root, Principal

**PES Environmental, Inc.**
Hazardous Materials Consultants/Geologists
James P. Dunn, P.G., Principal Geologist
Lucia Shaffer-Tropeano, Staff Geologist

# SECTION 7.0 ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| 2017 CAP | Bay Area 2017 Clean Air Plan |
| AB | Assembly Bill |
| ABAG | Association of Bay Area Governments |
| ACM | Asbestos containing material |
| AIA | Airport Influence Area |
| ALUC | Airport Land Use |
| BAAQMD | Bay Area Air Quality Management District |
| Basin Plan | Water Quality Control Plan for the San Francisco Bay Basin |
| BMP | Best Management Practice |
| Btu | British thermal units |
| CalEEMod | California Emissions Estimator Model |
| CalEPA | California Environmental Protection Agency |
| CAL FIRE | California Department of Forestry and Fire Protection |
| Cal/OSHA | California Department of Industrial Relations, Division of Occupational Safety and Health |
| Caltrans | California Department of Transportation |
| CARB | California Air Resources Board |
| CBC | California Building Standards Code |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CFR | Code of Federal Regulations |
| CGS | California Geological Survey |
| $CH_4$ | Methane |
| CLUP | Comprehensive Land Use Plan |
| CMP | Congestion Management Program |
| CNEL | Community Noise Equivalent Level |
| CO | Carbon monoxide |
| $CO_2$ | Carbon dioxide |
| $CO_2e$ | $CO_2$ equivalents |
| CRHR | California Register of Historical Resources |
| CUPA | Certified Unified Program Agency |
| dBA | A-weighted decibel |

| | |
|---|---|
| DNL | Day-Night Level |
| DPM | Diesel particulate matter |
| DTSC | Department of Toxic Substances Control |
| EIR | Environmental Impact Report |
| EPA | Environmental Protection Agency |
| ESD | Environmental Services Department |
| FAA | Federal Aviation Administration |
| FAR Part 77 | Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace |
| FEMA | Federal Emergency Management Agency |
| FHSZ | Fire hazard severity zone |
| FIRM | Flood Insurance Rate Map |
| FMMP | Farmland Mapping and Monitoring Program |
| FTA | Federal Transit Authority |
| GHG | Greenhouse gas |
| GPA | General Plan Amendment |
| GWh | gigawatt hours |
| GWP | Global warming potential |
| Habitat Plan | Santa Clara Valley Habitat Plan/Natural Community Conservation Plan |
| HFCs | Hydrofluorocarbons |
| HOV | High occupancy vehicle |
| $L_{eq}$ | Average energy level intensity |
| $L_{max}$ | Maximum A-weighted noise level |
| LID | Low Impact Development |
| LOS | Level of service |
| LUTE | Land Use and Transportation Element |
| MBTA | Migratory Bird Treaty Act |
| mgd | Million gallons per day |
| MLD | Most Likely Descendant |
| $MMTCO_2e$ | Million metrics tons of carbon dioxide equivalent |
| MND | Mitigated Negative Declaration |
| mpg | miles per gallon |
| MTC | Metropolitan Transportation Commission |
| NAHC | Native American Heritage Commission |

| | |
|---|---|
| NFIP | National Flood Insurance Program |
| NHPA | National Historic Preservation Act |
| NOD | Notice of Determination |
| NOI | Notice of Intent |
| $N_2O$ | Nitrous oxide |
| $NO_x$ | Nitrogen oxides |
| $NO_2$ | Nitrogen dioxide |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| $O_3$ | Ground-level ozone |
| OEHHA | California Office of Environmental Health Hazard Assessment |
| OITC | Outdoor-Indoor Transmission Class |
| OPR | Office of Planning and Research |
| PDAs | Priority Development Areas |
| PFCs | Perfluorocarbons |
| PG&E | Pacific Gas and Electric Company |
| PM | Particulate matter |
| $PM_{2.5}$ | Fine particulate matter |
| $PM_{10}$ | Coarse particulate matter |
| PPV | Peak Particle Velocity |
| RHNA | Regional Housing Need Allocation |
| ROG | Reactive organic gases |
| RWQCB | Regional Water Quality Control Board |
| SB | Senate Bill |
| SCS | Sustainable Communities Strategy |
| SCRWA | South County Regional Wastewater Authority |
| SCVWD | Santa Clara Valley Water District |
| SHMA | Seismic Hazards Mapping Act |
| $SF_6$ | Sulfur hexafluoride |
| SFHAs | Special Flood Hazard Areas |
| SMARA | Surface Mining and Reclamation Act |
| SMGB | State Mining and Geology Board |
| $SO_x$ | Sulfur oxides |

| | |
|---|---|
| SR | State Route |
| STC | Sound Transmission Class |
| SVCE | Silicon Valley Clean Energy |
| SWPCP | Sunnyvale Water Pollution Control Plant |
| SWPPP | Stormwater Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| TACs | Toxic air contaminants |
| TCRs | Tribal Cultural Resources |
| tpy | Tons per year |
| USACE | United States Army Corps of Engineers |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| UWMP | Urban water management plan |
| VTA | Santa Clara Valley Transportation Authority |