Initial Study

3155 El Camino Real Residential Project

Prepared By

CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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All appendices are incorporated into this document by this reference. 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 3155 El Camino Real 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 demolish the existing structures on the project site to construct eight separate buildings, ranging from two to three stories in height and consisting of 60 dwelling units. 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:

City of Santa Clara
Debby Fernandez, Associate Planner
1500 Warburton Avenue
Santa Clara, CA 95050

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

3155 El Camino Real Residential Development Project

2.2 LEAD AGENCY CONTACT

City of Santa Clara
Debby Fernandez, Associate Planner
1500 Warburton Avenue
Santa Clara, CA 95050

2.3 PROJECT APPLICANT

Oak Investment Group, LLC.

2.4 PROJECT LOCATION

3141 – 3155 El Camino Real, Santa Clara CA. The location of the site with respect to the region, vicinity, and local area can be seen in Figures 2.4-1, 2.4-2, and 2.4-3.

2.5 ASSESSOR'S PARCEL NUMBERS

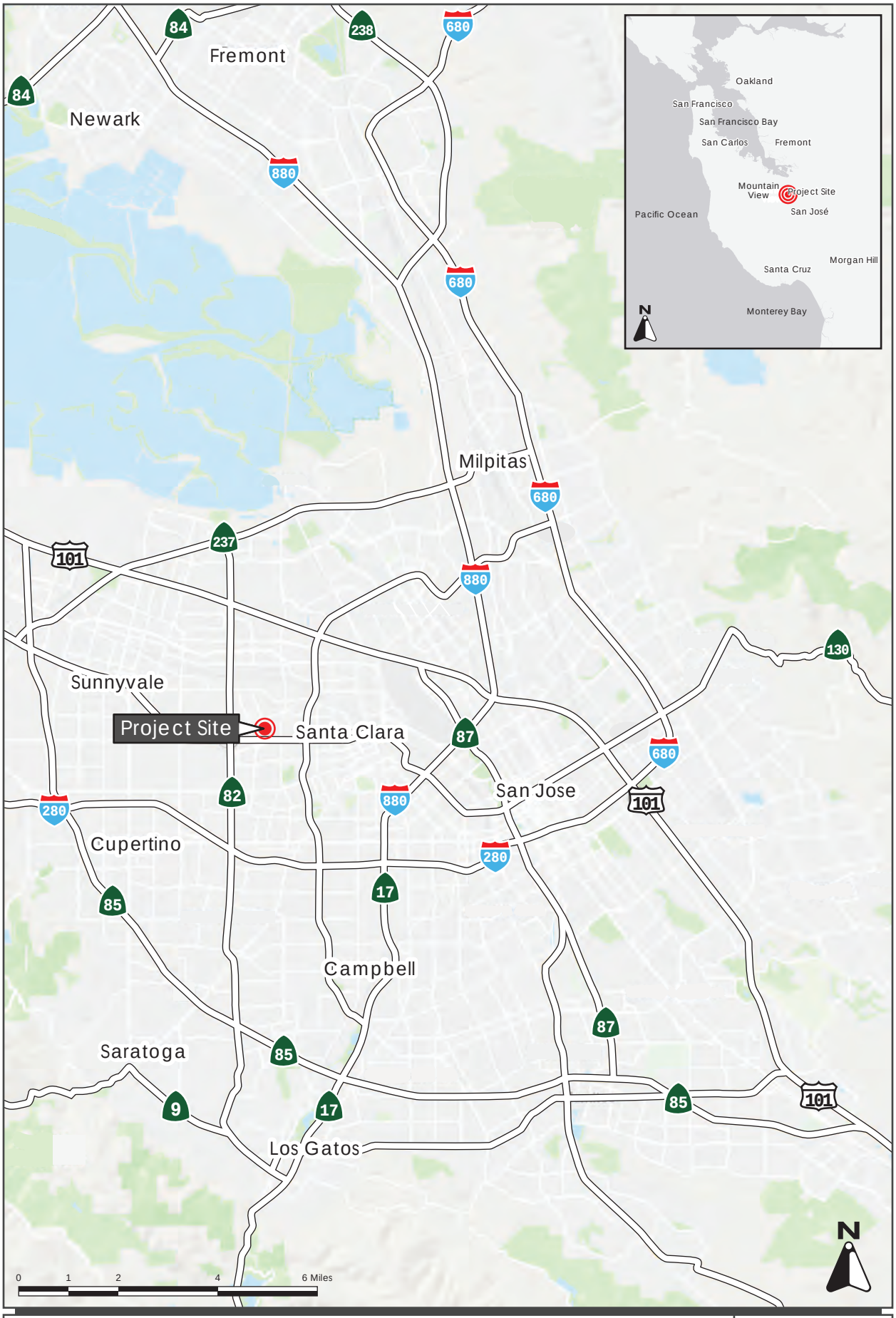
220-32-057 and 220-32-058

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

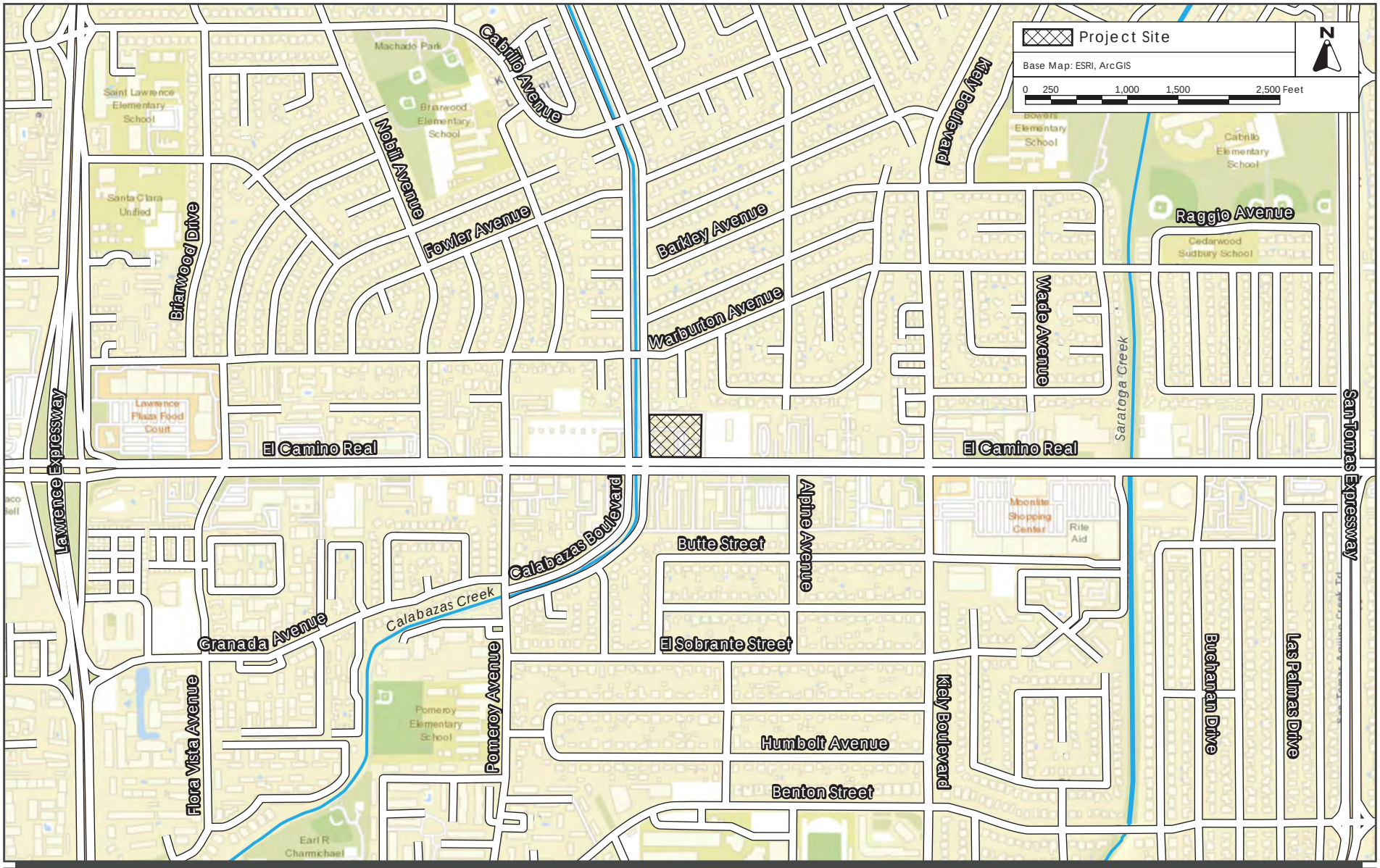
General Plan Designation - Community Mixed Use
Zoning - Thoroughfare Commercial (CT)

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Rezoning
Tentative Tract Map
Architectural Review



REGIONAL MAP | FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

SECTION 3.0 PROJECT DESCRIPTION

Existing Conditions

The project site is comprised of two parcels (APNs 220-32-057 and 220-32-058) totaling approximately 2.46 acres located at 3141 – 3155 El Camino Real on the northeast corner of El Camino Real and Calabazas Boulevard. The project site is currently developed with multiple commercial buildings and a car wash totaling approximately 21,780 square feet. The site is within the El Camino Real Specific Plan area, which has not yet been adopted. Where applicable, this analysis discusses the proposed project's consistency with the draft plan.

Proposed Project

The proposed project would construct eight, residential buildings containing a total of 60 residential units. The buildings would range from two to three stories with a height of approximately 34 feet to 40 feet tall. Buildings 1 and 2 would be a mix of townhouses and flats (20 units total). The remaining 40 units would be townhouses and would be located in Buildings 3-8. Individual parking for each unit would be integrated into the buildings. The proposed project would include 110 parking spaces. The project site would need to be rezoned to Planned Development (PD) for the new residential use and would have a density of 24.4 dwelling units per acre. The site plan of the proposed project is included in Figure 3.0-1. The project proposes to include water-efficient fixtures, energy-efficient heating and cooling, and energy-star rated appliances in all units to comply with applicable green building standards.

The project would include a greenbelt along the northern boundary and throughout the central landscaped area, totaling approximately 0.08 acres (3,650 square feet). There are 16 trees currently on-site. As proposed, the project would remove all 16 trees and plant 90 new trees within the open space areas.

As a condition of developing the project site, the City of Santa Clara will require the removal of the Calabazas Creek bridge directly adjacent to the project site. The work would include removal of the bridge itself and the central support column. The central concrete support column for the bridge is above the ordinary high-water mark (OHWM), outside of Army Corps of Engineers (Corps) jurisdiction. All work to remove the bridge would be performed above the OHWM, with equipment positioned at street level above the top of bank (TOB). The proposed project would use a waterproof debris catchment system suspended below the bridge deck to avoid the contribution of fill to the creek. Additionally, no fill would occur within the nearby channelized, concrete channel of Calabazas Creek and no dewatering would occur as part of the project.

The construction work to remove the bridge would be performed within the dry season work window (April 1 to October 31) in late summer when the channel is anticipated to be completely dry. Bridge removal would be performed by strategically cutting the existing concrete bridge using equipment staged above the TOB, which would take approximately five working days with bridge removal activity needing approximately one to two days.

Source: ktgy Architecture + Planning, October 19, 2020.

PROJECT SITE PLAN

FIGURE 3.0-1

Site Access

Access for the proposed project would be provided via one right-in/right-out driveway located on El Camino Real and one right-in/right-out driveway on Calabazas Boulevard. Circulation throughout the site would be provided by an internal private street linking the two entry points and two private drives for access to units on the northeast side of the site. The proposed project would remove two right-in/right out driveways on El Camino Real, one close to the corner of Calabazas Boulevard and El Camino Real and one on the southeast corner of the project site. The sidewalks adjacent to the project site would be reconstructed to a width of 10.5 feet with a 4.5-foot green strip between the sidewalk and road.

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

Senate Bill 743

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

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.[1]

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

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in Santa Clara. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in Santa Clara is an eligible, but not officially designated, State Scenic Highway.[2]

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9,

[1] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA." January 20, 2016. Accessed November 4, 2021. https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf.

[2] California Department of Transportation. "Scenic Highways." Accessed November 4, 2021. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

Local

Santa Clara General Plan

The following General Plan policies related to aesthetics 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-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.3.1-P28	Encourage undergrounding of new utility lines and utility equipment throughout the City.
5.3.4-P8	Encourage building heights of up to five stories in large mixed-use developments along arterial street frontages, with the potential for taller buildings north of the Caltrain corridor.
5.3.4-P10	Require parking to be substantially below-grade or in structures with active uses along streets.
5.3.4-P12	Prioritize pedestrian-oriented streetscape and building design in mixed-use development, including features such as wider sidewalks, street furniture, specialty planters, signage, public art, street trees, special paving materials, decorative awnings, enhanced entrances, colors, variety of materials, and textures and distinctive building massing and articulation.

4.1.1.2 *Existing Conditions*

Project Site

The project site is located in a fully urbanized area containing multiple commercial buildings and a car wash. These buildings are surrounded by a large, paved area which provides parking for the commercial properties. The car wash and restaurant building located nearest El Camino Real are one story structures in the Spanish style of architecture featuring red tile roofs and white brick or stucco facades. The other commercial buildings on the north side of the site are one to two stories and feature white brick or wood paneled facades with a shingled overhang. The site is minimally landscaped with small trees and some planters distributed around the site. Views of the site can be seen in Photos 1-4.

Surrounding Area

The project site is located adjacent to multiple automotive repair and sales buildings, a residential neighborhood, and a concrete lined channel in the center of Calabazas Boulevard. The surrounding commercial buildings are one to two stories and feature light colored stucco and metal roofs. The single-family houses to the north of the project are also one to two stories in a variety of architectural styles. The Calabazas Creek channel is lined with large eucalyptus trees at the top of bank which block views across the street. Views of the surrounding area can be seen in Photos 5-8.

Photos 1 and 2: Views of Project Site

PHOTOS 1 - 2

Photos 3 and 4 Views of Project Site

Photos 5 and 6 Views of Adjacent Area

Photos 7 and 8 Views of Adjacent Areas

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? [3] 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?	☐	☐	☒	☐

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

According to the 2010-2035 General Plan EIR, there are no scenic vistas within the City of Santa Clara. There would be no impact. **(No Impact)**

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

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

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 within an urban area, that has been previously developed by a commercial retail development and is considered an infill site. The project site is also located within a half mile

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

of bus stops at the intersection of El Camino Real and Bowers Avenue served by the Route 22 (Palo Alto Transit Center – Eastridge) and Route 57 (Old Ironsides Station – West Valley College) buses, both of which have commuter headways of 15 minutes or less.[4] Based on this information, the project site would be classified as an infill opportunity zone under SB 743 which states that a project's aesthetic impacts would be less than significant if a project is a residential, mixed-use residential, or employment center project located on an infill site within a transit priority area. Therefore, the proposed project would result in less than significant aesthetic impacts. **(Less than Significant Impact)**

[4] Valley Transportation Authority. Routes 22 and 57. Accessed December 17, 2021. https://www.vta.org/go/routes/22; https://www.vta.org/go/routes/57.

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[5]

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.[6]

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.[7] 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.[8]

4.2.1.2 *Existing Conditions*

The project site is classified as Urban and Built-Up Land on the California Department of Conservation Farmland Mapping and Monitoring Program. The project site does not contain agricultural resources or timberland resources and is not under an existing Williamson Act contract.[9]

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[5] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed December 8, 2020. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[6] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[7] 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)).
[8] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed December 8, 2020. http://frap.fire.ca.gov/.
[9] County of Santa Clara. Williamson Act Properties Geodatabase. Accessed June 9, 2021. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

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?	☐	☐	☐	☒

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

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

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

The project site is zoned for Community Mixed Use. The existing zoning does not include agricultural use and the project site is not under a Williamson Act contract. Therefore, the proposed project would not conflict with an existing agricultural use or Williamson Act contract. **(No Impact)**

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

The project site is zoned for Community Mixed Use. The existing zoning does not include forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed project would not conflict with and existing agricultural use or Williamson Act contract. **(No Impact)**

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

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

Impact AG-5:	**The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. (No Impact)**

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

4.3 AIR QUALITY

This section is based in part of the 3141-3155 El Camino Real Construction and On-Site Community Risk Assessment prepared by Illingworth & Rodkin Inc. on October 13, 2021. This report is included in Appendix A of this document.

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

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

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

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

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

Toxic Air Contaminants

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

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[11] 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, 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.

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

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

Risk Reduction Plan

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

Regional and Local

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.[12]

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.

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

Santa Clara General Plan

General Plan policies related to air quality that are applicable to the project include the following.

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

4.3.1.3 *Existing Conditions*

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

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.

Significance Thresholds

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 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality CEQA Significance Thresholds

Criteria Air Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Best Management Practices	Not Applicable	
Health Risks and Hazards	**Single Sources Within 1,000-foot Zone of Influence**	**Combined Sources (Cumulative from all sources within 1000-foot zone of influence)**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 ug/m^3	0.8 ug/m^3	

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

The proposed project would not conflict with the 2017 CAP because it would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size of 510 dwelling units[13], is considered urban infill, is consistent with the General Plan, and would be located near bike paths and transit with regional connections. Because the project would not exceed the BAAQMD screening criteria, it would not result in the generation of operational criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-2. Therefore, the project would not be required to incorporate project-specific control measures listed in the 2017 CAP. Implementation of the proposed project would not result in a significant impact related to consistency with the Bay Area 2017 CAP. **(Less than Significant Impact)**

[13] Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017.

Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction activities. The proposed land uses of the project were input into CalEEMod, which included 60 dwelling units and 91,144 square feet entered as "condo/townhouse" and 37,056 square feet and 110 parking spaces entered as "Enclosed Parking Structure". Demolition of existing buildings on-site and soil export were also input into CalEEMod (refer to Appendix B of this report).

Project construction would occur over a period of approximately 18 months (531 workdays)[14] and was estimated to begin in June 2022. Table 4.3-3 shows the estimated annual average daily construction emissions associated with the proposed project.

Table 4.3-3: Construction Period Emissions

Year	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (Tons)				
2022	0.06	0.57	0.03	0.02
2023	0.71	0.53	0.03	0.02
Average Daily Construction Emissions Per Year (pounds/day)				
2022 (214 construction workdays)	0.56	5.29	0.27	0.23
2023 (317 construction workdays)	4.50	3.32	0.18	0.15
BAAQMD Thresholds (pounds per day)	54 lbs./day	54 lbs./day	54 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No

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

Operational Period Emissions – Criteria Pollutants

Stationary equipment that could emit substantial TACs (e.g., emergency generators) are not proposed as part of the project. Operation of the project would, however, have long-term emissions from mobile sources (i.e., traffic). The proposed project is below the screening threshold for operational criteria pollutants established in the Bay Area Air Quality Management District CEQA Guidelines published May 2017. This operational threshold states that the project would not contribute a significant criteria pollutant load if a condominium or townhouse project is below 451 dwelling units. Since the proposed project would only have 60 on-site units, operational emissions from project traffic are considered negligible and would create a less than significant impact. **(Less than Significant Impact)**

[14] The construction schedule set by the project applicant is 18 months. The construction data received accurately accounted for the type of equipment to be used and the total duration of use for each piece of equipment. The total number of construction hours per day, however, was underestimated to be 7:00am to 4:00pm. As a result, the total number of construction days over the 18-month period is overestimated. On average, the project would have 20-23 work days per month with the City's allowable construction schedule. Even with the adjustment in total would days, the project emissions would not exceed the BAAQMD thresholds. [Personal Communication: Casey Divine, Illingworth & Rodkin – January 31, 2022]

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

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

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

Construction Dust Emissions

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 could deposit mud on local streets, which could be an additional source of airborne dust after it dries.

IMPACT AIR-1 The proposed project would generate fugitive dust in the form of PM_{10} and $PM_{2.5}$ which would expose sensitive receptors to substantial pollutant concentrations. **(Significant Impact)**

Mitigation Measures

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

MM-AIR-1 During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor

shall implement the following best management practices that are required of all projects:

- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with 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 project construction superintendent 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 measures above are consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines. Therefore, with incorporation of these mitigation measures the proposed project would result in a less than significant impact. **(Less than Significant with Mitigation Incorporated)**

Construction Toxic Air Contaminants Impacts

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

The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Results of the model indicated that the MEI is located on the first floor (five feet above ground) of the single-family residence adjacent to the north boundary of the project site. The location of the MEI is shown in Figure 4.3-1. Table 4.3-4

summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities.

Table 4.3-4: Construction TAC effects			
Source	**Cancer Risk Per Million**	**Annual PM 2.5**	**Hazard Index**
Project Construction Unmitigated	**16.40 (infant)**	**0.38**	0.01
BAAQMD Single Source Threshold	*10*	*0.3*	*1.0*
Exceeds Threshold? Unmitigated	***Yes***	***Yes***	*No*
Source: Illingworth and Rodkin Inc. 3141-3155 El Camino Real Air Quality & Greenhouse Gas Assessment. October 13, 2021			

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

IMPACT AIR-2 The construction of the proposed project would result in nearby sensitive receptors being exposed to TAC emissions in excess of BAAQMD threshold for cancer risk and annual $PM_{2.5}$. **(Significant Impact)**

Mitigation Measures

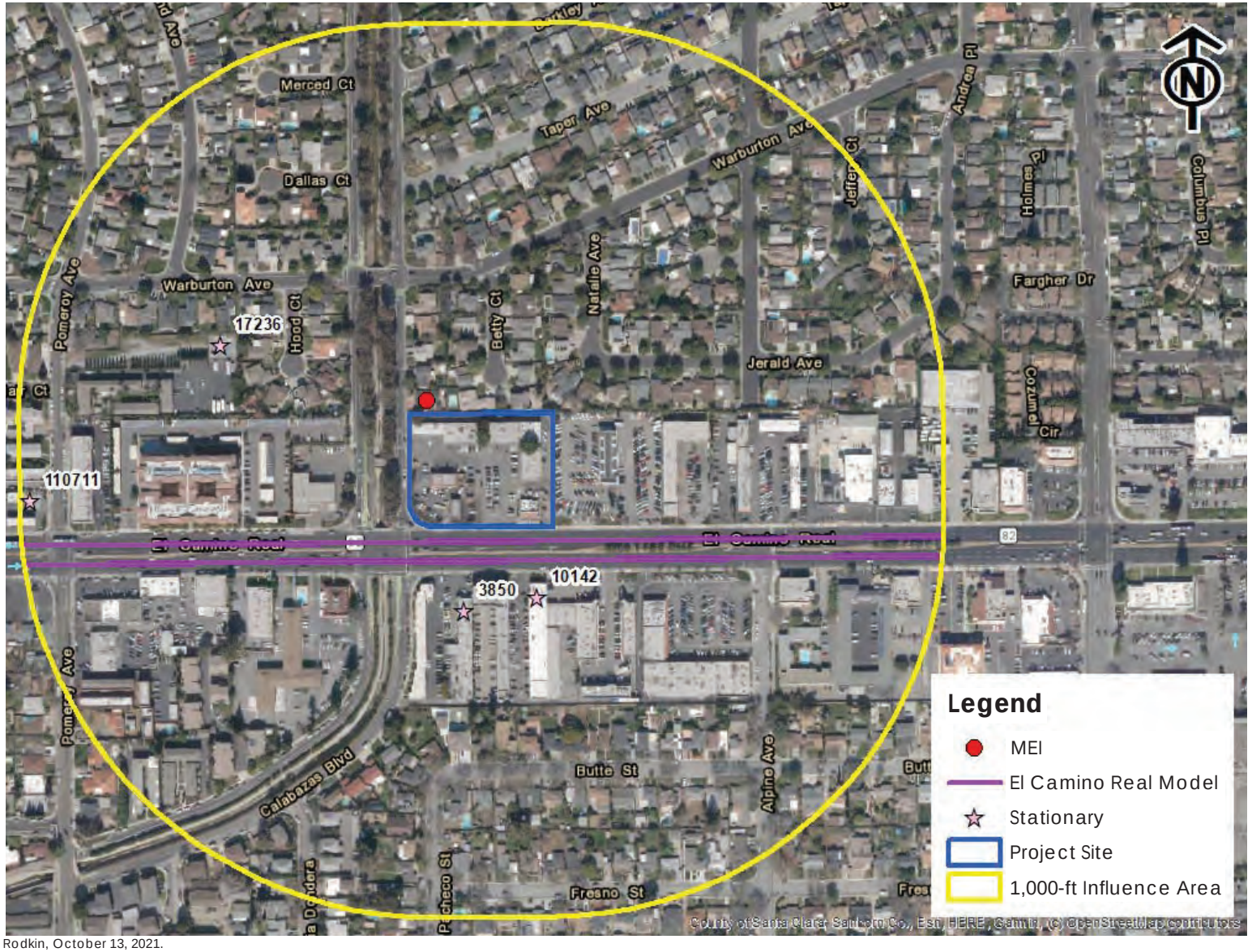
In addition to the mitigation measures listed under Impact AIR-1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts.

MM AIR-2.1 Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit construction operations plan to the Director of Community Development or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in MM AIR-2.2.

MM AIR-2.2 Use construction equipment that has low diesel particulate matter exhaust to minimize emissions.

A feasible plan to reduce emissions such that increased cancer risk and annual $PM_{2.5}$ concentrations from construction would be reduced below significance levels is as follows:

- All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA Tier 4 emission standards for particulate matter (PM_{10} and $PM_{2.5}$). Alternatives to this include the following:



Source: Illingworth & Rodkin, October 13, 2021.

LOCATION OF MEI NEAR PROJECT SITE | FIGURE 4.3-1

- Use of construction equipment with engines that meet EPA Tier 2 or 3 emission standards with CARB-certified Level 3 Diesel Particulate Filters (DPF) or equivalent, otherwise,
- Use of electrical or non-diesel fueled equipment.

Alternatively, the applicant could develop a separate feasible plan that reduces on- and near-site construction DPM emissions by 40 percent or greater. Such a plan would have to be reviewed and approved by the City.

With implementation of MM AIR-1-1, MM AIR-2-1, and MM AIR-2.2, the mitigated risk and hazard values would be reduced to 2.81 cases per million and 0.15, respectively, which is below the BAAQMD single-source significance thresholds. Therefore, the proposed project would result in a less than significant TAC impact with mitigation incorporated. **(Less than Significant with Mitigation Incorporated)**

Operational Community Risk Impacts

Stationary equipment that could emit substantial TACs (e.g., emergency generators) are not proposed as part of the project. Operation of the project would, however, have long-term emissions from mobile sources (i.e., traffic). Based on CalEEMod default trip generation data, this project would generate 439 daily trips dispersed on the roadway system, with a majority of the trips being from light-duty vehicles (i.e., passenger automobiles). Passenger automobiles and trucks are not significant sources of TAC's because they are not primarily diesel vehicles. Therefore, operational emissions of TACs from the project would be negligible and would result in a less than significant impact. **(Less than Significant 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)**

The proposed project would introduce a residential development to the project site which is currently occupied by commercial uses. During construction of the proposed project, operation of construction vehicles may result in temporary odors related to fuel combustion, but these would be temporary and would not result in a significant impact. The residential development would not produce emissions which would create unpleasant odors for residents on or around the project site. Therefore, the proposed project would have a less than significant impact from odors produced on-site. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

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

On-Site Community Health Risk Impacts

A health risk assessment was completed to assess the impact existing TAC sources would have on the new proposed sensitive receptors (residents) that the project would create. The same TAC sources identified above were used in this health risk assessment.

The roadway analysis for the project residents was conducted in a similar manner to that for the off-site MEI. Maximum increased cancer risks were calculated for the future residents of the project site using the maximum modeled TAC concentrations. A 30-year exposure period was used in calculating cancer risks assuming the residents would include women in the third trimester of pregnancy and infants/children and were assumed to be in the new housing areas for 24 hours per day for 350 days per year.

The highest impacts from El Camino Real would occur at the first-floor receptor along the southern boundary of the project site. Cancer risks and annual $PM_{2.5}$ concentrations associated with El Camino Real are greatest nearest to the roadway and decrease with distance from the road. While cancer risk impacts from the roadway at the project site do not exceed its single-source threshold, the roadway $PM_{2.5}$ concentrations at ground-floor receptors within 90 feet of the closest travel lane exceed its single-source threshold. The roadway community risk impacts at the project site are shown in Table 4.3-5.

Table 4.3-5: Cumulative Community Risk Impacts – On-Site Sensitive Receptors

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
El Camino Real, ADT 36,080	2.63 to 8.27	0.12 to **0.46**	<0.01
El Camino Body Shop Inc (Facility ID #3850, Auto Body Coating), Project Site at 180 feet	-	-	<0.01
F&S Auto Body Ltd Co (Facility ID #10142, Auto Body Coating), Project Site at 150 feet	-	-	<0.01
City of Santa Clara – Well Site: Zone 1, 7 (Facility ID #17236, Generator), Project Site at 465 feet	1.57	<0.01	<0.01
El Camino Valero (Facility ID #110711, Gas Dispensing Facility), Project Site at 930 feet	0.28	-	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold?	No	**Yes**	No
Cumulative Total	<10.12	<0.47	<0.05
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Exceed Threshold?	No	No	No

To ensure the project would comply with all applicable City policies related to residential TAC exposure, the project will be required to implement the following Conditions of Approval:

Conditions of Approval

The project shall include the following measures to minimize long-term increased cancer risk and annual $PM_{2.5}$ exposure for new project occupants:

- Install air filtration in residential units on the ground floor that are within 90 feet of the closest El Camino Real travel lanes (Buildings 1 and 2). Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, shall filter all fresh air that would be circulated into the dwelling units.

- The ventilation system shall be designed to keep the building at positive pressure when doors and windows are closed to reduce the intrusion of unfiltered outside air into the building.

- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required that includes regular filter replacement.

- Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

The required ventilation system, as outlined above, would achieve an 80 percent reduction for small particulates. The overall effectiveness calculations take into account the amount of time spent outdoors and away from home. Assuming that the filtration system is 80 percent effective, and the individual is being exposed to 21 hours of indoor filtered air and three hours of outdoor unfiltered air, then the overall effectiveness of a MERV13 filtration system would be approximately 70 percent for $PM_{2.5}$ exposure. For El Camino Real, this would reduce the maximum annual $PM_{2.5}$ concentration to 0.14 $\mu g/m^3$which is below the respective single- and cumulative-source thresholds. As a result, the project would comply with all applicable City policies related to residential TAC exposure.

4.4 BIOLOGICAL RESOURCES

This section is based in part on the Calabazas Creek Bridge Removal Project Memorandum prepared by WRA Environmental Consultants on June 15, 2021. This is included in Appendix B of this document.

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.[15] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

[15] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed December 8, 2020. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Sensitive Habitat Regulations

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

Santa Clara General Plan

General Plan policies relevant to the proposed project include the following:

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.10.1-P4	Protect all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property, as well as in the public right-of-way.

4.4.1.2 *Existing Conditions*

The project site is located within the fully urbanized area of Santa Clara which does not contain natural habitats on or near the site. Species on-site consist primarily of urban adapted animals and birds. The primary habitats provided on the project site are the sixteen trees located within the commercial development. The trees on-site are listed in the table below.

Table 4.4-1: Tree Species On-site

Tree No.	Tree Species	Tree Circumference	Tree Diameter
1	*Pyrus calleryana*	15.7 inches	5 inches
2	*Pyrus calleryana*	12.6 inches	4 inches
3	*Glauca Pendula*	25.1 inches	8 inches
4	*Glauca Pendula*	34.6 inches	11 inches
5	*Pinus elliottii*	18.8 inches	6 inches
6	*Pinus elliottii*	78.5 inches	25 inches
7	*Pistacia Atlantica*	22.0 inches	7 inches
8	*Acer saccharinum*	37.7 inches	12 inches
9	*Acer saccharinum*	34.6 inches	11inches
10	*Pistacia atlantica*	31.4 inches	10 inches
11	*Pistacia atlantica*	34.6 inches	11 inches

12	*Pistacia atlantica*	25.1 inches	8 inches
13	*Pinus elliottii*	88.0 inches	28 inches
14	*Pinus elliottii*	59.7 inches	19 inches
15	*Pinus elliottii*	56.5 inches	18 inches
16	*Pinus elliottii*	40.8 inches	5/8/11/13 inches

Riparian Habitat

A site visit was conducted in June 2021 for the project site including the adjacent Calabazas Creek. Within the creek, which is channelized and concrete lined, there was no water at the time of the survey. No sediment is accumulated in the channel to allow for riparian vegetation growth.

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, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

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)**

The proposed project site does not contain sensitive habitat or special status species as identified in local plans, policies or regulations by the CDFW or USFWS.

Nesting Birds

The trees and shrubs within and bordering the project site could provide nesting habitat for birds, including migratory birds or raptors. Nesting birds are among the species protected under the provisions of the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 2800. The project would remove all 16 trees from the project site. If construction occurs during the avian breeding season (February 1 through August 31), removal of vegetation and trees, as well as demolition of existing site improvements, could result in the direct loss of nests containing eggs or young. In addition, construction activities during the nesting season could disturb adult birds to the point of abandonment of active nests. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact under CDFW regulations.

Impact BIO-1.1: Construction activities could disrupt nesting raptors, or other birds, resulting in abandonment of nests and loss of fertile eggs. **(Significant Impact)**

Mitigation Measure: The following mitigation measure would be implemented during construction activities to avoid abandonment of raptor and other protected migratory bird nests:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1st through August 31st. If it is not possible to schedule construction and tree removal between September 1 and January 31, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other 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).

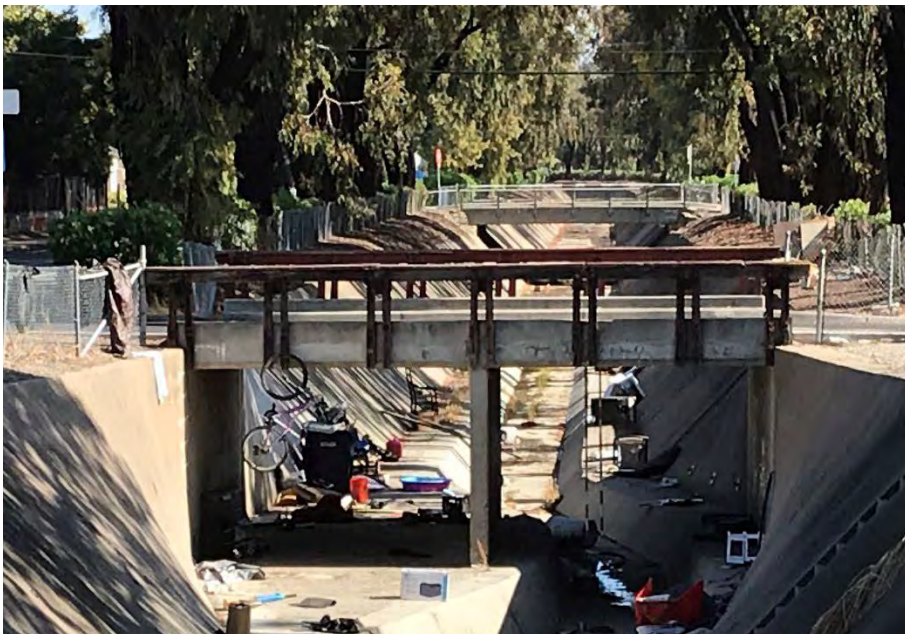
During this survey, the ornithologist shall inspect trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that raptor or migratory bird nests would not be disturbed during project construction.

Implementation of MM BIO-1.1 would reduce construction impacts to nesting birds to a less than significant level. **(Less than Significant Impact with Mitigation)**

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. (Less than Significant Impact)**

As a condition of the proposed project, the City will require the removal of the bridge spanning Calabazas Creek, which is a concrete channel containing no water and no riparian vegetation, across from the western entrance to the project site. This bridge is located within the riparian corridor of Calabazas Creek. The central concrete support for the bridge is above the Ordinary High Water Mark (OHWM), outside of Corps jurisdiction. All work to remove the bridge would be performed above the OHWM, with equipment positioned at street level above the top of bank (TOB).

The construction work to remove the bridge would be performed within the dry season work window (April 1 to October 31) in late summer when the channel is anticipated to be completely dry. Additionally, no fill would occur within Calabazas Creek and no dewatering would occur as part of the project. Removing the central concrete column, which is located above the OHWM, would not impact Calabazas Creek because the removal of the bridge would not alter the wetted channel or remove any riparian features. The proposed project would not alter or remove existing eucalyptus trees located at the TOB. The proposed project would use a waterproof debris catchment system suspended below the bridge deck to avoid the distribution of fill material into the creek.



Bridge removal would be performed by strategically cutting the existing concrete bridge using equipment staged above the TOB, which would take approximately five working days with bridge removal activity needing approximately one to two days. Based on this information the proposed work within the creek area would not impact any riparian habitat, because it is not present in the

creek. Therefore, the proposed project would have a less than significant impact. **(Less than Significant 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 state or federally protected wetlands nor are there wetland areas adjacent to the project site. Therefore, the proposed 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)**

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 proposed project is located in a fully urbanized area that does not serve as a migratory wildlife corridor or nursery site because it does not contain habitat features which provide uses for these species. The eucalyptus trees along the TOB around Calabazas Creek would have the capability to provide birds nesting habitat, however, work around the eucalyptus trees would be limited to the bridge removal and would not create a substantial disturbance on nesting birds in the trees. Additionally, the project site is not located near streams or rivers that serve as corridors for migratory fish nor is it located in an area identified as a migratory wildlife corridor. Therefore, the proposed project would not interfere with movement of native or migratory species by impacting migratory corridors or 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)**

The proposed project would remove all 16 trees from the project site. To replace these trees the project would plant 90, 24-inch box trees. The General Plan Policy 5.3.1-P10 requires a minimum of 2:1 on- or off-site replacement for trees removed as part of the development to help increase the urban forest and minimize the heat island effect. The proposed project would be required to plant 32 trees to offset the trees removed for the project. As part of the trees removed, the proposed project would remove six trees with circumference in excess of 36 inches, which would be protected under the General Plan Policy 5.10.1-P4. Based on the design of the project the trees would not be able to be protected in their original locations and these would require at least a 2:1 replacement. Therefore, the 90 trees proposed for the project would comply with the requirements of the General Plan policy and the project would not conflict with local policies or ordinances protecting biological resources. **(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 covered by an HCP, NCCP, or other conservation plan. Thus, the project would not conflict with any such plan and there would be no impact. **(No Impact)**

4.5 CULTURAL RESOURCES

The information in this section is in part derived from a Historic Resource Assessment prepared by TreanorHL in November 2020. This report is included in Appendix C of this document.

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.

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

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

California Register of Historical Resources

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

planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[16]

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

[16] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Local

Santa Clara General Plan

General Plan policies related to cultural resources and applicable to the project include the following.

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

4.5.1.2 *Existing Conditions*

4.5.1.3 *Subsurface Resources*

Prehistoric Resources

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

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

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776, several expeditions were made during which time the explorers encountered the local Native American tribes. These expeditions lead to the establishment of the California Missions, including the first Mission Santa Clara founded in 1777 near what is today the Kifer Road/De La Cruz Boulevard intersection. After being destroyed by flooding, a second Mission Santa Clara was constructed near the present-day Martin Avenue/De La Cruz intersection. The third, fourth, and fifth Missions were constructed on what is today the Santa Clara University Campus, located more than two miles east of

the project site. During the Mission period, the Mission controlled much of the land (approximately 80,000 acres) in Santa Clara Valley and the Native Americans were brought into the Mission, effectively ending the Ohlone's traditional occupation of the valley.

Post-Mission and American Period

Historic-era maps of the project area were examined to identify the history of the site from the late 1800s to present.

The project site was undeveloped until 1939 when an orchard was established on the north side of the site. By 1953, the project site was fully established as an orchard with a structure located on the southeastern side of the site. The area around the site can be seen as developed in 1961 topographic maps, and between 1963 and 1969, the orchard was not located on the site, and it remained undeveloped with the exception of three billboards. In 1969 the project site is developed with the existing commercial shopping center comprised of three buildings located on the north and east sides of the site, and three other buildings on the southeast corner and southwestern portions of the site. The site remained relatively unchanged from this period to present day.

All areas of the City hold potential for the presence of prehistoric archaeological resources, with the exception of current and former stream channels and areas with artificial fill.[17] The project site is located within the El Camino Real Focus Area which was identified to potentially contain prehistoric archaeological resources in the General Plan. Although there are no existing conditions or physical evidence that would suggest the presence of historic or prehistoric subsurface resources, the project site is located in a culturally sensitive area due to known prehistoric and historic occupation of Santa Clara and the site's proximity to the original alignment of Calabazas Creek. Native American settlements were commonly associated with abundant food supply in the Santa Clara Valley, and because the project site is within close proximity of a historic creek, the likelihood that subsurface artifacts may be located on the project site is increased.

Historic Resources

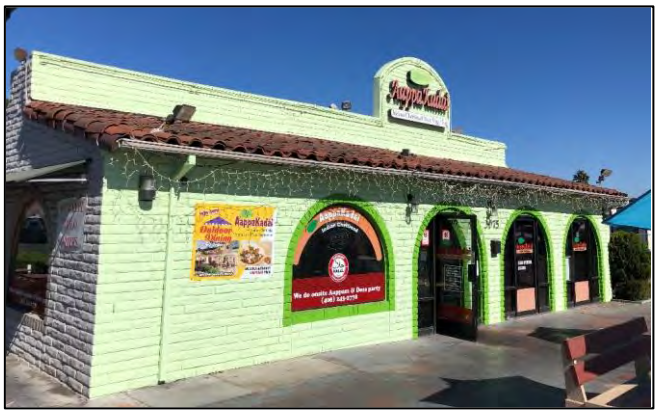
The project site is occupied by several buildings between 48-52 years old. Due to the age of the structures, they were evaluated to determine if the structures qualify as historic resources per state and City significance criteria. The structures on-site include: a single-story restaurant, three one- to two-story commercial structures arranged in an L-shaped complex, a single-story commercial building, and a canopy structure and a single-story auto repair building. A summary of each building's architectural significance is included below. No historic structures or resources have been identified in the immediate vicinity of the project site.

<u>3141 El Camino Real</u>

There are two primary structures located on the parcel associated with 3141 El Camino Real, one restaurant and one commercial structure. Each of these buildings is described below.

[17] City of Santa Clara. 2010-2035 General Plan Integrated Final EIR. January 2011.

Restaurant Structure



This one-story structure was constructed in 1969. The structure has a wood frame and features a clay tile shed roof on the front façade and a flat roof over the rest of the structure. The southern façade also features a shaped parapet[18] adorned with the name of the restaurant and has four arched openings serving as doors and windows for the restaurant. The eastern façade features one similar arch serving as a window and the western façade has three. A small canvas canopy overhangs the west side of the building and shelters the three arched windows. A seating area runs the length of the building on the El Camino Real side of the structure.

Commercial Structure

The L-shaped commercial structure consists of three one- to two- story structures with a sheltered exterior walkway. The building was built in phases, the first of which was completed in 1969 with the rest completed in 1973. On the non-alley façades, the concrete block is finished to look like brick and has wooden board and batten cladding on the walls on the ground floor below the storefront windows. A mansard-like[19] asphalt shingle-clad structure functions as a parapet and hides the flat roof that covers most of the structure at the first floor. An asphalt shingle-clad mansard roof tops the second floor and hides the mechanical units on the roof. The east and north façades of the complex face narrow vehicle access ways which are also used for parking.

3155 El Camino Real

The structure located at 3155 El Camino Real was constructed in 1969 and currently serves as an automotive repair station with a service building, canopy, and attendant kiosk. The service building is

[18] A low protective wall along the edge of a roof, bridge, or balcony.
[19] A roof which has four sloping sides, each of which becomes steeper halfway down.

one-story with tile clad mansard parapets concealing a flat roof. The structure has a variety of materials including brick veneer in a stack bond, vertical wood siding, and stucco.

The canopy, which also has a mansard roof with clay tile, shelters the location of the former gas pumps.

The small rectangular kiosk building features a door and window on the south façade. The flat roof is hidden behind a three-sided mansard roof parapet which is clad in clay tile. The structure is wood frame. Off the north side of the building is a shed roof addition. This small addition, like the rest of the structure, is clad in vertical wood siding. An opening on the west side accesses the addition.

Bowers Plaza Signage

A freestanding sign with a tile-clad gable roof identifies the plaza as "Bowers Plaza." Two square posts support the roof which shelters a bell. Many of the businesses in the plaza are identified on the illuminated sign.

The sign indicating the name of the shopping plaza has been modified over the years as businesses changed in the plaza and although the free-standing advertising signs along prominent commercial corridors are among the character-defining features of the mid-20th century Commercial Modern architecture, this sign is not a notable example of its type.

Historic Significance

None of the on-site structures or associated signage would be eligible for listing in the City of Santa Clara Historic Preservation Resource Inventory, the NRHP, or the CRHP. The structures are lacking in architectural significance and historical associations. In addition, extensive additions and modifications have been made to the exterior of the structures, significantly reducing overall integrity.

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 pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
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)

The proposed project would demolish all structures on-site to construct the proposed residential buildings and site improvements. As stated in the Existing Conditions discussion above, structures on the project site are not listed on, or eligible for, any federal, state, or local historic registers. Additionally, there are no historic structures or resources immediately surrounding the site. For these reasons, implementation of the proposed project would be no impact to historical resources. **(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)

There are no recorded archeological resources on-site, or in the immediate vicinity.[20] However, the project site is near the original alignment of Calabazas Creek, an area with moderate to high potential for both Native American and historic-era archaeological resources and other resources are known to be located along the nearby Saratoga Creek. Ground disturbing activities associated with the proposed project could uncover previously unrecorded archaeological resources, resulting in a significant cultural resources impact.

Impact CUL-1: Construction activities would potentially uncover and disturb archeological resources on-site. **(Significant Impact)**

Mitigation Measures

[20] Albion. Cultural Resources Desktop Review for the Proposed El Camino Precise Plan, Santa Clara, California. March 10, 2020.

The following mitigation measures will be implemented to reduce impacts created by the project in the event that cultural resources are uncovered during construction of the proposed project.

MM CUL-1.1: Archaeological monitoring by a qualified prehistoric archaeologist shall be completed during soil excavation on-site.

MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Community Development Director will be notified, and a qualified archeologist shall examine the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.

With implementation of the above mitigation measures, the project would have a less than significant impact with mitigation incorporated. **(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)**

As stated above, implementation of the proposed project may discover and disturb previously unknown archeological resources. This would also apply to any human remains, including those interred outside of dedicated cemeteries.

Impact CUL-2: Construction activities would potentially uncover and disturb human remain resources on-site. **(Significant Impact)**

The following mitigation measures will be implemented to reduce impacts created by the project in the event that cultural resources are uncovered during construction of the proposed project.

MM CUL-2.1: In the event that human remains are discovered during excavation, trenching and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

With implementation of the above mitigation measures, the project would result in a less than significant impact on human remains. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

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

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[21] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[22]

[21] California Building Standards Commission. "California Building Standards Code." Accessed December 8, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[22] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed December 8, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[23]

Local

Santa Clara General Plan

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

Policy	Description
5.10.3-P4	Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities.
5.10.3-P5	Reduce energy consumption through sustainable construction practices, materials, and recycling.
5.10.3-P6	Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development.

Construction and Demolition Debris Recycling Program

The City of Santa Clara requires applicants seeking building or demolition permits for projects greater than 5,000 square feet to recycle at least 65 percent of discards. Diversion is achieved through recycling or reuse.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,967 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.[24] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,439 trillion Btu) for residential uses, 19

[23] California Air Resources Board. "The Advanced Clean Cars Program." Accessed December 8, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.
[24] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed September 14, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.

percent (1,509 trillion Btu) for commercial uses, 23 percent (1,848 trillion Btu) for industrial uses, and 40 percent (3,170 trillion Btu) for transportation.[25] 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 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[26]

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. Starting in January 2018, SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.[27]

Natural Gas

PG&E provides natural gas services within Santa Clara. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[28] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[29]

The City of Santa Clara recently adopted an all-electric "reach code" ordinance, effective January 1, 2022, which prohibits the installation of natural gas utilities and meters in most new construction, including residential structures. This project would be subject to the new reach code, and would be prohibited from installing natural gas utilities.

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[30] 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 2018.[31] Federal

[25] Ibid.
[26] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." December 8, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[27] Silicon Valley Power. "Did you Know." Accessed December 8, 2020. https://www.siliconvalleypower.com/svp-and-community/about-svp/faqs.
[28] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed December 8, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[29] California Energy Commission. "Natural Gas Consumption by County." Accessed December 8, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[30] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed December 8, 2020. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[31] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

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 subsequently revised to apply to cars and light trucks model years 2011 through 2020. [32,33]

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)

Construction

Construction activities associated with the proposed project would occur over the course of an approximately 18-month period and would consist of demolition of existing structures, site preparation, construction of the proposed buildings, paving, and installation of landscaping. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. This means that equipment and fuel would be used as efficiently as possible to avoid extra expenses associated with equipment rental, maintenance, and fueling. Therefore, the opportunities for improvements in efficiency are limited.

The project includes several measures that would improve the efficiency of the construction process. The implementation of BAAQMD Basic Construction Mitigation Measures identified in Section 4.3. Air Quality would restrict excessive equipment use by reducing idling times to five minutes or less and would require contractors to post signs on the project site reminding workers to shut off idle equipment. In addition, consistent with MM AIR-1.1, equipment would be selected to reduce emissions during construction; therefore, energy would not be wasted or used inefficiently by construction equipment or wasted from idling. The project would also be mandated to comply with the City's requirements to recycle or salvage a minimum of 65 percent of nonhazardous construction and demolition waste for reuse, minimizing energy impacts from the creation of production of new

[32] United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed December 8, 2020. http://www.afdc.energy.gov/laws/eisa.
[33] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed December 8, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

construction materials. For these reasons, the construction activities associated with the proposed project would not use fuel or energy in a wasteful, inefficient, or unnecessary manner.

Operation

Operation of the project would consume energy for multiple purposes including, building heating and cooling, lighting, and appliance use. Operational energy would also be consumed by resident vehicle use to and from the site. It is estimated that the proposed project would use approximately 485,452 kWh of electricity and 33,667 gallons[34] of gasoline per year. There would be no demand for natural gas on the project site because the development would be required to comply with the City's Reach Code which prohibits natural gas in new residential construction. The proposed project would be built according to the CBC and CALGreen Standards. Additionally, the proposed project would implement green-building features including energy efficient appliances (as described previously in Section 3.0). As a result, energy would not be wasted or unnecessarily consumed, and the impact would be less than significant. **(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)**

The project would not result in a substantial energy increase and would implement energy efficiency standards consistent with the CBC and CALGreen. Therefore, the project would comply with state and local plans for renewable energy and energy efficiency. **(Less than Significant Impact)**

[34] 1,010,024 vehicle miles traveled x 30 miles per gallon = 33,667 gallons of gas

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

California Building Standards Code

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

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 Department of Industrial Relations, 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.

Public Resources Code Section 5097.5

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 materials are valued for the information they yield about the history of the earth and its past ecological settings. 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

Santa Clara General Plan

General Plan geology and soils-related policies applicable to the project include the following.

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

4.7.1.2 *Existing Conditions*

The City of Santa Clara 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 topography of the Santa Clara Valley rises from sea level at the south end of San Francisco Bay to elevations of more than 2,000 feet to the east. The average grade of the valley floor ranges from nearly horizontal to about two percent generally down to the northwest. Grades are steeper on the surrounding hillsides.

The project site is underlain by Urbanland-Hangerone complex, 0 to 2 percent slopes, drained which consists of some fill soils along with native soil structures. These soils are poorly drained and upper layers consist primarily of clay and have high potential for shrink swell action.[35]

The project site is level and is not at risk of landslides or other land subsidence. The City does not contain any faults zoned under the Alquist-Priolo Earthquake Fault Zoning Act.[36] The risk of surface fault rupture in the City is considered low. Additionally, according to the Santa Clara General Plan, the project site is located in a region characterized by a moderate to high ground shaking hazard and, due to the location of the site within a liquefaction zone, the site is at risk of lateral spreading and

[35] United States Department of Agriculture. Web Soil Survey. Accessed November 2021.
[36] City of Santa Clara. 2010-2035 General Plan Integrate EIR. Page 183. January 2011.

related ground failure.[37] Groundwater depth on the project site has ranged from 1.5 to 41.5 feet below the ground surface throughout the history of groundwater monitoring for the project site.[38]

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?	☐	☐	☒	☐
- Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
- Landslides?	☐	☐	☒	☐
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

[37] City of Santa Clara. 2010-2035 General Plan Integrate EIR. Page 184-186. January 2011.
[38] Cornerstone Earth Group. Phase I Environmental Site Assessment. June 19, 2018.

Impact GEO-1:	**As mitigated, the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. (Less than Significant Impact)**

The proposed project is not located within an Alquist-Priolo Earthquake Fault Zoning Map area where fault rupture may occur. Therefore, the proposed project would not cause risk of loss, injury, or death involving rupture of a known earthquake fault. The project site and surrounding areas are also relatively flat; therefore, development on-site would not expose adjacent or nearby properties to landslide related hazards.

The proposed project would be constructed on soils at risk of liquefaction, and while no active faults are known to cross the project site, the project would experience intense ground shaking in the event of a large earthquake. Therefore, seismic-related ground failure may occur.

Impact GEO-1: The project site is located within a mapped liquefaction hazard zone and has soils with high shrink swell potential. Buildings constructed on-site could experience settlement in the event of strong ground shaking as a result of an earthquake or other geologic events. **(Significant Impact)**

Mitigation Measures

MM GEO-1.1: To avoid or minimize potential damage from seismic shaking and other geologic events, and consistent with General Plan Policy 5.10.5-P6, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a geotechnical report to the City. The report shall be reviewed and approved by the City of Santa Clara's Building Division as part of the building permit review and issuance process. The building shall meet the requirements of applicable Building and Fire Codes, including the 2019 California Building Code, as adopted or updated by the City. The project shall be designed to withstand potential geologic hazards identified on the site, including liquefaction and shrink swell capacity of soils, and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

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

Impact GEO-2:	**The project would not result in substantial soil erosion or the loss of topsoil. (Less than Significant Impact)**

The proposed project would disturb approximately 2.46 acres of soil during construction and grading activities. This could result in erosion and loss of sediment on-site. For development over one-acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in Storm Water Pollution Prevention Plans (SWPPPs) under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and grading and excavation requirements in the City Code. In addition, the project would be required to comply with the following conditions of approval:

Conditions of Approval

- All excavation and grading work would be scheduled in dry weather months or construction sites would be weatherized[39] to withstand or avoid erosion.
- Stockpiles and excavated soils would be covered during construction with secured tarps or plastic sheeting.
- Vegetation in disturbed areas would be replanted as quickly as possible after construction.

Through the implementation of on-site BMP's and the identified conditions of approval to reduce construction-related water quality impacts, the proposed project would have a less than significant impact on soil erosion and loss of topsoil. **(Less than Significant Impact)**

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)**

As stated in Impact GEO-1 the proposed project would be constructed on soils at risk of liquefaction during seismic events. The proposed project would be constructed in compliance with a site-specific geotechnical report, City Code, and the CBC requiring the project to analyze and remediate site-specific soil conditions. Therefore, the proposed project would not result in a risk of instability because of liquefaction or lateral spread and would have a less than significant impact. **(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 in the project site have potential shrink swell properties which may cause damage to structures. The proposed project would comply with General Plan Policy 5.10.5-P6 and the CBC, which requires preparation of a design level geotechnical study, would provide further evaluation of the likelihood of damage resulting from expansive soils and identify building requirements to avoid impacts associated with these soils. Therefore, the proposed project would have a less than significant impact on risks to life or property resulting from expansive soils. **(Less than Significant Impact)**

[39] 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 wastewater disposal systems where sewers are not available for the disposal of wastewater. (No Impact)**

The proposed project would utilize the existing wastewater disposal systems in the City of Santa Clara and would not require the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would not have impacts resulting from inadequate 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 site is underlain by geologic units of Holocene age, which are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. Thus, these sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. More recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The proposed project would not include subsurface structures, however, it would require excavation for utilities and other slightly underground features which would require trenching less than 10 feet in depth. Therefore, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

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 Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds 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 and Local

2017 Clean Air Plan

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

CEQA Air Quality Guidelines

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

Santa Clara General Plan

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

Policies	Description
5.3.1-P10	Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-

	site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
5.8.5-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.

City of Santa Clara Climate Action Plan

The City of Santa Clara has a comprehensive GHG emissions reduction strategy/Climate Action Plan (CAP) to achieve its fair share of statewide emissions reductions for the 2020 timeframe consistent with AB 32. The City of Santa Clara CAP specifies the strategies and measures to be taken for a number of focus area (coal-free and large renewables, energy efficiency, water conservation, transportation and land use, waste reduction, etc.) citywide to achieve the overall emission reduction target, and includes an adaptive management process that can incorporate new technology and respond when goals are not being met. The project would be constructed after 2020 and, therefore, would not be covered by the City's CAP.

Silicon Valley Power

Silicon Valley Power (SVP) is the City of Santa Clara's energy utility and would provide electricity service to the project site. Starting in January 2018, SVP provides residential customers with carbon-free power as their standard, default power supply. This means the power generation produces no net carbon emissions. For commercial customers, SVP offers several options for participation in green energy programs, including a carbon-free energy option.[40]

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 site is currently developed with commercial structures and associated parking. GHG emissions from the project site are generated through daily vehicle trips to and from the project site and lighting, heating, and cooling of the buildings.

[40] Silicon Valley Power. "Green Power for your Home." Accessed December 15, 2020. https://www.siliconvalleypower.com/sustainability/santa-clara-green-power/green-power-for-your-home.

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?	☐	☐	☒	☐

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

Construction Emissions

GHG emissions associated with construction were computed to be 78 MT of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. Construction of the project would be temporary and would not result in a permanent increase in emissions. Therefore, the project would not interfere with the implementation of SB 32 or AB 32. **(Less than Significant Impact)**

Operational Emissions

The proposed project would construct 60 condominium/ townhouse units on the project site. Under BAAQMD CEQA Guidelines established May 2017, a project with 78 dwelling units or less would be below the screening threshold for a project which would not contribute cumulatively to GHG emissions. Since the proposed project would have fewer units than the screening threshold, the proposed project would not result in operational GHG emissions in excess of BAAQMD thresholds. Additionally, as discussed in Section 4.17 Transportation, the proposed project would result in VMT of 20 percent below the County average, which complies with the CAP required VMT reduction. Therefore, the project would not exceed the BAAQMD thresholds for GHG emissions and would have a less then significant impact. **(Less than Significant Impact)**

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

The proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan nor would the project conflict with SB 100 goals. Specifically, the proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficiency standards. Therefore, the proposed project would result in a less than significant impact. **(Less than Significant Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The information in this section is based in part on a Phase I Environmental Site Assessment prepared by Cornerstone Earth Group in June, 2018 and Soil and Groundwater Management Plan prepared in August 2021. This report is included in Appendix D and E.

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; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

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

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

Resource Conservation and Recovery Act

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

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

Government Code Section 65962.5

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

[41] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.
[42] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

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

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

CCR Title 8, Section 1532.1

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

Regional and Local

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

The Norman Y. Mineta International Airport is located approximately 2.5 miles northeast of the project site. Given this distance, the project site is not located within the Airport Influence Area

[43] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

(AIA) of the Norman Y. Mineta International Airport, as defined by the Comprehensive Land Use Plan (CLUP).

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

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

Santa Clara General Plan

General Plan policies hazardous materials-related policies applicable to the project include the following.

Policies	Description
5.10.5-P23	Require appropriate clean-up and remediation of contaminated sites.
5.10.5-P24	Protect City residents from the 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.

Santa Clara Emergency Operations Plan

In June 2016, the City of Santa Clara adopted an Emergency Operations Plan (EOP) to address the planned response 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.

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

4.9.1.2 *Existing Conditions*

On-Site Historic Uses

The project site was analyzed in the Phase I to determine previous uses and determine if these would result in hazardous conditions. This analysis relied upon Historical Aerial Photographs, dated between 1939 and 2016; copies of aerial photographs; historical topographic maps: dated 1889, 1897, 1899, 1953, 1961, 1968, 1973, 1980 / 1981, and 2012; historical fire insurance maps; and local street directories: between 1922 and 2014 to obtain information pertaining to past site occupants.

The aerial photographs and topographic maps indicted that an orchard was observed on the northeast portion of the site from 1937 through 1956. This was replaced with three billboards in 1963 and the site was further developed to the existing configuration in 1974. The presence of agricultural operations on-site would indicate the use of pesticides on-site. In addition, soil samples confirmed the presence of organochlorine pesticide (OCP) compounds 4,4'-DDE and dieldrin in several near-surface soil samples exceeding environmental screening levels.

Existing On-Site Uses

3155 El Camino Real

3155 El Camino Real (Mobil Service Station/US Auto Repair/Track Auto Service) is listed on the RGA LUST, CUPA, LUST, HIST UST, ENF, HAZNET, WDS, HIST LUST, SWEEPS LUST, EMI, EDR Hist Auto, FINDS, and CA FID UST databases.

In 1969, a permit was granted for the construction of a Mobil Oil Station and automotive service station. In 1993, a permit was granted for the installation of a ground water remediation plant, and in 1997, a permit for a sanitary trench, sump/ejector, and car wash office was approved on the gas station parcel.

The Department of Environmental Health (DEH) records consisted of reports and correspondence related to the leaking underground fuel tank case at the former Mobil service station. The former station operated on-site from approximately 1970 until 1989. This portion of the site is currently occupied by an auto repair garage and car wash. An approximately 10,000-gallon unleaded gasoline UST and approximately 8,000-gallon regular gasoline UST were installed in 1970.

In 1972, an approximately 6,000-gallon fuel UST and 280-gallon used oil UST were installed and in November 1984, a reported loss of 1,400 gallons of gasoline from these tanks resulted in the removal and replacement of the existing tanks in December 1984. The existing USTs were replaced with one 10,000-gallon UST, two 8,000-gallon USTs, and one 550-gallon used oil UST. In 1989, the station was closed, and the USTs and piping were removed.

From 1985 through 2014, approximately 16,800,000 gallons of ground water were processed, and 2,900 pounds of hydrocarbons were removed. The site assessment and remediation consisted of soil borings, monitoring wells, groundwater extraction and treatment system, vapor extraction system, injection of oxygen reducing compound, and air sparge/dual phase extraction high intensity targeting system.

The LUST case was closed in 2016 under the SWRCBs Low-Threat Underground Storage Tank Closure Policy, with remaining petroleum hydrocarbons in ground water, soil, and soil vapor expected to naturally attenuate over time. Residual concentrations of petroleum hydrocarbons in soil, following remediation efforts, were not reported.

The closure letter indicates that residual contamination in both soil and ground water that remains on-site could pose a risk to development activities including site grading, excavation, or the installation of water wells. The closure letter additionally states that the Santa Clara County Department of Environmental Health (SCCDEH) and the City shall be notified of any changes in land use or if proposed excavation or site grading is planned, and additionally request that residual contamination be assessed to ensure that no significant impact to human health, safety, or the environment occurs.

Hazardous materials, including waste oil, oil filters, tires, automotive fluids, Freon gas, lubricants, and 55-gallon drums were observed during a site visit conducted by Cornerstone Earth Group to the former station. Surface staining typical of automobile repair businesses was observed on concrete and asphalt within the service center space and surrounding asphalt pavement and storage areas. No exposed soil was observed in these areas.

Additional staining was observed on asphalt and concrete pads in the car wash equipment area. Minor quantities of household and commercial-grade cleaners, paints, and cooking oils were observed within the various tenant spaces and maintenance storage areas. No additional spills or leaks were noted around the hazardous materials observed.

3109 El Camino Real

3109 El Camino Real (Lightning Press), which is adjacent to the Project Site, is listed on the CUPA and HAZNET databases for the generation of photochemical/photo processing waste and metal sludge. The most recent information for the site is dated 2004 and no spills or leaks were reported for this address.

Based on the information presented in the agency database reports, no off-site spill incidents were reported that would significantly impact soil, soil vapor or ground water beneath the site.

Contaminants of Concern

Based on soil sampling conducted in July and August of 2018 by Cornerstone Earth Group, the soil on-site contains concentrations of lead and arsenic and Organochlorine Pesticides. In additional, due to the closed cases of UST leaks on-site TPH as gasoline and BTeX compounds are contaminants of concern for the site.

Lead and Asbestos

Due to the age of the on-site structures, building materials may contain asbestos, including subsurface asbestos-cement pipe.

Groundwater

The depth to ground water, as measured within ground water monitoring wells, ranged from 1.5 to 41.5 feet. The ground water was reported to flow to the northeast.

Off-Site Historic Uses

Based on topographic aerial, and fire insurance maps of the project vicinity, the surrounding areas have historically consisted of rural properties consisting of orchards from at least the 1930's to approximately the 1950's. Single-family development began in 1950 and continued through the 1960's and 1970's with primarily commercial development occurring along El Camino Real. No records of historic releases off-site were documented.

Existing Off-Site Uses

Searches on available records databases performed for the Phase I ESA determined that there are no hazardous materials release incidents that have been reported in the vicinity of the project site that would have the potential to significantly impact ground water beneath the site. Further sampling conducted in the Phase II for the project site contradicted these findings and determined that an unknown off-site source contributed tetrachloroethene (PCE) which was detected in soil vapor samples taken throughout the site northeast of the auto repair shop. Concentrations of PCE were highest at the northwest boundary of the project site and decreased traveling east indicating an off-site source.

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?	☐	☐	☐	☒
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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 the routine transport, use, or disposal of hazardous materials. (Less than Significant Impact)

Construction and Operation

The proposed project would demolish the existing commercial structures on-site and construct eight residential buildings. Any hazardous materials (e.g., any debris or soil containing lead-based paint or coatings) that would be removed from the site during project construction would comply with applicable regulatory standards for the transport and removal of lead or ACMs.

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

Impact HAZ-2: As mitigated, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact with Mitigation Incorporated)

Construction

The construction activities on the project site would include demolition of the structures on-site and grading of the site. Additionally, the materials stored on-site, including waste oil, oil filters, tires, automotive fluids, Freon gas, and lubricants would need to be cleaned up and removed from the site before construction of the project could occur.

Lead and Asbestos

The construction activities on the project site would include demolition of the structures on-site and grading of the site. Additionally, the materials stored on-site, including waste oil, oil filters, tires, automotive fluids, Freon gas, and lubricants would need to be cleaned up and removed from the site before construction of the project could occur. Demolition of the structures on the project site would potentially involve the removal of building materials, which may contain asbestos, including subsurface asbestos-cement pipe, and lead-based paint products due to the age of the buildings. The proposed project would be required as a condition of project approval to implement the following measures consistent with regulatory requirements to reduce the risk of exposure during demolition of the structures on-site.

Conditions of Approval

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.
- Prior to demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements.

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

Soil and Groundwater Contamination

The proposed project would require grading and shallow excavation which has the potential to encounter petroleum hydrocarbons in the soil and groundwater, and result in exposure to soil vapor. The proposed project would expose workers on-site to hazardous materials through the removal and

disposal of soil and sediments which may contain levels of hydrocarbons, pesticides, and PCE that would result in adverse health effects.

Impact HAZ-1 Construction of the proposed project could expose construction workers to soil contaminants, soil vapor, and contaminated groundwater on the project site. **(Significant Impact)**

Mitigation Measures

MM HAZ-1.1 The project applicant shall be required to develop a Soil and Groundwater Management Plan and submit it to the City of Santa Clara and the Santa Clara County Department of Environment Health (SCCDEH) prior to issuance of any demolition or grading permits (whichever occurs first) for review and approval. The project applicant must then provide the approved Soil and Groundwater Management Plan to the General Contractor and each of its subcontractors for incorporation into their Health and Safety Plans (HSP).

MM HAZ-1.2 All contractors must prepare a site-specific Health and Safety Plans (HSP) to establish health and safety protocols for their personnel working at the project site. The HSPs will be reviewed and approved by the City of Santa Clara and the SCCDEH prior to issuance of demolition or grading permits (whichever occurs first) and will be modified accordingly if previously unknown impacted materials are encountered during construction. These modifications must meet federal and State of California (OSHA) standards for hazardous waste operations (29 CFR 1910.120 and 8 CCR 5192). Earthwork activities in contaminated materials will be performed by licensed contractors with personnel trained in hazardous waste operations (40-hour OSHA training).

All contractors will be responsible for following the protocols presented in their HSP. The contractor will also prepare an injury and illness prevention plan. The contractor's HSP will contain provisions for limiting chemical exposure to construction workers, chemical and on-chemical hazards, emergency procedures, and standard safety protocols.

- Work activities will be conducted with, at a minimum, Level D protection including:
    - Rubber boots when in contact with groundwater;
    - Work boots;
    - Work gloves;
    - Safety glasses when risk of splashing or contact with groundwater;
    - Hard hat at all times; and
    - Hearing protection (if noise levels exceed 85 dBA).

Contractors are also required to determine the requirements for worker training, based on the level of expected contact to soil and groundwater associated with their workers' activities.

MM HAZ-1.3 The project site will be fenced and gated with a lock. Access to the project site will be limited by the General Contractor to authorized personnel. Site control procedures will be implemented by the General Contractor to control the flow of personnel, vehicles and materials in and out of the site. Signs will be posted by the General Contractor instructing visitors to sign in at the project support areas at all project site entrances.

MM HAZ-1.4 If suspect and/or confirmed impacted soil is encountered, decontamination procedures shall be established and implemented by the Contractor to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer. At a minimum, gravel will be placed at all project site access points by the Contractor and excess soil will be removed from construction equipment using dry methods (e.g., brushing or scraping) prior to moving the equipment to off-site locations. All truck tires shall be cleaned prior to leaving the project site.

Decontamination rinse will be captured and stored in Department of Transportation (DOT) approved containers for subsequent testing and off-site disposal

MM HAZ-1.5 Excavated soil suspected to be impacted will require additional stockpiling measures. The stockpile area will be clean and free of debris prior to the placement of the bottom liner. The liners will consist of heavy-duty plastic (minimum of 30-mil) as the bottom and top liners. All stockpiles will include berms for containment of any water that drains from the soil. Stockpiles will be inspected at least twice daily and repaired as needed. At the end of each shift or when the stockpile is not in use for two hours or longer, the pile(s) will be securely covered with the heavy-duty plastic liner. All stockpiles will be handled as to prevent or reduce potential dust generation. Additional water spray will be utilized for dust suppression and foam or surfactant will be utilized for stabilization of stockpiles, if necessary.

MM HAZ-1.6 In addition to the measures above, following demolition activities a qualified Environmental Professional will collect soil samples around former borings EB-2, EB-3, EB-4, and EB-5 to evaluate the lateral extent of soil exceeding residential screening levels. These samples will comply with the specifications identified in the Soil and Ground Water Management Plan prepared for the proposed project.

MM-HAZ-1.7 If over excavation of some or all of the former tank backfill is required for geotechnical purposes, the designated Environmental Professional shall observe excavation activities and perform sampling of laboratory analyses.

The contractor will delineate the former tank pit boundaries and will perform the necessary excavation. The Environmental Professional will document the approximate size of the former tank pit excavation as well as visibly apparent indicators of contamination on the excavation sidewall or base.

An organic vapor meter will be used to monitor hydrocarbon vapors in the excavation. Soil observed to be potentially impacted should be placed on top of and covered by plastic sheeting and will be separately stockpiled from presumed "clean" soil. The Environmental Professional will process samples as described in the Soil and Groundwater Management Plan.

MM-HAZ-1.8 During construction activities, if unanticipated contamination (e.g., if soil discoloration, odors, and/or elevated organic vapor meter readings are noted), buried structures (e.g., sumps or tanks), or hazardous debris are encountered that may pose a risk to human health or the environment, earthwork in the suspect area will be immediately stopped and worker access to the suspect area will be restricted. The area will be cordoned off using delineators and caution tape, or similar materials by the Contractor. Subsequently, the Environmental Professional and project applicant will be notified. The quality of soil suspected to be contaminated will be evaluated through analytical testing by the Environmental Professional so that appropriate handling and disposal alternatives can be determined.

MM-HAZ-1.9 During impacted soil loading activities, the contractor will place heavy plastic sheeting beneath the trucks to collect any spilled soil. To avoid spreading of the contamination, after each truck is loaded and prior to moving off the plastic sheeting, the top rails, fences, tires, and all other surfaces with visible dust or soil spilled during loading will be removed by dry brushing methods at the point of loading. The collected soil on the plastic will be periodically removed to avoid the spreading of impacted soil on the truck tires.

MM-HAZ-1.10 The Environmental Professional will be present on-site during the removal of impacted soil and will be responsible for observing soil conditions and Contractor's activities. As part of this process, daily field reports documenting Site activities will be completed and made available for inspection by authorized oversight personnel for the duration of the project.

The Environmental Professional will complete daily field reports for each day that they are on-site. Entries will be complete and accurate enough to permit reconstruction of the Environmental Professional's field activities. Each page will be dated, and the time of entry noted. The following information will be

included for each sample:

- Sample identification number
- Sample location and description
- Site sketch showing sample location and measured distances
- Sampler's name(s)
- Date and time of sample collection
- Designation of sample as composite or grab
- Type of sample (i.e., matrix)
- Type of preservation
- Type of sampling equipment used
- Field observations and details important to analysis or integrity of samples (e.g., heavy rains, odors, colors, etc.)
- Instrument readings (e.g., photoionization detector [PID], etc.)
- Chain-of-custody form numbers and chain-of-custody seal numbers
- Transport arrangements (courier delivery, lab pickup, etc.)

MM-HAZ-1.11 The following General Procedures will be carried out for construction on the project site:

- Trenches/excavations that extend below the concrete section shall be screened daily with an organic vapor meter or similar meter. Total volatile organic compounds at a sustainable concentration of five ppm_v above background shall require personnel to stop work and leave area. If concentrations do not recede, the trench/excavation shall be barricaded and the Environmental Consultant contacted.
- Open trenches/excavations shall be inspected daily for readily observable indications of possible cave-ins, hazardous atmosphere or other hazardous conditions.
- If readily observable conditions are noted that could result in cave-in, hazardous atmosphere or other hazardous condition, exposed workers shall be removed from the area until the necessary precautions have been taken to address the concern.
- Trenches/excavations shall be protected with adequate barriers or physical protection.
- Stockpiles of soil shall not be stored within 2 feet of a trench/excavation.
- Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, the atmosphere shall be tested before workers enter the work area.

- Adequate precautions shall be taken to prevent exposures to atmospheres containing less than 19.5 percent oxygen and or hazardous atmospheres, including proper respiratory protection or ventilation.
- Workers shall not work in excavations/trenches in which there is accumulated water or in trenches/excavations in which water is accumulating, unless adequate precautions have been taken against the hazards posed by the accumulation. These measures can include PPE, shoring or water removal.
- Workers shall wash hands thoroughly after handling project site soil or groundwater even if they were wearing protective gloves.

MM-HAZ-1.12 If utility trenches extend into groundwater, measures will be implemented to reduce the potential for vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at selected intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below groundwater will be installed with water-tight fittings to reduce the potential for groundwater to migrate into the conduits. The Civil Engineer should survey and record all 'plug' placement locations.

MM-HAZ-1.13 If excavation dewatering is required, pumped water will be transferred from the excavations into holding tanks and then either pumped to the sanitary sewer under a Publicly Owned Treatment Works permit, treated and discharged to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region (Water Board) National Pollutant Discharge Elimination System (NPDES) permit, and/or loaded into tanker trucks for off-site disposal. If on-site reuse for dust control is desired, water samples must be collected from the holding tank and analyzed for volatile organic compounds and TPHg (EPA Test Method 8260B) and TPHd (EPA Test Method 8015M). If the detected analytes do not exceed groundwater ESLs, the water in the holding tanks can be reused on-Site for dust control.

Operations

The proposed project would be constructed on a project site with soil vapor contamination from off-site contaminant releases including PCE and benzene. PCE and benzene are hazardous chemical compounds at very low concentrations and can be mobilized in groundwater and released through soil vapor into developments located above the groundwater plumes. The soil sampling conducted for the proposed project determined that PCE and benzene were discovered at levels above environmental screening levels (ESL) which would represent a hazard for occupants of the project site. Based on the presence of PCE and benzene in the soil vapor, the proposed project would represent a risk of vapor intrusion for the public on the project site.

Impact HAZ-2 The proposed project would expose future residents to vapor intrusion on-site. **(Significant Impact)**

Mitigation Measures

MM-HAZ-2.1 Based on the detection of Perchloroethylene (PCE) and benzene exceeding residential environmental screening levels (ESLs), vapor intrusion mitigation (VIM) measures will be implemented for the future development. A VIM system design and construction quality assurance plan will be submitted to Santa Clara County Department of Environmental Health (SCCDEH) for review and approval prior to start of construction. The VIM design document will describe pre-occupancy sub-membrane sampling. Although concentrations of PCE and benzene detected do not significantly exceed Tier 1 ESLs, the VIM system will be designed to avoid any post-occupancy sampling or monitoring requirement. Such a system could include two membranes (one on sub-grade and one sub-slab), a minimum eight inches of gas-permeable gravel beneath the concrete slab/membrane, and passive sub-slab ventilation.

With implementation of the mitigation measure above, the proposed project would control vapor intrusion on-site and would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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)**

The proposed project is not located within a quarter mile of any school sites. Therefore, the proposed project would have no impact on existing or proposed schools. **(No Impact)**

Impact HAZ-4:	**The project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, with the imposition of mitigation measures, the project would not create a significant hazard to the public or the environment. (Less than Significant Impact with Mitigation Incorporated)**

The project site is located on a Geotracker LUST Cleanup site identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As described above, based on historical uses of the site and soil sampling, the soil on-site contains concentrations of lead, arsenic, organochlorine pesticides, hydrocarbons, and PCE. TPH as gasoline and BTeX compounds are also contaminants of concern for the site. The proposed project would comply with policies governing construction and would implement mitigation measures HAZ-1.1 through 1.13 and 2.1 to reduce the hazards of construction created by the LUST. Therefore, the proposed project would create a less than significant hazard to the public or the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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. (No Impact)**

The project site is located approximately 2.5 miles from the Norman Y. Mineta International Airport and is not within the Airport Safety Zones established in the Comprehensive Land Use Plan for the Norman Y. Mineta International Airport. Additionally, the proposed project is not located within a noise contour of the airport and would not experience excessive noise in the project area. Therefore, the project would not expose people residing or working on the site to a safety hazard or excessive noise. **(No 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)**

The proposed project would not alter routes of access, nor would it create impediments to existing emergency response plans or emergency evacuation plans in the City of Santa Clara. Therefore, the proposed project would result in no impact. **(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 proposed project is located in the center of the City of Santa Clara and is not within a fire hazard severity zone. Therefore, the proposed 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)**

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 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 Regional Water Quality Control Boards (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 State Water Resources Control Board (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 storm water 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 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.[45] 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 are 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, or 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.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[46] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1955 and 1978 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit.

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.

[45] MRP Number CAS612008
[46] San Francisco Bay Regional Water Quality Control Board. *Municipal Regional Stormwater Permit, Provision C.12.* November 19, 2015.

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[47] 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[48] in California.[49]

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.

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
5.10.5-P11	Require that new development meet stormwater and water management requirements in conformance with state and regional regulations.
5.10.5-P13	Require that development complies with the Flood Damage Protection Code.
5.10.5-P15	Require new development to minimize paved and impervious surfaces and promote on-site Best Management Practices for infiltration and retention, including grassy swales, pervious pavement, covered retention areas, bioswales, and cisterns, to reduce urban water run-off.
5.10.5-P16	Require new development to implement erosion and sedimentation control measures to maintain an operational drainage system, preserve drainage capacity and protect water quality.
5.10.5-P17	Require that grading and other construction activities comply with the Association of Bay Area Governments' Manual of Standards for Erosion and Sediment Control Measures and with the California Stormwater Quality Association, Stormwater Best Management Practice Handbook for Construction.
5.10.5-P18	Implement the Santa Clara Valley Nonpoint Source Pollution Control Program (SCVNSPC), Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the Urban Runoff Management Plan (URMP).
5.10.5-P20	Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding.

[47] State of California. California Water Code. Accessed November 2021. https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=WAT&tocTitle=+Water+Code+-+WAT.
[48] California Department of Water Resources. Jurisdictional Sized Dams. Accessed November 2021. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams/Jurisdictional-Sized-Dams.
[49] California Department of Water Resources, Division of Safety of Dams. Accessed June 9, 2020. 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).

Policies	Description
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

City Code

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

4.10.1.2 *Existing Conditions*

Groundwater

The project site is located in a confined area of the Santa Clara Valley groundwater basin and does not substantially contribute to the recharging of the groundwater used for water supply. The depth to groundwater can vary seasonally, and can be influenced by underground drainage patterns, regional fluctuation, and other factors.[50] The depth to groundwater, as measured within groundwater monitoring wells, ranged from 1.5 to 41.5 feet. The groundwater flow was reported to be northeast.[51] The project site is not located within a designated groundwater recharge area.[52]

Storm Drainage

The City of Santa Clara owns and maintains the municipal storm drainage system serving the project area. The storm drains near the project site are located within El Camino Real and drain west to the Calabazas Creek, which flows north into the San Tomas Aquino Creek and eventually to the San Francisco Bay. The project site is currently developed and paved, with approximately 103,120 square feet (90 percent) of the site covered with impervious surfaces.

Flooding

The project site is not located within a 100-year flood hazard area. Based on the FEMA flood maps, the project site is located in Zone X which is an area with 0.2 percent annual chance of flood. The Calabazas Creek channel is within Zone A which is an area where the one percent annual chance flood contained within the flow structure.[53]

[50] 2017 Groundwater Report. Valley Water.
[51] Cornerstone Earth Group. Phase I Environmental Site Assessment Location APNs 220-32-057 & 220-32-058 3017-3157 El Camino Real Santa Clara, California. June 19, 2018.
[52] Valley Water. *2016 Groundwater Management Plan.* Figure 1-3. 2016
[53] FEMA. Flood Insurance Rate Map 06085C0226H

Dam Failure

According to the Santa Clara Valley Water District (Valley Water) dam failure maps, the project site is not located within the dam failure inundation hazard zone for any local dams or reservoirs.[54] [55]

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;	☐	☐	☒	☐
- 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?	☐	☐	☒	☐

[54] Valley Water. Leroy Anderson Dam Flood Inundation Maps. Map. 2016.
[55] Valley Water. Lenihan (Lexington) Dam Flood Inundation Maps. Map. 2016.

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

Construction Impacts

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

Conditions of Project Approval

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains;
- Earthmoving or other dust-producing activities would be suspended during period of high winds;
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary;
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered;
- All trucks hauling soil, sand, and other loose materials shall be covered;
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers); and
- Vegetation in disturbed areas would be replanted as quickly as possible.

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

Post Construction Impacts

To reduce post-construction water quality impacts, the project is required to comply with the MRP. The proposed project includes LID measures to treat water flowing from 82 percent of the site and non-LID measures for the remaining 18 percent. The stormwater treatment measures include seven bioretention areas with liner and underdrains, two self-retaining area, and a media filter system. Therefore, the proposed project, in compliance with existing regulations, including the NPDES and SWPPP guidance, would not result in significant impacts to water quality **(Less than Significant Impact)**

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

The project is mostly paved and does not directly contribute to groundwater recharge. The proposed project would, therefore, not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The excavation associated with utility trenching and other shallow excavation may encounter groundwater, however the project would not interfere with groundwater flow. For these reasons, the project would have a less than significant impact on sustainable groundwater management. **(Less than Significant Impact)**

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

The project site is located adjacent to Calabazas Creek, which is the nearest drainage for the site, and is currently served by an existing storm drain line on the northeast corner of the site. The proposed project would not modify the surrounding storm drain lines in the surrounding streets and would tie the site drainage system into the storm drain lines at the back of the site. The project site is currently 96 percent impervious, and the existing storm drainage system has adequate capacity to support the site.

As shown in Table 4.10-1, the project would result in approximately 81 percent impermeable surface area within the project site, a decrease of 15 percent (16,819 square feet) compared to the existing conditions. This would decrease the total volume of runoff from the project site. The project proposes LID and non-LID measures on-site that would reduce the rate of flow from impervious surfaces into the storm drain system and, therefore, the proposed project would not alter the existing drainage pattern of the project site.

Table 4.10-1: Pervious and Impervious Surface Areas

	Impervious Surface (SF)	Pervious Surface (SF)
Existing Site	103,120	3,193
Existing Percentage	96 percent	4 percent
Proposed Site	86,301	20,012
Proposed Percentage	81 percent	19 percent

Because of the proposed stormwater treatment and the reduction in impervious surfaces on-site, the existing storm drain infrastructure would have sufficient capacity to serve the proposed project. The project would not impede or redirect flood flows. The project would not alter the course of any stream or river and would not result in substantial erosion or siltation. For these reasons, the

proposed project would have a less than significant impact due to site drainage alterations. **(Less than Significant Impact)**

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

As described above, the project site is located in Flood Zone X, with a 0.2 percent annual chance of flood. This flood zone is only at risk of inundation in the event of the 500-year storm event and is not considered a special flood hazard zone. Due to the project site's distance from large bodies of water, there is no risk of tsunami or seiche related inundation at the project site. Additionally, as stated under existing conditions, the project site is not within dam inundation areas and would not experience flooding in the event of a dam failure. For these reasons, development of the project would not result in pollutant release risks due to project site inundation due to flood, tsunami, or seiche events. **(Less than Significant Impact)**

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

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

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional and Local

Santa Clara General Plan

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

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

City of Santa Clara Zoning Code

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

4.11.1.2 *Existing Conditions*

The project site is currently developed with multiple commercial buildings and a carwash. The project site is currently zoned Thoroughfare Commercial and is designated Community Mixed Use in the General Plan.

Thoroughfare Commercial zoning is allows commercial uses that are appropriate to major commercial thoroughfare or highway locations and are dependent on thoroughfare travel, and is intended to encourage the development of auto-oriented uses or other uses that are more suitable for individual auto access than for development within a shopping center.

The General Plan designation of Community Mixed Use (CMU) is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of

residential and commercial uses along major streets. Auto-oriented uses, including gas stations, are not appropriate in this designation. Parking should be behind buildings, below-grade or in structures, to ensure that active uses face public streets. Retail, commercial and neighborhood office uses, with a minimum FAR of 0.10, is required along with residential development between 20 and 36 units per acre. Within the El Camino Real Focus Area, which is where this project would be sited, General Plan Policy 5.4.1-P2 allows new development under the CMU designation for exclusively residential uses, provided that the development meets the minimum requirements for the Medium Density Residential land use classification.

The land uses around the project site include a mix of residential and commercial uses. North of the project site is a single-family residential neighborhood with a mix of one- and two-story houses. East of the site there are commercial uses, including multiple automobile service businesses. South of the site is El Camino Real, a six lane throughfare. South of El Camino Real are various commercial businesses which back up to a residential neighborhood. West of the site is Calabazas Boulevard which has travel lanes separated by the channelized Calabazas Creek. West of Calabazas Boulevard is a mix of multi-family residential and commercial businesses fronting El Camino Real and backing up to single-family residences.

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. (Less than Significant Impact)

The project site is currently accessible from El Camino Real and Calabazas Boulevard. The proposed project would demolish the existing commercial buildings on-site and would not alter the existing access to the site. Additionally, the proposed project would not construct barriers to access within the nearby area. Therefore, the proposed project would result in a less than significant impact from physically dividing an established community. **(Less than Significant Impact)**

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant Impact)

The proposed project would construct a residential development on the project site and would be required to comply with the policies and goals identified in the General Plan. Table 4.11-1 below summarizes the project's compliance with independent land use policies.

Table 4.11-1 Land Use Policy Consistency Analysis

Land Use Policy	Consistency
5.3.1-G1 Reduced dependence on the single-occupant automobile.	**Consistent**. The proposed project is located within a high-quality transit area and incentivizes the use of alternative transit modes.
5.3.1-G2 Consistency between new development, the General Plan, Zoning Ordinance, Capital Improvements Program and other implementing regulations.	**Consistent**. The proposed project is consistent with the General Plan Land Use and zoning for the project site.
5.3.1-G3 Development that minimizes vehicle miles traveled, capitalizes on public investment in transit and infrastructure, and is compatible with surrounding uses.	**Consistent**. The proposed project is located within a high-quality transit area and incentivizes the use of alternative transit modes.
5.3.1-P1 Preserve the unique character and identity of neighborhoods through community-initiated neighborhood planning and design elements incorporated in new development.	**Consistent**. The proposed project is required to comply with design guidelines established by the City.
5.3.1-P3 Support high quality design consistent with adopted design guidelines and the City's architectural review process.	**Consistent**. The proposed project is required to comply with design guidelines established by the City.
5.3.1-P6 Allow planned development only if it is consistent with General Plan land use density and intensity requirements and provides a means to address unique situations to achieve high community design standards that would otherwise not be feasible.	**Consistent**. The proposed project is required to comply with planning guidelines established by the City.
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.	**Consistent**. The proposed project is required to comply with planning guidelines and Municipal Plan Ordinances established by the City.
5.3.1-P10 Provide opportunities for increased landscaping and trees in the community, including requirements for new development to	**Consistent**. The proposed project is required to comply with planning guidelines established by the City. See Biological Resources. Section 4.4.

Table 4.11-1 Land Use Policy Consistency Analysis	
Land Use Policy	**Consistency**
provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.	
5.3.1-P12 Encourage convenient pedestrian connections within new and existing developments.	**Consistent**. The proposed project would provide access to existing pedestrian facilities and encourage pedestrian travel.
5.3.1-P13 Support high density and intensity development within a quarter-mile of transit hubs and stations and along transit corridors.	**Consistent**. The proposed project is located within a high-quality transit area and incentivizes the use of alternative transit modes.
5.3.1-P14 Encourage Transportation Demand Management strategies and the provision of bicycle and pedestrian amenities in all new development greater than 25 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled, consistent with the CAP.	**Consistent**. The proposed project is located within a high-quality transit area and incentivizes the use of alternative transit modes which result in a 20 percent reduction in VMT from the county average baseline.
5.3.1-P16 Consolidate curb cuts with new development on arterial roadways to minimize pedestrian/vehicle conflicts at driveway locations and improve traffic flow.	**Consistent**. The proposed project would reduce the number of curb cuts and increase safety of interactions between vehicles and pedestrians by reducing conflicts.
5.3.2-P11 Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the scale, mass andsetbacks of existing or planned adjacent development.	**Consistent**. The proposed project is required to comply with design guidelines established by the City.

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

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

4.12.1.2 *Existing Conditions*

The City of Santa Clara is located in an area zoned MRZ-1, which classifies an area where adequate information indicates that no significant mineral deposits are present. The area is not known to support significant resources of any other type. No mineral resources are currently being extracted in the City. The State Office of Mine Reclamation's list of mines (the AB 3098 List) regulated under the Surface Mining and Reclamation Act (SMARA) does not include any mines within the City.[56]

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 would 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?	☐	☐	☐	☒

[56] City of Santa Clara. 2010-2035 General Plan Integrated Final EIR. January 2011.

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)**

As stated above, the proposed project is located in an area where no mineral resources exist or are expected to be encountered. Therefore, the proposed project would not impact the availability of a known mineral resource that would be of value to the region and residents of the state. **(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)**

As stated above, the proposed project is located in an area where no mineral resources exist or are expected to be encountered. Therefore, the proposed project would not impact the availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

4.13 NOISE

4.13.1 Environmental Setting

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.[57] 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.

4.13.1.1 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

[57] 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}.

Table 4.13-1: Groundborne Vibration Impact Criteria			
Land Use Category	**Groundborne Vibration Impact Levels (VdB inch/sec)**		
	Frequent Event	**Occasional Events**	**Infrequent Events**
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.			

State and Local

California Building Standards Code

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

City of Santa Clara General Plan

The City's General Plan contains noise goals and policies in Chapter 5, Section 5.10.6. These goals and policies identify Normally Acceptable noise exposures for various land uses, including limits of 60 dB CNEL for residential exteriors and 45 dB CNEL for residential interiors. The standards also specify in interior limit of 50 dB CNEL for offices, retail and other less sensitive indoor spaces.

The General Plan also identifies the following policies that would be applicable to the project.

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

Santa Clara City Code

Section 9.10.040 of the City Code establishes noise level performance standards for fixed sources of noise, as seen below in Schedule A. Noise levels at single-family residences, multi-family residences, and at public spaces are limited to 55 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and 50 dBA at night (10:00 p.m. to 7:00 a.m.). Noise levels at commercial and office uses are limited to 65 dBA during daytime hours and 60 dBA during nighttime hours. Section 9.10.060(c) states that if the measured ambient noise level at any given location differs from those levels set forth in Schedule A, the allowable noise exposure standard shall be adjusted in five dBA increments in each category as appropriate to encompass or reflect the ambient noise level.

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

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

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

4.13.1.2 *Existing Conditions*

Noise in the project is generated primarily by traffic on El Camino Real and the surrounding roadways. Based on the findings in the General Plan Integrated FEIR, the project site is located in a area with ambient noises levels ranging from 60 to 70 dBA.

The project site is located approximately 2.5 miles away from the nearest airport, Norman Y. Mineta International Airport. The site is outside the 60 dBA contour for the airport noise impacts.

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?	☐	☐	☒	☐

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)**

Construction Impacts

The proposed project would result in an increase in ambient noise as a result of construction activities on-site for 18 months. Construction of the proposed project would involve demolition of the existing commercial structures and pavement, site preparation, grading and excavation, trenching, building erection, interior/architectural coating, and paving. Construction would occur approximately 30 feet away from the nearest sensitive receptors, the residential uses located directly north of the project site, and this would result in noise in excess of the Schedule A noise limits.

The project site is located in a built-out area with commercial and residential uses adjacent to the project site to the north and east. Noise sensitive uses surrounding the site include residential uses directly north of the site and nearby residences to the west of Calabazas Boulevard. Noise levels at surrounding uses would vary as construction activity is concentrated at different points throughout the site.

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

Conditions of Approval

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

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

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

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

Operational Impacts

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

Operational noise from the proposed project would primarily result from the operation of mechanical equipment on-site. As proposed, the buildings would have shielded air conditioning units attached on rooftops and balconies or placed adjacent to the project buildings on the ground level and would be required to comply with City of Santa Clara ordinances controlling residential sound levels. Therefore, the proposed project would result in a less than significant operational noise impact. **(Less than Significant Impact)**

Impacts from Project Traffic

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

Background traffic data for streets around the project site was provided by the City of Santa Clara[58] and the number of daily trips generated by the proposed project was estimated in the Air Quality report prepared for the project. The proposed project would generate approximately 439 daily trips to local roadways. To increase road noise on local roadways the proposed project would hve to double traffic on any local roadway. Since the local roadways around the project site have greater than 10,000 average daily trips the proposed project would minimally increase traffic on the roadway. Therefore, the permanent traffic noise increase attributable to the project would be less than three

[58] Email correspondence. Carol Shariat. September 16, 2021.

dBA along all roadway segments surrounding the project site and the proposed project would result in a less than significant impact. **(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)

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for new residential and modern commercial/industrial structures, 0.3 in/sec PPV for older residential structures, and a limit of 0.25 in/sec PPV for historic and some older buildings, and the City has routinely utilized the Caltrans thresholds in prior environmental documents. There are no historic structures near the site. The 0.3 in/sec PPV vibration limit would be applicable to residential structures adjoining the site to the north. The 0.5 in/sec PPV vibration limit would be applicable to all other structures in the vicinity of the project site.

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

The closest structures to the project site are the houses to the north which are approximately five feet from the property line. The nearest commercial structure is approximately 120 feet from the east property line. The proposed buildings would be setback a minimum of 21.5 feet from the northern property line, making the distance to the nearest residences 26 feet or more.

Table 4.13-2: Vibration Source Levels for Construction Equipment (in/sec PPV)

Equipment		Vibration at 25 feet
Clam Shovel Drop		0.202
Hydromill (slurry wall)	In soil	0.008
	In Rock	0.017
Vibratory roller		0.210
Hoe Ram		0.089
Large Bulldozer		0.089
Caisson drilling		0.089
Loaded Trucks		0.076
Jackhammer		0.035
Small bulldozer		0.003

Source: Illingworth and Rodkin Inc.

The proposed project would require phases of demolition and construction adjacent to residences for 18 months. As shown in Table 4.13-2, the standard equipment that would be used on-site would not generate vibration levels in excess of the 0.3 in/sec PPV threshold at the nearest residential

structures. As a result, the construction of the proposed project would have a less than significant vibration impact. **(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)**

The proposed project is 2.5 miles away from the Norman Y Mineta International Airport and is located outside of the 60 dBA contour of the airport. Therefore, the proposed project would not experience excessive noise levels and people residing at the site would not experience excessive noise levels. **(Less than Significant Impacts)**

4.13.3 Non-CEQA Effects

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

The proposed project would construct housing near the El Camino Real within a 60 to 70 dBA noise contour as established the City of Santa Clara General Plan. This would place housing within an area exceeding the 55 dBA noise levels in Schedule A of the Santa Clara City Code. Residential units facing El Camino Real or with line of sight to the roadway would experience the highest noise levels. Units in the northern half of the site would be mostly shielded from the roadway noise by the buildings fronting El Camino Real.

Standard construction provides approximately 20 to 25 dBA of exterior to interior noise reduction assuming windows are closed. This would reduce the interior noise levels to between 40-50 dBA which could result in interior noise levels above the threshold of 45 dBA. The proposed project would be required to comply with the following condition of approval:

Condition of Approval

A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study will review the final site plan, building elevations, and floor plans prior to construction and determine building treatments to reduce residential interior noise levels to 45 dBA DNL or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the Condition of Approval, the project would comply with all applicable City and state interior residential noise standards and General Plan policies.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[59] The City of Santa Clara Housing Element and related land use policies were last updated in 2015.

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.[60]

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

Santa Clara General Plan

General Plan policies related to population and housing that are relevant to the project include the following.

[59] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed December 9, 2020. http://hcd.ca.gov/community-development/housing-element/index.shtml.

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

Policy	Description
5.3.2-P1	Encourage the annual construction of the housing units necessary to meet the City's regional housing needs assessment by reducing constraints to housing finance and development.
5.3.2-P2	Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate.
5.3.2-P6	Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low- and moderate-income and special needs households.

4.14.1.2 *Existing Conditions*

According to the California Department of Finance, the City had a population of approximately 129,104 residents in 48,975 households as of January 2020.[61] Of the 129,104 residents, approximately 50 percent are employed residents.[62] There are approximately 137,000 jobs in the City (estimated by ABAG for 2020). In 2035, it is estimated that the City will have approximately 154,825 residents, 54,830 households, 154,300 jobs and 72,080 employed residents.[63]

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.[64] 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.[65] 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.

The existing project site is occupied by commercial buildings and does not contribute to the current permanent resident population of the City.

[61] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. Accessed: August 8, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[62] Association of Bay Area Governments. *Plan Bay Area: Projections 2013*. December 2013.
[63] Ibid.
City of Santa Clara. 2010-2035 General Plan. December 2014.
[64] City of Santa Clara 2010-2035 General Plan. December 2014. Appendix 8.12 (Housing Element). Page 8.12-25.
[65] 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 project site is designated Community Mixed Use in the General Plan which allows for a density of 20 to 36 units per acre. The project would implement a unit density of approximately 24 dwelling units per acre which would be consistent with the density dictated in the General Plan. Therefore, the proposed project would not conflict with the planned growth on the project site and would have a less than significant impact on 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 proposed project would not remove housing from the project site. Therefore, the proposed project would not displace existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

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

Mitigation Fee Act.

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

School Impact Fees

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

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

Regional and Local

City of Santa Clara 2010 – 2035 General Plan

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

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

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.

Parkland Dedication Ordinance

On July 15, 2014, the Santa Clara City Council adopted Ordinance Number 1928 adding Chapter 17.35 Park and Recreational Land to Title 17 Development of the Santa Clara City Code. The ordinance requires new residential developments to provide adequate park and recreational facilities

and/or pay an in-lieu fee for parkland dedication at the discretion of the City, pursuant to the Quimby Act and/or Mitigation Fee Act, to mitigate the impacts of new growth. For subdivisions of 50 units or less, the City may only accept a fee in-lieu of the parkland dedication requirement.

City of Santa Clara City Code Chapter 17.35

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

4.15.1.2 *Existing Conditions*

Fire Service

Fire protection services for the project site are provided by the City of Santa Clara Fire Department (SCFD). The SCFD consists of 10 stations distributed throughout the City. The closest fire station to the project site is Station 5, located at 2821 Homestead Road, approximately 0.48 miles northeast of the project site.

Police Service

Police protection services are provided by the City of Santa Clara Police Department (SCPD). Police headquarters are located at 601 El Camino Real, approximately 2.5 miles east of the project site.

Schools

The project site is located within the Santa Clara Unified School District (SCUSD). The nearest public schools to the project site are Bowers Elementary, located at 2755 Barkley Avenue (approximately 0.5 miles northeast of the site), Cabrillo Middle School, located at 2550 Cabrillo Avenue (approximately 0.66 miles northeast of the site), and Wilcox High School, located at 3250 Monroe Street (approximately 1.5 miles southeast of the site).

Parks

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of May 2021, the Department maintains and operates Central Park (45.04 acres improved and Central Park North 34.93 acres unimproved, resulting in 79.97 acres), 30 neighborhood parks (124.517 acres improved and 6.132 acres unimproved resulting in 130.649 acres), 13 mini parks (2.59 acres improved and 3.189 acres unimproved resulting in 5.779 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.898 acres improved, excluding the

Santa Clara Golf and Tennis Club/BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.588 acres) throughout the City totaling approximately 268.354 improved acres and 84.531 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

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

The nearest public parks to the project site are the Earl R. Carmichael Park, located at 3445 Benton Street (approximately 0. 5 miles southwest of the site), and the Bowers Park, located at 2602 Cabrillo Avenue (approximately 0.6 miles southwest of the site). Saratoga Creek trail also provides recreational opportunities in the project area and is located approximately 0.5 miles east of the project site.

Libraries

The City of Santa Clara is served by the Central Park Library located at 2635 Homestead Road, the Mission Library Family Reading Center located at 1098 Lexington Street, and the Northside Branch Library located at 695 Moreland Way. The nearest library is Central Park Library approximately one mile away at 2635 Homestead Road.

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, 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, 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 proposed project would change the land use of the project site from commercial to residential uses. This would increase the need for fire protection services on the site. The General Plan Integrated EIR concluded that full build out of the General Plan would not require additional facilities to provide fire protection services for planned growth. While the project would represent an incremental increase in the demand for fire protection services, the project site is currently within the service area of SCFD and would be served by existing staff and facilities without requiring the construction of new or altered facilities. In addition, the project would be constructed in accordance with current fire codes, including those specifying emergency vehicle access and reduction of fire hazards. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for fire protection services. **(Less than Significant Impact)**

Impact PS-2:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. (Less than Significant Impact)**

As described in Impact PS-1, the project would result in a minimal population increase and resultant increase in demand for public services, including police protection. The General Plan Integrated EIR concluded that full build out of the General Plan would not require additional facilities to provide police protection services for planned growth. The project site is already served by local law enforcement and no new facilities would be required. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities for police protection services. **(Less than Significant Impact)**

Impact PS-3:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. (Less than Significant Impact)**

The proposed project would construct 60 residential units which would generate 11 students.[66] The SCUSD is expected to gain approximately 2,000 students as a result of full General Plan build out. Therefore, the proposed project would only contribute approximately two percent of the expected increase in students for all age groups. The General Plan stated that additions to existing school sites or reopening of closed would serve the expanded need and found that the proposed policies and existing regulations and programs would ensure that future development of new facilities within the City would not have an adverse physical effect on the existing environment. Therefore, the proposed project would not create an impact through substantial adverse physical impacts associated with the provision of new or physically altered school facilities. **(Less than Significant Impact)**

Impact PS-4:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. (Less than Significant Impact)**

The proposed project would increase the need for public park space to maintain the service ratio of 2.4 acres per 1000 people required in the General Plan. The proposed project would be require to provide 0.37 acres of recreation area for its 158 residents[66]. The Santa Clara City Code requires new residential developments to provide developed parkland and recreational amenities pursuant to the California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA), and/or pay a fee in-lieu of developing parkland. The proposed project would include approximately 0.08 acres of recreational open space on site in the form of small grass areas on the corner of Calabazas Boulevard and El Camino Real and a grass space on the northwest side of the project site. The increase in population on site would not significantly degrade existing facilities and would not require the construction of new facilities, however, the proposed project would be required to pay fees in-lieu of developing new parkland. Therefore, through compliance with local policies and ordinances, the proposed project would maintain acceptable service ratios for parks and would not require the physical alteration or expansion of park facilities. **(Less than Significant Impact)**

[66] 0.18 students per household for townhouses
0.18 x 60 townhome units = 10.8 students / Total students = 11 students
Santa Clara Unified School District. Projected Enrollments from 2015 to 2025. February 13, 2016. Page 16.

Impact PS-5:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. (Less than Significant Impact)**

The addition of approximately 158 residents[67] on-site would result in an incremental increase in demand for public library facilities. The increase would not, however, result in substantial adverse impacts to existing libraries, or other facilities, and would not require the construction of new facilities because the intensity of the use of facilities would only marginally increase. Additionally, the development of new library structures would require their own environmental analysis which would determine the impacts of the construction of the facilities. **(Less than Significant Impact)**

[67] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. Accessed: January 3, 2021. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
2.64 people per dwelling unit x 60 dwelling units = 158 people

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Mitigation Fee Act.

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

Local

City of Santa Clara 2010 – 2035 General Plan

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

Policies	Description
5.1.1-P20	Prior to 2023, identify the location for new parkland and/or recreational facilities to serve employment centers and pursue funding to develop these facilities by 2035.
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium- and high-density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.1-P5	Encourage public visibility for all parks, trails and open spaces.
5.9.1-P14	Encourage publicly accessible open space in new development.
5.9.1-P15	Provide opportunities for private maintenance of publicly accessible open space and trails.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.

5.9.1-P18	Promote open space and recreational facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.
5.9.1-P20	Promote the continuation of parks per population ratio of 2.4 per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24.

City of Santa Clara City Code Chapter 17.35

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

4.16.1.2 *Existing Conditions*

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

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

The nearest public parks to the project site are the Earl R. Carmichael Park, located at 3445 Benton Street (approximately 0. 5 miles southwest of the site), and the Bowers Park, located at 2602 Cabrillo Avenue (approximately 0.6 miles southwest of the site). Saratoga Creek trail also provides recreational opportunities in the project area and is located approximately 0.5 miles east of the project 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 would occur or be accelerated?	☐	☐	☒	☐
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

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 project would construct 60 townhouses which would increase the population by approximately 158 people.[68] The City of Santa Clara General Plan requires a service ratio of 2.4 acres pre 1,000 people. The proposed project would require an increase of 0.42 acres of parkland to serve the development. The proposed project includes 0.08 acres of recreation facilities on -site to offset the increase in population however the proposed project would be required to provide approximately 0.42 acres of recreation area to comply with City of Santa Clara requirements. The Santa Clara City Code requires new residential developments to provide developed parkland and recreational amenities pursuant to the California Quimby Act (Quimby) and/or the Mitigation Fee Act (MFA), and/or pay a fee in-lieu of developing parkland. Therefore, the proposed project would be required to pay in lieu fees to reduce the impact on the City's parks and recreational facilities and to provide for the necessary parkland to serve the increased population. The in-lieu fees paid by the project applicant would be used by the City to acquire and/or develop new parkland and/or amenities and the proposed project would have a less than significant impact on the deterioration of recreational facilities. **(Less than Significant Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (No Impact)

The proposed project does not include the construction or expansion of parks or recreation facilities. In addition, while the additional residents would increase the use of recreational facilities near the project site, the increase in use would not be substantial enough to require the creation of new parks

[68] California Department of Finance. "E-5 City/County Population and Housing Estimates." May 2020. Accessed: January 3, 2021. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
2.64 People per dwelling unit x 60 dwelling units = 158 people

and recreation facilities. Therefore, the proposed project would not result in adverse physical effects on the environment through the expansion of parks or recreation facilities. **(No Impact)**

4.17 TRANSPORTATION

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

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 a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

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.

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

Regional and Local

Congestion Management Program

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

Climate Action Plan TDM

The City will require all new developments greater than 25 housing units or more than 10,000 nonresidential square feet to draft and implement a VMT reduction strategy that reduces drive-alone

trips. The degree to which each project implements a TDM program as part of the VMT reduction strategy will be based on the location and land use of the proposed project. The VMT reductions may be achieved through project design characteristics, land use, parking, access, or TDM best practices.

City of Santa Clara VMT Policy

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

In addition to establishing the environmental baseline and thresholds of significance, the VMT policy establishes screening criteria for certain projects that are presumed to have a less than significant VMT impact. Projects which meet the screening criteria would not be required to quantify VMT and compare it to the City's adopted threshold. Projects which generate less than 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and would be presumed to have a less than significant VMT impact. Retail land uses providing 50,000 square feet or less would be presumed to be less than significant. Transit supportive projects which are located within ½-mile of an existing major transit stop or an existing transit stop along a High Quality Transit Corridor would also be presumed to be less than significant, provided that a minimum density of 35 units/acre is met for residential projects, a minimum FAR of 0.75 is met for office/R&D projects, no excess parking is provided, and no affordable dwelling units are replaced.

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

City of Santa Clara Bicycle Plan

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

City of Santa Clara Pedestrian Master Plan

The Pedestrian Master Plan, approved February 25, 2020, is a forward-looking plan to capture the benefits of walking as the City anticipates growth and redevelopment. The plan establishes methods for safe, comfortable, convenient, active, and implementable goals to improve walkability and establish zones for improved pedestrian development.

4.17.1.2 *Existing Conditions*

Roadway Network

The project site is located at the corner of El Camino Real and Calabazas Boulevard and has access from four driveways, three on El Camino Real and one on Calabazas Boulevard. Regionally, the project site is accessible by Highway 101 (US 101), Interstate 280 (I-280), El Camino Real, San Tomas Expressway, and Lawrence Expressway.

Pedestrian, Bicycle, and Transit Services

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals[69]. Sidewalks are provided on both sides of El Camino Real and Calabazas Boulevard. Sidewalks are also present along both sides of the streets in the residential neighborhood surrounding the project site.

Bicycle Facilities

Bicycle facilities include paths (Class I), lanes (Class II), routes (Class III) and protected bicycle lanes (Class IV). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designated for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only. Calabazas Boulevard has Class II bike lanes which connect to additional Class II bike lanes on Cabrillo Avenue and Pomeroy Avenue. El Camino Real does not have bike paths along the segment near the project site. The Santa Clara Bike Plan proposes Class IV protected bicycle lanes along El Camino Real, which would be bike lanes that are physically separated from vehicle traffic by a constructed barrier or parking lane.

Transit Services

There are six transit stops within 0.25 miles of the project site. The nearest transit stops are located at the northwest and southeast corners of the El Camino Real and Calabazas Boulevard intersection. These stops serve the VTA bus route 22, Palo Alto Transit Center-Eastridge, which has a 15-minute frequency during peak commute hours every day of the week.[70]

The Lawrence train station is located approximately 1.35 miles from the project site, near Lawrence Expressway and Kifer Road. Caltrain commuter rail service between San Francisco and Gilroy, and stops at the Lawrence Caltrain Station. Caltrain provides service with 15- to 30-minute headways during commute hours.

The project site is located in a Transit Priority Area (TPA) which is an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. A major transit stop is defined as

[69] Crossings with flashing signal lights activated by pedestrians.
[70] Valley Transportation Authority. Line 22 Bus Schedule. Accessed December 7, 2020. https://www.vta.org/go/routes/22

a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.[71] The project site is within a half-mile of a major transit stop at El Camino Real & Bowers Avenue, where the 22 and 57 bus lines intersect, each of which have 15-minute frequencies during peak commute hours. Therefore, it is considered to be within a TPA.

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)

Traffic Impacts

The City of Santa Clara adopted a VMT threshold analysis for determining transportation impacts as of June 23, 2020. The proposed project would result in approximately 34 new AM peak hour trips and 40 PM peak hour trips, compared to 65 AM peak hour trips and 92 PM peak hour trips of the existing shopping center. This would result in a reduction of 31 AM peak hour trips and 52 PM peak hour trips.[72] Because the proposed project would not result in the generation of over 100 net new trips, the proposed project would not require a traffic analysis based on VTA CMP requirements. Based on the City's VMT policy, projects which are located in a transit priority area within one-half mile of high frequency bus lines with headways of 15 minutes or less are exempt and determined to have a less than significant impact. The project is consistent with this criteria.

[71] Office of Planning and Research. Changes to CEQA for Transit Oriented Development – FAQ. Accessed December 7, 2020. https://opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.
[72] ITE. Trip Generation Manual 10th Edition. September 2017.

Therefore, the proposed project would not conflict with the VMT policy in Santa Clara and would have a less than significant impact with regards to traffic impact policies. **(Less than Significant Impact)**

Transit Impacts

There are six public transit facilities (bus stops) located within 0.25 miles of the project site and some future residents may utilize these facilities for transportation. Caltrain provides transit service to the Lawrence Caltrain Station, approximately 1.35 miles from the site. The General Plan states that the City plans to expand the frequency and accessibility of transit options, specifically by locating residential development closer to transit nodes. The proposed project would not contribute a significant number of trips to existing transit facilities or conflict with policies related to their use because the project site is located within the City designated area for the 10-minute, half mile walking shed for the Bowers Avenue and El Camino Real transit node. Therefore, the project would result in a less than significant impact to existing transit facilities and would not conflict with plans or policies related to transit. **(Less than Significant Impact)**

Impacts to Pedestrian and Bicycle Facilities

Construction activities may temporarily impact pedestrian and bicycle access along the project frontage; however, alternate pedestrian sidewalks are available on the other side of El Camino Real and the street would still remain passable to bicycles. The project would not have a long-term impact on existing or proposed facilities and would promote the use of bicycle facilities near the project site. Thus, any impact would be less than significant. **(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 stated above, the City of Santa Clara VMT policy requires project generated VMT to be 15 percent below the countywide average based on an existing year baseline. In addition, the Santa Clara CAP requires an additional five percent reduction for a total of 20 percent. As stated above, the proposed project is within a half mile of High-Quality Transit and would contribute less than 100 trips in the AM and PM peak hours. Therefore, the proposed project would be exempt from quantitative VMT analysis and would generate VMT below the City threshold. Additionally, the proposed project would include bicycle storage and would be located near multiple transit stops, which would incentivize the use of alternative transit options. The proposed project is below the screening level and is also within a TPA therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

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

The proposed project would retain the location of two existing driveways and remove two driveways on El Camino Real. This would reduce the potential for traffic hazards by reducing the number of places that vehicles could conflict with bicyclists and pedestrians. Therefore, the project would not significantly alter the geometric design features of the site and would not result in increased hazards or incompatible uses. **(Less than Significant Impact)**

Impact TRN-4:	**The project would not result in inadequate emergency access. (Less than Significant Impact)**

The proposed project would be consistent with City Fire and Building Codes including those for emergency access. During construction the project is not expected to block the public street impeding emergency response or access to the project site. Therefore, the proposed project would result in a less than significant impact on emergency access. **(Less than Significant Impact)**

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*

According to the City of Santa Clara General Plan, all parts of the City have the potential to contain subsurface archeological resources including tribal burial grounds[73]. The Tamien Nation has requested notification of projects in the City of Santa Clara under AB 52.

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:				

[73] City of Santa Clara. General Plan 2010-2035 Integrated EIR. Page 327. January 2011.

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:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Based on the El Camino Specific Plan Cultural Resources report, the project site does not contain any tribal cultural resources listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).[74] The project would not cause substantial adverse change in the significance of tribal cultural resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Additionally, the proposed project would implement the measures identified in section 4.5 Cultural Resources in the event that native American resources are discovered. **(Less than Significant Impact)**

Impact TCR-2:	**The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (Less than Significant Impact)**

The City of Santa Clara has not identified tribal cultural resources on the project site; therefore, the proposed project would not cause substantial adverse change in the significance of a tribal cultural resource as determined by the City. As stated above, if the proposed project encountered tribal resources the measures identified in Section 4.5 would be implemented to reduce impacts to a less than significant impact. **(Less than Significant Impact)**

[74] Albion. Cultural Resources Desktop Review for the Proposed El Camino Precise Plan, Santa Clara, California. March 10, 2020.

4.19 UTILITIES AND SERVICE SYSTEMS

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

Senate Bill 1383

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

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 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:

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

Local

Santa Clara General Plan

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

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

4.19.1.2 *Existing Conditions*

Water Supply

The City of Santa Clara has four sources of water. These sources include two treated water sources from Valley Water and the San Francisco Public Utilities Commission, groundwater pumped from the Santa Clara sub-basin through the City's owned and operated groundwater wells, and recycled water purchased from South Bay Water Recycling.[75] In 2020, the City had a demand of approximately 18,302 acre feet for potable water and 3,499 acre feet for recycled water.[76]

The water system consists of approximately 335 miles of water mains, 26 active water wells and seven storage tanks with 28.8 million gallons of water storage capacity.[77] Drinking water is provided in the form of groundwater sourced from an underground aquifer (accessed by the City's wells) and by imported water from two wholesale water importers: Valley Water (imported from the

[75] South Bay Recycled Water provides advanced tertiary treated water from the RWF. The City's recycled water program delivers recycled water throughout the City for landscaping, parks, public services and businesses.
[76] City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.
[77] City of Santa Clara. 2020 Urban Water Management Plan, City of Santa Clara Water Utility. Adopted June 22, 2021.

Sacramento-San Joaquin Delta) and the San Francisco Public Utilities Commission (imported from the Sierra Nevada). About 38 percent of the City's water comes from imported water supplies. The remaining 62 percent is pumped from the City's 26 active water wells. The three sources are used interchangeably or blended. The citywide water demand is approximately 21 mgd as estimated in the 2015 Urban Water Management Plan.

The current on-site water usage for the commercial buildings and associated carwash use is approximately 4,416 gallons per day.[78] [79]

Recycled water serves as a fourth source of water supply and comprises approximately 16 percent of the City's overall water supply. Recycled water is supplied by South Bay Recycled Water, which provides advanced recycled water from the San José-Santa Clara Regional Wastewater Facility. Demand for recycled water is approximately 3.2 mgd. Recycled water lines are located near the south of the project on Benton Street.

Wastewater Services

Sanitary Sewer lines that serve the site are maintained by the City of Santa Clara Sewer Utility. Wastewater from the City of Santa Clara is treated at the Regional Wastewater Facility (RWF), which is owned jointly by the Cities of San José and Santa Clara and is operated by the City of San José's Department of Environmental Services. The facility is one of the largest advanced wastewater treatment facilities in California and serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno.[80] The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day.

Approximately 10 percent of the facility'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. Existing wastewater generation for the project site is approximately 4195 gallons per day, based on a 95 percent ratio of water consumption on site.

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 at the northeast corner of the project site and multiple catch basins are located throughout the site which connect to this storm drain line. Approximately 96 percent of the project site consists of pervious surfaces.

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[78] United States Energy Information Administration. 2012 Commercial Buildings Energy Consumption Survey: Water Consumption in Large Buildings Summary. February 9, 2017. Accessed December 4, 2020.https://www.eia.gov/consumption/commercial/reports/2012/water/.
55.6 gallons per 1000 square feet per day x 21,780 square feet of commercial use = 1,210 gallons per day for commercial uses

[79] International Car wash Association. Water Use, Evaporation, and Carryout in the Professional Car wash Industry. 2018 Water used by car washes was 3,206 gpd or 34 gallons per vehicle (gpv) in 2002. The 2018 study found that car washes now use 2,829 gpd or 30 gpv.

[80] City of San Jose. San Jose-Santa Clara Regional Wastewater Facility. Accessed November 8, 2021. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility

Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System and is disposed of at Newby Island Landfill through a contract with the City. As of December 2019, Newby Island Landfill has a disposal capacity of 14.6 million cubic yards of remaining capacity.[81] Recycling services are provided through Stevens Creek Disposal and Recycling. The site currently contains 21,780 square feet of commercial structures which generate approximately 109 pounds of solid waste each day.[82]

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?	☐	☐	☒	☐

[81] North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019
[82] Calrecycle. Commercial Sector Generation Rates. Accessed December 4, 2020 https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. 21,780 square feet of commercial uses x 5 lbs. per 1000 square feet per day = 109 lbs. per day

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

Water Facilities

The proposed project would use approximately 17,462 gallons of water per day[83] which is a net increase of approximately 13,046 gallons of water per day compared to existing conditions. The project would utilize existing water lines in El Camino Real and would not require expansion or relocation of City water facilities or installation of new water lines. Thus, the proposed project would have a less than significant impact. **(Less than Significant Impact)**

Wastewater

The proposed project would produce approximately 14,842 gallons of wastewater per day.[84] This wastewater production is less than one percent of the City's total allocation of treatment capacity.[85] The proposed project would not increase the need for wastewater treatment beyond the capacity of the RWF and is consistent with the planned growth accounted for in the City's General Plan. Therefore, the project would not result in the need for new or expanded wastewater facilities and would have a less than significant impact.

The project would connect to existing sewer lines in El Camino Real, which have adequate capacity to serve the project. The project would and would not require the construction or relocation of new or expanded wastewater lines. Therefore, the project would result in a less than significant impact. **(Less than Significant Impact)**

Stormwater Drainage

The project site is currently developed with commercial uses and associated paved parking. Runoff from the project site currently enters the storm drainage system or flows into storm drains on the street untreated and unimpeded. The project would decrease the impervious area on the project site by 16,819 square feet or 15 percent compared to the existing impervious area. The proposed project would also install bioretention areas to decrease the rate and volume of stormwater runoff entering the City storm drainage system. Therefore, the proposed project would not exceed the capacity of the existing storm drainage system serving the project site and would not require the construction or relocation of new or expanded storm drains. **(Less than Significant Impact)**

[83] California Air Pollution Control Officers Association. CalEEMod Appendix D. September 2016. Condo/Townhome Water Use = 65154 gallons per year, 41,075 gallons per year.
60 units x (65154 + 41075)/365 days = 17,462 gallons per day.
[84] Wastewater generated by the project is assumed to be 85 percent of the total water demand.
[85] Based on the City's allocation of treatment capacity of 25 mgd as identified by the Tributary Agencies Estimated Available Plant Capacity – 2020. December 18, 2020. https://www.sanjoseca.gov/Home/ShowDocument?id=68283 .

Electric Power, Natural Gas, and Telecommunication Facilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

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

The proposed project is estimated to use approximately 10,710 gallons of water per day, which would not exceed the capacity of the Santa Clara Water Utility to provide water services to the project site. The City's UWMP conducted analysis for normal, dry and multiple dry years and determined that there are adequate water supplies to meet projected water demand projected through 2040. Therefore, the proposed project would not significantly impact the water supply in normal, dry, and multiple dry years. **(Less than Significant Impact)**

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

As stated above, the proposed project would generate an estimated 9,103 gallons of wastewater per day. This is less than one tenth of one percent of the City's total allocation of treatment capacity. The proposed project would not increase the need for wastewater treatment beyond the capacity of the RWF and growth associated with the proposed project is accounted for in the City's General Plan. Therefore, the project would have a less than significant impact on the ability for the wastewater provider's existing commitments. **(Less than Significant Impact)**

Impact UTL-4:	**The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (Less than Significant Impact)**

Construction

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

Operations

The proposed project would replace the existing on-site structures with 60 dwelling units. These new dwelling units would produce approximately 733 pounds of waste per day[86], a net increase of approximately 622 pounds per day. Santa Clara County's IWMP requires each jurisdiction in the County to achieve a landfill diversion requirement of 50 percent per year. The Newby Island Landfill, has remaining capacity of approximately 14.6 million cubic yards, as of December 2019, with a reasonable compaction rate of 1,850 pounds per cubic yard.[87] Closure of the Landfill is expected to occur in 2041.[88] Implementation of the proposed project would not result in a significant increase in solid waste and recyclable materials generated within the City of Santa Clara and would not require that new landfill facilities be contracted with or constructed to serve the proposed project. **(Less than Significant Impact)**

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

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

[86] Calrecycle. California's 2017 Per Capita Disposal Rate. Accessed December 18, 2019. https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent/. 60 households x 12.23 lbs. per household per day = 733 lbs. per day
[87] North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.
[88] North, Daniel. General Manager, Republic Services. Personal communications. November 21, 2019.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

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

California Fire Code Chapter 47

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

California Public Resources Code Section 4442 through 4431

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

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

California Code of Regulations Title 14

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

Fire Management Plans

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

4.20.1.2 *Existing Conditions*

The project site is located in a highly urbanized area in of the City of Santa Clara. This area is not located within a Fire Hazard Severity Zone as designated by Cal Fire's Fire and Resource Assessment Program.[89]

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?	☐	☐	☐	☒

[89] California Department of Forestry and Fire Protection. Fire and Resource Assessment Program. Very High Fire Hazard Severity Zones in LRA: As Recommended by Calfire. October 8, 2008.

	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:				
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)**

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)

The proposed project would not result in impacts to wildlife resulting from reduction of habitat, impacts to sensitive populations, impacts to plant and animal communities, and reduction in rare or endangered species. Mitigation is included to reduce impacts to raptors and other nesting birds from construction activities. Additionally, the proposed project would implement mitigation measures to reduce impacts to trees on-site and would require monitoring on-site for archaeological and historical resources during construction. Therefore, the proposed project would result in a less than significant impact on these resources.

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

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."

The proposed project would result in temporary air quality, biological, cultural, hazardous and hazardous materials, hydrology and water quality, and noise impacts during construction. With implementation of the identified Standard Permit Conditions, BMPs, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts is temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on air quality, biological, cultural, hazardous and hazardous materials, hydrology and water quality, and noise impacts.

Cumulative TAC Impacts

A refined analysis of potential health impacts from vehicle traffic on El Camino Real was conducted since the roadway was estimated to have average daily traffic (ADT) exceeding 10,000 vehicles. The refined analysis involved predicting emissions for the traffic volume and mix of vehicle types on the roadway near the project site and using an atmospheric dispersion model to predict exposure to TACs. The project construction combined with nearby sources of TACs would contribute to cumulative health risk impacts. These impacts are summarized below in Table 4.21-1.

Table 4.21-1: Construction TAC effects

Source	Cancer Risk Per Million	Annual PM 2.5	Hazard Index
Project Construction Unmitigated	16.40 (infant)	0.38	0.01
Mitigated	2.81 (infant)	0.15	0.01
El Camino Real, ADT 36,080	2.36	0.10	<0.01
El Camino Body Shop Inc (Facility ID #3850, Auto Body Coating), MEI at 485 feet	-	-	<0.01
F&S Auto Body Ltd Co (Facility ID #10142, Auto Body Coating), MEI at 500 feet	-	-	<0.01
City of Santa Clara - Well Site: Zone 1, 7 (Facility ID #17236, Generator), MEI at 450 feet	1.57	<0.01	<0.01
El Camino Valero (Facility ID #110711, Gas Dispensing Facility), MEI at 950 feet	0.27	-	<0.01
Combined Sources Unmitigated	20.60	<0.49	<0.06
Mitigated	7.01	0.26	<0.06
BAAQMD Cumulative Source Threshold	*100*	*0.8*	*10.0*

Exceeds Threshold?	*Unmitigated*	*No*	*No*	*No*
	Mitigated	*No*	*No*	*No*
Source: Illingworth and Rodkin Inc. 3141-3155 El Camino Real Air Quality & Greenhouse Gas Assessment. October 13, 2021				

As shown above the proposed project would not have a cumulatively considerable contribute to an exceedance of TACs when combined with existing sources. Therefore, the proposed project would not result in a significant cumulative TAC impact.

Implementation of the proposed project could result in the loss of 16 trees. Any tree removed would be replaced in accordance with the City's Standard Tree Replacement Ratios (refer to section 4.4 2). The project also proposes to plant new trees in excess of the replacement requirements. The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable long-term impact on biological resources.

The project is consistent with planned growth and would not, by itself, result in significant emissions of criteria air pollutants or GHG. Therefore, the project would not result in a cumulatively considerable impact.

As discussed in the respective sections, the proposed project would have no impact, a less than significant impact, or a less than significant impact with mitigation on aesthetics, agriculture and forestry resources, geology and soils, land use, mineral resources, population and housing, public services, recreation, and utility and service facilities. The project would not have a cumulatively considerable impact on these resource areas.

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. Under 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 applicable regulations and policies, Conditions of Approval, and mitigation measures would reduce the impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Santa Clara
Planning Department
Debby Fernandez, Project Planner

6.2 CONSULTANTS

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Patrick Kallas, Associate environmental Planner
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Illingworth & Rodkin
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Cornerstone Earth Group
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WRA Environmental Consultants
Bridge Removal Study

TreanorHL
Historic Resource Evaluation