Initial Study/Mitigated Negative Declaration

# Muslim Community Association Expansion Project

Prepared by

CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

In Consultation with

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

July 2023

# Muslim Community Association School Expansion Project
# MITIGATED NEGATIVE DECLARATION (MND)

Pursuant to the California Environmental Quality Act (CEQA) Division 13, Public Resources Code

City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2467

The City of Santa Clara (City), serving as Lead Agency under the California Environmental Quality Act (CEQA), is completing the required environmental review for the MCA School Expansion Project pursuant to CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of Santa Clara, California. The attached Initial Study provides the necessary information to inform the City decision-makers, other responsible agencies, and the public of the nature of the project and its potential effect on the environment. The Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementing the proposed project.

## Project Information and Description

Project Name: Muslim Community Association School Expansion Project

File Numbers: PLN2018-13109, and CEQA2019-01070

Project Description and Location: The project site (3003 Scott Boulevard and 3080/3100 Alfred Street) is comprised of three parcels totaling 9.9 acres in the City of Santa Clara. A full-time school operates at the existing Muslim Community Association (project applicant) Building 1 (MCA-1 building) located at 3003 Scott Boulevard, Santa Clara, CA. The current Conditional Use Permit allows up to 400 students. The MCA-3 property (3080/3100 Alfred Street, Santa Clara) is located to the north of the MCA-1 property and is occupied by occupied by a non-profit donation center (see Figures 2.4-1 through 2.4-3 in the Initial Study for regional, vicinity, and aerial maps that show the location of the project site). The proposed project would expand the existing MCA school, recreation, and meeting room facilities into the MCA-3 building (3080/3100 Alfred Street, Santa Clara) to support the MCA community. The project would increase the school's allowed capacity to 900 students, including the addition of up to 150 high school students and 350 middle school students. The existing MCA facility operates under a Conditional Use Permit approved by the Santa Clara City Council in 1994. The proposed expansion of the MCA facility into the adjacent MCA-3 building would require an amended CUP that would incorporate restrictions on the uses of the site so as not to limit the allowable industrial land uses in the surrounding project area. Additional project description details can be found in Section 3.0 of the Initial Study.

Assessor's Parcel Numbers: 224-09-113 (3003 Scott Boulevard); 224-09-139 and 224-09-140 (3080/3100 Alfred Street)

## Determination

A Mitigated Negative Declaration (MND) is proposed by the City of Santa Clara for the project. The Initial Study and supporting documents have been prepared to determine if the project would result in potentially significant or significant impacts on the environment. The Initial Study concludes, based on substantial evidence in the record, that with the implementation of mitigation measures, all project impacts would be less than significant. The mitigation measures are identified in Table 1 below. Based on the Initial Study and the whole record, it has been determined that the proposed action, with the incorporation of the mitigation measures described below, would not have a significant effect on the environment. This determination will be confirmed after the public review period, which begins on July 20, 2023 and ends August 21, 2023. The Draft MND, Draft Initial Study, and supporting technical reports that constitute the record of proceedings upon which this determination is made are available for public review at the City of Santa Clara Planning Division at 1500 Warburton Avenue, Santa Clara, CA 95050, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Before the MND is adopted, the City will prepare written responses to any public comments, and revise the Draft MND, if necessary, based on any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Signature

Steve Le, Senior Planner
City of Santa Clara

July 19, 2023
Date

| TABLE 1 – SUMMARY OF PROJECT IMPACTS | | |
|---|---|---|
| **Impacts** | **Mitigation Measures** | **Level of Impact** |
| **Biological Resources** | | |
| **Impact BIO-1.1:** Project construction could impact nesting birds on or adjacent to the site, if present. | **MM BIO-1.1:** Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 through August 31.<br><br>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).<br><br>During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the Migratory Bird Treaty Agreement (MBTA) or Fish and Game Code shall not be disturbed during project construction. | Less than Significant Impact with Mitigation Incorporated |
| **Cultural Resources** | | |
| **Impact CUL-2.1** 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. | **MM CUL-2.1:** Prior to the commencement of any ground-disturbing activity on the project site, the project applicant shall retain a registered professional archaeologist and tribal monitor, as needed, to be present during all ground-disturbing activity associated with the project.<br><br>a. A registered professional archaeologist and tribal monitor shall be given five days' written notice prior to the start of any ground-disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing. | Less than Significant Impact with Mitigation Incorporated |

| TABLE 1 – SUMMARY OF PROJECT IMPACTS | | |
|---|---|---|
| **Impacts** | **Mitigation Measures** | **Level of Impact** |
| | b. Prior to any ground-disturbing activity on the project site, all project personnel shall receive mandatory tribal cultural resource sensitivity training from a tribal monitor.<br><br>c. The registered professional archaeologist and tribal monitor shall be present during construction phases that involve ground-disturbing activities. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of existing structures or site improvements within the development area shown on the project plans.<br>d. The tribal monitor shall complete daily monitoring logs that will provide a description of the day's activities, including construction activities, locations, and any cultural materials identified. The daily monitoring logs shall be retained by the tribal monitor.<br>e. Upon discovery of any archaeological resources and tribal cultural resources (TCRs), all ground-disturbing and construction activities within 50 feet of discovery shall cease on the project site until the find can be assessed to the satisfaction of the registered professional archaeologist and tribal monitor. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives.<br>f. At the discretion of a tribal monitor, soils that have been previously subject to excavations and were monitored by the tribal representative need not be monitored again if re-excavated or moved. The project applicant shall consult with the tribal monitor prior to any disturbance of previously excavated soils.<br>g. Should a culturally affiliated tribe choose not to send a monitor for any of the above-referenced ground-disturbing activity, work may continue without the monitor, provided that the project applicant has given a minimum of five days' written notice to the tribe. The project applicant shall document receipt of notification in writing. | |

| TABLE 1 – SUMMARY OF PROJECT IMPACTS | | |
|---|---|---|
| **Impacts** | **Mitigation Measures** | **Level of Impact** |
| | h. At the completion of monitoring, the tribe shall send an email notification to the City that monitoring has been completed.<br><br>**MM CUL-2.2:** The project applicant shall retain a qualified archaeologist and tribal monitor, as needed, to be present during all ground-disturbing activity associated with the project.<br><br>**MM CUL-2.3:** In the event that archaeological resources or TCRs are discovered on the project site and cannot be avoided, a detailed archaeological treatment plan shall be implemented.<br><br>a. The treatment plan shall be developed by the on-call professional archaeologist in collaboration with and agreed upon by a culturally affiliated tribe to determine the most appropriate treatment measures to avoid, minimize, or mitigate any potential impacts. This shall include documentation of the resources and may include data recovery or other measures.<br>b. Any treatment other than preservation in place must be approved by a tribe and the City of Santa Clara. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in resource. Data recovery shall be subject to approval by a culturally affiliated tribe.<br>c. A culturally affiliated tribe shall determine the disposition of any TCR artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be | |

| TABLE 1 – SUMMARY OF PROJECT IMPACTS | | |
|---|---|---|
| **Impacts** | **Mitigation Measures** | **Level of Impact** |
| | subject to approval by a culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant.<br>d. To ensure adequate space and protection are provided for reburial of any TCRs discovered on the project site, the Permittee shall designate a cultural easement area. The easement area shall be in a location that will not be subject to future disturbance and that will not require the relocation of buildings or other physical improvements on the site.<br>e. A culturally affiliated tribe shall have sole discretion in determining if reburial within the cultural easement area is the desired method of disposition.<br>f. The registered professional archaeologist shall file State of California Department of Parks and Recreation (DPR) Series 523 forms for the cultural easement/TCR reburial location (if used) with the California Historical Resources Information System (CHRIS) Center in accordance with the guidelines established by the California Office of Historic Preservation. The DPR Series 523 forms shall establish a permanent record of the cultural easement location and any TCRs discovered on the project site for future site identification and protection. The registered professional archeologist shall also file a Sacred Lands File record with the Native American Heritage Commission (NAHC) on behalf of a culturally affiliated tribe.<br><br>**MM CUL-2.4:** If applicable, the project applicant shall, in consultation with a culturally affiliated tribe, incorporate into the project design a commemorative plaque that acknowledges the traditional history of the land with respect to tribal communities. | |
| **Impact CUL-3.1** As mitigated, the project would not disturb any human remains, including those interred outside of dedicated cemeteries. | **MM CUL-3.1:** I In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will 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 | Less than Significant Impact with Mitigation Incorporated |

| TABLE 1 – SUMMARY OF PROJECT IMPACTS | | |
|---|---|---|
| **Impacts** | **Mitigation Measures** | **Level of Impact** |
| | American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. | |
| **Transportation** | | |
| **Impact TRN-2:** As mitigated, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). | **MM TRN-2.1: Implement a Commute Trip Reduction Program.** The project applicant shall implement a TDM program that could include carpooling, ride share assistance, flexible/alternative work schedules, vanpool assistance, and bicycle end of trip facilities to reduce the number of drive-alone commute trips to the project. Implementation of this TDM measure would reduce the project's VMT per employee by approximately five percent with 100 percent employee participation. The TDM measures shall be approved by the City's Director of Community Development prior to issuance of an occupancy permit.<br><br>**MM TRN-2.2: Alternative Transportation Benefits.** The project applicant shall provide general commute benefits to employees, which would include financial subsidies or pre-tax deductions to encourage the use of alternative transportation modes, such as transit, carpooling, and vanpooling. Per the VMT tool, implementation of this TDM measure could reduce the project's VMT per employee by approximately 20 percent with 100 percent employee participation. The TDM measures shall be approved by the City's Director of Community Development prior to issuance of an occupancy permit.<br><br>**MM TRN-2.3: Annual Monitoring and Reporting.** The project applicant shall complete annual monitoring and report to ensure mitigation measures MM TRN-2.1 and MM TRN-2.2 are implemented and effective in reducing the project VMT to 15.56 miles per employee. The project applicant shall consult with the City's Director of Community Development as needed to ensure the monitoring and reporting meets the City's standards. | Less than Significant Impact with Mitigation Incorporated |

# TABLE OF CONTENTS

## Figures



## Tables

## Appendices

Appendix A: Air Quality Assessment

Appendix B: California Emissions Estimator Model Energy and Utility Outputs

Appendix C: 2022 Climate Action Plan Compliance Checklist

Appendix D: Environmental Site Assessments and Hazardous Materials Inventory

Appendix E: Transportation Analysis

All appendices are incorporated by reference into this document as though set forth in full herein. 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 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 expand the existing Muslim Community Association (MCA) school and recreational facilities to the existing 3080/3100 Alfred Street building and increase the capacity of students allowed from 437 to 900. 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:

Steve Le, Associate Planner
City of Santa Clara
Community Development Department, Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Email: SLe@santaclaraca.gov

## 1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Santa Clara will consider 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

Muslim Community Association School Expansion Project, File Numbers: PLN2018-13109 and the CEQA file is CEQA2019-01070]

## 2.2 LEAD AGENCY CONTACT

Steve Le, Associate Planner
City of Santa Clara
Community Development Department
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Phone: (408) 615-2468
Email: SLe@SantaClaraCA.gov

## 2.3 PROJECT APPLICANT

Muslim Community Association
3003 Scott Boulevard
Santa Clara, CA 95054

## 2.4 PROJECT LOCATION

The project site is located at 3003 Scott Boulevard and 3080/3100 Alfred Street in the City of Santa Clara. Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3 show the location of the project site and the surrounding land uses.

## 2.5 ASSESSOR'S PARCEL NUMBER

224-09-113 (3003 Scott Boulevard)
224-09-139 and 224-09-140 (3080/3100 Alfred Street)

## 2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Designation: *Low Intensity Office/Research and Development (R&D)*
Zoning District: *ML-Light Industrial*

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

The proposed project would require an amended Conditional Use Permit from the City of Santa Clara to expand the MCA school and recreational facilities into the existing 3080/3100 Alfred Street building.


REGIONAL MAP | FIGURE 2.7-1

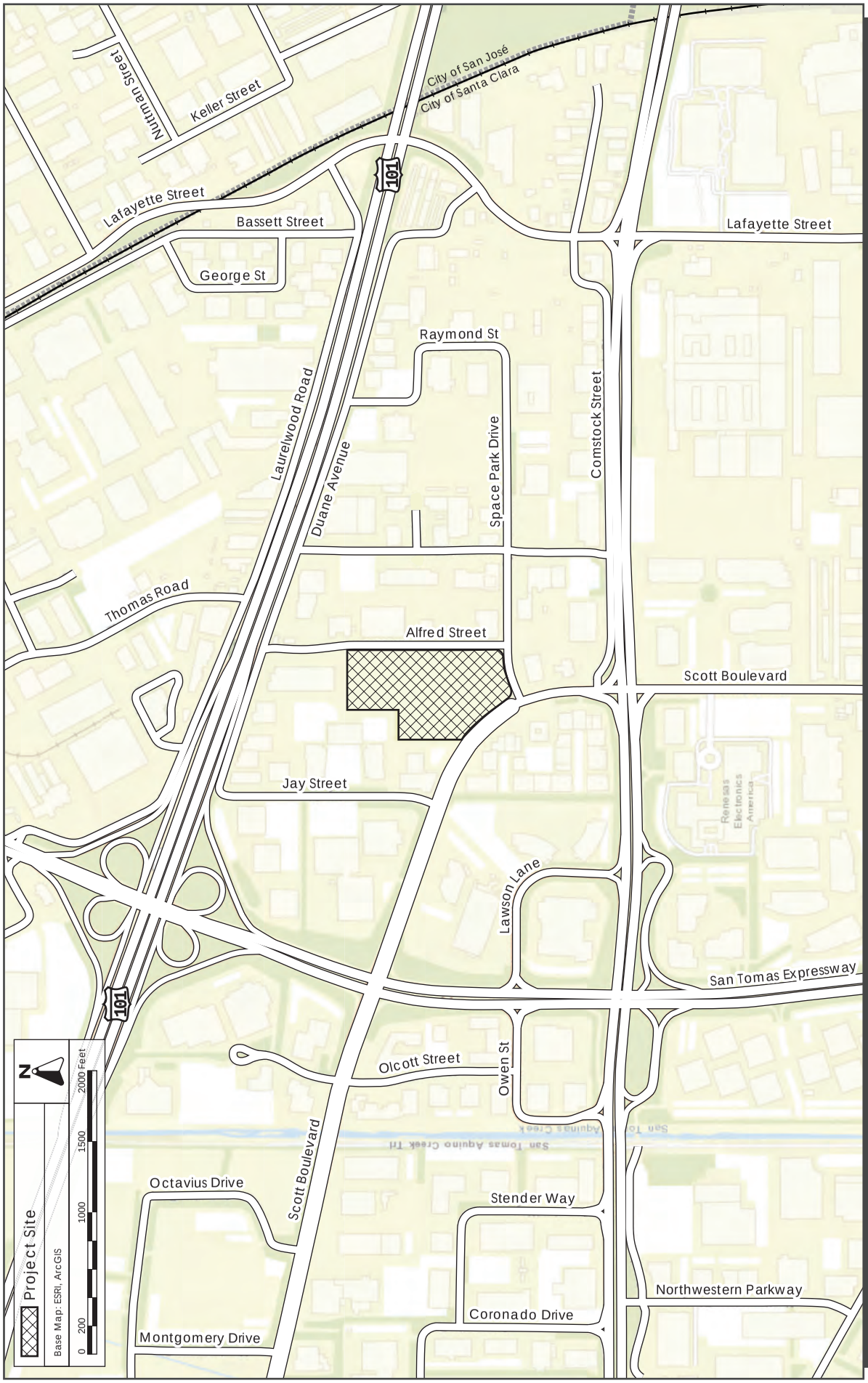
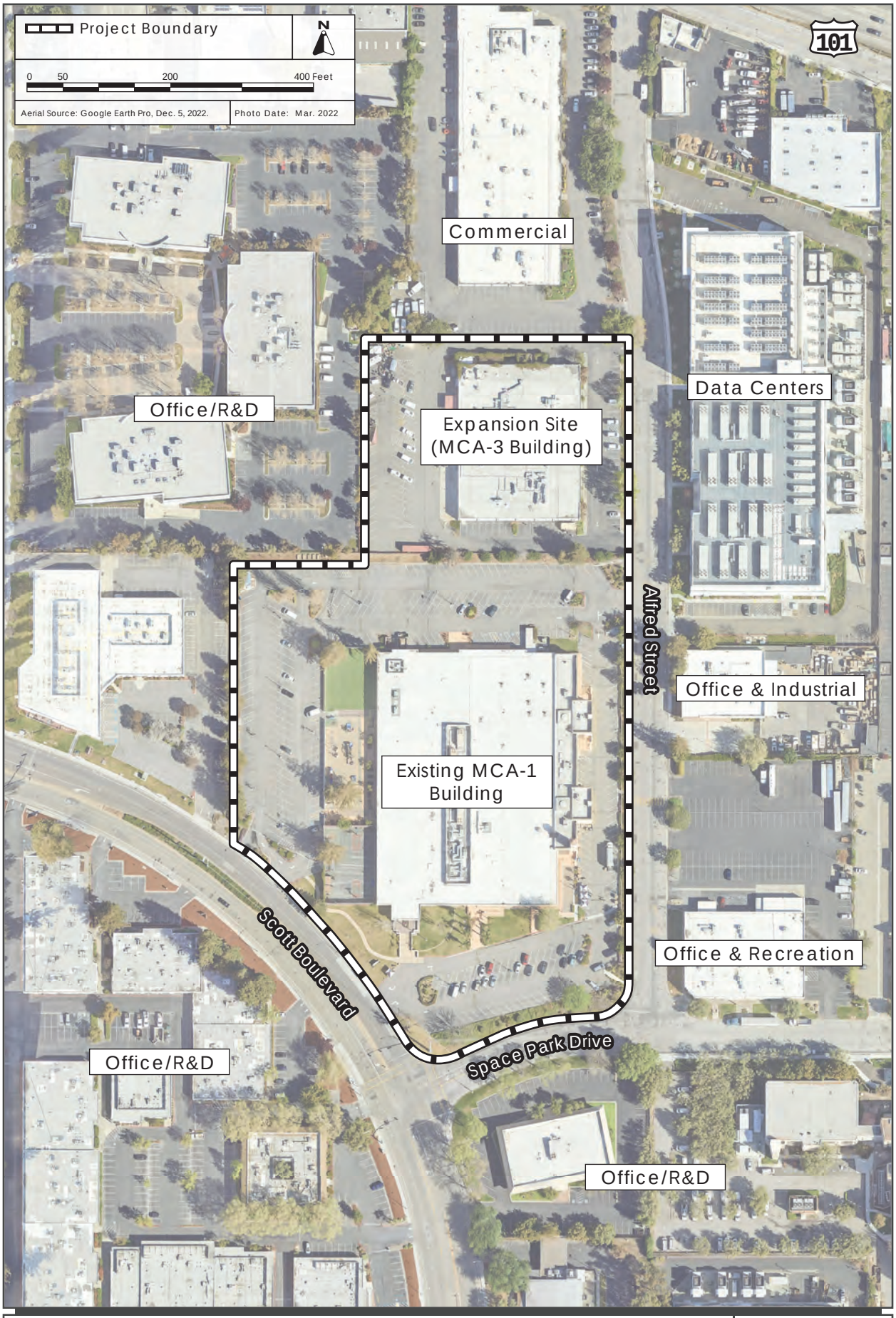



FIGURE 2.7-2

VICINITY MAP




AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.7-3

# SECTION 3.0 PROJECT DESCRIPTION

## 3.1 PROJECT OVERVIEW

This Initial Study provides a project-level CEQA analysis for an amendment to an existing Conditional Use Permit to expand the existing Muslim Community Association (MCA) school and recreational facilities to the 3080/3100 Alfred Street (MCA-3) building, increase the capacity of students from 437 to 900, and removal of seven City-protected and six non-protected trees.

### 3.1.1 Existing Setting

The project site (3003 Scott Boulevard and 3080/3100 Alfred Street) is comprised of three parcels totaling 9.9 acres in the City of Santa Clara. MCA operations are currently located at the 3003 Scott Boulevard site (MCA-1 property). The MCA-1 property is currently developed with a 90,000-square foot one-story building which consists of classrooms for pre-Kindergarten through 8th grade, two prayer halls, a community center, offices, and a cafeteria. The MCA-1 building is surrounded by a paved surface parking lot, with a playground area and basketball courts to the west of the building and landscaping throughout the site.

The MCA-3 property is located to the north of the MCA-1 property and is occupied by a 34,900 square foot commercial building that is currently occupied by a non-profit donation center. The building is surrounded by a paved surface parking lot and landscaping. The MCA-1 and MCA-3 properties are separated by a chain link fence. The entire site (MCA-1 and MCA-3 properties) is surrounded by an office and commercial building (that includes offices, a gym, and café) to the north, office and industrial uses to the west and south, and industrial and recreational uses to the east.

#### 3.1.1.1 *Existing MCA-1 Operations*

A full-time school operates at the existing MCA-1 building on weekdays from 8:00 AM to 3:30 PM. The current Conditional Use Permit allows up to 400 students. For the last several years, the school has obtained a 90-student increase (granted yearly by the City). The school currently has 437 students (pre-Kindergarten through 8th grade).

A weekend religious school occurs at the site on Saturdays and/or Sundays. The school's morning session is from 9:00 AM to 12:00 PM and the afternoon session is from 1:00 PM to 5:00 PM. Students typically attend only one of the two sessions with the maximum number of attendees not exceeding 200 students (i.e., half of the full-time school capacity).

The building also has two prayer halls that have a maximum occupancy of 1,800. The only time the two prayer halls are occupied at a maximum capacity is during special prayer events. The special prayer events occur on Fridays, during evening prayer of the religious fasting month, and the twice per year for holiday prayers.

#### 3.1.1.2 *Existing Land Use Designation and Zoning*

The project site is designated Low-Intensity Office/R&D (LIO/R&D) under the General Plan. The designation is intended for a campus-like office development that includes office and R&D, as well as medical facilities and free-standing data centers, with manufacturing uses limited to a maximum of

20 percent of the building area. It allows landscaped areas for employee activities and parking that may be surface, structured, or below grade. The maximum FAR allowed under this designation is 1.0. The project proposes a school and religious facility, which are not listed as permissible uses in the description of the LIO/R&D General Plan designation; however, a separate General Plan Policy, 5.3.1-P21, allows public/quasi-public uses, including places of worship and schools, in all General Plan designations.

The ML – Light Industrial zoning designation (Chapter 18.48 of the City Code) is intended for (but not limited to) commercial storage and wholesale distribution warehouses, plants and facilities for the manufacturing, processing, or repair of equipment and merchandise, and retail sales of industrial products. Retail commercial and service uses, kennels, and lumber yards (and other similar uses) may also be allowed as a conditional use. The maximum permitted building height within this zone is 70 feet. The project does not fit within any of the categories listed as permissible uses in this zoning designation, but other types of uses are conditionally permissible with the issuance of a Use Permit when the Planning Commission determines that a proposed use is appropriate for a particular site, as it did in 1994 when it approved the existing Use Permit.

The existing MCA facility operates under a Conditional Use Permit (CUP) approved by the Santa Clara City Council in 1994. The proposed expansion of the MCA facility into the adjacent MCA-3 building would require an amended CUP that would incorporate restrictions on the uses of the site so as not to limit the allowable industrial land uses in the surrounding project area.

## 3.2 PROPOSED PROJECT

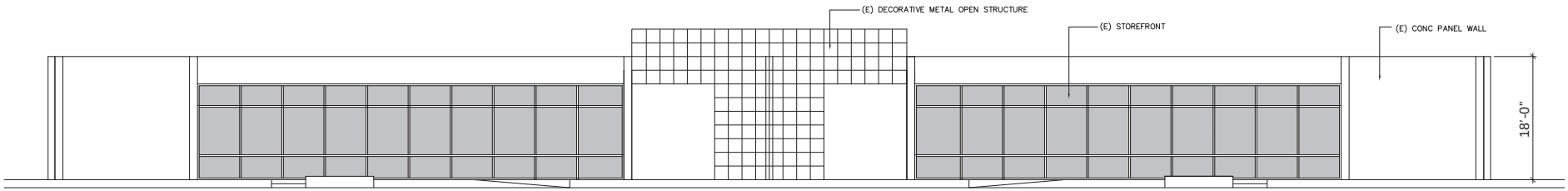
The proposed project would expand the existing MCA school, recreation, and meeting room facilities into the MCA-3 building to include a fitness room, youth lounges, a game room, a medical consultation clinic, offices, meeting rooms and a multi-purpose room to support the MCA community (the project site plan is shown on Figure 3.2-1). Half of the building would serve the existing MCA members and staff and would not result in an increase in membership. The other half of the building would include classrooms for middle school and high school students, a school lab, offices, and a basketball court. Students and staff from the MCA-3 school would also utilize the amenities, offices, and meeting rooms in the other half of the building.

The project proposes façade improvements, including installation of new windows and decorative metal accents. The project would enclose the existing roof covered entrance areas to incorporate the space into the interior floor area of the building, which would increase the square footage of the MCA-3 building by 900 square feet (to a total of 35,800 square feet). The proposed elevation in one area of the building would be raised from 24 to 34 feet above the ground surface to accommodate the interior basketball court's raised ceiling. Building elevations are shown on Figure 3.2-2 and Figure 3.2-3.

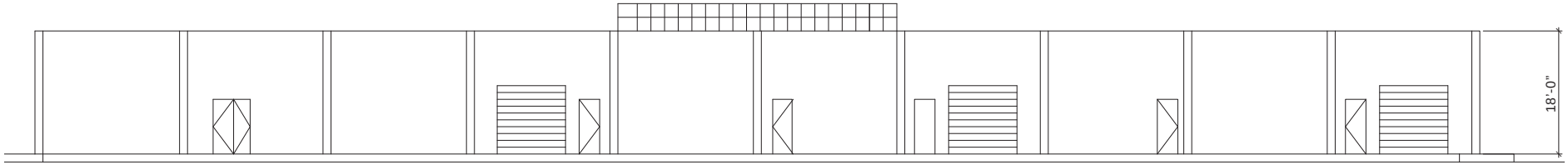
A new five-foot wide pedestrian sidewalk would be constructed along Alfred Street, in front of the MCA-3 building. There is currently no sidewalk in front of the MCA-3 building. The new sidewalk would connect with the existing sidewalk fronting the MCA-1 building. In addition, the project proposes to construct pedestrian improvements at the intersections of Scott Boulevard and Space Park Drive and Alfred Street and Space Park Drive. These improvements include an Americans with Disabilities Act (ADA)-compliant curb ramp and two audible ADA accessible pedestrian push


Source: Arch Versa Architecture, March 4, 2020.

SITE PLAN | FIGURE 3.2-1



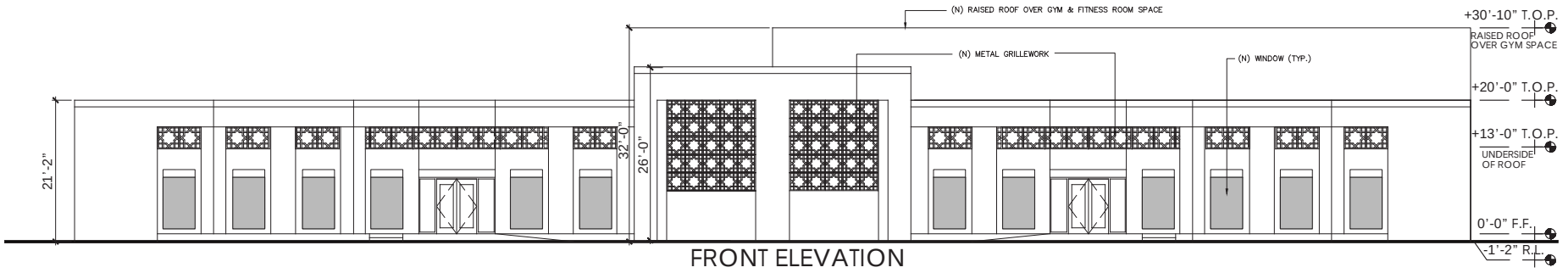

FRONT ELEVATION



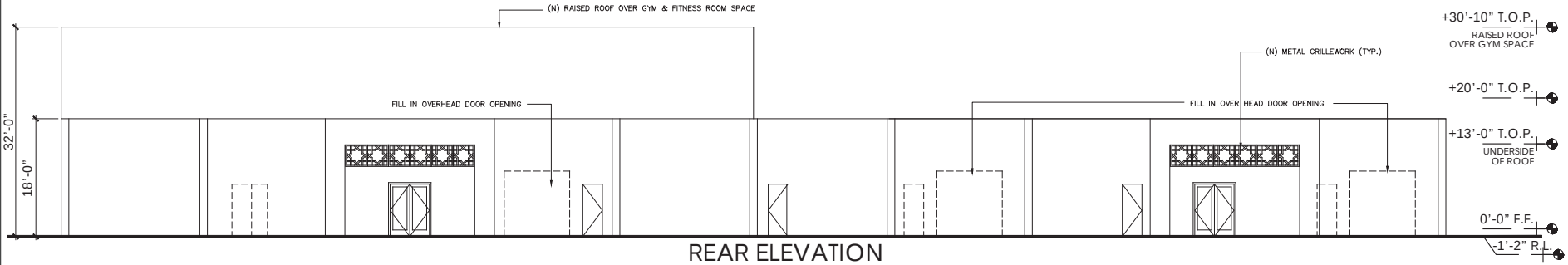

REAR ELEVATION

Source: Citibuilders Inc., 12/19/2018.

EXISTING FRONT AND REAR ELEVATIONS - MCA-3 BUILDING | FIGURE 3.2-2




FRONT ELEVATION




REAR ELEVATION

Source: Arch Versa Architecture, March 4, 2020.

PROPOSED FRONT AND REAR ELEVATIONS - MCA-3 BUILDING | FIGURE 3.2-3

buttons at the northeast corner of the Scott Boulevard/Space Park Drive intersection. At the intersection of Alfred Street/Space Park Drive, an ADA compliant curb ramp will be installed at the northwest corner of the intersection, along with a crosswalk along the north leg of the intersection.

The proposed project would relocate utilities along the MCA-3 project frontage on Alfred Street to accommodate the new five-foot wide sidewalk. The project would require trenching to a depth of three to five feet below the ground surface to access underground utilities.

The chain link fence that separates the MCA-1 and MCA-3 properties would be relocated from the southern portion of the MCA-3 property to the northern section of the property. A pedestrian walkway would be constructed between the two properties to provide pedestrian access to both properties. New fences and gates would be installed on both properties to secure the school play areas. The site would be accessed via an ingress driveway on Alfred Street at the northern end of the MCA-3 property and vehicles would exit the property via an egress driveway near the southern property line.

For parents of students at the MCA-1 property, vehicle entry would be via an ingress/egress driveway on Alfred Street, and an ingress/egress driveway on Scott Boulevard. Parent vehicles would exit the MCA-1 property via an egress driveway on Scott Boulevard near the student drop-off/pick-up area. Staff and visitors would also utilize the ingress/egress driveway on Scott Boulevard for entry and exit and the Alfred Street driveway for exiting the site (see Figure 4.16-4 in the Transportation section).

Small sections of landscaping along the MCA-3 building façades would be removed to allow adequate space for fire truck access. The proposed project would add new surface parking stalls and increase the parking count from 365 to 500 parking spaces; 361 spaces would be located at the MCA-1 property and 139 spaces at the MCA-3 property. The MCA-3 property would include four electric vehicle (EV) charging stations and eight bicycle parking spaces would be added to the MCA-3 property.]

Modifications would be made to the existing playground area at the MCA-1 to increase the soft surface area. A fence would be constructed to separate the 12,000 square foot playfield area from the 6,000 square foot young children's play area. Two City protected redwood trees would be removed to accommodate modifications to the playground area. Eleven other trees would be removed throughout the site. Landscaping, including trees, would be planted throughout the site to replace the removed trees.

### 3.2.1 Shelter-In-Place Plan and Evacuation Plan

Due to the MCA's location within an industrial area, the existing campus has adopted and is implementing a Shelter-In-Place (SIP) emergency plan. The site is required to have an SIP emergency plan and an evacuation plan that would ensure the safety of the students, staff, and other site users from an accidental airborne release of chemicals from industrial facilities in the project area as part of the amended CUP. The proposed SIP plan is consistent with the SIP at the existing facility and includes lock down procedures to protect students and faculty. No evacuation plan is currently in place for the MCA-1 facility. An evacuation plan will be required for both properties as a condition of approval.

There are six phases to the SIP emergency plan: preparation, alarm activation, lock down procedures, roll call and head count, communication with the fire department, and clearance from the fire department. Preparation for the SIP includes registering with the Santa Clara County Emergency Alert System, staff training, emergency personnel contacts, and drills for the staff, students, and community members attending the religious services. Evacuation would require the transportation of students off the site, in case of a toxic release warrants evacuation. Refer to Section 4.8, *Hazards and Hazardous Materials*, for details.

### 3.2.2 Project Operations

With the proposed expansion of school services to the MCA-3 building, the project would increase the school's allowed capacity from 437 to 900 students, including the addition of up to 150 high school students and 350 middle school students. The existing and proposed operations for the MCA (at both the MCA-1 and MCA-3 properties) are shown in Table 3.2-1.

**Table 3.2-1: Existing and Proposed Operations for MCA Expansion**

| | **Existing** | **Proposed** | **Net Increase** |
|---|---|---|---|
| Building square footage | 90,000 | 125,800 | 35,800 |
| Student capacity | 400 | 900 | 500 |
| Prayer room capacity | 1,800 | 1,800 | 0 |
| Community center capacity | 700 | 700 | 0 |
| Grade level | Pre-K through 8 | Pre-K through 12 | 4 grades |
| Full-Time School (Days and hours) | Monday, Tuesday, Thursday, and Friday 8:00 AM to 3:30 PM Wednesday 8:00 AM to 2:30 PM | Weekdays 7:45 AM to 3:00 PM (Grades 6 - 12) 8:15 AM to 3:30 PM (Pre-K to 5th Grade) | School start and end times for middle/high school and elementary students will be staggered |
| Religious weekend school (Days and hours) | Saturdays and Sundays from 9:00 AM to 12:00 PM and 1:00 PM to 5:00 PM | Saturdays and Sundays from 9:00 AM to 12:00 PM and 1:00 PM to 5:00 PM | No changes proposed |

Parents would drop off and pick up students at designated parking areas at the MCA-1 and MCA-3 properties. Table 3.2-2 shows the drop-off and pick-up times for the existing and proposed operations of the school.

| Table 3.2-2: Existing and Proposed Student Drop-Off and Pick-Up Times | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **MCA Parking Area** | **Existing Drop-Off Times** (Monday - Friday) | **Existing Pick-Up Times** (Monday, Tuesday, Thursday) | **Existing Pick-Up Times** (Wednesday) | **Existing Pick-Up Times** (Friday) | **Proposed Drop-Off Times** (Monday - Friday) | **Proposed Pick-Up Times** (Monday, Tuesday, Thursday) | **Proposed Pick-Up Times** (Wednesday) | **Proposed Pick-Up Times** (Friday) |
| **MCA-1 Parking Area** (Pre-Kindergarten to 5th grade) | 7:00 AM to 8:00 AM | 3:00 PM to 4:00 PM | 2:00 PM to 3:00 PM | 3:15 PM to 4:00 PM | 7:00 AM to 7:30 AM | 3:00 PM to 3:30 PM | 1:45 PM to 2:15 PM | 3:15 PM to 4:00 PM |
| **MCA-3 Parking Area** (6th through 12 grade) | N/A | N/A | N/A | N/A | 7:35 AM to 8:10 AM | 3:30 PM to 4:00 PM | 2:15 PM to 3:00 PM | 3:15 PM to 4:00 PM |

All students would be required to take public transit or be dropped off and picked up during designated school hours. High volumes of traffic currently occur during service prayers on Fridays (which is considered a special prayer event) from 11:00 AM to 3:00 PM and would continue under the proposed project. No events in the MCA-1 or MCA-3 buildings (except for school activities) would occur during special prayer events to accommodate parking needs.

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

[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: Public Resources Code Section 21009. Accessed December 22, 2022. https://codes.findlaw.com/ca/public-resources-code/prc-sect-21099.html.

## Local

Santa Clara General Plan

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

| 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. |

Santa Clara City Code

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

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

Architectural Policies – Community Design Guidelines

The City's Architectural Review Process considers plans, and drawings submitted for architectural review for design, aesthetic considerations, and consistency with zoning standards, generally prior to submittal for building permits. In reviewing architectural submittals, the Director of Community of Development follows the City's Community Design Guidelines. The intent of these guidelines is to encourage the orderly development and harmonious appearance of structures and properties; provide fair and equitable treatment to all applicants; maintain property values throughout the General Plan.

#### 4.1.1.2 *Existing Conditions*

**Project Site**

The MCA-3 building is a rectangular-shaped building made of concrete with tinted glass windows and a metal T-shaped structure along the front façade. The building has a flat roof and is surrounded by a paved surface parking lot. Landscaping consists of trees, small shrubs, and groundcover along the street frontage and adjacent to the building.

South of the MCA-3 building is the MCA-1 facility building and its associated parking lot. The MCA-1 facility occupies an industrial building with a brick façade and tinted windows. The eastern side of the building has a variegated façade, is primarily made of concrete and tinted windows, and has a roofline accentuated with decorative trim. A mosque is located on the southeastern side of the building. The mosque is generally one-story with an alternating roof line and a minaret. Landscaping consists of trees, small shrubs, and groundcover along the street frontages and adjacent to the building.

The buildings and landscaping on the project site are well-maintained (refer to Photos 1-3 for views of the project site).

**Surrounding Land Uses**

The project site is surrounded by modern one- and two-story industrial and commercial buildings of varying designs (refer to Photos 4-6 for views of the surrounding properties). Immediately north of the MCA-3 building is a one-story commercial building with a flat roof. The building's front façade primarily consists of concrete with wood paneling and tinted glass windows. To the east of the site is a one-story data center. The data center consists of concrete, tinted windows, and a flat roof. A four-story concrete data center is also located east of the MCA-3 building. The remaining buildings on Alfred Street are one-story square-shaped concrete buildings with tinted windows and flat roofs. To the west of the expansion building is an office campus on Jay Street that consists of three two-story office buildings. These buildings consist of concrete, with reflective windows and flat roofs.

The remaining buildings in the immediate area are industrial/commercial buildings which are generally one- and two-story concrete structures with flat roofs and windows along the front building facades. These buildings are surrounded by surface parking and have minimal perimeter landscaping. Overall, the streetscape and properties in the project area are well-maintained.

#### 4.1.1.3 *Scenic Views and Resources*

The project site (MCA-1 and MCA-3 properties) and the surrounding area are relatively flat and, as a result, the site is only visible from the immediate area. The project area is not located within a designated scenic vista or corridor based on the City's General Plan. There are no state-designated scenic highways in the project area. The nearest state-designated scenic highway is State Route (SR) 9 at the SR 17 intersection, approximately 10 miles south of the site.[2]

[2] California Department of Transportation. California Scenic Highway Mapping System Map. Accessed December 2, 2022. https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.


**Photo 1:** View of the on-site 3080/3100 Alfred Street building (MCA-3) looking west.

**Photo 2:** View of the existing 3003 Scott Boulevard facility (MCA-1) looking west, from Alfred Street.

PHOTOS 1 & 2

**Photo 3:** View of MCA-1 parking lot and playground area looking east from Scott Boulevard.

**Photo 4:** View of the commercial building to the north of the MCA-3 building on Alfred Street.

PHOTOS 3 & 4


**Photo 5:** View of data center to the east of the expansion site on Alfred Street.

**Photo 6:** View of industrial building on Alfred Street, looking south toward Space Park Drive.

PHOTOS 5 & 6

#### 4.1.1.4 *Light and Glare*

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

### 4.1.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 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)**

Scenic vistas that can be viewed from areas of the City include the Santa Cruz Mountains to the west, the Diablo Range to the east, and open space areas such as the Ulistac Natural Area. Due to the reuse of the existing building with minimal exterior improvements, the flat topography of the site, the site's distance from scenic vistas, and existing urban development that obstructs views of these vistas, the project would have no impact on scenic vistas. **(No Impact)**

**Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (No Impact)**

The project would not be located near a state-designated scenic highway. The nearest state-designated scenic highway is SR 9, approximately 10 miles south of the site. The project would, therefore, not impact any visual resources within a state scenic highway. **(No Impact)**

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

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

The proposed project would include interior and exterior alterations to an existing building in an urbanized area of Santa Clara. No new buildings are proposed, and the project would demolish a small gazebo structure to the rear of the building. The project would increase the elevation of the northern portion of the MCA-3 building roof over the proposed gym space from 24 feet to 34 feet above the ground surface. The project would also enclose the existing overhang on the east side of the building and add decorative metal accents to the front and rear facades of the building. The increase in height and improvements to the façades of the buildings would be consistent with the site's zoning (with the proposed amended Conditional Use Permit, and visual character of buildings surrounding the site. The project would not make any alterations to the MCA-1 building. The project would construct a new sidewalk in front the MCA-3 building to connect to sidewalk on Alfred Street, along the eastern side of the MCA-1 building.

The project would remove seven City-protected trees throughout the MCA-1 and MCA-3 properties. In accordance with City Code, the project would replace removed trees at a 2:1 ratio (refer to Section 4.4, Biological Resources). The replacement of trees on-site would offset any visual impact resulting from the removal of the trees.

The final design of the project would be subject to the City's Architectural Committee, which will ensure the project conforms to the City's adopted Community Design Guidelines. The Guidelines were developed to support aesthetic values, preserve neighborhood character, and promote a sense of community and place throughout the City. Furthermore, site development would be subject to the City's Development Review Hearing process for architectural review. Therefore, the project would not conflict with the City's regulations related to scenic quality. **(Less than Significant Impact)**

| Impact AES-4: | The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (No Impact) |
|---|---|

The project proposes to reuse an existing building and no new lighting would be installed on-site. Therefore, the project would not create new sources of lighting or glare in the project area. **(No Impact)**

## 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 identified as 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.[4]

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.[5]

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.[6] 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.[7]

#### 4.2.1.2 *Existing Conditions*

The project site is located in an urban area of Santa Clara and is not used for agricultural purposes. The Santa Clara County Important Farmland 2016 Map designates the site as "Urban and Built-up Land."[8] The project site is not designated by the California Natural Resources Agency as farmland of

[4] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed December 3, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[5] California Department of Conservation. "Williamson Act." Accessed December 3, 2022. http://www.conservation.ca.gov/dlrp/lca.
[6] 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)).
[7] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed December 3, 2022. http://frap.fire.ca.gov/.
[8] "Urban and Built-up Land" is defined as residential land with at least six structures per 10 acres, as well as land used for institutional facilities, industrial and commercial purposes, golf courses, landfills, airports, etc.

any type and is not the subject of a Williamson Act contract. No land adjacent to the site is designated or used as farmland.[9] The project site and surrounding area do not meet the definition of forest land or timberland.[10]

### 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 used for agricultural purposes and is not designated by the California Natural Resources Agency as Prime Farmland Unique Farmland, or Farmland of Statewide Importance. The

[9] California Department of Conservation. *California Important Farmland Finder*. Accessed December 3, 2022. https://maps.conservation.ca.gov/DLRP/CIFF/.

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

project would, therefore, not convert state-designated important farmland to a non-agricultural use. **(No Impact)**

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

The project site is zoned as Light Industrial and is not zoned for agricultural use. The project site is not subject to a Williamson Act contract. The project would, therefore, not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

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

The project site is zoned as Light Industrial and is not zoned for forest land or timberland uses. The project would, therefore, not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned timberland production. **(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 and surrounding areas do not consist of forest land; therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest uses. **(No Impact)**

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

The project site is not designated by the California Natural Resources Agency as important farmland. The site is not designated as forest land. The site is not adjacent to farmland or forest land. The project, therefore, would not result in the conversion of farmland to a non-agricultural use or conversion of forest land to a non-forest use. **(No Impact)**

## 4.3 AIR QUALITY

The following discussion is based in part on the Health Risk Assessment completed by *Illingworth & Rodkin, Inc.* on November 30, 2022. The report is included in Appendix A of this Initial Study.

### 4.3.1 Environmental Setting

#### 4.3.1.1 *Background Information*

**Criteria Pollutants**

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone ($O_3$), nitrogen oxides ($NO_x$), particulate matter (PM), carbon monoxide (CO), sulfur oxides ($SO_x$), and lead.[11] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

**Table 4.3-1: Health Effects of Air Pollutants**

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

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

[11] 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.

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).[12] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

**Sensitive Receptors**

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

#### 4.3.1.2 *Regulatory Framework*

**Federal and State**

Clean Air Act

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

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

[12] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed December 6, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

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

**Regional**

2017 Clean Air Plan

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 would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect 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 gasses (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[13]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Santa Clara and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing 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.

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

### Local

City of Santa Clara General Plan

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

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

#### 4.3.1.3 *Existing Conditions*

### Climate and Topography

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

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

### Existing Air Pollutant Levels

BAAQMD monitors air pollution at various sites within the Bay Area. The nearest official monitoring station to the City of Santa Clara is located at 158 East Jackson Street in San José, approximately four miles southeast of the site.[14] Pollutant monitoring results for the years 2017 to 2019 at the San José monitoring station are shown in Table 4.3-2.

[14] BAAQMD. 2022 Annual Air Monitoring Network. June 2022. Accessed December 8, 2022. https://www.baaqmd.gov/about-air-quality/air-quality-measurement/ambient-air-monitoring-network.

| Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations | | | | |
|---|---|---|---|---|
| **Pollutant** | **Standard** | **Days Exceeding Standard** | | |
| | | **2017** | **2018** | **2019** |
| **San José Station** | | | | |
| Ozone | State 1-hour | 6 | 2 | 6 |
| | Federal 8-hour | 6 | 3 | 9 |
| Carbon Monoxide | Federal 8-hour | 0 | 0 | 0 |
| | State 8-hour | 0 | 0 | 0 |
| Nitrogen Dioxide | State 1-hour | 1 | 0 | 0 |
| | Federal 1-hour | 0 | 0 | 0 |
| $PM_{10}$ | Federal 24-hour | 0 | 1 | 0 |
| | State 24-hour | 6 | 6 | 5 |
| $PM_{2.5}$ | Federal 24-hour | 18 | 18 | 1 |
| Source: BAAQMD. Air Pollution Summaries (2017-2019). Accessed December 8, 2022. http://www.baaqmd.gov/about-air-quality/air-quality-summaries. | | | | |

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

### Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. The MCA-1 building on-site contains a school occupied by children with ages ranging from four to 14 (pre-Kindergarten through the 8$^{th}$ grade). Outside of the project site, there are no sensitive receptors within 1,000 feet. The nearest off-site sensitive receptors are residences approximately 2,900 feet northeast of the site.

### 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? | ☐ | ☐ | ☒ | ☐ |

**Bay Area Air Quality Management District**

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Santa Clara has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-3.

| Table 4.3-3: BAAQMD Air Quality Significance Thresholds | | | |
|---|---|---|---|
| **Pollutant** | **Construction Thresholds** | **Operation Thresholds** | |
| | **Average Daily Emissions (pounds/day)** | **Annual Daily Emissions (pounds/year)** | **Annual Average Emissions (tons/year)** |
| **Criteria Air Pollutants** | | | |
| ROG, $NO_x$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (exhaust) | 54 | 10 |
| CO | Not Applicable | 9.0 ppm (eight-hour) or 20.0 ppm (one-hour) | |
| Fugitive Dust | Dust Control Measures/Best Management Practices | Not Applicable | |
| **Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)** | | | |
| **Health Hazard** | **Single Source** | **Combined Cumulative Sources** | |
| Excess Cancer Risk | 10 per one million | 100 per one million | |
| Hazard Index | 1.0 | 10.0 | |
| Incremental Annual $PM_{2.5}$ | 0.3 µg/$m^3$ | 0.8 µg/$m^3$ (average) | |

## Friant Ranch Case

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

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

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

- Implementing avoidance measures to reduce criteria air pollutant emissions during construction,
- Including a TDM program that encourages automobile-alternative transportation, and ridesharing,
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 and California Green Building Standards Code
- Planting new trees in accordance with The City's General Plan Policy 5.3.1-P10 to reduce the urban heat island effect, and
- Complying with the City's construction debris diversion ordinance and state waste diversion requirements to reduce the amount of waste in landfills.

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

**Regional Criteria Pollutants**

As discussed previously in Section 4.3.1.3, the Bay Area is considered a non-attainment area for ground-level $O_3$ and $PM_{2.5}$ under both the federal Clean Air Act and the California Clean Air Act. The area is also considered to be in non-attainment for $PM_{10}$ under the California Clean Air Act. As part of an effort to attain and maintain ambient air quality standards for $O_3$ and $PM_{10}$, BAAQMD has established thresholds of significance for these air pollutants and their precursors (refer to Table 4.3-3). 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.

Construction Criteria Pollutant Emissions

The project includes the demolition of a small gazebo structure, interior and exterior renovations to the existing MCA-3 building, trenching to a depth of five feet below the ground surface to access utilities, construction of pedestrian paths and a sidewalk, curb improvements, and removal and planting of trees and landscaping. The project would renovate the existing MCA-3 building and would not include new building construction. The above activities would not require use of substantial diesel-powered equipment over extended periods of time that would result in substantial air pollutant emissions or TAC exposure. Therefore, emissions modeling of these activities was not required. In addition, the BAAQMD screening size threshold for requiring construction activity emissions modeling is 277,000 square feet of new construction. The project would add 900 square feet to the existing 34,900 square foot MCA-3 building, which is below the BAAQMD screening size for construction-related emissions.

The proposed project's construction activities, however, could temporarily generate fugitive dust in the form of $PM_{10}$ and $PM_{2.5}$. The project would implement the BAAQMD best management practices (BMPs) listed below.

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number of the on-site project superintendent to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

Operational Criteria Pollutant Emissions

The project proposes to expand an existing school to the MCA-3 building, which would accommodate middle school and high school students. The project proposes to add approximately 414 students, resulting in a total of approximately 900 students. The proposed project is below the operational criteria pollutant screening sizes of 2,747 students, 2,460 students, and 2,390 students for elementary, middle, and high schools, respectively.

Because the project would not exceed the BAAQMD operational and construction-related screening size criteria and construction would not require substantial use of diesel-powered equipment, the project would not result in the generation of criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-3. Thus, the project would not conflict with the control measures in

the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less than Significant Impact)**

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

As discussed in the response to Impact AIR-1, the proposed project's construction criteria pollutant (with the implementation of the above conditions of approval) and operational criteria pollutant emissions would not exceed the BAAQMD significance thresholds. Since the project would have a less than significant criteria pollutant impact, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less Than Significant Impact)**

| | |
|---|---|
| **Impact AIR-3:** | **The project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact)** |

The project includes the expansion of a school, meeting rooms, and recreational facilities into the MCA-3 building. The existing sensitive receptors on-site are students, pre-Kindergarten through the 8th grade, located at the MCA-1 building, approximately 180 feet south of the MCA-3 building. Project impacts related to increased community risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity (within 1,000 feet of the receptors) or by significantly exacerbating existing cumulative TAC impacts. [15] The project would not introduce a new operational TAC source such as a generator. The project would introduce minor sources of TACs during construction. Construction activities which would include demolition of a small gazebo structure, renovation of the interior of the existing MCA-3 building, curb/sidewalk improvements, and trenching to a depth of five feet to access utilities, which would require limited diesel equipment use that would not result in substantial emissions. The risk of TAC and air pollution exposure from construction activities is low because limited diesel equipment would be required.[16] Therefore, the project would not expose on-site sensitive receptors to substantial air pollutant concentrations during construction. Given the nearest off-site sensitive receptors are residences approximately 2,900 northeast of the project site, the project would not result in TAC impacts to off-site sensitive receptors. **(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. (No Impact)** |

The project includes the demolition of a small gazebo structure, interior and exterior renovations to the existing MCA-3 building, trenching to access utilities, construction of pedestrian paths and a

[15] Based on BAAQMD Guidelines, if projects that generate substantial hazardous emissions, lead agencies could a expand the 1,000-foot radius.
[16] Illingworth & Rodkin. Muslim Community Association School Expansion Health Risk Assessment, Santa Clara, California. Page 10. November 29, 2022.

sidewalk, and removal and planting of trees. The project would not require construction equipment that generates substantial odors. No new stationary odor sources, such as food processing, would be a part of the proposed project. Operations of the project would primarily be interior uses. As a result, implementation of the project would not produce any odors that would affect adjacent properties. **(No 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)*, CEQA generally applies to the effects of a project on the environment, and environmental effects on a project itself are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of has requested an assessment of potential TAC effects on the existing sensitive receptors (existing students at the MCA-1 building) and new sensitive receptors (i.e., additional students at the MCA-3 building) at the project site.

The BAAQMD thresholds for local community risk and hazard effects are applicable to both the siting of a new source and to the siting of a new receptor. Local community risk and hazards are associated with TACs and $PM_{2.5}$ because emissions of these pollutants result in adverse health effects on sensitive receptors at the local level. Given the proposed project would expand a school at a location that is near a number of sources of air pollutant and TAC emissions, a health risk assessment was completed to evaluate the effects existing TAC sources would have on the new proposed sensitive receptors (i.e., new students attending the MCA school).

Based on BAAQMD CEQA Air Quality Guidelines, the zone of influence for community health risks is a 1,000-foot radius from the property line of the source or receptor. The guidelines also state that a lead agency should enlarge the 1,000-foot radius on a case-by-case basis if a large source or sources of risk or hazard emissions that may affect a proposed project is beyond the recommended radius. Given the school is near a number of TAC and $PM_{2.5}$ sources, for the purposes of this analysis, the risk and $PM_{2.5}$ concentrations from stationary and mobile sources within one quarter mile were evaluated. The school facility would be located within one quarter mile of three mobile sources (major roadways) and 17 stationary sources. The calculated health risk of mobile and stationary sources assumed students would attend the MCA school 312 days per year and eight hours per day.

A refined analysis of potential health effects from vehicle traffic was completed for roadways estimated to have average daily traffic (ADT) exceeding 10,000 vehicles. Based on this analysis, the project's new sensitive receptors would be exposed to mobile TAC and $PM_{2.5}$ sources on U.S. 101, San Tomas Expressway, Central Expressway, and Scott Boulevard. CARB's EMFAC emissions model (EMFAC2021) and CT-EMFAC2017 model were used to develop the mobile emissions rates. TAC and $PM_{2.5}$ concentrations were developed using the hourly emissions rates with an air quality dispersion model (U.S. Environmental Protection Agency AERMOD). The cancer risk, $PM_{2.5}$ concentrations, and hazard index that future students of the site would have exposure to, from the above highway/roadway sources, are shown in Table 4.3-4.

Emissions of TACs from stationary sources that could affect future students of the project were estimated using information and screening tools provided by BAAQMD, and dispersion modeling. Table 4.3-4 summarizes modeled or screening level cancer risk, hazard index, and $PM_{2.5}$ concentrations from each identified stationary source.[17]

**Table 4.3-4: Summary of Cancer Risk, PM2.5 Concentrations, and Hazard Index**

| Source | Address | Cancer Risk (per million) | $PM_{2.5}$ Concentrations | Hazard Index |
|---|---|---|---|---|
| ***Mobile Sources*** | | | | |
| U.S. 101 Highway (540 feet to the north), 171,500 average daily trips (ADT) | N/A | 2.47 | 0.03 | <0.01 |
| San Tomas Expressway at 1,300 feet west, 75,966 ADT | N/A | 0.30 | 0.06 | <0.01 |
| Central Expressway (670 feet to the south) 46,690 ADT | N/A | 0.13 | 0.04 | <0.01 |
| Scott Boulevard (35 feet to the southwest) 18,746 ADT | N/A | 0.26 | 0.03 | <0.01 |
| ***Stationary Sources*** | | | | |
| Plant #13306 Equinox LLC, Generators, 940 feet | 1350 Duane Avenue | 3.78 | <0.01 | <0.01 |
| Plant #13567 Verizon Wireless Santa Clara Switch, Generators, 815 feet | 1503 Arbuckle Court, | 1.47 | <0.01 | <0.01 |
| Plant #13711 Pacific Bell Corp dba AT&T CA, Generators, 400 feet | 1700 Space Park Drive | 4.66 | 0.03 | 0.01 |
| Plant #15273 Luxtron Corporation, wipe cleaning (resulting in volatile organic compound [VOC] emissions), 65 feet | 3033 Scott Boulevard | -[1] | - | - |

[17] Non-cancer risk hazardous air pollutants are modeled and ranked on the Hazard Index.

| Table 4.3-4: Summary of Cancer Risk, PM2.5 Concentrations, and Hazard Index | | | | |
|---|---|---|---|---|
| **Source** | **Address** | **Cancer Risk (per million)** | **$PM_{2.5}$ Concentrations** | **Hazard Index** |
| Plant #18252 Silicon Valley Animal Control, Generators, 1,100 feet | 3370 Thomas Road | 0.09 | - | - |
| Plant #19293 1525 Comstock c/o Digital Realty Trust, Diesel Backup Generator, 810 feet | 1525 Comstock Drive | 0.53 | <0.01 | <0.01 |
| Plant #20256 Digital Realty Trust, Generators, 410 feet | 1725 Comstock Drive | 0.45 | - | <0.01 |
| Plant #20326 Digital Alfred, LLC, Generators, 85 feet | 3105 Alfred Avenue | 1.83 | - | 0.01 |
| Plant #21465 FutureWei Technologies, Generators, 900 feet | 2890 Scott Boulevard | 0.21 | <0.01 | <0.01 |
| Plant #23022 Genia Technologies, Diesel Backup Generator, 980 feet | 2841 Scott Boulevard | 0.03 | <0.01 | <0.01 |
| Plant #23420 Harbor Electronics, Inc., Generators, 675 feet | 3021 Kenneth Street | 0.32 | - | <0.01 |
| Plant #23923 SIHC Silicon Valley, LLC, Diesel Backup Generator, 690 feet | 3120 Scott Boulevard | - | - | - |
| Plant #24257 Digital 1500 Space Park Borrower, LLC, Generators, 960 feet | 1500 Space Park Boulevard | 0.11 | - | <0.01 |
| Plant #24421 Cyxtera Communications LLC, Generators, 960 feet | 1500 Space Park Drive | 0.11 | - | <0.01 |
| Plant #24589(10305) Applied Materials, Semiconductor, Diesel Backup Generator, Wipe Cleaning, 460 feet | 3101 Scott Boulevard | 0.61 | <0.01 | <0.01 |

| Table 4.3-4: Summary of Cancer Risk, PM2.5 Concentrations, and Hazard Index | | | | |
|---|---|---|---|---|
| **Source** | **Address** | **Cancer Risk (per million)** | **$PM_{2.5}$ Concentrations** | **Hazard Index** |
| Plant #200760 Golden Cajun, LLC, Diesel Backup Generator, 660 feet | 1500 Duane Avenue | 7.12 | 0.01 | <0.01 |
| Plant #201086 Roche Sequencing Solutions, Generators, 980 feet | 2861 Scott Boulevard | 0.34 | <0.01 | - |
| ***Single Source Threshold*** | | **10.0** | **0.3** | **1.0** |
| Above BAAQMD Single Source Thresholds? | | No | No | No |
| ***Cumulative Source Threshold*** | | **100** | **0.8** | **10** |
| Cumulative (Roadway + Stationary Sources) | | <24.81 | <0.19 | <0.05 |
| Above BAAQMD Cumulative Source Thresholds? | | No | No | No |
| Notes:<br>[1]Dashed "- "lines indicate that there is no risk or $PM_{2.5}$ concentration detected. | | | | |

As shown in Table 4.3-4, of the three mobile sources, the maximum $PM_{2.5}$ concentration at the project site would be 0.06 µg/m$^3$, the maximum cancer risk would be 2.47 in one million, and the maximum hazard index would be less than 0.01, which are below BAAQMD's thresholds for single TAC and $PM_{2.5}$ sources. Therefore, operation of the proposed project would not result in an adverse effect on the health of future students due to TAC or $PM_{2.5}$ emissions from single mobile sources (e.g., U.S. 101, San Tomas Expressway, Central Expressway, and Scott Boulevard).

The maximum $PM_{2.5}$ concentration at the project site would be 0.03 µg/m$^3$, the maximum cancer risk would be 7.12 in one million, and the maximum hazard index would be less than 0.01, which are below BAAQMD's thresholds for single TAC and $PM_{2.5}$ sources. Therefore, future students on the project site would not be significantly affected by TACs or $PM_{2.5}$ emissions from individual stationary sources (i.e., office and industrial facilities in the area).

The cumulative cancer risk, non-cancer risk, and $PM_{2.5}$ concentrations from exposure to mobile and stationary TAC and $PM_{2.5}$ sources were also evaluated (refer to Table 4.3-4). The calculated cumulative cancer risk, for school children on-site, from mobile and stationary TAC and $PM_{2.5}$ sources would be less than 24.81 in one million. The cumulative annual $PM_{2.5}$ concentration would be less than 0.19 µg/m$^3$. These levels do not exceed the BAAQMD cumulative cancer risk threshold of greater than 100 in one million or greater than 0.8 µg/m$^3$ cumulative threshold for annual $PM_{2.5}$ concentrations. The cumulative hazard index was estimated to be less than 0.05, which is below the BAAQMD cumulative threshold of greater than 10. As a result, future students at the site would not be exposed to hazardous levels of TACs or $PM_{2.5}$ emissions from cumulative mobile and stationary sources.

## 4.4 BIOLOGICAL RESOURCES

### 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" said 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, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[18] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. 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. U.S. Environmental Protection Agency (EPA) regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES)

[18] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed October 5, 2021. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

permit program, which controls sources that discharge into waters of the U.S. (e.g., streams, lakes, bays, etc.).

Fish and Game Code Section 1602

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

**Local**

Santa Clara General Plan

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

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

#### 4.4.1.2 *Existing Conditions*

Currently, the project site is developed with an approximately 34,900 square foot commercial building on the MCA-3 property and a 90,000 square foot building on the MCA-1 property. Vegetation on the site (both properties) includes grass, shrubs and trees. No known special status plant and wildlife species are present on the project site, although raptors (birds of prey) and other birds may use the trees on-site for nesting or foraging.

Mature trees (both native and non-native) are valuable to the human environment as they reduce the impacts of global climate change through carbon dioxide absorption, provide nesting and foraging habitat for raptors and other migratory birds, and provide visual enhancement. The goal of the City's General Plan Policy 5.10.1-P4 is to protect all healthy cedars, redwoods, oaks, olives, bay laurel, and pepper trees of any size, and all trees over 36 inches in circumference (approximately 11 inches or more in diameter) as measured from 48 inches above the ground surface. A total of 13 trees were surveyed on the site including one strawberry, four American sweetgum, four Southern magnolia, one Mexican fan palm, two coast redwoods, and one dead tree. Only trees proposed for removal were surveyed. The remaining trees on-site were not surveyed since they would not be removed or impacted by the project. Of the 13 trees surveyed, seven trees are considered City-protected trees. Trees that were surveyed are listed in Table 4.4-1 and the location of these trees is shown on Figure 4.4-1.

| Table 4.4-1: Trees Surveyed On-Site | | | | |
|---|---|---|---|---|
| **Tree #** | **Common Name** | **Scientific Name** | **Circumference (in inches)** | **Diameter (in inches)** |
| **1** | **Strawberry tree** | ***Arbutus unedo*** | **89** | **28** |
| **2** | **American sweetgum** | ***Liquidambar styraciflua*** | **64** | **20** |
| **3** | **American sweetgum** | ***Liquidambar styraciflua*** | **66.5** | **21** |
| **4** | **American sweetgum** | ***Liquidambar styraciflua*** | **37** | **12** |
| 5 | American sweetgum | *Liquidambar styraciflua* | 29.5 | 9 |
| **6** | **Southern magnolia** | ***Magnolia grandiflora*** | **67** | **21** |
| 7 | Southern magnolia | *Magnolia grandiflora* | 28 | 9 |
| 8 | Southern magnolia | *Magnolia grandiflora* | 17 | 5 |
| 9 | Southern magnolia | *Magnolia grandiflora* | 24.5 | 8 |
| 10 | Mexican fan palm | *Washingtonia robusta* | Tree trunk could not be accessed | Tree trunk could not be accessed |
| 11 | -- | -- | 46 | 15 |
| **12** | **Coast redwood** | ***Sequoia sempervirens*** | **24** | **8** |
| **13** | **Coast redwood** | ***Sequoia sempervirens*** | **40** | **13** |

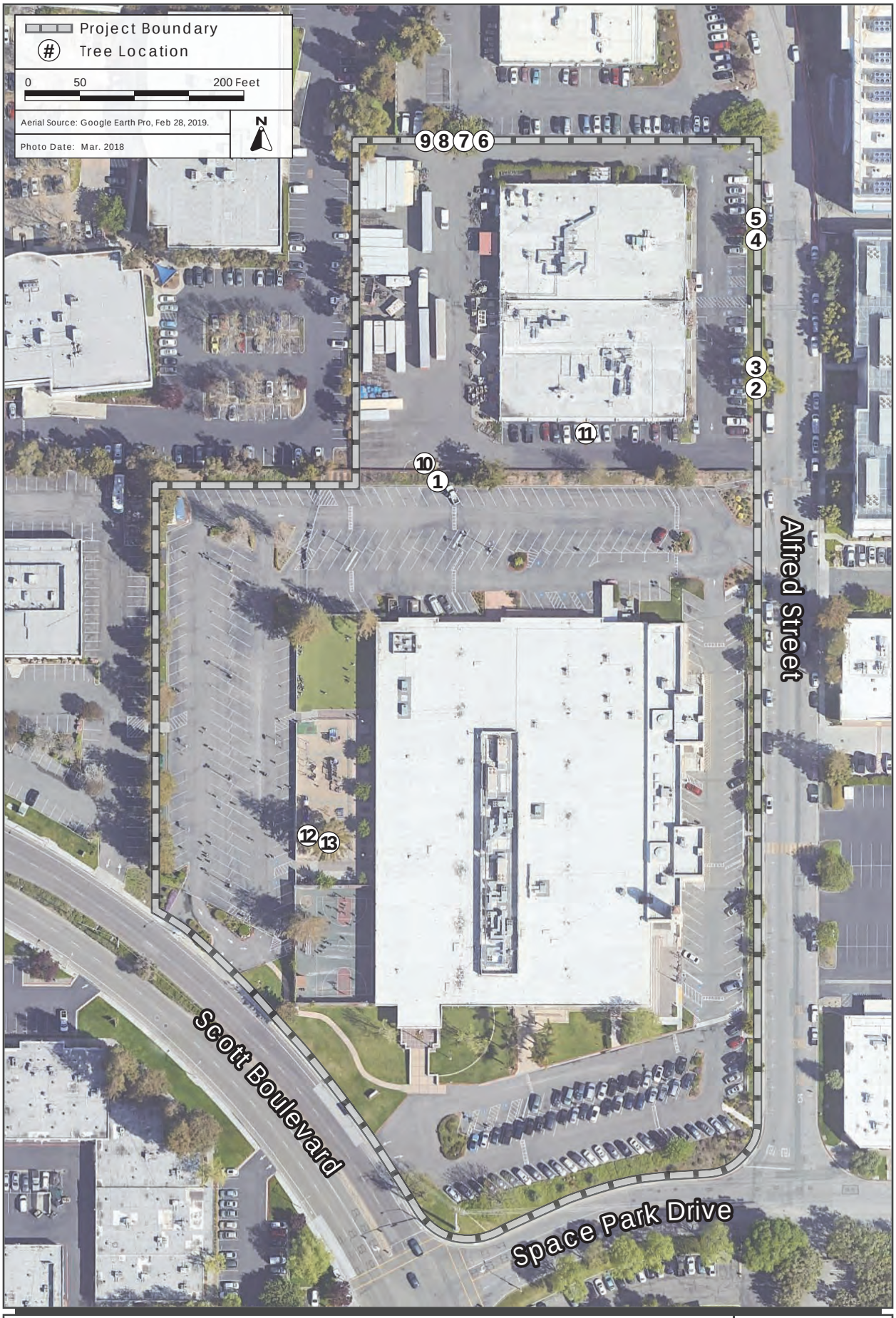
Notes:

**"--" =** Denotes dead tree and is not City-protected.

**Bold** = City-protected trees.

Trees 1-11 were surveyed by David J. Powers & Associates in February 2019.

Trees 12 and 13 were surveyed by Muir Consulting.




TREE REMOVAL MAP | FIGURE 4.4-1

### 4.4.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? | ☐ | ☒ | ☐ | ☐ |
| 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS? | ☐ | ☐ | ☐ | ☒ |
| 3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ |
| 5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ |
| 6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ |

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

#### Special-Status Species

The project site is in an urban area and is surrounded by commercial, office/R&D, and industrial uses. The site has been developed with the existing MCA-1 building and the MCA-3 building since the early 1970s. The site is mostly paved and has landscaping, including trees. No sensitive habitats

or habitats suitable for special-status plant or wildlife species occur on or adjacent to the project site; therefore, the proposed project would not directly impact special-status species. **(Less than Significant Impact)**

### Nesting/Migratory Birds

The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Development of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by CDFW and USFWS. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. The project would include the demolition of a wooden gazebo to the rear of the MCA-3 building, interior and exterior renovations to the building, trenching to five feet below ground surface to relocate utilities and allow for the construction of a sidewalk, pavement of pedestrian paths, and improvements to curb ramps, which would not impact nesting birds. Removal of trees from the site, however, could result in an impact to nesting birds.

**Impact BIO-1:** The removal of trees associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

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

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

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

During this survey, the ornithologist shall inspect all tress and other possible nesting habitats within and immediately adjacent to the construction area of nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird

species protected by the Migratory Bird Treaty Agreement (MBTA) or Fish and Game Code shall not be disturbed during project construction.

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

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

The project site is in an urban area and does not contain any riparian habitats or other sensitive natural communities. The nearest riparian corridor to the site is San Tomas Aquino Creek, approximately 2,300 feet west of the project site. Therefore, the project would not impact riparian habitats or other sensitive natural communities. **(No Impact)**

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

The project site is surrounded by urban uses and is devoid of wetlands, marshes, and vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act. **(No Impact)**

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

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

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

There are 13 trees on-site that are proposed to be removed as a part of the project. Of the 13 trees to be removed, seven trees have been identified as City-protected trees. The City's General Plan (Policy 5.3.1-P10) requires new development to provide street trees and a minimum 2:1 on- or off-site replacement for removal of existing trees. Tree #11 is dead, and, therefore, would not require replacement. The Santa Clara City Code, Sections 12.35.020 and 12.35.030, serve to protect all trees (native and non-native) planted or growing in the streets or public places of the City from removal without a permit from the City and prohibits the attaching of anything to a tree in the City, unless it is necessary and proper to the growth and care of the tree. As a result, the proposed project would be required to plant a minimum of 26 trees.

The removal of these trees would be inconsistent with General Plan Policy 5.10.1-P4 to protect healthy redwood trees and trees greater than 11-inches in diameter. Although seven City-protected trees would be removed as a part of the project, the project would be required to comply with the City's tree replacement policy and, as a result, the overall loss of these trees would be less than significant. **(Less than Significant Impact)**

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

The project site is not located within an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state HCP area. Therefore, the project would not conflict with an adopted HCP. **(No Impact)**

## 4.5 CULTURAL RESOURCES

### 4.5.1 Environmental Setting

#### 4.5.1.1 *Regulatory Framework*

**Federal and State**

National Historic Preservation Act

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[19]

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

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

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.

[19] 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.

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.

**Local**

Santa Clara General Plan

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

| Policies | Description |
|---|---|
| 5.6.3-P1 | Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources. |
| 5.6.3-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*

There are no existing conditions or immediate evidence that would suggest the presence of subsurface historic or prehistoric resources. The project site (the MCA-1 and MCA-3 properties) is, however, located in a culturally sensitive area due to known prehistoric and historic occupation of Santa Clara and proximity to two nearby waterways. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley, and they often established settlements near local waterways. The project site is located approximately 2,300 feet east of the current San Tomas Aquino Creek alignment and approximately 1.4 miles west of Guadalupe River. The project site's proximity to the creek increases the likelihood that historic artifacts may be located on-site. In addition, historic occupation of Santa Clara has been well documented, and the City has a strong record reflecting early settlement by Spanish missionaries.

Based on City permits, the MCA-1 building that currently houses the existing school was constructed in 1973. The MCA-3 building was also constructed in 1973, based on the Phase I Environmental Site Assessment completed for the project. As no physical changes are proposed to the MCA-1 building, no information on that building is provided.

According to the City's criteria for local significance, a resource shall be at least 50 years old, and the property shall be associated with an important individual or event, an architectural innovation, and/or an archaeological contribution in order to be deemed historically significant. Although the MCA-3 building is 50 years old as of 2023, the building is a conventional industrial building with the primary façade materials being concrete and glass. The building has a decorative metal trellis on the front façade between the windows, ribbed detailing on the front façade over the windows, and a flat roof. These features, however, are not architecturally distinctive and do not represent any architectural innovation. The building was one of many constructed during a period of intense industrial growth in Santa Clara between 1960-1980 as electronics research and manufacturing establishments located in Santa Clara. Development through the 1970s represents today's predominant pattern for most of the land area in the City, with low-density, low-rise development. As of 2010, 18 percent of the City's developable land area was comprised of low intensity heavy and light industrial uses located primarily between the Caltrain corridor and US 101.[20] The building, as part of the industrial growth of the City between 1960-1980 is not unique or architecturally significant, is not listed on the City's Historic Resources Inventory, and has no known association with persons or events of significance. Based on the City's Historic Resources Inventory[21], there are no designated historic structures in proximity to the project site and the site is not located in or near areas of the City designated as architecturally significant.

### 4.5.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5? | ☐ | ☐ | ☐ | ☒ |
| 2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| 3) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☒ | ☐ | ☐ |

[20] City of Santa Clara General Plan. https://www.santaclaraca.gov/home/showpublisheddocument/12880/635713044859030000 Accessed December 15, 2022.
[21] City of Santa Clara Website. https://www.santaclaraca.gov/home/showpublisheddocument/12893/635713044859030000 Accessed December 15, 2022.

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

No improvements would be made to the MCA-1 building, which was constructed in 1973. Given the MCA-3 building has no distinguishing architectural features and is not associated with important individuals, the building is not eligible to be considered a historic resource. The buildings at surrounding properties were constructed in the 1970s or after this period and are not considered historic resources. Therefore, the project would have no impact on historic 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)** |

The improvements proposed for the site would not include grading activities in native soil that would disturb known or unknown archaeological resources. The project would include minor trenching to a maximum depth of five feet below the ground surface. While unlikely, the trenching could result in the discovery of as yet unrecorded archaeological resources.

**Impact CUL-2:** Subsurface cultural resources could be disturbed during trenching activities during construction. **(Significant Impact)**

**Mitigation Measures:** The following project-specific mitigation measures will be implemented during construction to avoid significant impacts to unknown subsurface archaeological resources:

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

a. A registered professional archaeologist and tribal monitor shall be given five days' written notice prior to the start of any ground-disturbing activity as defined in subsection c. below. The project applicant shall document receipt of notification in writing.
b. Prior to any ground-disturbing activity on the project site, all project personnel shall receive mandatory tribal cultural resource sensitivity training from a tribal monitor.
c. The registered professional archaeologist and tribal monitor shall be present during construction phases that involve ground-disturbing activities. For the purposes of these conditions, ground-disturbing activities shall be defined as any ground disturbance, including but not limited to, excavation, grading, grubbing, scarring, drilling, scraping, blading, trenching, vegetation removal, or demolition of existing structures or site improvements within the development area shown on the project plans.

d. The tribal monitor shall complete daily monitoring logs that will provide a description of the day's activities, including construction activities, locations, and any cultural materials identified. The daily monitoring logs shall be retained by the tribal monitor.
e. Upon discovery of any archaeological resources and tribal cultural resources (TCRs), all ground-disturbing and construction activities within 50 feet of discovery shall cease on the project site until the find can be assessed to the satisfaction of the registered professional archaeologist and tribal monitor. All archaeological resources and TCRs unearthed by project activities shall be evaluated by a registered professional archaeologist and tribal monitor or other tribal representatives.
f. At the discretion of a tribal monitor, soils that have been previously subject to excavations and were monitored by the tribal representative need not be monitored again if re-excavated or moved. The project applicant shall consult with the tribal monitor prior to any disturbance of previously excavated soils.
g. Should a culturally affiliated tribe choose not to send a monitor for any of the above-referenced ground-disturbing activity, work may continue without the monitor, provided that the project applicant has given a minimum of five days' written notice to the tribe. The project applicant shall document receipt of notification in writing.
h. At the completion of monitoring, the tribe shall send an email notification to the City that monitoring has been completed.

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

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

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

c. A culturally affiliated tribe shall determine the disposition of any TCR artifacts discovered during on-site excavation or construction activities or TCR artifacts resulting from execution of a treatment plan. The disposition of TCR artifacts shall include, but not be limited to, reburying in close proximity of the finds without scientific study, allowing scientific study before reburying the materials either near the origin of the find or in another protected place, or temporary curation at a facility at an institution that meets the U.S. Secretary of the Interior's criteria for curation (36 CFR 79) prior to reburial. Disposition of any TCR artifacts shall be subject to approval by a culturally affiliated tribe. All curation fees and related expenses shall be paid by the project applicant.

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

e. A culturally affiliated tribe shall have sole discretion in determining if reburial within the cultural easement area is the desired method of disposition.

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

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

With implementation of these measures, impacts to unknown subsurface prehistoric and historic archaeological resources would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

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

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

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

**MM CUL-3.1:** In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will 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 will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

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

## 4.6 ENERGY

The following discussion is based in part upon California Emissions Estimator Model (CalEEMod) version 2020.4.0 estimates completed in December 2022. The model results are included in Appendix B of this Initial Study.

### 4.6.1 Environmental Setting

#### 4.6.1.1 *Regulatory Framework*

**Federal and State**

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the U.S. Environmental Protection Agency (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.

**State**

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order 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.

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.[22] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[23]

California Green Building Standards Code

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 II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will have zero emissions. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in the 2026 model year, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid electric vehicles in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB will be required to track and report on the zero-emissions vehicle market development annually.

**Local**

Santa Clara General Plan

The General Plan policy applicable to energy is listed below. Other General Plan energy policies are applicable to new developments.

| Policies | Description |
|---|---|
| 5.10.3-P5 | Reduce energy consumption through sustainable construction practices, materials, and recycling. |

Santa Clara Reach Code

In 2021, the Santa Clara City Council approved the Reach Code Ordinance, Ordinance No. 2034, to reduce energy related GHG emissions consistent with the goals of City's Climate Action Plan. The Reach Code applies to new construction projects in and requires most new construction to be

[22] California Building Standards Commission. "California Building Standards Code." Accessed December 7, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[23] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed December 7, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

outfitted with entirely electric fixtures. If exceptions are met that allow the use of natural gas appliances, the building(s) must be electrification ready. In addition, the Reach Code requires EV charging infrastructure for residential and non-residential buildings and solar readiness for non-residential buildings. The Reach Code applies to additions and improvements to existing buildings where more than 50 percent of exterior walls are removed, or 50 percent of the wall plate height is raised.

#### 4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,956.6 trillion British thermal units (Btu) in the year 2020, 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 49th in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,355.5 trillion Btu) for transportation.[25] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

**Electricity**

A total of 16,905 gigawatt hours of electricity was consumed in Santa Clara County in 2021. A majority of the electricity was consumed by the non-residential sector at 75 percent, followed by the residential sector consuming 25 percent.[26] Silicon Valley Power (SVP) is the City of Santa Clara's energy utility provider and would provide electricity service to the project site. For non-residential uses, approximately 27 percent of the electricity provided by Silicon Valley Power is sourced from eligible renewable resources (e.g., biomass and biowaste, geothermal, solar, wind, and hydroelectric).[27]

**Natural Gas**

PG&E provides natural gas services within the City of Santa Clara. A total of 417 million therms of natural gas was consumed in Santa Clara County in 2021. Most of the electricity was consumed by the residential sector at 57 percent, followed by the residential sector consuming 43 percent.[28]

**Fuel for Motor Vehicles**

In 2021, 13.1 billion gallons of gasoline were sold in California.[29] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily

[24] United States Energy Information Administration. "California State Energy Profile." Accessed December 7, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[25] Ibid.
[26] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed December 2, 2022. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[27] Silicon Valley Power. *Power Content Label*. Last Updated September 27, 2022.Accessed December 2, 2022. https://www.siliconvalleypower.com/svp-and-community/about-svp/power-content-label
[28] California Energy Commission. Energy Consumption Data Management System. "Natural Gas Consumption by County." Accessed December 2, 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[29] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed December 2, 2022. https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.

increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[30] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in March 2020 to require all cars and light duty trucks achieve an overall industry average fuel economy of 40.4 mpg by model year 2026. [31,32]

### 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, or wasteful use 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, or wasteful use of energy resources, during project construction or operation. (Less than Significant Impact)**

The proposed project would occupy an existing commercial building. The project would comply with the City's Climate Action Plan (see Section 4.8, Greenhouse Gas Emissions) and California Building Code and would not result in the wasteful use of energy resources. The City's CAP encourages efficiency improvements to existing buildings. The project's conformance with applicable reduction measures for existing developments are discussed in the Energy Efficiency During Operations and Construction sections below.

#### Energy Efficiency During Project Operations

Energy would be consumed during the construction and operational phases of the proposed project. Operations of the school at the MCA-3 building would consume energy (in the form of electricity and natural gas) primarily from building heating and cooling, lighting, and water heating. The MCA-1 building would maintain the same uses and would not result in changes to energy use. The estimated energy usage for the MCA-3 building was computed using CalEEMod. Table 4.6-1

[30] United States Environmental Protection Agency. "The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2021. Accessed December 2, 2022. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1013L1O.pdf.

[31] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed December 2, 2022. http://www.afdc.energy.gov/laws/eisa.

[32] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed December 2, 2022. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

summarizes the estimated energy use (natural gas demand, electricity demand, and fuel usage) of existing and proposed operations at the MCA-3 building.

**Table 4.6-1: Estimated Operational Annual Energy Use**

| Land Use | Natural Gas Demand | Electricity Demand | Gasoline Fuel Usage [a] |
|---|---|---|---|
| **Existing MCA-3 Operations** | | | |
| Existing Donation Center | 81,666 kBtu per year | 362,611 kWh per year | 151,177 gallons per year |
| **Proposed Operations of Middle and High School at the MCA-3 Building** | | | |
| Proposed Middle and High School | 2,294,066 kBtu per year | 656,676 kWh per year | 304,108 gallons per year |
| ***Net Increase*** | 2,212,400 kBtu per year | 294,065 kWh per year | 152,931 gallons per year |

Notes:

kBTU = one-thousand British thermal units; kWH = kilowatt-hour

[a] The estimated gasoline demand is based on the estimated annual vehicle miles traveled of 3,839,901 miles for the existing MCA-3 operations. The proposed gasoline demand is based on the estimated vehicle miles traveled of 7,724,348 for the proposed MCA-3 operations. An average fuel economy of 25.4 miles per gallon was assumed. Source United States Environmental Protection Agency. The 2021 EPA Automotive Trends Report. November 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1013L1O.pdf.

Source: Appendix A, CalEEMod, Muslim Community Association Project – Existing Use. December 6, 2022.

With the implementation of the proposed project, the natural gas demand would increase by 2,212,400 kBTU, electricity demand would increase by 294,065 kWH, and gasoline fuel usage would increase by 152,931 gallons per year. The project would be required to comply with all standards set in the latest iteration of the California Building Standards Code (California Code of Regulations Title 24). California's CALGreen standards (California Code of Regulations Title 24, Part 11) require implementation of energy-efficient light fixtures and building materials into the design of new construction projects.

New automobiles purchased by future employees and parents of students at the school would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. The nearest bus stops to the site are located on Scott Boulevard (VTA Lines 58, 60, 304, and 827), located within 200 feet of the MCA-1 property and 700 feet of the MCA-3 property. As discussed in Section 4.17, Transportation, existing bus services would be able to accommodate the increase in new riders generated by the proposed project. Because of automobile efficiencies over time and the availability of existing transit to support the project, gasoline fuel usage by the project's occupants would likely be lower than the usage identified in Table 4.6-1. In compliance with the Climate Action Plan Measure T-2-3, the project would expand bicycle parking to reduce vehicle trips. As a result, implementation of the proposed project would not result in a substantial increase in transportation-related energy uses

In addition, the project would comply with the Climate Action Plan Strategy M1: Increase Waste Diversion in accordance with state solid waste laws, including AB 1826, AB 341, and SB 1383, which require that businesses, public entities, and communities expand recycling and composting infrastructure to meet the state's ambitious landfill waste reduction targets. In accordance with SB 1383, the project would achieve a 75 percent reduction of organic waste and 20 percent reduction of surplus edible food diversion from landfills. For these reasons, the project would not result in the unnecessary consumption of energy, or wasteful use of energy resources, during project operation. **(Less Than Significant Impact)**

**Energy Efficiency During Construction**

The construction schedule assumes that the project's construction duration would be six to nine months. The construction phase would require energy for the transportation of construction materials, demolition of the small gazebo structure to the rear of the MCA-3 building, elevation of the MCA-3 roof, addition of metal materials to the building facades, and trenching to access underground utilities. The project would not include new building construction and use of heavy diesel-operated equipment would be limited. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Similarly, energy would not be wasted or used inefficiently by construction equipment as the proposed project would include several measures that would improve the efficiency of the construction process. Implementation of the construction dust control measures (BAAQMD's best management practices) detailed in Section 4.3, Air Quality, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

Consistent with the City's construction debris diversion requirements and the Climate Action Plan Measure M-3-1, the proposed project would divert a minimum of 65 percent of construction waste from local landfills and utilize products with recycled content.[33] For these reasons, the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction. **(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)** |
|---|---|

As discussed above, the project would be consistent with the City's Climate Action Plan and the energy efficiency standards set forth in Title 24 of the California Building Standards Code (CBC). Electricity on-site would be provided by Silicon Valley Power, which offers several options for participation in green-energy programs, including a carbon-free energy option. Therefore, the project would not conflict with a state plan for energy efficiency. **(Less Than Significant Impact)**

[33] City of Santa Clara. *Construction and Demolition Debris Recycling Program.* Accessed December 7, 2022. https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/commercial-and-industrial-garbage-recycling/construction-demolition-debris-recycling-program#:~:text=The%20City%20of%20Santa%20Clara,achieved%20through%20recycling%20or%20reuse.

## 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 ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California 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 City Code

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

#### 4.7.1.2 *Existing Conditions*

**Soils, Topography and Groundwater**

The 2.5-acre MCA-3 property is relatively flat with an elevation that ranges from 33 to 38 feet above mean sea level.[34] The project site is located in the Santa Clara Valley, a relatively flat alluvial basin bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. Soils are underlain by a sequence of unconsolidated sediments consisting of alluvium. The alluvium consists of coalescing alluvial fans that were deposited on top of the bedrock formation and extend to a depth of approximately 100 feet below the ground surface. The alluvial deposits consist of clay and silt layers, interwoven with sand and gravel.[35]

Expansive near-surface soils are subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs, and below-grade walls. Given the soils on the MCA-3 property contain layers of clay, the soils could have expansion potential. The depth to groundwater at the MCA-3 property range from five to nine feet below the ground surface.[36]

**Seismicity and Hazards**

The San Francisco Bay Area is one of the most seismically active regions in the United States. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[37]

The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally

[34] Google Earth Pro. January 23, 2019.
[35] Ramboll. *Phase I Environmental Site Assessment: 3080-3100 Alfred Street, Santa Clara, California 95054.* September 30, 2016.
[36] Ibid.
[37] United States Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014–2043*. Revised August 2016. Accessed December 7, 2022. https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.

trends in the northwesterly direction. The closest active faults, in which horizontal displacement has been recorded in the last 200 years, are the Hayward Fault, approximately seven miles northeast of the site, and the San Andreas Fault, approximately 11.5 miles west of the site. Other faults, where horizontal displacement occurred within the last 11,700 years are the Silver Creek Fault, approximately 2.5 miles east of the site, and the San José Fault, approximately 2.1 miles west of the site.[38] The MCA- 3 property is not located within an earthquake fault zone, and therefore, the risk of fault rupture at the site is low. [39]

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface.

According to the California Geological Survey Seismic Hazard Zones Map, the MCA-3 property is located in a liquefaction hazard zone and is considered vulnerable to earthquake-induced liquefaction.[40]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material towards a free face, such as the steep bank of a stream channel, an excavation area, or open sea. There are no stream channels on or adjacent to the site that would be subject to lateral spreading.

Subsidence

Land subsidence is a settling of the earth's surface due to the compaction of subsurface materials. The Santa Clara Valley Water District (Valley Water) actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from compaction wells. Valley Water reduces the potential for land subsidence county-wide by reducing demand on groundwater and recharging groundwater basins.[41] There are no groundwater extraction wells on-site; therefore, the risk of site subsidence is low. The groundwater wells once located at the site have been decommissioned.

[38] California Geological Survey. Fault Activity Map of California. Accessed December 7, 2022. http://maps.conservation.ca.gov/cgs/fam/.
[39] California Geological Survey. *Earthquake Zones of Required Investigation: Milpitas Quadrangle.* Accessed December 7, 2022. October 19, 2004. http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/MILPITAS_EZRIM.pdf. California Geological Survey. Earthquake Zones of Required Investigation. Accessed December 7, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[40] Ibid.
[41] Valley Water. "Subsidence." Accessed December 7, 2022. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/subsidence.

Landslides

The MCA-3 property is located within the relatively flat Santa Clara Valley. According to the California Geological Survey, the project site is not located within a State of California Seismic Hazard Zone for earthquake-induced landslides.[42]

### 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 will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ |
| 4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |

[42] Ibid.

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

The project applicant proposes minor exterior alterations and renovation of the interior of the MCA-3 building to allow for the expansion of the existing school, recreation and meeting room facilities at the MCA-1 building. Exterior alterations include changes to the building roof elevation above the proposed gym and the addition of decorative tiles on the facades of the building. Other improvements include the addition of pedestrian paths, trenching to a depth of five feet below ground surface to access utilities, and planting new trees to replace trees to be removed. No grading activities or new building construction would be required for the project.

The MCA-3 property is in the seismically active San Francisco Bay Area; however, the MCA-3 property is not located within an Alquist-Priolo Fault Zone and the potential for fault rupture at the site is very low. Based on the California Geological Survey Seismic Hazard Zones Map, the MCA-3 property and project area are in liquefaction zones and could be subject to earthquake-induced liquefaction. The MCA-3 property is flat, is not located within a landslide hazard zone, and is considered to have a low potential for lateral spreading during seismic events.

The MCA-3 was constructed in 1973 to accommodate the existing soil conditions at the site. Improvements to the property and the MCA-3 building would comply with the applicable Building and Fire Codes, including the California Building Code, and would not expose people or structures to substantial risks from seismic related ground failures. **(Less Than Significant Impact)**

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

The project does not propose any grading activities and the proposed project would not alter soil conditions. The project would require minor trenching to access utilities at the MCA-3 property. Because the property is mostly paved, no significant erosion would occur from implementation of the proposed project. **(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 discussed above, the MCA-3 property is located in a state liquefaction hazard zone, is not subject to landslides, and has a low potential for subsidence and lateral spreading hazards. Improvements to the MCA-3 building would comply with the applicable Building and Fire Codes, including the California Building Code, and would not result in hazards due to unstable soils or geologic unit. **(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 that underlie the property could be expansive, due to the clay layers. The project includes renovations to the existing MCA-3 building and would not include new building construction. As discussed above, the existing building was constructed in accordance with standard engineering practices in the California Building Code to account for the site's expansive soils. The project would, therefore, not create substantial risks to life and property. **(Less Than Significant Impact)**

| | |
|---|---|
| **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 project is connected to the existing sewer sanitary system. No septic tanks or alternative wastewater disposal systems are required for the project. **(No Impact)**

| | |
|---|---|
| **Impact GEO-6:** | **The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. (No Impact)** |

Based on the conclusions in the General Plan Final EIR, ground disturbing activities of 10 feet or more associated with the development and redevelopment of sites under the General Plan have the potential to impact undiscovered paleontological resources in older Pleistocene sediments. The project would not require new construction or grading, and the maximum depth of trenching activities would be five feet below the ground surface. As a result, the project would not impact paleontological resources. **(No Impact)**

### 4.7.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, CEQA generally applies to the effects of a project on the environment, and environmental effects on a project itself 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 geology and soils conditions affecting a proposed project. The project would comply with General Plan Policy 5.10.5-P5 which is to regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards, including flooding, seismic, erosion, liquefaction, and subsidence dangers. As discussed under Checklist Questions 1, 3, and 4, the MCA-3 building was constructed to accommodate the property's soil conditions and improvements to the building would comply with the appropriate Building and Fire Codes. The MCA-3 building would, therefore, not be exposed to significant soil or seismic hazards.

## 4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on a Climate Action Plan Compliance Checklist completed by the applicant on December 2, 2022. This checklist is included in Appendix C of this Initial Study.

### 4.8.1 Environmental Setting

#### 4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, greenhouse gases (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 and State Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, the California Air Resources Board (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 (2017 Scoping Plan) 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 $MMTCO_2e$.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[43] The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution ($NO_x$) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

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 2050.

SB 100

SB 100, known as The 100 Precent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity solid in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

[43] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. November 16, 2022. Page 5.

Executive Order B-55-18

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279

The California Climate Crisis Act was approved on September 16, 2022, and it codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will have zero emissions. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid electric vehicles in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB will be required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code – Title 24 Part 11 and Part 6

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11.[44] The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. There are new 2022 standards for single-family residences,

[44] California Department of General Services, Building Standards Commission. California Building Standards Code. Accessed May 10, 2023. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

multi-family residences, and non-residential uses.[45,46,47] Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments.

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers. The 2022 CALGreen standards include both mandatory requirements and more aggressive voluntary Tier 1 and Tier 2 provisions:

- CALGreen Tier 1 standards require multi-family developments and hotels with less than 20 units to have 35 percent of the total number of parking spaces EV ready; if there are more than 20 units, 10 percent of the parking spaces must be provided with EV supply equipment. These standards also require 30 percent of total parking spaces to be EV capable and 33 percent of parking spaces to be EV capable with EV supply equipment for non-residential and non-hotel uses.
- CALGreen Tier 2 standards require multi-family developments and hotels with less than 20 units to have 40 percent of the total number of parking spaces EV ready; if there are more than 20 units, 15 percent of the parking spaces must be provided with EV supply equipment. For non-residential and non-hotel uses, 45 percent of total parking spaces require EV capable spaces and 33 percent of parking spaces require EV capable spaces provided with EV supply equipment.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated. CALGreen also allows a disposal reduction option that can be met when the project's disposal rate is 2.0 pounds per square foot or less for non-residential and high-rise residential construction or 3.4 pounds per square foot or less for low-rise residential construction.

Model Water Efficiency Landscape Ordinance and Water Service and Use Regulations

In 1993, the California Department of Water Resources adopted the Model Water Efficiency Ordinance (MWELO), requiring all local agencies to adopt a water efficient landscape ordinance unless proven unnecessary. In 2015, the State of California enacted major changes to the Water

[45] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed May 10, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Single-family_Whats_New_Summary_ADA.pdf.
[46] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed May 10, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.
[47] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed May 10, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

Efficient Landscape Ordinance, which required landscape design and management practices better suited to the state's climates and conditions. The MWELO was established to promote water efficiency for new and rehabilitated landscapes. In accordance with the MWELO Ordinance, in 2003, the City of Santa Clara adopted Water Service and Use Rules and Regulations, which has established standards to achieve reasonable reductions in water use by all users in the City.

## Regional

2017 Bay Area Clean Air Plan

To protect the climate, the 2017 Bay Area Clean Air Plan (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, adopted in May 2017, 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.

CEQA GHG Thresholds and Guidelines Update

On April 20, 2022, the BAAQMD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support of these thresholds. The April 2022 GHG threshold replaces the GHG thresholds set forth in the May 2017 BAAQMD CEQA Air Quality Guidelines. BAAQMD has analyzed what will be required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

The threshold of significance for plans (e.g., General Plans, Climate Action Plans, and similar long-term community wide plans) is to meet the state's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045 or be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b).

The threshold of significance for land use development projects is to either A) incorporate project design elements and achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan or B) be consistent with a local GHG reduction strategy that meets the criteria of CEQA Guidelines Section 15183.5 (b).

## Local

City of Santa Clara General Plan

The Santa Clara 2010-2035 General Plan includes the following GHG policies applicable to the project:

| Policies | Description |
|---|---|
| 5.10.2-P3 | Encourage implementation of technological advances that minimize public health hazards and reduce the generation of air pollutants. |
| 5.10.2-P4 | Encourage measures to reduce GHG emissions to reach 30 percent below 1990 levels by 2020. |
| 5.10.3-P1 | Promote the use of renewable energy resources, conservation, and recycling programs. |
| 5.10.3-P4 | Encourage new development to incorporate sustainable building design, site planning and construction, including encouraging solar opportunities. |
| 5.10.3-P5 | Reduce energy consumption through sustainable construction practices, materials, and recycling. |
| 5.10.3-P6 | Promote sustainable buildings and land planning for all new development, including programs that reduce energy and water consumption in new development. |
| 5.10.3-P8 | Provide incentives for LEED certified, or equivalent development. |
| 5.3.1-P10 | Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect. |
| 5.3.1-P14 | Encourage TDM strategies and the provision of bicycle and pedestrian amenities in all new development greater than 24 housing units or more than 10,000 non-residential square feet, and for City employees, in order to decrease use of the single-occupant automobile and reduce vehicle miles traveled, consistent with the Climate Action Plan. |
| 5.8.5-1 | 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. |
| 5.10.4-P7 | Require installation of native and low-water consumption plant species with landscaping new development and public spaces to reduce water usage. |

Santa Clara Climate Action Plan 2022

The City of Santa Clara Climate Action Plan 2022 (2022 CAP) is the latest update to the City's CAP and is designed to meet the statewide GHG reduction targets for 2030 set by Senate Bill 32. As a Qualified Climate Action Plan, the 2022 CAP allows for tiering and streamlining of GHG analyses under CEQA. The 2022 CAP identifies existing City policies and regulations as well as new measures to be implemented by development projects in the areas of building/energy use, transportation & land use, materials & consumption, natural resources & water resources, and

community resilience and wellbeing. Consistent with the BAAQMD criteria, projects that comply with the policies and strategies outlined in the 2022 CAP would have a less than significant GHG impact.

#### 4.8.1.3 *Existing Conditions*

The project site is currently developed with a 34,900 square foot commercial building on the MCA-3 property and a 90,000 square foot school and religious facility at the MCA-1 property. Existing GHG emissions are primarily generated from vehicle trips to and from the site and electricity usage for building lighting, heating, and cooling.

### 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)**

GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in Santa Clara, the entire State of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

**Construction Emissions**

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of Santa Clara nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Because project construction will be a temporary condition (six to nine months) and would not result in a permanent increase in emissions that would interfere with the implementation of SB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact)**

### Operational Emissions

The City's 2022 CAP is a qualified GHG reduction strategy that meets the criteria in CEQA Guidelines Section 15183.5(b) since it includes quantified GHG emissions, specifies measures including performance standards that projects could implement to achieve the State's GHG emissions reduction goals, and establishes a mechanism to monitor the plan's progress toward achieving the GHG reduction measures. The project is consistent with the 2022 CAP since it is consistent with the General Plan land use designation for the site and planned growth from buildout of the General Plan, would utilize water and energy efficient appliances, divert construction waste, plant shade trees, include bicycle parking, and would incorporate the GHG reduction measures required by the City and State, as described under Impact GHG-2.[48] Operation of the project would, therefore, not interfere with the implementation of the State's GHG reduction goals and would not generate GHG emissions that would result in a significant impact on the environment. **(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)** |
|---|---|

### Consistency with the General Plan

The project is consistent with the General Plan policies identified in Section 4.7.1.1 Regulatory Framework to reduce GHG emissions by:

- Utilizing water conservation and energy efficiency measures included in the project
- Diverting at least 65 percent of construction waste away from landfills
- Planting shade trees
- Providing bicycle parking

The project would be consistent with the City's General Plan policies intended to reduce GHG emissions.

### Consistency with the Climate Action Plan

As stated above, if a project is consistent with a qualified CAP, it can be presumed that the project would not have significant GHG emissions. The proposed project's consistency with the City's 2022 CAP measures is summarized below (refer to Appendix C for more details).

To be consistent with the 2022 CAP, development projects shall demonstrate consistency with the General Plan land use designation for the site and all applicable measures identified in the CAP related to building and energy, transportation and land use, materials and consumption, natural systems and water resources and community resilience and wellbeing.

As discussed in Section 4.10 Land Use and Planning, the General Plan Policy 5.3.1-P21 allows for Public/Quasi Public uses, including schools and places of worship, in all General Plan designations when the use is consistent with applicable General Plan policies, accessible by a large roadway or

[48] Appendix C, City of Santa Clara 2022 Climate Action Plan Compliance Checklist.

collector, and compatible with planned uses on neighboring properties. The project meets the definition of a Public/Quasi Public use and is accessible via Scott Boulevard, a collector roadway and is, therefore, consistent with the General Plan land use designation for the site.

2022 CAP measure B-2-3 and M-3-4 encourage existing buildings to increase energy efficiency standards to CalGreen Tier 1 standards and utilize carbon smart building materials, respectively. Consistent with Measure B-2-3, the project would be designed to meet CalGreen Tier 1 standards, including water efficiency and conservation standards for indoor and outdoor water use and the use of recyclable materials during construction. The project would utilize carbon-sequestering and high albedo materials, where possible, in accordance with Measure M-3-4.

Measure T-2-1 and T-3-5 requires projects to comply with the City's Pedestrian and Bicycle Master Plans as well as the recently adopted Transportation Analysis Policy. Consistent with the Pedestrian and Bicycle Master Plans, the project would include installation of new sidewalks along the entire site frontage and ADA compliance curb ramps at the northeast corner of Scott Boulevard/Space Park Drive and at both north corners of the Alfred Street/Space Park Drive Intersections, and bicycle parking on-site.

Furthermore, as discussed in Section 4.17 Transportation, the project VMT per student would be less than significant (decreasing from 12 miles to 10.2 mile) and the project's average VMT per employee would be 17.2 miles which is above the City's identified threshold of 15.56 VMT per employee. However, this impact would be reduced to a less than significant level with implementation of one of the following TDM measures, 1) Commute Trip Reduction Program or 2) Alternative Transportation Benefits for employees. Therefore, with implementation of one of these measures, the project would be consistent with the City's Transportation Analysis Policy and Measure T-3-5.

In addition to TDM measures listed above, the project would include on-site bicycle parking and charging stations for electric vehicles and bicycles, consistent with CAP Measures T-2-2 and T-2-3 which calls for the City to incentivize projects to optimize curbside areas for low-carbon modes of travel and increase public access to bikes, respectively. CAP Measures M-1-1 and M-3-1 require projects to comply with State Solid Waste Ordinances and reuse salvageable building materials, respectively. As discussed in Section 4.6 Energy and Section 4.18 Utilities and Service Systems and consistent with these measures, the project would continue to be served by the City's solid waste collection and comply with the City's Construction and Demolition Debris recycling program by diverting a minimum of 65 percent debris from the landfill, thus the project would comply with State Solid Waste Ordinances. CAP Measures N-2-3 and N-3-3 requires projects to utilize water efficient landscaping and follow an adopted Sustainable Planting Guide. The project would comply with the State's MWELO Ordinance and City's Water Service and Use Rules and Regulations and would include native and climate-adaptive plants and reduce use of synthetic fertilizers, where possible, consistent with these measures. Finally, CAP Measure C-2-2 On-Site Natural Stormwater Systems calls for the integration of natural stormwater systems within site and building design to reduce pollution to waterways, conserve water, and reduce flood risk. The project would include stormwater management features consistent with the Municipal Regional Stormwater NPDES Permit (MRP)/ C.3 Requirements and CAP Measure C-2-2.

For the reasons discussed above, the project is consistent with the 2022 CAP and would therefore, have a less than significant operational GHG emissions impact. **(Less Than Significant Impact)**

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment completed by *Ramboll* (formerly Ramboll Environ) in September 2016, a Screening Site Investigation Report completed Ramboll in November 2016, a Hazardous Materials Inventory completed by *Running Moose Consulting* in December 2017, and an Indoor Air Quality Investigation Report completed by *Ramboll* in September 2018. A copy of the reports is attached to Appendix D of this Initial Study.

### 4.9.1 Environmental Setting

#### 4.9.1.1 *Regulatory Framework*

**Overview**

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

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

**Federal and State**

Federal Aviation Regulations, Part 77

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as 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 to aircraft such as reflective surfaces, flashing lights, and electronic interference. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above 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.[49]

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.[50]

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

[49] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed June 29, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.
[50] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed June 29, 2023. 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).[51]

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 Fie Department (SCFD) Community Risk Reduction Division 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.

**Local**

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

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

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

CLUP includes land use compatibility policies and standards, which form the basis for evaluating the land use compatibility of individual projects with the Airport and its operations. The standards in the CLUP focus on the three areas of the Airport Land Use Commission (ALUC) responsibility: 1) aircraft noise, 2) the safety of persons on the ground and in aircraft, and 3) the control of objects in navigable airspace.

The CLUP includes 65, 70, and 75 decibels (dB) Community Noise Equivalent Level (CNEL) noise contours to indicate general areas of likely community response to noise generated by aircraft activity and as the basis for land use compatibility determinations (see *Section 3.13 Noise and Vibration* for a detailed discussion). Airport Safety Zones are established and identified in the CLUP to minimize the number of people exposed to potential aircraft accidents in the vicinity of the Airport by imposing density and use limitations within these zones. Airport vicinity height limitations are identified in the CLUP to protect the public safety, health, and welfare by ensuring aircraft can safely fly in the airspace around the Airport.

Santa Clara General Plan

General Plan policies applicable to hazards and hazardous materials include, but are not limited to, the following listed below.

| Policies | Description |
|---|---|
| 5.10.5-P22 | Regulate development on sites with known or suspected contamination of soil and/or groundwater to ensure that construction workers, the public, future occupants, and the environment are adequately protected from hazards associated with contamination, in accordance with applicable regulations. |
| 5.10.5-P24 | Protect City residents from the risks inherent in the transport, distribution, use and storage of hazardous materials. |
| 5.10.5-P26 | Survey pre-1980 buildings and abate any lead-based paint and asbestos prior to structural renovation and demolition, in compliance with all applicable regulations. |
| 5.10.5-P30 | Review the location and design of development within Airport Land Use Commission district for compatibility with the Airport Land Use Compatibility Plan. |

Santa Clara Emergency Operations Plan

The City has an Emergency Operations Plan (EOP), which is required for each local government in the state. The plan establishes the emergency organization, assign tasks, specifies policies and general procedures, and provides for coordination of planning efforts for events such as earthquakes, flooding, dam failure, and hazardous materials responses.

#### 4.9.1.2 *Existing Conditions – Existing and Historic Uses*

**Existing and Historical Uses at the MCA-3 Property**

The 2.5-acre MCA-3 property is currently developed with a 34,900 square foot building that is occupied by a donation center.

The site was used for agricultural purposes from 1939 to 1973, when the existing MCA-3 building was constructed. Part of the building was occupied by Fairchild Semiconductor Corporation from

1975 to 1983. The remainder of the building was occupied by Micro Power Systems from approximately 1973 to 1983. The entire building was occupied by Micro Power by 1984. Exar Corporation occupied the building from 1993 to 1996; the building was then occupied by Lincoln Properties. The above corporations which occupied the building from the 1970s to the early 2000s performed manufacturing operations, primarily for semiconductors or other electronics. The property has been occupied by Hope Services since 2003.

**Existing and Historical Uses at the Surrounding Properties**

The MCA-3 property is surrounded by a commercial building occupied by a coffee company and gym to the north, Alfred Street and data centers are located to the east, the MCA-1 facility is located to the south, and a commercial office campus is located to the west.

The properties in the vicinity of the site were historically used for agricultural purposes except for the properties to the east, where the land remained undeveloped until the late 1950s or 1960s. Since the late 1960s/early 1970s, the project area has been developed with industrial and commercial uses, including semiconductor companies.

#### 4.9.1.3 *Existing Sources of Contamination*

**On-Site Sources of Contamination**

Environmental Databases

A review of regulatory environmental databases was completed as a part of the Phase I Environmental Site Assessment to identify potential sources of contamination at the MCA-3 property. The results from the database searches are listed below:

- Exar Corporation was listed on the Spills, Leaks, Investigations and Cleanup (CA SLIC) and Deed Restriction Listing (CA DEED) databases. The SLIC database indicates that subsurface investigations were completed at the site since 1982. Groundwater was extracted and treated at the site as a primary method of remediation, from 1988 until 2006. The CA DEED and SLIC databases list the site as closed case in 2014 with deed restrictions (discussed in more detail under “Previous Environmental Assessments, Sampling and Remediation Activities” in this section).

- Fairchild Micro Power was listed on the SPILLS 90 data from FirstSearch (CA SPILLS 90) with an active status as of 1994 (or 1996 on a separate listing). The release was disclosed in June of 1982, and the contamination source was listed as suspected solvent releases from underground sumps.

- Fairchild Micro Power was listed on the Enforcement Action Listing (CA ENF) database. Specifically, Schlumberger Technology Corporation was listed as having multiple clean-up and abatement orders, effective in 1988 and 1992.

- Fairchild Micro Power was listed the EnviroStor database, which describes chemicals of concern on-site as various VOCs, including trichlorethylene (TCE), 1,1,1-trichlorethane (TCA), 1,2-dichloroethane (DCE), xylene freon-113, and acetone. Contamination was

observed in the upper of two underlying aquifers, and contamination in the lower aquifer was noted to be unlikely.

- Fairchild Micro Power was listed on the "Cortese" Hazardous Waste and Substances Sites List as an industrial facility that treats and/or disposes of liquid or semisolid wastes. The facility status was listed as active; the status date was not available. The property was listed as a moderate threat to water quality, meaning that a violation could have a major adverse impact.

- The property was listed on California Hazardous Material Incident Reporting System (CHMIRS) in December 1988. No information was provided regarding the nature of the release.

- Micro Power Systems was listed as a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator in 1996 and as a RCRA Large Quantity Generator in 1991 and 1992.

The site's history of investigation and remediation as a result of historical on-site operations is described below.

Previous Environmental Assessments, Sampling and Remediation Activities

Environmental investigations at the MCA-3 property, completed in the 1980s through the 1990s, identified VOCs in groundwater in connection with releases from the operation of two acid neutralization sumps at the site. The primary contaminants of concern (COCs) include 1,1-DCA; 1,1,1-TCA; TCE; cis-1,2-DCE; 1,1-DCE; and Freon 113. Investigation and remediation primarily addressed TCE contamination.

As a result of these findings, the San Francisco Bay Regional Water Quality Control Board (RWQCB) provided environmental regulatory oversight beginning in the mid-1980s and issued several orders for investigation and remediation of the property, resulting in a 1992 order that outlined site cleanup requirements.

In the 1980s, approximately 44 groundwater wells were installed in association with the previous releases, including groundwater extraction wells that were used in conjunction with a pump and treat system designed to remove COCs from groundwater beneath the site. Pump and treat remediation was completed from approximately 1986 through 2006, and significantly reduced the extent of the contaminant plume beneath the property and surrounding area. In addition, in-situ bioremediation to further reduce COC concentrations (primarily TCE) in groundwater was completed in 2009 in proximity to one of the former acid neutralization tanks. Post-remedial groundwater monitoring was completed at the site through May 2011. The RWQCB rescinded all cleanup requirements in April 2012, and all related on-site groundwater monitoring wells were decommissioned. At that time, COC concentrations did not meet drinking water standards, however, concentrations were below RWQCB environmental screening levels for the evaluation of potential vapor intrusion concerns for commercial/industrial land use.

Soil samples collected at the property did not show significant VOC impacts. Based on the case closure application, TCE was the only VOC detected in approximately 28 soil samples collected on-site between 1982 and 1994. In 1992 the RWQCB agreed that the isolated COC concentrations detected in soil at the property did not constitute a significant health risk.

Based on the commercial use of the site and site data indicating residual COC concentrations were below commercial/industrial environmental screening levels, the RWQCB issued a case closure on October 7, 2014, based on the agency's "Closure of Low-Threat Chlorinated Solvent Sites" guidance. A land use covenant ("deed restriction") was placed on the site as a condition of closure. Restrictions include limits on future excavation of soil from depths greater than seven feet below ground surface across the property and a prohibition on the groundwater extraction from the site without RWQCB approval.

Neither the deed restriction nor the RWQCB closure documentation explicitly includes a limitation on the type of acceptable land use. The RWQCB indicated that in the event a change in land use is proposed, however, additional investigation (e.g., soil vapor sampling) may be necessary to evaluate whether the property's conditions are acceptable for the proposed future use.

*Soil and Soil Vapor Sampling*

The Phase I ESA identified the past releases at the property as a controlled recognized environmental condition (REC).[52] Given the change in proposed land use, from a commercial/industrial use to a school use and the property's former agricultural uses, a soil vapor and soil screening investigation was completed at the MCA-3 property in September 2016. Soil and soil vapor samples were collected from eight exterior locations on the property and five interior sub-slab soil vapor sample locations. The soil samples were analyzed for organochlorine pesticides and polychlorinated biphenyls (OCPs/PCBs), VOCs, and metals. Soil vapor and sub-slab soil vapor samples were analyzed for VOCs.

Based on the soil sample results, detected metals (except for arsenic), VOCs, organochlorine pesticides, and PCBs were not detected above regulatory screening criteria for residential/sensitive land uses. Given the average arsenic concentrations across the property were well within the range of natural or urbanized background concentrations for California soils, and the paved surface currently preventing direct exposure to site soils, the arsenic concentrations at the property are not identified as an environmental concern for the proposed school use.

Based on the results of the interior sub-slab soil vapor sampling, benzene and TCE exceeded regulatory screening levels for residential land use. The results from the exterior soil vapor samples showed that benzene concentrations were above regulatory screening levels at three locations, chloroform was detected above the residential screening level at one location, PCE was detected above regulatory screening levels at one location, and TCE concentrations were above regulatory screening levels at three locations.

[52] A controlled REC is a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.

*Indoor and Ambient Air Sampling*

Given the detections of multiple VOCs in sub-slab and soil vapor samples in excess of residential screening levels during the September 2016 investigation, there is a potential for vapor intrusion to occur at the MCA-3 building. As a result, indoor air sampling for the presence of VOCs was completed and compared with ambient air samples collected in June 2018. Five indoor air samples and three ambient air samples were collected at the MCA-3 property. Based on the results from sampling, chloroform and 1,2-dichlorethane (DCA) exceeded residential screening criteria and were detected only in indoor air. The remaining VOCs detected indoors were consistent with ambient air concentrations.

## Off-site Sources of Contamination

Regulatory Database Listings

As a part of the Phase I ESA, a regulatory database search was completed for off-site facilities within one mile. A number of facilities were listed in databases indicating potential contamination concerns [e.g., leaking underground storage tank (LUST), National Priorities List (NPL)]. Based on the review of the listings, only facilities that were located adjacent to the MCA-3 property or facilities that were located upgradient of the property and have not been issued a regulatory closure could potentially impact the MCA-3 property. Table 4.9-1 includes nearby off-site facilities that contain hazardous materials that could impact soil and/or groundwater.

**Table 4.9-1: Hazardous Materials Sites Near the Project**

| Business Name, Site Address, and Database Listings | Site Description | Environmental Concern |
|---|---|---|
| Kawatec<br><br>3030/3040 Olcott Street (approximately 0.4 miles southwest of the site), upgradient<br><br>EnviroStor | Manufacturing processes at the facility required use of solvents for cleaning silicon wafers. Both soil and groundwater were contaminated by PCE. Based on the information provided in EnviroStor, the site was cleaned up under the oversight of RWQCB. | Based on the final DTSC letter dated June 8, 2000, contamination at the property was adequately addressed. The property is not considered an environmental concern for the MCA-3 site. |
| Merit Sensor Systems<br><br>2330 Walsh Avenue (0.7 mile southwest of the site), upgradient<br><br>EnviroStor | The site is listed as inactive and in need of evaluation. The site type is listed as a tiered permit. No potential contaminants of concern are listed. | The property is not considered an environmental concern for the MCA-3 site given there are no identified contaminants of concern and/or past incidences that would result in an environment concern. |

| Table 4.9-1: Hazardous Materials Sites Near the Project | | |
|---|---|---|
| **Business Name, Site Address, and Database Listings** | **Site Description** | **Environmental Concern** |
| Synertek<br><br>3050 Coronado Drive<br>(0.7 miles southwest of the site), upgradient<br><br>CA Bond Expenditure Plan (CA Bond Exp.)<br>Geotracker | The property was listed as a site with groundwater contamination (VOCs) that has been proposed for the National Priority List (NPL). The status is open as of 2002. VOC concentrations in groundwater have been reduced through extraction and treatment, and the site is currently monitored for natural attenuation. The site is overseen by the RWQCB. | Based on review of a plume map, the property's groundwater plume does not extend to the MCA-3 site. In addition, the site is located more than 0.5 miles from the MCA-3 site and the property is currently undergoing monitoring for natural attenuation. As a result, the property would not be an environmental concern for the MCA-3 site. |
| Intel Corporation<br><br>2880 Northwestern Parkway<br>(0.75 mile southwest of the site), upgradient<br><br>NPL<br>CA EnviroStor<br>CA SLIC<br>CA DEED<br>CA BOND Exp. Plan<br>CA Cortese,<br>CAENF and<br>CA HIST CORTESE | The property is listed as having VOC contamination in groundwater. The status of the site is "open – verifications monitoring" as of 2000. Deed restrictions are in place concerning land use. | Based on groundwater monitoring data from April 2011, TCE concentrations in the groundwater do not extend significantly beyond the property. Given the limited extent of impacts and the distance from the MCA-3 site, the property is not considered an environmental concern for the project site. |

Given direction, distance from the MCA-3 property, and limited extent of groundwater plumes at the above off-site properties (listed in Table 4.9-1), the off-site facilities are not considered an environmental concern for the MCA-3 property.

Hazmat Materials Use and Storage in the Project Area

In October 2021, a visual survey of businesses within one-half mile of the project site (which consists of both the MCA-1 and MCA-3 properties) was completed to identify facilities that currently use and/or store hazardous materials. The following information reflects only what is publicly available in existing records or can be observed from public roadways. The data may not reflect the current conditions on any or all of the referenced sites. Furthermore, the project site is located in an industrial area where the use of hazardous substances is likely to change over time.

*Registered California Accidental Release Program (CalARP) Facilities*

CalARP facilities are those that use or store significant quantities of toxic and flammable substances that can have off-site consequences if accidentally released. Based on records from the Santa Clara Fire Department (SCFD), there is one CalARP facility within a half mile of the project site. The CalARP facility is discussed below.

- *Donald Von Raesfeld (DVR) Power Plant/Silicon Valley Power (850 Duane Avenue)*: This facility is located approximately 0.4 mile east of the project site. Based on the hazardous materials and waste inventory for this site, this facility contains regulated substances, including EPA protocol gas[53] (up to 4,500 cubic feet/day), ethylene glycol (up to 20,000 gallons/day), natural gas (up to 900,000 cubic feet/day), motor oil (up to 3,200 gallons/day), sodium hydroxide (up to 475 gallons/day), aqueous ammonia (up to 9,000 gallons per day), sodium bisulfite (475 gallons per day), sodium hydroxide (up to 475 gallons per day), sodium hypochlorite (up to 1,425 gallons/day), and sulfuric acid (up to 6,000 gallons/day). Other chemicals that are stored in smaller quantities such as 3D Trasar 3DT195 cooling water treatment, Nalco elimin-ox, an oxygen absorber, and ferralyte 8131 can be found in Appendix D. The substances are stored in Department of Transportation (DOT) approved shipping and storage containers.

*Other Hazardous Materials Users in the Project Area*

Based on records obtained from the SCFD, there are 40 facilities within one-half mile of the project site that use or store hazardous materials not regulated by CalARP. These facilities store chemicals such as diesel exhaust fuel, liquefied petroleum gas, helium, hydrogen, argon (compressed), argon, hydrogen, and nitrogen (liquid and gas), lead acid batteries, nitric acid, and sodium hydroxide. Data that includes these facilities and chemicals stored at these facilities is included in Appendix D of this Initial Study.

### 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? | ☐ | ☐ | ☒ | ☐ |

[53] EPA protocol gases typically contains gas mixtures of nitric oxide, sulfur dioxide, and carbon dioxide. U.S. Department of Commerce. *Report of Analysis: Environmental Protection Agency Blind Audit.* April 21, 2015. Accessed December 8, 2022. https://www.epa.gov/sites/production/files/2018-09/documents/final_2013_audit_report.pdf.

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 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, will it create a significant hazard to the public or the environment? | ☐ | ☐ | ☒ | ☐ |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ |
| 6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☐ | ☒ |

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

Operation of the proposed project would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities similar to the operations of the existing MCA facility. No other hazardous materials would be used or stored on-site. The project would comply with applicable federal, state, and local handling, storage, and disposal requirements. Therefore, small quantities of cleaning supplies and maintenance chemicals that would be used on-site would not result in a significant hazard to on-site workers or adjacent land uses through routine transport, use, or disposal of the chemicals. **(Less Than Significant Impact)**

| Impact HAZ-2: | 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) |
|---|---|

### Soil and Groundwater Impacts

Soil, soil vapor, and groundwater sampling were previously completed at the MCA-3 property in connection with releases of VOCs from the operation of two acid neutralization sumps at the property in the 1980s, and former agricultural uses at the property prior to 1973. Under the oversight of RWQCB, groundwater remediation and monitoring were completed from 1986 to 2011, which significantly reduced the extent of the contaminant plume beneath the property and surrounding area. In April 2012, the RWQCB deemed groundwater remediation complete at the property. Soil sample results for VOCs between 1980s and 2008 showed that contaminant concentrations at the property were not a significant health hazard, since concentrations were below RWQCB screening levels.

RWQCB issued a case closure for the property in 2014. A deed restriction issued by the RWQCB in 2014 as a condition for case closure includes limits on future excavation of soil from depths greater than seven feet below the ground surface across the MCA-3 property and prohibits the extraction of groundwater from the site without RWQCB approval. Additional soil sample results from September 2016 showed that VOC contamination and agricultural chemical concentrations were below regulatory screening levels or background levels for residential/sensitive uses.

The project would include trenching to access utilities to a maximum depth of five feet and would not require groundwater extraction. The project, therefore, would not conflict with the deed restriction. The renovation of the MCA-3 building would not require the disturbance of any soil or groundwater. Minimal disturbance of soils would be required for the proposed landscaping improvements. Because of the limited ground disturbance required to implement the project, construction workers and nearby land uses would not be exposed to hazardous levels of contaminants in soil or groundwater. For these reasons, the project would not result in a significant hazard to the public or environment due to a chemical or hazardous material release. **(Less Than Significant Impact)**

### Asbestos and Lead Based Paint Impacts

Due to the age of the MCA-3 building (constructed in 1973), ACMs may be present on the property. The project proposes to demolish a small gazebo structure to the rear of the MCA-3 building and renovate the exterior and interior of the building. As a result, an asbestos survey must be completed under National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines.

Based on the age of the building, lead-based paint may also be present. It will be necessary to follow the requirements outlined by Cal-OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) Section 1532.1 during construction activities.

Renovating the interior and minor improvements to the façade of the building could expose construction workers to harmful levels of ACMs or lead. The project is required to conform to the following regulatory programs and to implement the following conditions of approval consistent with

State and local laws to reduce impacts due to the presence of ACMs and/or lead-based paint:

**Conditions of Approval:**

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

- Prior to renovation activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR Section 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 NESHAP guidelines prior to any building renovation that may disturb the materials. All construction 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 Bay Area Air Quality Management District (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 that renovation of the existing MCA-3 building would not result in a significant release of lead or asbestos that could impact construction workers or the environment. **(Less Than Significant Impact)**

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

An existing pre-Kindergarten through the 8th grade school is located at the MCA-1 building on-site. As discussed under Impact HAZ-1, the project would likely include the use and storage of cleaning supplies and maintenance chemicals in small quantities consistent with the quantity and use of these materials at the existing MCA-1 building. The project would comply with applicable federal, state, and local handling, storage, and disposal requirements. Therefore, the project would not result in a significant hazard to the existing on-site students through the use and handling of these chemicals.

As discussed under Impact HAZ-2, the renovation of the MCA-3 building would not require the excavation of any soil or exposure of groundwater. Only a minimal disturbance of soils would be required for the proposed landscaping improvements. Because of the limited ground disturbance required to implement the project, the existing on-site students would not be exposed to hazardous

levels of contaminants in soil or groundwater. As stated under Impact AIR-3, the project's construction activities would not require diesel equipment that would result in substantial emissions and the existing student risk of TAC exposure is low. The project would implement Conditions of Approval to reduce fugitive emissions during construction (see Section 4.3 Air Quality, Impact AIR-1). For the above reasons, the project would not result hazardous emissions or handle hazardous materials, substances, or wastes that would result in a significant impact to students at the existing MCA school. **(Less than Significant Impact)**

There are no off-site schools within one-quarter mile of the project site. The nearest school to the MCA-3 property (where the proposed expansion will occur) is Montague Elementary School at 750 Laurie Avenue, approximately one mile northeast of the site. The project site is in a commercial and industrial area and no schools are proposed within a quarter mile of the site. The project would not, therefore, result in hazardous emissions or materials impact to any off-site schools. **(No Impact)**

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

The MCA-3 property is listed on as a hazardous materials site pursuant to Government Code Section 65962.5.[54] The 3080/3100 Alfred Street (MCA-3) property contained a former semiconductor operation. Releases of volatile organic compounds from two former acid neutralization systems were reported to the San Francisco Bay Regional Water Quality Control Board (RWQCB) in 1982. As a result, the acid neutralization systems were removed, and remedial activities were completed, including the operation of a groundwater treatment system, to reduce the concentrations of these chemicals to non-hazardous levels. In October 2014, the RWQCB issued a case closure letter confirming that site investigation and remedial action were completed and that no further action related to the pollutant releases was required. Therefore, the former chemical release at the site would not result in a significant hazard to the public or environment. **(Less than Significant Impact)**

| | |
|---|---|
| **Impact HAZ-5:** | **The project would be located within an airport land use plan. Nevertheless, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. (Less than Significant Impact)** |

The nearest airport to the MCA-3 property is the Norman Y. Mineta San José International Airport, approximately 0.9 miles southeast of the site. Based on the Santa Clara Comprehensive Land Use Plan for the airport, the property is within the airport influence area (AIA), which is a composite of the areas surrounding the airport that are affected by noise, height, and safety considerations.[55] The property, however, is not located within an airport safety zone, which are zones that are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the airport.

[54] California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Accessed December 8, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.
[55] Santa Clara County Airport Land Use Commission. C*omprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport.* Adopted May 25, 2011. Amended November 16, 2016.

FAR Part 77 establishes imaginary surfaces for the Norman Y. Mineta San José International Airport and its runways as a means to identify objects that are obstructions to air navigation. Under FAR Part 77 requirements, developments with proposed building heights of 60 feet or more above ground the surface require submittal to the FAA for airspace safety review to reduce airspace hazards.[56] The proposed project would elevate the northern portion of the MCA-3 building's roof from 24 feet to 34 feet above the ground surface. Given the maximum height of the MCA-3 building would be 34 feet above ground surface, the project would be consistent with FAA height requirements. As a result, the project would not result in significant impact to aircraft operations and or people working or residing in the project area. **(Less Than Significant Impact)**

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

The MCA-3 property is located in a developed area. While the project would increase the number of students in the project area on a daily basis, the project would not change the local roadway circulation pattern and access, or otherwise physically interfere with the Santa Clara Emergency Operations Plan/Local Hazard Mitigation Plan or other emergency response or evacuation plan.[57] **(Less Than Significant Impact)**

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

The MCA-3 property 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 risks to adjacent properties and would not expose people or structures to wildland fires. [58] **(No Impact)**

### 4.9.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, CEQA generally applies to the effects of a project on the environment, and environmental effects on a project itself 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 hazards and hazardous materials conditions affecting a proposed project, such as General Plan Policy 5.10.5-P22 (which requires appropriate clean-up and remediation of contaminated sites).

[56] Norman Y. Mineta San José International Airport. *Notice Requirement Criteria for Filing FAA Form 7460-1*. 2013.
[57] City of Santa Clara. *Emergency Operations Plan: Hazard Mitigation Plan*. October 2017. Accessed June 29, 2023. https://www.santaclaraca.gov/services/emergency-services/emergency-preparedness.
[58] California Board of Forestry and Fire Protection. *State Responsibility Area Viewer*. Accessed June 29, 2023. https://bof.fire.ca.gov/projects-and-programs/state-responsibility-area-viewer/.

#### 4.9.3.1 *On-Site Hazards*

The MCA-3 property is mostly paved with limited landscaping. Future students and staff proposed to occupy the MCA-3 building would not be exposed to groundwater. Based on the soil sampling results, the soils on the property do not contain hazardous levels of contaminants.

In September 2016, soil vapor sample results showed elevated levels of PCE, TCE, benzene, and chloroform concentrations above regulatory screening levels for residential use. Indoor air sampling was completed at the MCA-3 building in June 2018. The indoor sample results showed levels of chloroform and 1,2-DCA above regulatory screening levels within the MCA-3 building. Therefore, future occupants of the building could be exposed to these VOCs due to vapor intrusion. Consistent with General Plan Policy 5.10.5-P22, the following conditions of approval shall be implemented to reduce or avoid future occupant exposure to VOCs from vapor intrusion:[59]

**Conditions of Approval:**

- Prior to issuance of a Conditional Use Permit, the project applicant shall enter into the Voluntary Cleanup Program of either the Santa Clara County Department of Environmental Health (SCCDEH) or California Environmental Protection Agency (CalEPA's Regional Water Quality Control Board or Department of Toxic Substances Control) to determine if additional indoor sampling, remediation and/or mitigation is needed at the site and if vapor intrusion would be a significant risk. All sampling and remediation activities would be completed under the oversight of the selected agency.

- If sampling and remediation confirms that vapor intrusion and indoor air quality would not be a significant hazard to the future occupants of the building, the project applicant shall prepare and submit a final report to the oversight agency and a "No Further Action" or "Closure" letter shall be obtained. This closure letter shall be submitted to the Planning Manager at the Community Development Department prior to issuance of any occupancy permit.

- If sampling indicates that vapor control measures are required, the project applicant shall prepare a Vapor Intrusion Mitigation Plan for review and approval by the oversight agency. The Vapor Intrusion Mitigation Plan will require the project applicant to design the proposed occupied spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into the MCA-3 building. At a minimum, this design would include incorporation of a vapor barrier and provisions of space to accommodate active ventilation equipment to help prevent indoor air contaminant concentrations exceeding the most current environmental indoor air screening levels. The project applicant will be required to submit the vapor intrusion remedial design and remedial action documents to the oversight agency for review and approval and incorporate Vapor Intrusion Mitigation System drawings and specifications into the City building permit design check.

  Upon installation, the project applicant shall provide a Vapor Mitigation Completion Report to the City and the oversight agency. The report shall document installation of the vapor control measures identified in the Vapor Intrusion Mitigation Plan, including plans and

[59] Personal Communication: Email. Cornerstone Earth Group, Inc., Helm, Ron. *Indoor Sampling Discussion (Completed for a Project in Santa Clara) - 3080/3100 Alfred Street*. March 7, 2019.

specifications, and an Operation, Maintenance and Monitoring Plan. The project applicant shall also provide Institutional Controls and Financial Assurance to ensure that future site occupants are not exposed to unacceptable levels of VOC vapors. Regulatory approval of the above shall be a condition of the occupancy permit.

- The project applicant shall submit all clearance documents received from the oversight agency to the Planning Manager at the Community Development Department prior to issuance of an occupancy permit.

With the implementation of the above conditions, the project would comply with General Plan Policy 5.10.5-P22.

#### 4.9.3.2 *Off-Site Hazards*

As discussed in Section 4.8.1.3, Existing Sources of Contamination, none of the off-site facilities listed in regulatory databases would result in significant effects on soil or groundwater at the MCA-3 property.

**Hazardous Materials Facilities (CalARP)**

There is one facility, the Donald Von Raesfeld Power Plant at 850 Duane Avenue, within one half mile of the project site (the MCA-1 and MCA-3 properties) that stores quantities of toxic and/or flammable gases that have been identified as chemicals of concern under the U.S. Environmental Protection Agency's (EPA) Risk Management Plan (RMP) Rule (Federal Code of Regulations Title 40 Part 68) and the CalARP program (California Code of Regulations Title 19, Division 2, Chapter 4.5). The chemical of concern includes aqueous ammonia at the power plant.

The U.S. EPA's RMP and CalARP program require the analysis of a worst-case release scenario for toxic chemicals of concern from stationary sources. The worst-case release is defined as the total release of the largest quantity of a regulated substance from a single vessel or process line failure that results in the greatest distance to an endpoint under conservative meteorological conditions. Worst-case release scenarios represent the failure modes that would result in the worst possible off-site consequences, however unlikely, and do not represent more likely smaller releases. Based on risk RMP modeling, the site is not located within the radius of impact for a worst-case release of aqueous ammonia. The worst-case release would not extend beyond the Donald Von Raesfeld Power Plant fence line. The release of ammonia at this facility would not affect the project site. Therefore, release of chemicals at the existing CalARP facility would not result in a significant hazard to future occupants of the MCA-3 facility.

## Emergency Preparedness Plan

As proposed by the project and required as a Condition of Approval, the applicant will prepare and implement an Emergency Preparedness Plan (EPP) as outlined below.

The applicant will hire a qualified professional to develop an EPP that details procedures to follow in the event of an emergency. The EPP must be approved by the Community Development Director and the SCFD prior to issuance of occupancy permits. The EPP and implementation of training and drills shall be reviewed annually by the SCFD as part of routine inspections of the facilities. At a minimum, the plan would include:

- Manual and automated procedures for notifying individuals on-site in the event of an emergency.
- Evacuation procedures.
- The designation of an emergency coordinator.
- Training for all on-site staff members on an annual basis.
- Regular evacuation and training drills for students and staff.

Specific details are provided below:

Santa Clara County Emergency Alert System

The project applicant shall coordinate with SCFD and the County of Santa Clara to create and maintain a registry of the phone numbers for all school and facility personnel responsible for implementation of the EPP with the Santa Clara County Emergency Alert System ("AlertSCC"). Responsible school and facility personnel shall be trained in the protocol for activating and responding to the activation of a school warning system that will include both audible and visual alarms upon an emergency notification from AlertSCC. Prior to installation of the alarms at the MCA-3 building, the project applicant will obtain the required permit from the SCFD. A Shelter-In-Place (SIP) Plan has been in place at MCA-1 since it began operation. A new SIP Plan has been developed and proposed as part of the project to cover both buildings. The SIP Plan shall include but not be limited to the following:

- Procedures for registering phone numbers for AlertSCC.
- Procedures for activating the SIP Alarm.
- Procedures for bringing students from outdoors into the school building in an orderly fashion.
- Procedures for accounting for all students.
- Procedures for shutting down the school's heating ventilation and air conditioning (HVAC) system and closing/sealing all doors. (Operators of the facility will be trained to initiate the shelter-in-place in response to activation of the school's warning system.)
- Procedures for notifying SCFD that the school is sheltering in place.
- Procedure for announcing the "All Clear" once it has been determined that the hazard has passed.
- Procedure for conducting an annual SIP drill for the school.

The following building improvements will be required as part of the SIP Emergency Plan:

- An HVAC system will be installed that operates on re-circulated air.
- The exhaust system will incorporate one-way dampers that will allow air to flow to the outside but with no intake of outside air.
- All doors will include automatic closing devices and sealing gaskets to prevent the passage of air through the doors and door frames.
- All windows will be stationary.

The MCA-1 building currently has air contaminant sensors on the roof of the building that can trigger the alarm and initiate the SIP. The sensors will, however, be replaced with new sensors based on the chemical hazards that are currently in the area.

Shelter-In-Place Plan

Ramboll evaluated the proposed SIP Plan in October 2021 for consistency with Federal, State, and local guidelines and standards from multiple agencies and organizations including: the Santa Clara County Office of Emergency Services (SCC/OES), the California Office of Emergency Services (CalOES), the Federal Emergency Management Agency (FEMA), the United States Department of Labor Occupational Safety and Health Administration (OSHA), the Centers for Disease Control (CDC), and the United States Army Corps of Engineers (USACE).

The SIP Plan was evaluated on six criteria: plan objectives, preparation measures, response initiation and communication, roles and responsibilities, shelter-in-place procedures, and post-incident actions. The evaluation concluded that the SIP Plan is consistent with Federal, State, and local guidelines and standards and included the following conditions of approval:

**Conditions of Approval:**

- Develop a procedure to ensure that classrooms and areas with the fewest exterior doors and windows are prioritized as SIP areas.
- Document inspection and maintenance of the SIP system and its components in a long and store it in an accessible location for inspection by the SCFD, if requested.
- Ensure that a land-based telephone (i.e., land line, not cellular or internet-based phone), or walkie-talkies are present in the Command Center and at least one other location in each SIP area.
- A vacated designated team member of the SIP coordination team (i.e., MCA staff) position shall be filled immediately by a backup team member on a temporary basis, with a permanent replacement for the designated or backup position being filled no later than two weeks after the original position has been vacated.
- Plastic sheeting and tape shall be used to seal outside doors and mid-hall doors to prevent any chemicals from entering the rooms. Plastic sheeting shall be cut in sections large enough to fill gaps around outside and mid-hall doors and exterior windows. Pre-cut plastic sheeting and tape/adhesive shall be stored in readily accessible locations near exterior doorways and windows.
- Locations in the building that can be most easily sealed (e.g., classrooms with either no windows, or windows that can be sealed and cannot be opened, or large storage closets, utility rooms, meeting rooms, or a gymnasium) shall be identified.

In addition, the SIP Plan will include a restriction on the maximum number of students outside the two buildings at any given time during school hours, which is equivalent to 33 percent of the student population.[60] The project would include the above conditions of approval in the SIP Plan for the entire MCA site. The final SIP Plan will be reviewed by the SCFD for approval prior to issuance of an occupancy permit for the MCA-3 building.

Evacuation Plan

In the event that an off-site hazardous release would require students at the MCA school to evacuate the site, the SCFD is requiring an evacuation plan for the proposed project. In 2019, MCA prepared an evacuation plan for the MCA-1 and MCA-3 buildings, which was developed based on guidance from occupation OSHA Emergency Standards and is consistent with the emergency procedures in the SIP Plan. The evacuation plan addresses emergency response to chemical releases in the vicinity of the MCA-1 and MCA-3 properties. The following procedures are included in the evacuation plan:

- The evacuation plan identifies the Evacuation Plan Team including an MCA Communication Coordinator, Principal, Vice Principal, Students' Head Count Team, and the Contracted Bus Company.

- When the MCA school receives notice during a SIP that a chemical release has occurred which is flammable or otherwise posing danger to the SIP participants, the Principal shall initiate the evacuation plan.

- The Principal shall contact the contracted bus company via cell phone, who will in turn call the Principal upon arrival. The bus company shall provide at least seven buses to transport students and staff during school hours and at least three buses during non-school hours.

- The MCA Communication Coordinator shall maintain an emergency mass communication system to keep parents and guardians informed about evacuation situations. The coordinator shall immediately notify parents to pick up their children from the Masjid Al Noor Mosque following an evacuation.

With full and complete adherence to the EPP, SIP Plan, Evacuation Plan and alarm requirements, the City has determined that the project would comply with all applicable City policies related to hazardous materials.

[60] The MCA must demonstrate to the SCFD the ability to perform lockdown procedures with 33 percent of students on-site and outside the buildings.

## 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 Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[61]

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

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

[61] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed December 5, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

## Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[62] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures be properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 65 percent or more impervious).[63]

[62] California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

[63] The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the County's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[64]

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.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[65]

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

[64] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.
[65] California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed December 5, 2022.

response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

**Local**

Santa Clara 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-P13 | Require that development complies with the Flood Damage Protection Code. |
| 5.10.5-P20 | Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding. |

Santa Clara City Code

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

### 4.10.1.2 *Existing Conditions*

**Storm Drainage**

The City of Santa Clara owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into San Tomas Aquino Creek and the Guadalupe River, which flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the MCA-3 property.

Under existing conditions, the MCA-1 property is 320,552 square feet and the MCA-3 property is 109,406 square feet. The MCA-1 property has 254,701 square feet of impervious surfaces and the MCA-3 property has 102,811 square feet of impervious surfaces.

**Groundwater**

Based on the Phase I ESA completed for the MCA-3 property, the depth to groundwater at the property range from five to nine feet below the ground surface. Fluctuations in the groundwater level may occur due to seasonal variations in rainfall and temperature, nearby water courses, and groundwater recharge.

## Flooding

Most of the MCA-3 building and associated parking lot are within a zone designated by the Federal Emergency Management Agency as Zone AH. Zone AH is within a 100-year flood hazard area. Flood depths are typically one to three feet in these areas (which are usually areas where ponding occurs). A portion of the MCA-3 property is located within Zone X, which is not within a 100-year flood hazard area. Zone X is an area with 0.2 percent annual chance of flood, with one percent chance of annual flood with average depths of less than one foot or with drainage areas less than one square mile or is protected by levees from one percent chance of yearly flood.[66] Most of the MCA-1 property is within the Zone X designation. A small portion of the parking near the northern border of the property is within the Zone AH area.

## Dam Failure

According to the Valley Water dam failure inundation hazard maps, the project site (MCA-1 and MCA-3 properties) is located within the Lexington Dam failure inundation hazard zone.[67] The project site is located 12 miles from the Lexington Reservoir and the Lenihan Dam that created the reservoir. The dam is operated by Valley Water.[68]

## Seiches, Tsunamis, and Mudflows

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the MCA-3 property that would affect the property in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the MCA-3 property that would affect the property in the event of a tsunami.[69]

## NPDES Hydromodification

Based on the SCVUPPP Watershed Map for the City of Santa Clara, the southern portion of the MCA-1 property drains into a hardened channel. The northern portion of the MCA-1 property and the entire MCA-3 property are within a subwatershed that consists of 65 percent impervious surfaces or greater. As a result, the project is not subject to the NPDES hydromodification requirements.[70]

[66] Federal Emergency Management Agency. Map 06085C0064H. May 18, 2009. Accessed December 5, 2022. https://msc.fema.gov/portal/home.
[67] Santa Clara Valley Water District. Local Dams and Reservoirs. 2016. Sheet 7. Accessed December 5, 2022. https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf.
[68] Santa Clara Valley Water District. Local Dams and Reservoirs. Accessed December 5, 2022. https://www.valleywater.org/your-water/local-dams-and-reservoirs.
[69] California Department of Conservation. California Tsunami Maps and Data. Accessed December 5, 2022. https://www.conservation.ca.gov/cgs/tsunami/maps.
[70] Santa Clara Valley Urban Runoff Pollution Prevention Program. Local Hydromodification Management Applicability Maps. Accessed December 5, 2022. https://scvurppp.org/hmp-maps/.

### 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? | ☐ | ☐ | ☐ | ☒ |

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

#### Construction Water Quality Impacts

The project would include renovations to the existing MCA-3 building, removal and replacement of landscaping, and minor trenching (to a depth of three to five feet below the ground surface) in front of the building to relocate utilities and to allow for the addition of a sidewalk. No grading activities would occur during construction. The project would disturb approximately 0.45 acres (including both

the MCA-1 and MCA-3 properties) of land (for the installation of pedestrian paths and landscaping). Because the proposed project would not disturb one or more acres of land, the project would not require an NDPES General Construction Permit.

Although the project would result in minimal trenching and would not require grading, construction activities could result in limited dust, litter, oil, and other pollutants that could contaminate runoff from the site. The following measures would be required by the City as conditions of project approval to reduce construction-related water quality impacts:

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

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Dust-producing activities would be suspended during periods 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, and staging areas adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would be replanted as quickly as possible.

With implementation of the identified conditions of approval, the proposed project's construction stormwater pollution impacts would be reduced to a less than significant level. **(Less than Significant Impact)**

### Post-Construction Water Quality Impacts

The existing and proposed square footages of pervious and impervious surfaces for the 2.5-acre MCA-3 property are shown in Table 4.10-1. Approximately 210 square feet of impervious surfaces would be replaced in the 7.4-acre MCA-1 parking lot area. No impervious surfaces would be added to the MCA-1 property.

| Table 4.10-1: Pervious and Impervious Surfaces - MCA-3 Property | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Site Surface** | **Existing/Pre-Construction (sf)** | **%** | **Project/Post-Construction (sf)** | **%** | **Difference (sf)** | **%** | **Proposed area to be Replaced** |
| **Impervious** | | | | | | | |
| Roof | 34,900 | 31.9 | 34,900 | 31.9 | 0 | 0 | 3,570 |
| Parking | 58,489 | 53.5 | 57,995 | 53.0 | -494 | -0.5 | 2,085 |
| Sidewalks and Streets | 9,422 | 8.6 | 10,523 | 9.6 | +1,101 | +1.0 | 963 |
| *Subtotal* | **102,811** | **94** | **103,427** | **94.5** | **+616** | **+0.5** | **6,618** |
| **Pervious** | | | | | | | |
| Landscaping | 6,595 | 6.0 | 5,979 | 5.5 | -616 | -0.5 | 2,085 |
| **Total** | **109,406** | 100 | **109,406** | 100 | | | |

Implementation of the project would result in the addition of approximately 616 square feet of impervious surfaces and replacement of 6,618 square feet of impervious surfaces at the MCA-3 property. The project would result in a 0.5 percent increase in impervious surfaces when compared to the site's existing conditions. Stormwater from the property would drain via existing storm drains in Alfred Street. The increase in impervious surfaces and resulting increase in additional runoff at the property, when compared to existing conditions, would be minimal. Operation of the proposed school, recreational facilities, and meeting rooms would not result in activities or discharges that would violate water, wastewater, groundwater, or surface water quality standards. For these reasons, the project would not result in a violation of water quality standards post-construction. **(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 MCA-3 property is located in the Santa Clara Subbasin of the Santa Clara Valley Basin. Groundwater beneath the property has been encountered at depths ranging from five feet to nine feet below the ground surface. Limited trenching would occur in front of the MCA-3 property to depths of three to five feet below the ground surface to allow for the relocation of utilities. Groundwater would not likely be encountered during trenching activities. Any dewatering required for excavation and construction activities would comply with the City of Santa Clara's requirements for the discharge of groundwater and any applicable RWQCB procedures for discharges. Improvements to the property would not result in the need to pump groundwater and, therefore, the project would not decrease groundwater supplies. The MCA-3 property is not located in a groundwater recharge area

designated by Valley Water in the 2021 Groundwater Management Plan.[71] As a result, the project would not interfere with groundwater recharge. **(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 MCA-3 property's surface would not be altered other than the addition of approximately 616 square feet of impervious surfaces, replacement of 6,618 square feet of impervious surfaces, and replacement of 2,085 square feet of landscaping. Given the small increase of impervious surfaces, the project would not substantially increase the amount runoff from the property. Stormwater from the property would be directed to existing storm drains on-site and to the City's existing storm drainage system. The existing storm drainage system has sufficient capacity to support the current development. Because the increase in impervious surfaces would be minimal, the existing system would have sufficient capacity to support the proposed project. Therefore, the project would not substantially increase runoff that would result in flooding. Given the project would not substantially increase runoff and the small area of soil disturbance, alteration of the drainage pattern at the site would not occur and the project would not result in significant erosion or siltation. In addition, the project would not change the grading or add new structures to the site; therefore, the project would not impede or redirect flows compared to the existing conditions. **(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)** |

The MCA-3 property is not located near any bodies of water and is, therefore, not subject to a tsunami or seiche. A large portion of the MCA-3 property is located within a 100-year flood hazard area, designated by FEMA. The remaining portion of the property is designated as Zone X. The project would not include new construction or substantial improvements to the existing MCA-3 building. The MCA-3 building was constructed in accordance with the City's Flood Damage Prevention Code and, as a result, the project would not increase the risk of pollutant release due to project inundation. [72] **(Less Than Significant Impact)**

[71] Santa Clara Valley Water District. 2021 Groundwater Management Plan. Accessed December 5, 2022. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.
[72] City of Santa Clara. *Flood Damage Prevention Code: Ordinance No. 1576.* Accessed March 8, 2019. https://www.codepublishing.com/CA/SantaClara/html/pdfs/FloodDamagePreventionCode.pdf.

| Impact HYD-5: | The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (No Impact) |
|---|---|

The project would not result in the degradation of water quality, given the low net runoff that would be generated by the project. The project would, therefore, not conflict with a water quality control plan. The project would not access or use groundwater as a part of construction or standard operations of the proposed school and recreational facility. The project, therefore, would not conflict with the Valley Water's 2021 Groundwater Management Plan. **(No Impact)**

## 4.11 LAND USE AND PLANNING

### 4.11.1 Environmental Setting

**Santa Clara General Plan**

General Plan policies applicable to land use, include but are not limited to, the following listed below:

| 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-P12 | Encourage convenient pedestrian connections within new and existing developments. |

#### 4.11.1.1 *Existing Conditions*

**Project Site**

The project site is comprised of three parcels located at 3003 Scott Boulevard (MCA-1) and 3080/3100 Alfred Street (MCA-3) in the City of Santa Clara. The entire site totals approximately 9.9 acres. The MCA operations are currently located at the MCA-1 building. The MCA-1 property is currently developed with a 90,000-square foot, one-story building which consists of classrooms, two prayer halls, a community center, offices, and a cafeteria. The MCA-1 building is surrounded by a paved surface parking lot, a playground area and basketball on the west side of the building, and landscaping throughout the site. A full-time school operates at the MCA-1 property, serving children from pre-Kindergarten to 8$^{th}$ grade.

The two properties are separated by a chain link fence. The MCA-3 building is 34,900 square feet in size and is currently occupied by a non-profit donation center. The building is surrounded by a paved surface parking lot and landscaping. The MCA-3 property is accessed via ingress and egress driveways on Alfred Street and MCA-1 property is accessed via driveways on Alfred Street and Scott Boulevard.

Existing General Plan Land Use and Zoning Designations

The project site (MCA-1 and MCA-3 properties) is currently designated Low-Intensity Office/R&D in the General Plan. The designation is intended for campus-like office developments that includes office and R&D, as well as medical facilities and free-standing data centers, with manufacturing uses limited to a maximum of 20 percent of the building area. It includes landscaped areas for employee activities and parking that may be surface, structured, or below grade. The maximum FAR allowed under this designation is 1.0.

The ML – Light Industrial zoning designation (Chapter 18.48 of the City Code) is intended for (but not limited to) commercial storage and wholesale distribution warehouses, plants and facilities for

the manufacturing, processing, or repair of equipment and merchandise, and retail sales of industrial products. Retail commercial and service uses, kennels, and lumber yards (and other similar uses) may also be allowed as a conditional use. The maximum permitted building height within this zone is 70 feet. The MCA-1 property is operating under a Conditional Use Permit which allows up to 400 students.

**Surrounding Land Uses**

The project site is surrounded by office, industrial, recreation, and commercial buildings that vary in height from one to five stories.

Immediately north of the MCA-3 property is a one-story commercial building that is occupied by a coffee service company and a gym. To the east of the property on Alfred street are two data centers. To the south of the MCA-1 building are two-story office buildings on Space Park Drive and one to five story office buildings and a small restaurant south on Scott Boulevard. Two-story office buildings are located immediately to the west of MCA-3, the property on Jay Street. Applied Materials (an industrial equipment supplier) occupies three office/R&D buildings immediately to the west of Jay Street.

Alfred Street is a two-lane roadway with designated parallel parking spaces on both sides of the roadway. South of the MCA-1 property is Scott Boulevard, a four-lane roadway with landscape medians, landscaping of grass, trees, and groundcover along the street frontage, and continuous sidewalks in the project area. Jay Street (west of the MCA-3 property) is a two-lane roadway with sidewalks on both sides, and Space Park Drive (south of the MCA-1 property) is a four-lane roadway with a sidewalk on the north side of the street.

### 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 area includes a mix of office R&D, industrial, and commercial uses. Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes interior and minor exterior renovations to the existing MCA-3 building, relocation of utilities to allow for construction of a new sidewalk, pedestrian improvements, and removal and planting of new trees, would not include the construction of dividing infrastructure. The project would include the

expansion of an existing school, meeting room, and recreational facilities into the MCA-3 building. Implementation of the project would, therefore, not physically divide 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)** |
|---|---|

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility, and the first of these can result in an environmental impact under CEQA. The second type of conflict is a planning consideration only. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and its severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety. The discussion below describes potential impacts from the proposed project upon persons and the physical environment.

General Plan Policy 5.3.1-P21 allows for Public/Quasi Public uses, including schools and places of worship, in all General Plan designations when the use is consistent with applicable General Plan policies, accessible by a large roadway or collector, and compatible with planned uses on neighboring properties. The current zoning designation for the property, Light Industrial, does not allow for the creation of schools by right. Per Section 18.48 of the City Code, however, the Planning Commission can determine if the conditional uses that are not normally permitted for a zoning district are appropriate under the circumstances.

If the Planning Commission finds that a proposed land use is compatible with permitted uses, a Conditional Use Permit would be approved which would provide restrictions and agreements to ensure a project's consistency with the zoning designation. If the Planning Commission finds that the proposed use is inconsistent with the permitted uses, then approval of the project would violate the zoning code and the project could not be approved.

The MCA-1 and MCA-3 buildings are located on a site designated Low Intensity Office/R&D and zoned ML – Light Industrial. The MCA-1 facility has provided religious and educational services on the project site for over 10 years under the current CUP, based on the City's determination that the facility was compatible with the surrounding office, commercial, and light industrial land uses. Implementation of the proposed project would require an amendment to the current CUP to include use of the expansion building and account of the increase in students on-site.

While the number of students on-site would increase, the use of the site would be consistent with the existing operations which were determined to be compatible with the surrounding land uses. In addition, the project will be required to operate under the City's original CUP conditions, including implementation of an emergency preparedness plan (EPP), a shelter-in-place plan (SIP), a warning system (see Section 4.8, Hazards and Hazardous Materials*)*, and restrictions on the number of

children that can occupy outdoor areas of the site at any given time. The proposed increase of students and teachers at the site would increase ambient traffic noise levels, however, these noise levels would not result in a significant permanent noise increase (Section 4.12, Noise). For these reasons, with approval of an amended CUP, the project would be consistent and would not conflict with the General Plan policies, City regulations, and City Code. **(Less Than Significant Impact)**

## 4.12 MINERAL RESOURCES

### 4.12.1 Environmental Setting

#### 4.12.1.1 *Regulatory Framework*

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 is located in an area zoned MRZ-1 for aggregate materials by the State of California. MRZ-1 zones are areas where adequate information shows that no significant mineral deposits are present or areas where these deposits are not likely to be present. The City is not known to support significant mineral resources of any type. No mineral resources are currently being extracted in the City. The State Office of Mine Reclamation's list of mines regulated under the Surface Mining and Reclamation Act (SMARA) does not include any mines within the City.[73]

### 4.12.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project: | | | | |
| 1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| 2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

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

The MCA-3 property is within a developed urban area, and it does not contain any known mineral resources identified by the State Office of Mine Reclamation. The project, therefore, would not result

[73] City of Santa Clara. *City of Santa Clara Draft 2010-2035 General Plan, Volume I EIR Text*. January 2011.

in the loss of availability of a known mineral resource that would be of value to residents of the state. **(No Impact)**

| | |
|---|---|
| **Impact MIN-2:** | **The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (No Impact)** |

No mineral resources were identified in the City's General Plan. The proposed project would have no impact on locally important mineral resources. **(No Impact)**

## 4.13 NOISE

### 4.13.1 Environmental Setting

#### 4.13.1.1 *Background Information*

**Noise**

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including $L_{eq}$, DNL, or CNEL.[74] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). $L_{max}$ is the maximum A-weighted noise level during a measurement period.

**Vibration**

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

#### 4.13.1.2 *Regulatory Framework*

**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. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

[74] $L_{eq}$ 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

State CEQA Guidelines

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

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated permanent noise level increases of three dBA or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain below the normally acceptable noise level standard with the project, permanent noise level increases of 5 dBA or greater would be considered significant.

## Local

Santa Clara General Plan

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

| Policies | Description |
|---|---|
| 5.10.6-P1 | Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1.[1] |
| 5.10.6-P2 | Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels, as defined on Table 5.10-1.[1] |
| 5.10.6-P4 | Encourage the control of noise at the source through site design, building design, landscaping, hours of operation and other techniques. |

[1] General Plan Policies 5.10.6-P1 and 5.10.6-P2 reference the General Plan Noise Standards as Table 5.10-1. This General Plan Noise Standards table is labeled as Table 8.14-1 in the General Plan.

Educational land uses are considered compatible with $L_{dn}$ noise levels of up to 55 dBA and acceptable with design and insulation techniques in areas with $L_{dn}$ noise levels up to 70 dBA.

**Table 4.13-2: Noise and Land Use Compatibility (CNEL)**

| Land Use | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 |
|---|---|---|---|---|---|---|---|---|
| **Residential** | | | | | | | | |
| | | | | | | | | |
| **Educational** | | | | | | | | |
| | | | | | | | | |
| **Recreational** | | | | | | | | |
| | | | | | | | | |
| **Commercial** | | | | | | | | |
| | | | | | | | | |
| **Industrial** | | | | | | | | |
| | | | | | | | | |
| **Open Space** | | | | | | | | |

| | |
|---|---|
| | Compatible |
| | Require Design and insulation to reduce noise levels |
| | Incompatible. Avoid land use except when entirely indoors and an interior noise level of 45 $L_{dn}$ can be maintained |

*Source: City of Santa Clara 2010-2035 General Plan*

Santa Clara City Code

In Section 9.10.040 of the Santa Clara City Code, Schedule A shows the noise levels considered consistent with specific zoning designations. Outdoor noise levels of up to 55 decibels are considered acceptable for residences and public space, up to 65 for office uses, and up to 70 decibels for light industrial uses. The exterior noise regulations are the same for educational and residential land uses.

#### 4.13.1.3 *Existing Conditions*

The project site is located south of Highway 101, east of San Tomas Expressway, and immediately north of Scott Boulevard in the City of Santa Clara. Noise in the project area is generated primarily from vehicular traffic on these roadways. The City of Santa Clara General Plan shows the noise levels at the MCA-3 property as ranging between 65 to 70 dBA in 2008.[75] The future 2035 ambient noise levels at the property are also estimated to range from 65 to 70 dBA.

Based on the Norman Y. Mineta San José International Airport Master Plan future 2027 noise levels,

[75] City of Santa Clara. *City of Santa Clara Draft 2010-2035 General Plan, Volume 1 EIR Text.* January 2011. Accessed December 5, 2022. https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan.

the MCA-3 property is located between the 60 dBA CNEL and 65 dBA CNEL noise contours for the airport. The nearest noise-sensitive receptors are the students already attending the school at the MCA-1 building. There are no off-site noise-sensitive receptors within the immediate proximity to the site. The nearest off-site sensitive receptors are located on Lafayette Street, approximately 0.6 miles (2,900 feet) northeast of the site.

### 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)**

#### Thresholds of Significance

The CEQA Guidelines state that a project would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project would substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level would be substantial. The Santa Clara General Plan defines a three dBA $L_{dn}$ change as noticeable, a five dBA $L_{dn}$ change as distinct, and a 10 dBA $L_{dn}$ change as doubling of noise.[76] Typically, project generated noise level increases of three dBA $L_{dn}$ or greater are considered significant where resulting exterior noise levels would exceed the normally acceptable noise standard with the project. Where noise levels would remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA $L_{dn}$ or greater is considered significant.

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

### Project-Generated Operational Noise Impacts

Since the project would be expanding the school services of the MCA facility into the existing MCA-3 building, the assumption for the project is that traffic noise would be generated by school activities only such as student drop-offs and pick-ups. The traffic noise generated by the Friday, holiday, and weekend events would not change and have been discussed in the approved EIR for the existing MCA facility.

Based upon the traffic study prepared by Hexagon Transportation Consultants (see Section 4.16, *Transportation*), traffic noise levels would increase as a result of the project and other assumed growth in the project area. A noise increase is considered substantial if it increases the ambient noise level by three decibels or more in sensitive noise areas. A three-decibel increase is equivalent to a doubling of traffic on local roadways.[77] The project would result in a net increase of 2,438 average daily traffic trips that would be distributed across local roadways.

The nearest noise-sensitive receptors are the students already attending the school at the project site; the nearest off-site sensitive receptors are the residences located along Lafayette Avenue, approximately 0.6 miles northeast of the site (and 900 feet south of Montague Expressway). Based on the General Plan EIR, the average daily trips (ADT) on Lafayette Street, between Montague Expressway and US 101, is approximately 11,600 and the ADT on Montague Expressway, between Lafayette Street and Mission College Boulevard, is approximately 58,070 ADT. Based on the transportation impact assessment (TIA), three percent of the project's trips were assigned to Lafayette Street and 15 percent to Montague Expressway.

Project trips are also distributed along San Tomas Expressway, Central Expressway, and Scott Boulevard. San Tomas Expressway, between US 101 and Scott Boulevard, has an ADT of 66,510, Central Expressway, between San Tomas Expressway and Scott Boulevard, has a 40,250 ADT, and Scott Boulevard, between San Tomas Expressway and Central Expressway, has an ADT of 16,160. Based on the project trip distribution, therefore, would not double traffic along these roadways. Therefore, traffic generated by the project would result in a permanent noise increase and would result in a less than significant noise impact. **(Less Than Significant Impact)**

### Project-Generated Rooftop Equipment Noise Impacts

The project would be required to comply with the City Code Section 9.10.040 which limits noise levels from building equipment to 65 dBA $L_{eq}$ during the daytime (7:00 AM to 10:00 PM) and 60 dBA $L_{eq}$ during the evening (10:00 PM to 7:00 AM) at adjacent office land uses, and 70 dBA $L_{eq}$ anytime at adjacent light industrial land uses. There are commercial and industrial uses that surround the MCA-3 property. A new HVAC system that operates on re-circulated air would be installed at the building. The rooftop mechanical equipment noise levels would be required to comply with the City Code. As a result, the noise produced by mechanical equipment during project operations would significantly not impact adjacent businesses. **(Less Than Significant Impact)**

[77] Caltrans. *Technical Noise Supplement to the Traffic Noise Analysis Protocol.* September 2013.

**Construction/Temporary Noise Impacts**

The project would include interior and exterior improvements to the existing MCA-3 building, demolition of a small ancillary gazebo structure to the rear of the MCA-3 building, removal and replacement of landscaping, and trenching to access and relocate utilities in front of the MCA-3 building parking lot. The project would include limited use of heavy equipment (for trenching and demolition of an ancillary structure). The construction duration would be six to nine months.

Existing sensitive noise receptors (pre-Kindergarten through 8th students) are located at the MCA-1 building, approximately 180 feet south of the MCA-3 building. Given the short duration of construction and the limited use of heavy equipment, the project would not result in significant construction noise impacts to the existing students on-site. Although the project would not result in substantial construction noise, consistent with City Code requirements, the following Conditions of Approval will be implemented and would reduce impacts from construction activities on-site:

**Conditions of Approval**

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

Construction of the proposed project would temporarily increase noise levels in the immediate area of the project site. There are no off-site sensitive receptors in proximity to the site. The nearest off-site noise sensitive receptors (residences) are approximately 0.6 miles northeast of the MCA-3 property. As a result, the project would not be subject to the City Code 9.10.230, which requires construction hours to occur between 9:00 AM to 6:00 PM, for projects within 300 feet of an adjacent residence. As stated above, the project would not generate substantial construction noise. Therefore, the project would not result in excessive construction noise at on-site (existing MCA students) or off-site noise-sensitive receptors. **(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)** |

As discussed above, the project would not result in excessive construction noise levels. The project would not require equipment that would generate high vibration levels, such as vibratory rollers and pile driving equipment. Therefore, the project would not result in a significant construction-related vibration impact. **(Less Than Significant Impact)**

| | |
|---|---|
| **Impact NOI-3:** | **The project would be located within an airport land use plan. Nevertheless, the project would not expose people residing or working in the project area to excessive noise levels. (No Impact)** |

The nearest airport to the site is Norman Y. Mineta International Airport, approximately 0.8 miles southeast of the project site. The project site is located within the Airport Influence Area; however, it is located outside the noise contour levels of 65 dBA CNEL for the for Norman Y. Mineta

International Airport.[78,79] As a result, the project would not expose people residing or working in the project area to excessive noise levels, no impact. **(No Impact)**

### 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)*, CEQA generally applies to the effects of a project on the environment, and environmental effects on a project itself 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 policies of the City of Santa Clara 2035 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Based on the General Plan, noise levels associated with a sensitive land use project are normally acceptable if standard construction methods sufficiently attenuate exterior noise to 45 dB CNEL indoors. New school uses at the MCA-3 building is considered a sensitive land use. The following policies apply to the proposed project:

- **Policy 5.10.6-P1:** Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels defined on Table 5.10-1.

- **Policy 5.10.6-P2:** Incorporate noise attenuation measures for all projects that have noise exposure levels greater than General Plan "normally acceptable" levels, as defined on Table 5.10-1 in the General Plan.

- **Policy 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).

The exterior noise levels at the project site would range from 65 to 70 dBA in 2035. The current MCA-3 light industrial use is not required to meet the 45 dB CNEL interior noise standard. The project would introduce new school/sensitive uses at the MCA-3 building. The MCA-3 building was built using standard construction techniques, which can attenuate exterior noise levels by 20 dBA when windows are fixed. The interior noise levels at the MCA-3 building could, therefore, range from 45 to 50 dBA. In accordance the General Plan Policy 5.10.6-P2, the project applicant will be required as a condition of project approval to incorporate noise attenuation measures (including insulation requirements) to reduce indoor noise to normally acceptable levels prior to the issuance of an occupancy permit.

[78] County of Santa Clara. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport, Airport Influence Area Figure 8. May 25, 2011*. Amended November 16, 2016.
[79] Ibid. *2022 Aircraft Noise Contours, Figure 5.*

The MCA-3 property is located between the 60 and 65 dBA CNEL noise contour lines in the Norman Y. Mineta International Airport Master Plan for 2027. Given the project was constructed in accordance with standard building techniques (which reduces noise levels by 20 dBA), future students at the property would not be exposed to excessive airport noise.

## 4.14 POPULATION AND HOUSING

### 4.14.1 Environmental Setting

#### 4.14.1.1 *Regulatory Framework*

**Regional and Local**

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[80]

ABAG develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

#### 4.14.1.2 *Existing Conditions*

According to a May 2022 estimate by the California Department of Finance, the City of Santa Clara has a total population of 130,127 persons.[81] There are estimated to be a total of 52,000 housing units in the City, with an average of 2.61 persons per household.[82] There are approximately 137,000 jobs in the City (estimated by ABAG for 2020).[83] 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.[84]

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.[85] 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.[86] 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.

---

[80] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.
[81] California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State 2020-2022*. May 2022. Accessed December 5, 2022. http://dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[82] Ibid.
[83] The above population and employment estimated are based on pre-COVID/pandemic conditions.
[84] Ibid. City of Santa Clara. 2010-2035 General Plan. December 2014 Update.
[85] City of Santa Clara 2010-2035 General Plan. December 2014. Appendix 8.12 (Housing Element). Page 8.12-25.
[86] 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 proposed expansion of school, recreation, and meeting room facilities to the MCA-3 building would result in an incremental increase in jobs citywide because new staff would be required for the increase of students. There are currently 64 staff members (which includes principal, teachers, custodians and receptionists) at the MCA-1 building. The project would result in a maximum of 74 staff members, which is an increase of 10 staff members. This increase in staff does not account for the number of employees that currently occupy the MCA-3 building (a non-profit donation center and bicycle repair facility). There is currently a shortage of available housing within the City of Santa Clara compared to the number of jobs within the City. The increase of 10 jobs would incrementally increase the overall jobs/housing imbalance within the City; however, the increase would be a fraction of the 154,300 total jobs in the City and would not be a substantial change.

The proposed school and recreation facilities would occupy the existing MCA-3 building and would add approximately 900 square feet of floor space to the existing building, which would result in a total square footage of 35,800 square feet. The project, however, would not result in an expansion of urban services or the pressure to expand beyond the City's existing capacity. The existing roads and other infrastructure have sufficient capacity to accommodate the proposed uses at the MCA-3 property. **(Less Than Significant Impact)**

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

The project is located in an area designated for job growth in the General Plan. The project would add 10 jobs to the site, which has not previously been used for residential purposes; therefore, the proposed project would not displace existing housing or people. Implementation of the proposed project would have no impact on housing in Santa Clara. **(No Impact)**

## 4.15 PUBLIC SERVICES

### 4.15.1 Environmental Setting

#### 4.15.1.1 *Regulatory Framework*

**Regional and Local**

Countywide Trails Master Plan

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

Santa Clara General Plan

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

| Policies | Description |
|---|---|
| 5.9.3-P2 | Provide police and fire services that respond to community goals for a safe and secure environment for people and property. |
| 5.9.3-P3 | Maintain a City-wide average three-minute response time for 90 percent of police emergency service calls. |
| 5.9.3-P4 | Maintain a City-wide average three-minute response time for fire emergency service calls. |
| 5.10.5-P28 | Continue to require all new development and subdivisions to meet or exceed the City's adopted Fire Code provisions. |

#### 4.15.1.2 *Existing Conditions*

**Fire Protection Services**

Fire protection services are provided by the City of Santa Clara Fire Department (SCFD). The SCFD is comprised of 154 full time firefighters and 40 reserve firefighters.[87] Currently, the SCFD has nine fire stations. The nearest station to the project is Station No. 2 located at 1900 Walsh Avenue, located approximately 0.6 miles south of the site.

**Police Protection Services**

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions: Services, Field Operations, Investigations, and Special Operations, and

[87] City of Santa Clara Fire Department. Annual Report. Accessed December 5, 2022. https://www.santaclaraca.gov/home/showpublisheddocument/77310/637993717508570000.

has approximately 153 sworn officers and 79 civilians.[88] There are currently two police stations, the headquarters located at 601 El Camino Real, two miles southeast of the project site, and a substation located at 3992 Rivermark Parkway (approximately one mile northeast of the site).

### Schools

Schools that serve children in grades K-12 who reside in the City of Santa Clara are operated by six school districts: the Santa Clara Unified School District (SCUSD), San José Unified School District, Cupertino Union School District, Fremont Union High School District, Campbell Union School District, and Campbell Union High School District. The project area is within the SCUSD attendance boundaries.

### Parks

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities with the City. Overall, as of February 2023, the Department maintains and operates Central Park, a 45.04-acre community park (45.0 acres improved and Central Park North 35.0 acres unimproved, resulting in 80.0 acres), 30 neighborhood parks (125.4 acres improved and 5.2 acres unimproved resulting in approximately 130.6 acres), 13 mini parks (2.6 acres improved and 3.2 acres unimproved resulting in 5.8 acres), public open space (16.1 acres improved and 40.1 acres unimproved resulting in 56.2 acres), recreational facilities (23.898 acres improved, and excluding the BMX track), recreational trails (7.6 acres improved and 0.2 acres unimproved resulting in 7.8 acres), and joint use facilities (48.6 acres) throughout the City, totaling approximately 269.3 improved acres and 83.6 unimproved acres. Community parks are over 15 acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one-acre in size.

There are not any  City neighborhood parks within a one half mile radius (a 10-minute walk) of the project.

### Libraries

There are three libraries in the City of Santa Clara. Central Park Library is the largest City Library located at 2635 Homestead Road, approximately 2.5 miles south of the project site. The Northside Branch Library is located at 695 Moreland Way, approximately 1.3 miles northeast of the project site. The Mission Library Family Reading Center is located at 1098 Lexington Street, approximately 2.1 miles southeast of the project site.[89]

[88] City of Santa Clara, Police Department. *Divisions*. Accessed December 5, 2022. https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet

[89] City of Santa Clara. *Santa Clara City Library: Santa Clara City Library: About the Library.* Accessed June 29, 2023. https://www.sclibrary.org/.
- *Central Park Library.* Accessed June 29, 2023. https://www.sclibrary.org/about-us/locations-and-hours/central-park-library..

### 4.15.2 Impact Discussion

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

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

The proposed project would occupy the existing MCA-3 building that is already served by SCFD. The project would add 900 square feet to the 34,900 square foot building, 10 employees, and 463 students. The oversight of the EPP, SIP, and Evacuation Plan would not result in a significant increase in demand for services on the SCFD. The project would not preclude the SCFD from meeting their service goals and would not require the construction of new or expanded fire facilities. The General Plan EIR concluded that additional SCFD officers, if needed to serve the build out of the General Plan, would be housed in existing facilities and no new or expanded facilities would be necessary. Consequently, the project would not require new facilities or expansion of current facilities to provide adequate fire protection services and meet the City's overall service goals. The proposed project would be reviewed by the SCFD and be built to applicable Fire Code standards in use when construction permits are issued, including sprinklers and smoke detectors, and would include features that would reduce potential fire hazards. **(Less Than Significant Impact)**

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

The proposed project would occupy the existing MCA-3 building which is already served by SCPD. The project would add 900 square feet to the 34,000 square foot building, 10 employees, and 463 students. The project would not preclude the SCPD from meeting their service goals and would not require the construction of new or expanded police facilities. The MCA-3 facility would comply with General Plan Policies, such as General Plan Policy 5.9.3-P7, which encourages property maintenance to reduce crime associated with blight, and to promote public and property safety. As a result, the proposed project would not result in a significant impact on police protection services. **(Less Than Significant Impact)**

| | |
|---|---|
| **Impact PS-3:** | **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. (No Impact)** |

The project would expand an existing MCA school and recreational facilities into an existing commercial building. The project does include any residential uses and would not generate new students within the City's school districts. Therefore, the proposed project would have no impact on school facilities or capacities in the City of Santa Clara. **(No 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, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. (No Impact)** |

The project would expand an existing MCA-1 school, recreation and meeting room facilities into the existing MCA-3 building and would not include any residential uses. Since the project would not include residential uses, the project would not affect the City's parkland standard for neighborhood parks of 2.6 acres of parkland per 1,000 residents per the California Mitigation Fee Act provisions of City Code and 3.0 acres of parkland per 1,000 residents per the California Quimby Act . An incremental increase in 10 employees and 463 students in the City would not result in an increase in usage of local recreational facilities. No City parks or trails are within walking distance (within one-half of a mile) of the project. The proposed project includes interior recreational areas such as a basketball gym, a fitness room and game room that would alleviate the use of existing parks and recreational facilities. Therefore, the proposed expansion would not result in impacts to existing parks or recreational facilities. **(No Impact)**

| | |
|---|---|
| **Impact PS-5:** | **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. (No Impact)** |

The proposed project would expand an existing school, recreation and meeting room facilities into an existing commercial building. The project would not include any residential uses. Therefore, the proposed project would have no impact on library facilities in the City of Santa Clara. **(No Impact)**

## 4.16 RECREATION

### 4.16.1 Environmental Setting

#### 4.16.1.1 *Regulatory Framework*

**State**

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.

Quimby Act - Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) was approved by the California legislature to set aside 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 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 parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

#### 4.16.1.2 *Existing Conditions*

The City of Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities with the City. Overall, as of February 2023, the Department maintains and operates Central Park, a 45.04-acre community park (45.0 acres improved and Central Park North 35.0 acres unimproved, resulting in 80.0 acres), 30 neighborhood parks (125.4 acres improved and 5.2 acres unimproved resulting in approximately 130.6 acres), 13 mini parks (2.6 acres improved and 3.2 acres unimproved resulting in 5.8 acres), public open space (16.1 acres improved and 40.1 acres unimproved resulting in 56.2 acres), recreational facilities (23.898 acres improved, and excluding the BMX track), recreational trails (7.6 acres improved and 0.2 acres unimproved resulting in 7.8 acres), and joint use facilities (48.6 acres) throughout the City, totaling approximately 269.3 improved acres and 83.6 unimproved acres. Community parks are over 15 acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one-acre in size.

There are not any City neighborhood parks within a one half mile radius (a 10-minute walk) of the project.

### 4.16.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| 1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

**Impact REC-1: The project would not increase in 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. (No Impact)**

The proposed project is the expansion of an existing school, recreation and meeting room facilities to the existing MCA-3 building and does not include any residential uses. An incremental increase in 10 employees in the City would not result in an increase in usage of local recreational facilities. No City parks or trails are within walking distance (within one-half of a mile) of the property . The proposed project includes interior recreational areas such as a basketball gym, a fitness room and game room that would alleviate the use of existing parks and recreational facilities. Therefore, the proposed expansion would not result in physical deterioration of the existing parks or recreational facilities. **(No Impact)**

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

As discussed in the response to Impact REC-1 above the project would not result in an adverse on the physical environment of existing parks or recreational facilities given the small increase in employees, the nearest facilities are approximately one mile away from the project site (MCA-1 and MCA-3 properties), and the project includes recreational facilities that would reduce the use of existing facilities. The project's recreational facilities (basketball gym, fitness room, and game room) would occupy the existing MCA-3 building and would not result in an adverse impact to the physical environment. **(No Impact)**

## 4.17 TRANSPORTATION

The following information is based on a Transportation Analysis completed by Hexagon Transportation Consultants December 16, 2022. A copy of the report is attached as Appendix E.

### 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 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

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

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

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, for example, the adopted threshold is 15 percent below the existing countywide VMT per capita.

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. Transit supportive projects which are located within one half 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.

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.

Typically, residential, office, and industrial projects in the City of Santa Clara are evaluated using the Santa Clara County VTA's VMT Evaluation Tool which was developed to streamline the analysis for development projects. For non-residential or non-office projects, very large projects, or projects that can potentially shift travel patterns, other City-approved methods can be used to determine project VMT.

City of Santa Clara Bicycle Plan

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

Santa Clara Pedestrian Master Plan

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

Santa Clara General Plan

General Plan policy applicable to transportation/traffic includes, but is not limited to, the following policy listed below.

| Policies | Description |
|---|---|
| 5.8.4-P9 | Encourage pedestrian- and bicycle-oriented amenities, such as bicycle racks, benches, signalized mid-block crosswalks, and bus benches or enclosures. |
| 5.8.4-P13 | Promote pedestrian and bicycle safety through "best practices" or design guidelines for sidewalks, bicycle facilities, landscape strips and other buffers, as well as crosswalk design and placement. |
| 5.8.5-P5 | Encourage TDM programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles. |

#### 4.17.1.2 *Existing Conditions*

**Existing Roadway Network**

The existing roadway network serving the project area includes regional facilities and local roadways. Regional and local access to the project site is provided via the streets and highway described below.

Regional Access

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

Local Access

Local access to the site is provided by San Tomas Expressway, Central Expressway, Scott Boulevard, Duane Avenue, Alfred Street, and Space Park Drive. These roadways are described below.

*San Tomas Expressway* is a north-south expressway that begins at US 101 and extends southward through Santa Clara and San José and into Campbell, where it transitions into Camden Avenue at SR 17. Full interchanges are located at US 101 and SR 17. San Tomas Expressway is an eight-lane roadway including HOV lanes. Currently, the HOV lane designation is in effect in both directions of travel during both the AM and PM peak commute hours. During other times, the HOV lane is open to all users. South of El Camino Real and north of Homestead Road, San Tomas narrows to a six-lane roadway including HOV lanes. San Tomas Expressway provides access to and from the project site via Scott Boulevard.

*Central Expressway* is a six-lane east-west expressway including HOV lanes within the project area. The HOV lane designation is in effect in both directions of travel during the AM and PM peak commute hours. Central Expressway begins at its junction with De la Cruz Boulevard and extends westward into Palo Alto, where it transitions into Alma Street at San Antonio Road. Central Expressway provides access to and from the project site via Scott Boulevard.

*Scott Boulevard* is a divided four-lane north-south roadway that runs from Oakmead Parkway to Saratoga Avenue in Santa Clara. West of Oakmead Parkway it becomes Arques Avenue, and south of Saratoga Avenue, it becomes Newhall Street. Scott Boulevard is the southern project site frontage and provides direct access to the MCA-1 property via three existing driveways.

*Duane Avenue* is a two-lane roadway that runs parallel to and just south of US 101 between Lafayette Street and Jay Street. Duane Avenue provides access to the project site via Alfred Street.

*Alfred Street* is a two-lane roadway that runs between Duane Avenue and Space Park Drive. Alfred Street is the eastern project site frontage and provides direct access to the project site (both existing and proposed) via three existing driveways.

*Space Park Drive* is a two-lane roadway that extends from its intersection with Scott Boulevard eastward for less than one mile, at which point it elbows northward changing its designation to Raymond Street. Space Park Drive provides access to the project site via both Alfred Street and Scott Boulevard.

## Existing Bicycle and Pedestrian Facilities

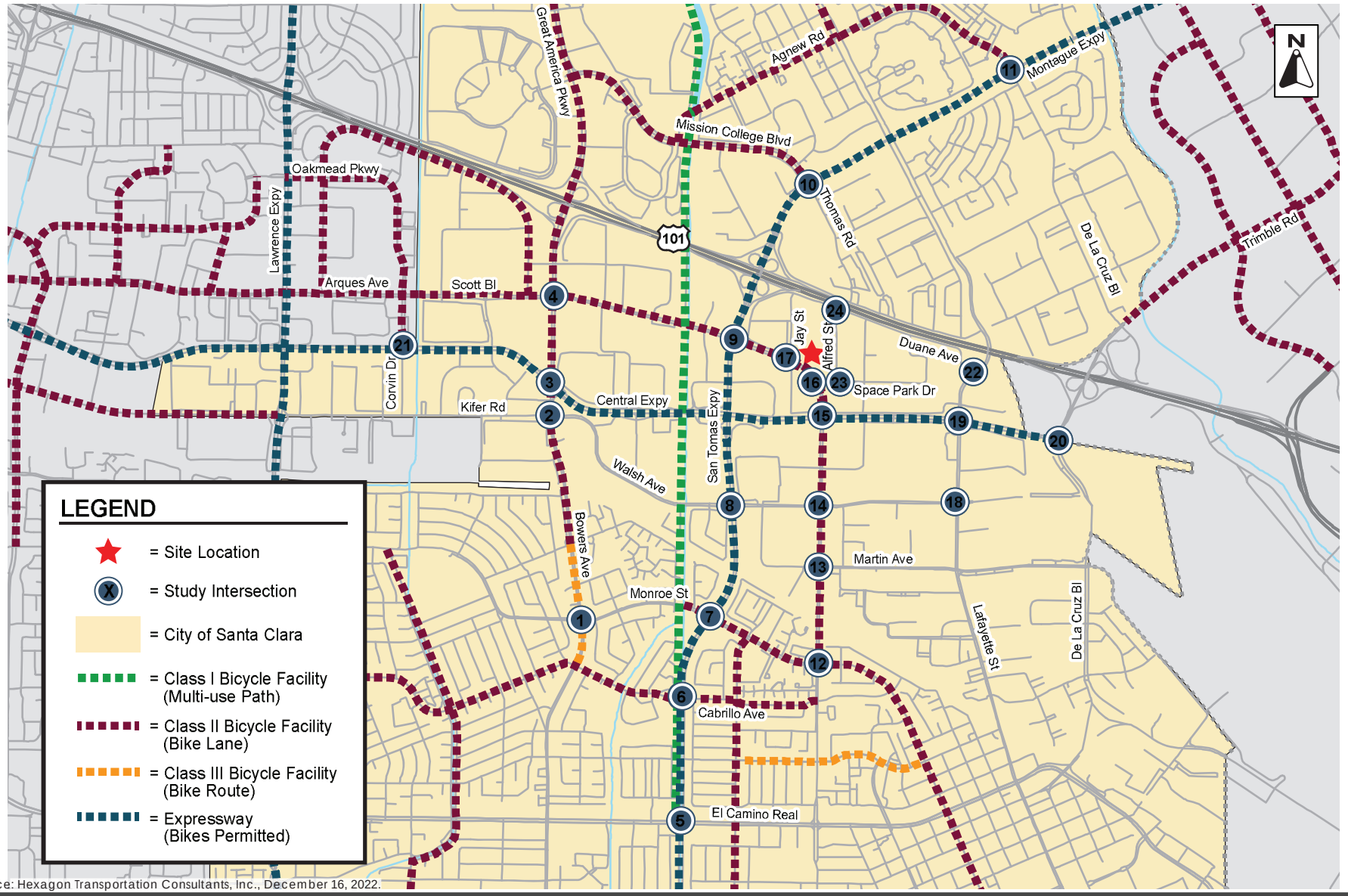
Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site. The existing bicycle facilities within the project area are described below and shown on Figure 4.17-1.

*Class I Trail or Path* is an off-street path with exclusive right-of-way for non-motorized transportation used for commuting as well as recreation. There is a Class I bicycle path adjacent to San Tomas Aquino Creek/San Tomas Expressway that extends from El Camino Real to Great America Parkway and Sunnyvale Baylands Park. The bicycle path can be accessed via the bicycle lanes on Scott Boulevard.

*Class II Bicycle Lanes* are designated lane for bicycles within the roadway. In the project vicinity, Class II bikeways are present along the following roadways:

- Scott Boulevard/Arques Avenue, from Monroe Street to North Fair Oaks Avenue in Sunnyvale
- Bowers Avenue/Great America Parkway, from Chromite Drive to SR 237
- Oakmead Parkway from Central Expressway to Duane Avenue in Sunnyvale
- Lakeside Drive, along the entire length of the road




Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the project vicinity, sidewalks are provided on the following roadways:

- Scott Boulevard
  - A sidewalk is located is located along the project frontage, south of the MCA-1 property, between Jay Street and Space Park Drive.
- Alfred Street
  - A sidewalk is located on the west side of the street along the MCA-1 property frontage. Sidewalks are missing along the MCA-3 property frontage as a well as along west side of the street (to the north of the site) and the east side of the street, across from the MCA-1 property.
- Space Park Drive
  - With the exception of the project site frontage of the MCA-1 property and other short segments east of the project site, there is no continuous sidewalk along the north side of Space Park Drive.
- Jay Street
  - A sidewalk is located on both sides of the street. A short segment of sidewalk on the east side of Jay Street, just south of Duane Avenue, is missing.
- Duane Avenue
  - There are short intermittent sidewalks located along the south side of Duane Avenue. Since the north side of the street fronts the US 101 southbound travel lanes, no sidewalks are present along the north side of the street.

Crosswalks are provided at the following intersections in the vicinity of the project site:

- Scott Boulevard and Space Park Drive, north and east legs of the intersection
- Jay Street and Scott Boulevard, north and west legs of the intersection
- Kenneth Street and Space Park Drive, all legs of the intersection
- Scott Boulevard and Central Expressway, all legs of the intersection

All of the crosswalks at the signalized study intersections include pedestrian signal heads and push buttons. In addition, a marked mid-block pedestrian crosswalk is located along Alfred Street, across from the MCA-1 building, connecting the MCA-1 parking lot and building to the parking lot of an industrial building on the east side of Alfred Street.

### Existing Transit Service

Existing transit service in the vicinity of the site is provided by the VTA. The nearest bus stop to the site is located along Scott Boulevard, at its intersection with Space Park Drive, approximately 100 feet west of the site (across from the MCA-1 property). Transit facilities in the vicinity of the site are shown on Figure 4.17-2. The nearest VTA bus services are shown in Table 4.17-1.

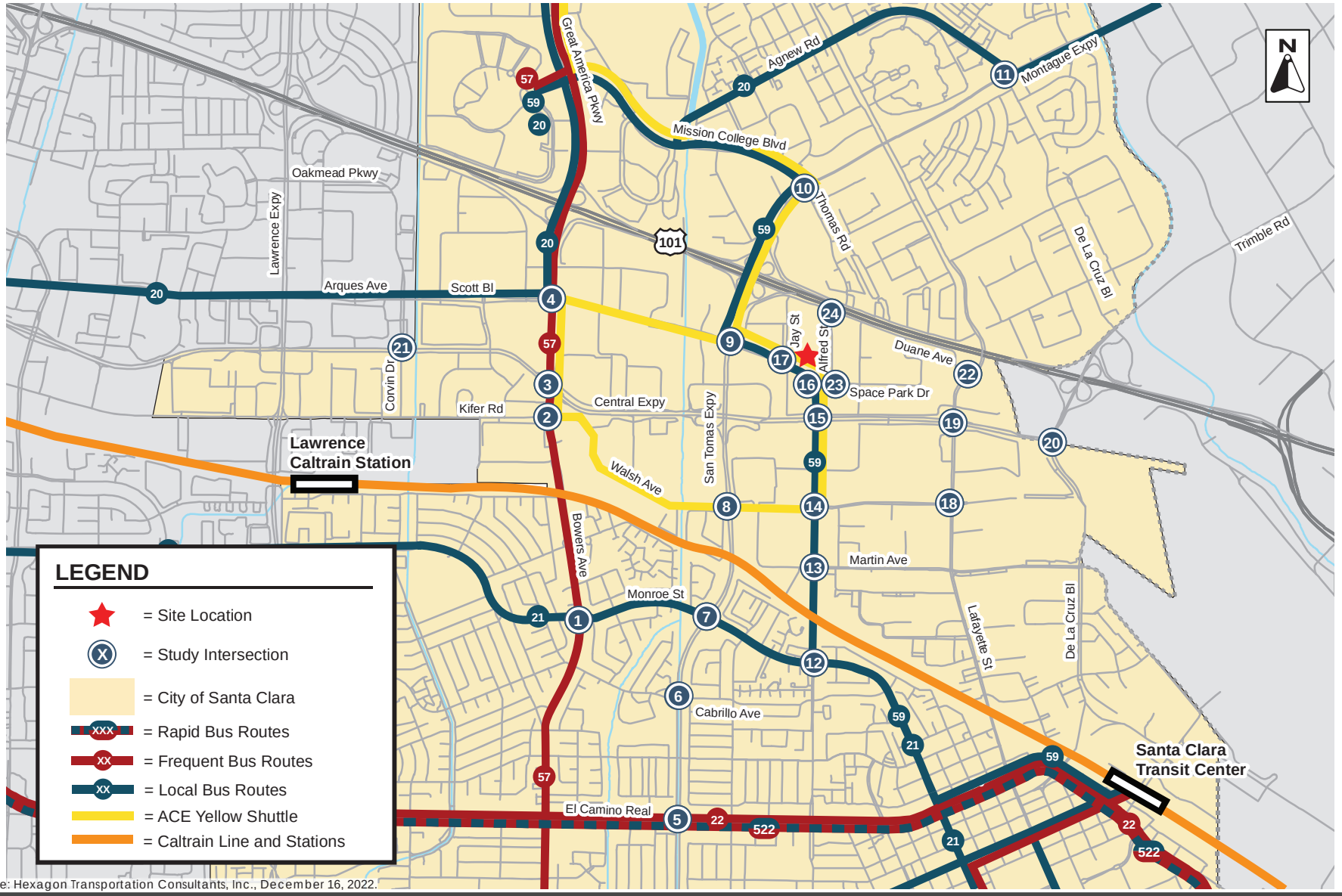
**Table 4.17-1: VTA Bus Service in the Project Area**

| Route and Hours of Operation | Route Description | Location of Nearest Bus Stop(s) | Headway [a] (min) |
|---|---|---|---|
| **Local Route 20**<br>6:21 AM to 8:05 PM | Milpitas BART to Sunnyvale Transit Center | Bowers Avenue and Scott Boulevard | 30 |
| **Local Route 21**<br>5:35 AM to 8:59 PM | Stanford Shopping Center to Santa Clara Transit Center | Scott Boulevard and Monroe Street | 30 |
| **Frequent Route 57**<br>5:48 AM to 10:48 PM | Old Ironsides Station to West Valley College | Bowers Avenue and Scott Boulevard | 15 to 20 |
| **Local Route 59**<br>5:50 AM to 10:19 PM | Stevens Creek and Saratoga Avenue to Baypointe Station in Alviso | Jay Street and Scott Boulevard<br>Scott Boulevard and Space Park Drive | 30 |
| **ACE Yellow (827) Shuttle**<br>6:06 AM to 9:59 AM<br>3:09 PM to 6:39 PM | Great America Station to South Santa Clara | Scott Boulevard and Space Park Drive | 60 |

Notes:

Source: VTA Service Schedule, September 2022.

[a] Headways during peak periods.




Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-2

## VMT of Existing Land Uses

Existing MCA School Student VMT

The existing MCA school has 437 students. The existing VMT per student was calculated based on current student address information. The student information included zip codes, each representing a current MCA school family/household, and the number of current MCA students in each household. Based on the student information, the total number of school households and number of students in each zip code was determined.

Based on the existing student information, the following information was used to calculate the existing VMT per student:

- Total number of households in all zip codes (288 households)
- Total number of students in all zip codes (437 students)
- Number of trips from/to each zip code in the AM and PM peak hours (360 AM and 403 PM total peak hour trips)
- Average number of students per household (1.4 students)
- Total student VMT (5,233.8 VMT per day)
- Existing average VMT per student (12.0 VMT per student per day)

Based on the above information, the average existing student VMT is 12.0 VMT per student/day, which was calculated by dividing the total daily student VMT by the number of students.

Existing MCA School Employee VMT

The number of MCA school staff/faculty (employees) at the existing MCA-1 school is 64. The VMT for employees was estimated in a similar manner as the student VMT. As with the student VMT, the existing VMT per employee was calculated based on current employee addresses provided by the MCA school staff. Based on this employee information, the following data was estimated to calculate the VMT per employee:

- Existing total employee VMT (1,168 VMT)
- Existing average VMT per employee (18.3 VMT per employee)

Based on the above information, the existing VMT per employee was estimated to be 18.3.

### 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 land 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)**

#### Transit Facilities

Due to the proximity of Scott Boulevard and Space Park Drive bus stop to the project site, high school students could utilize public transportation to access the school. For the purposes of this analysis, a commute hour transit mode share of one percent is assumed; therefore, it is estimated the project would generate no more than three new transit riders during the peak hours. Given the project site would be served directly by two local bus routes, no more than two new transit riders would access each of the available bus routes during the peak hours. Therefore, the projected transit riders associated with the project could be accommodated by the existing transit services.

An evaluation of the effects of project traffic on transit vehicle delay was also completed as a part of the project's transportation analysis. The analysis shows that the traffic associated with the proposed project would increase delays to transit vehicles by 27 seconds or less per vehicle. The VTA has no established policies or significance criteria related to transit vehicle delay. These results, therefore, are provided for informational purposes only. The proposed project would not interfere with the construction of planned transit facilities, nor would the project exceed the capacity of the existing system. The project would not conflict with a program plan, policy, or ordinance addressing transit. **(Less than Significant Impact)**

#### Roadways

The proposed project would contribute vehicle trips to the roadway network surrounding the project. As discussed in Appendix E of this Initial Study, based on the City's LOS standards, the project would not cause operational deficiencies under background plus project and cumulative plus project conditions that would require roadway improvements to any CMP intersection studied as part of the

operational analysis. Therefore, the proposed project would not alter the roadway circulation network. Therefore, the proposed project would result in less than significant impacts on roadway operations. **(Less than Significant Impact)**

**Pedestrian Facilities**

The project would construct a new five-foot wide sidewalk along the MCA-3 site frontage, providing a continuous sidewalk along the entire site frontage on Alfred Street. In addition, the project proposes to construct pedestrian improvements at the intersections of Scott Boulevard and Space Park Drive and Alfred Street and Space Park Drive. These improvements include The Americans with Disabilities Act (ADA) compliant curb ramp and two audible ADA accessible pedestrian push buttons at the northeast corner of the Scott Boulevard/Space Park Drive intersection. At the intersection of Alfred Street/Space Park Drive, an ADA compliant curb ramp will be installed at the northwest corner of the intersection, along with a crosswalk along the north leg of the intersection.

Further, the project would be required to comply with the following condition of approval which would require the improvement of pedestrian facilities surrounding the project site.

**Conditions of Approval:**

- Add a California Manual on Uniform Traffic Control Devices (CA MUTCD) school zone sign assembly, school crosswalk warning sign (SW24-1) along the westbound approach on Space Park Drive, between Kenneth Street and Alfred Street.
- Add a CA MUTCD school zone sign assembly SW24-1 (School Crosswalk Warning sign) along the northbound and southbound approaches on Scott Boulevard.
- Add a CA MUTCD school zone sign assembly SW 24-1 placed 100 feet north of the MCA-3 site inbound driveway.
- Replace existing standard yellow crosswalks with yellow high visibility (ladder crosswalks) and a white setback limit line at the intersection of Scott Boulevard and Space Park Drive.
- Change the yield to stop controlled, at the north leg of the Alfred Street/Space Park Drive T-intersection, per City Standard Detail TR-8, and add a yellow high visibility crosswalk along the north leg of the intersection.

All of the above improvements can be found on Figure 17, Existing and Proposed School Zone Signs and Pavement Markings, of the transportation analysis in Appendix E.

The above safety improvements would comply with the City's Pedestrian Master Plan and would improve the pedestrian traffic environment around the project site as identified in the plan. With the existing and proposed pedestrian facilities and conditions of approval, adequate pedestrian access to and from the site to nearby pedestrian destinations, such as bus stops, would be provided. The proposed project would not modify the existing pedestrian access around the site and would not conflict with existing plans, policies, or ordinances corresponding to pedestrian access. **(Less than Significant Impact)**

### Bicycle Facilities

The project could increase the demand for bicycle facilities in the vicinity of the project site. Assuming bicycle trips would be equivalent to no more than one percent of the total project generated trips, (based on the 2018 Bicycle Plan Update) the project could generate three to four new bicycle trips during the peak hours. This demand could be served by bicycle facilities in the immediate vicinity of the site. The increase in bicycle trips would not have an adverse effect on existing bicycle facilities and would not require new off-site bicycle facilities. The project would not remove existing bicycle facilities and would not interfere with existing plans, policies (such as the Santa Clara Bicycle Plan, General Plan Policies 5.8.4-P9 and 5.8.4-P13), or ordinances corresponding to bicycle facilities. **(Less than Significant Impact)**

| | |
|---|---|
| **Impact TRN-2:** | **As mitigated, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Less Than Significant Impact With Mitigation Incorporated)** |

The City has not established thresholds of significance for the evaluation of school projects. For this reason, an alternative method to evaluate the project's VMT was determined. The VMT analysis methodology and significance thresholds are described below.

Based on the City's Transportation Analysis Policy, projects that include general employment uses would result in a significant adverse transportation impact when the estimated project generated VMT exceeds the existing countywide average VMT per employee minus 15 percent. However, the countywide average VMT per employee is not considered to be an accurate representation of the VMT per employee generated by MCA school. Since the MCA school is a private school, employees commute from further distances, compared to public school or commercial office employees. For this reason, and for the purpose of evaluating the school employees, the VMT impact threshold is defined as 15 percent below the existing MCA average VMT per employee, which is 15.56 VMT per employee (the employee VMT impact threshold for project).

For student VMT, the threshold of significance is defined as the existing VMT per student, which is 12.0 VMT per student (which is the student VMT impact threshold for the project). An increase in VMT per student from existing levels is considered a project impact.

### Project VMT Per Student

Given the proposed project consists of the expansion of an existing school and since the City has no established thresholds of significance nor an adopted methodology for the evaluation of school projects, it was determined, that the evaluation of the project VMT should compare the VMT per student with the existing and proposed school operations.

With implementation of the proposed project, the student population would increase from 437 students to a total of 900 students. Since it is not known where the additional students would live, it was assumed that the new students would originate from the same areas that are currently being served by the school. In addition, MCA school staff estimates that 20 percent to 30 percent of the new students would be siblings of existing students. Based on the existing student information and

the above new student assumptions, the following information was estimated/calculated for the proposed 900-student school:

- Estimated average number of students per household (1.8 students per household)
- Estimated number of households (498 households)
- Estimated total number of households/students in all zip codes (total of 900 students)
- Estimated number of trips from/to each zip code in the AM and PM peak hours (623 trips in the AM peak hour and 697 trips in the PM peak hour)
- Total student VMT (9,160 VMT)
- Project average VMT per student (10.2 VMT per student)

The results of the VMT evaluation showed that with implementation of the proposed school expansion, the VMT per student is projected to decrease from 12.0 miles under existing conditions to 10.2 miles. The reduction in VMT per student is the result of more students from the same household attending the school. Therefore, the increase in students under the proposed project would not result in a significant VMT impact. **(Less than Significant Impact)**

**Project VMT Per Employee**

With implementation of the proposed project, 10 new MCA school employees (resulting in a total of 74 employees) would be required to serve the increase in the number of students. Since it is not known where the additional employees would live, it was assumed that the new employees would originate from the same areas where the current employees live. Based on the existing employee information and the above assumptions, the following information was estimated for the 10 new additional MCA employees and the anticipated total number of employees with implementation of the proposed school expansion:

- Estimated employee total VMT (1,275.5 VMT)
- Estimated average VMT per employee (17.2 VMT per employee)

The VMT per employee for the project is estimated to be 17.2 miles, which is a decrease in VMT per employee from existing conditions. However, compared to the identified threshold of 15.56 VMT per employee, the total number of MCA employees would continue to generate VMT per employee above the significance threshold. Therefore, the increase in MCA employees would result in a significant VMT impact.

Based on the identified VMT impact thresholds for the analysis of the project, the project would need to implement VMT reduction measures to achieve a 10 percent reduction (17.2 VMT per employee to 15.56 VMT per employee) in its average VMT per employee to reduce the impact to a less than significant level. The project's VMT per employee could be reduced with the implementation of Travel Demand Management (TDM) strategies.

Possible TDM measures applicable to the MCA school employees were evaluated using the VTA VMT Evaluation Tool to quantify the effect they would have on the project employee VMT.[90] To

[90] Note that VTA's VMT Evaluation Tool was used to develop mitigation measures; however, it was not used to calculate VMT.

evaluate the MCA VMT per employee using this tool, the estimated number of daily school employee trips was converted to an equivalent amount of office space using the ITE Trip Generation Manual (ITE land use 710).

**Mitigation Measures**: The following mitigation measures shall be implemented to reduce the significant VMT per employee impacts to less than significant.

**MM TRN-2.1:** **Implement a Commute Trip Reduction Program.** The project applicant shall implement a TDM program that could include carpooling, ride share assistance, flexible/alternative work schedules, vanpool assistance, and bicycle end of trip facilities to reduce the number of drive-alone commute trips to the project. Implementation of this TDM measure would reduce the project's VMT per employee by approximately five percent with 100 percent employee participation. The TDM measures shall be approved by the City's Director of Community Development prior to issuance of an occupancy permit.

**MM TRN-2.2:** **Alternative Transportation Benefits**. The project applicant shall provide general commute benefits to employees, which would include financial subsidies or pre-tax deductions to encourage the use of alternative transportation modes, such as transit, carpooling, and vanpooling. Per the VMT tool, implementation of this TDM measure could reduce the project's VMT per employee by approximately 20 percent with 100 percent employee participation. The TDM measures shall be approved by the City's Director of Community Development prior to issuance of an occupancy permit.

**MM TRN-2.3:** **Annual Monitoring and Reporting**. The project applicant shall complete annual monitoring and report to ensure mitigation measures MM TRN-2.1 and MM TRN-2.2 are implemented and effective in reducing the project VMT to 15.56 miles per employee. The project applicant shall consult with the City's Director of Community Development as needed to ensure the monitoring and reporting meets the City's standards.

The combination of mitigation measures MM TRN-2.1 and MM TRN-2.2, which include TDM measures, is projected to reduce the project's VMT per employee by no more than 20 percent, assuming 100 percent of the employees would participate in the programs. Since the proposed project requires a 10 percent reduction in VMT per employee, an employee participation of 30 to 40 percent in alternative transportation benefits (mitigation measure MM TRN-2.2) would achieve the required reduction in VMT per employee. Therefore, the project would be required to implement mitigation measure MM TRN-2.2 or a combination of mitigation measures MM TRN-2.1 and MM TRN-2.2 to reduce the project VMT to a less than significant level. With the implementation mitigation measures MM TRN-2.1 through MM TRN-2.3, the project would result in a less than significant VMT impact. **(Less than Significant Impact with Mitigation Incorporated)**

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

Site access to the MCA-1 site would continue to be provided via Driveways 1 through 4 (Figure 4.17-3 shows the project driveways). Access to the MCA-3 property would be provided via its two existing driveways along Alfred Street (Driveways 5 and 6), with Driveway 5 providing outbound access and Driveway 6 providing inbound access. Driveways 1, 2, and 4 (which would provide two-way access) are 34 to 38 feet wide. Driveways 3, 5, and 6, all of which provide one-way access, are 18 to 25 feet wide. Driveways 3 and 5 would be 24 to 25 feet wide. The existing Driveway 6 is 18 feet wide. Based on the Santa Clara City Code, Chapter 18.74 (Parking Regulations), two-way driveways providing access to all properties other than residential shall be a minimum width of at least 24 feet and a maximum width of 30 feet. Approaches to one-way driveways may be 20 feet. The existing Driveway 6 is 18 feet wide and would not meet the City's driveway width standard for one-way driveways. The remaining project driveways meet the City's driveway width standards.

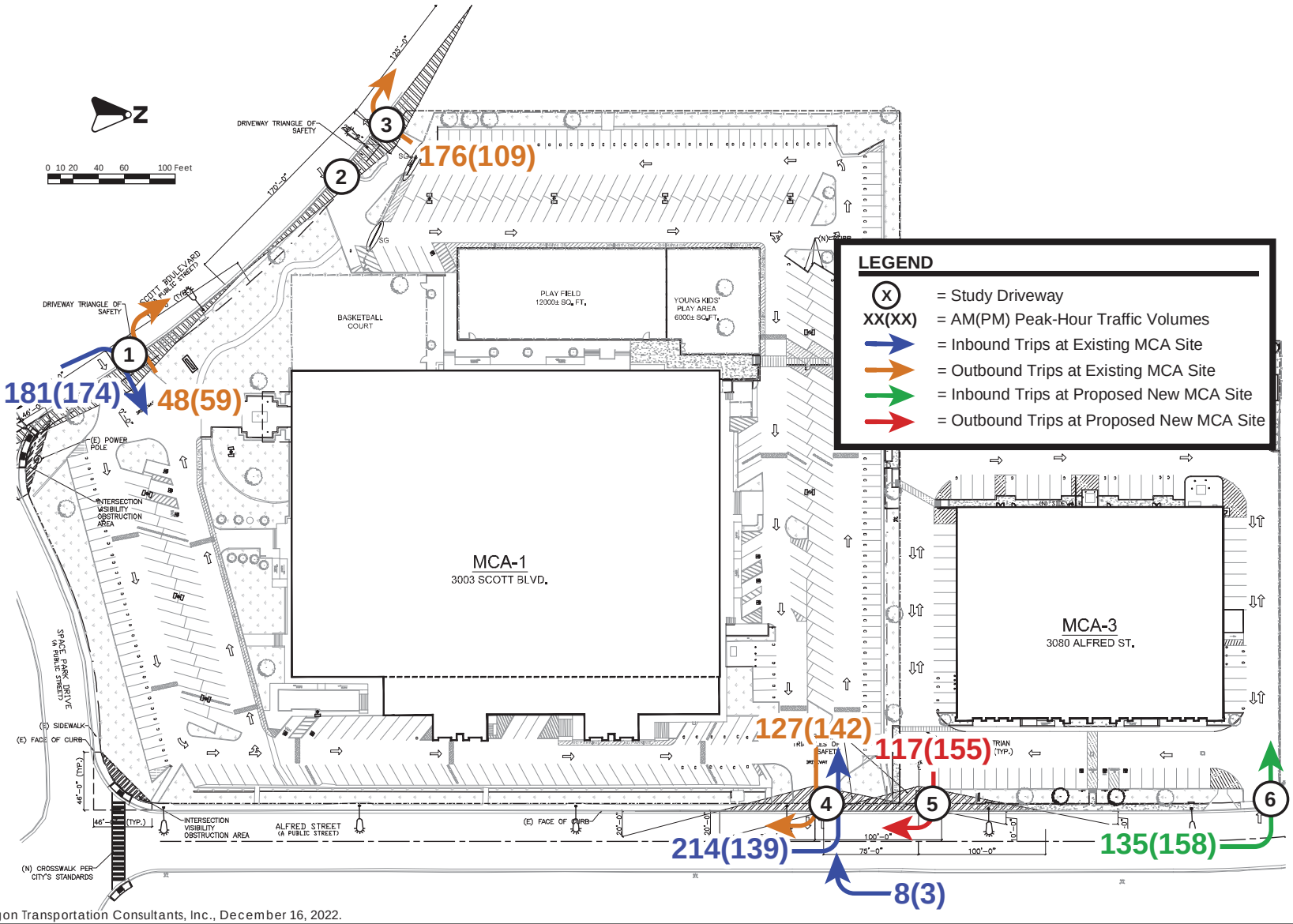
There is no centerline along the entire length of Alfred Street. This could be potentially dangerous for vehicles accessing the site via Alfred Street, as there is no roadway separation between northbound and southbound traffic along this roadway.

**Condition of Approval**

The project applicant shall implement to following conditions of approval:

- Prior to project occupancy, the project applicant shall widen Driveway 6 to at least 20 feet to meet the City's driveway width standard for one-way driveways. The project applicant shall submit a revised site plan which shows the 20-feet driveway to the City prior to project occupancy.
- Prior to project occupancy, the project applicant shall add Centerline Detail 22 along Alfred Street. The project applicant shall submit plans showing this detail to the City prior to project occupancy.

With the implementation of the above conditions of approval, the project would meet the City's design and safety standards. The parking lot layout and design of the building would remain the same, with the exception of minor exterior and interior renovations to the MCA-3 building and removal of landscaping in the parking lot area to allow for adequate vehicle access and movement. As a result, the project would not increase hazards due to the design of the site or incompatible land uses. **(Less Than Significant Impact)**




Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

PROJECT DRIVEWAYS

FIGURE 4.17-3

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

Emergency vehicles would access the site (MCA-1 and MCA-3 properties) from the Alfred Street and Scott Boulevard frontages. All project site driveways at the MCA-1 property currently provide adequate width for larger vehicles (such as emergency vehicles, delivery trucks, and garbage trucks) to access the site.

Based on an emergency access plan prepared for the MCA-3 property, emergency vehicles would enter and exit the site via Driveway 6 (northernmost driveway). The available turn-radii on the property would be 28 feet with 26-foot-wide drive aisles, adequate for larger vehicle circulation. Based on the proposed site plan and layout, the project would have adequate emergency access. **(Less Than Significant Impact)**

### 4.17.3 Non-CEQA Effects

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

## 4.18 TRIBAL CULTURAL RESOURCES

### 4.18.1 Environmental Setting

#### 4.18.1.1 *Regulatory Framework*

**State**

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

#### 4.18.1.2 *Existing Conditions*

Tribal resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. Under Assembly Bill 52, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. 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[91]. The Tamien Nation has requested notification of projects in the City of Santa Clara under AB 52.

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

### 4.18.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? | ☐ | ☒ | ☐ | ☐ |
| 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☐ | ☒ | ☐ | ☐ |

**Impact TCR-1:** As mitigated, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact with Mitigation Incorporated)**

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. The City submitted a notification of the project to the Tamien Nation tribe and other Native American tribes on March 9, 2023, in response to the tribe's request to be notified of projects in the City under AB 52. No tribes requested a formal consultation with the City about the project.

No known tribal cultural resources, including sites, features, places, cultural landscapes or sacred place have been identified at the site based on available information.[92]

Based on available data, there are no recorded tribal cultural objects in the project area. Any subsurface artifacts found on-site would be addressed consistent with mitigation measures MM CUL-2.1, CUL-2.2, and CUL-3.1 specified in this document. Therefore, with the implementation of

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

mitigation measures, the proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact with Mitigation Incorporated)**

| | |
|---|---|
| **Impact TCR-2:** | **As mitigated, 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 with Mitigation Incorporated)** |

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

## 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.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;

- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

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. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[93]

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.

### 4.19.1.2 *Existing Conditions*

**Water Services**

Water is provided to the site by the City of Santa Clara Water Utility. The system consists of more than 335 miles of water mains, 26 active wells, and seven storage tanks with approximately 28.8 million gallons of water capacity.[94] Drinking water is provided by an extensive underground aquifer (accessed by the City's wells) and by two wholesale water importers: the SCVWD and the San Francisco Hetch-Hetchy System. The three sources are used interchangeably or are blended together. A water recharge program administered by Valley Water from local reservoirs and imported Sacramento-San Joaquin Delta water enhances the dependability of the underground aquifer.

[93] CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

[94] City of Santa Clara. *Water Utility*. Accessed March 8, 2019. Available at: http://santaclaraca.gov/government/departments/water-sewer-utilities/water-utility.

The existing MCA-1 facility is estimated to use approximately 8,699 gallons of indoor water per day and 18,386 gallons of outdoor water per day and the MCA-3 facility is estimated to use 7,083 gallons of water per day for indoor use and 4,341 gallons of water per day for outdoor use.[95]

No recycled water lines are connected to the project site. There are currently recycled water lines on Duane Avenue, between Alfred Street and Kenneth Street, approximately 700 feet northeast of the site. There are no planned recycled water lines within the immediate project area.[96]

### Wastewater Services

The City of Santa Clara Department of Public Works and Water and Sewer Utilities are responsible for the wastewater collection system within the City. Wastewater is collected by sewer systems in Santa Clara and is conveyed by pipelines to the Regional Wastewater Facility (RWF) located in San José. The RWF is one of the largest advanced wastewater treatment facilities in California and serves over 1,400,000 people in San José, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno.[97] The RWF has available capacity to treat up to 167 million gallons per day (mgd). The RWF presently operates at an average dry weather flow of 110 mgd, which is 57 mgd (or 35 percent) under the facility's 167 mgd treatment capacity. Approximately 10 percent of the plant's effluent is recycled for non-potable uses and the remainder flows into San Francisco Bay.[98]

On average, landscape irrigation is equal to approximately 15 percent of non-residential properties' total potable water use and the remainder (85 percent) leaves the site as wastewater. Based on this assumption, approximately 6,021 gallons of wastewater per day is generated by MCA-3 and 7,394 gallons of wastewater per day by MCA-1 building. Wastewater is diverted into existing sanitary sewer lines in Alfred Street, Space Park Drive, and Scott Boulevard.

### Storm Drainage

Runoff from the project site flows into the City of Santa Clara municipal storm drainage system through existing storm drains that serve the project area. Existing storm drains on Alfred Street serve the MCA-3 property and storm drains on Scott Boulevard serve the MCA-1 property.

### Solid Waste

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste System through a contract with the City. Mission Trail Waste System also has a contract to implement the Clean Green portion of the City's recycling plan by collecting yard waste. All other recycling services are provided through Stevens Creek Disposal and Recycling. The City has an arrangement with the owners of the Newby Island Landfill, located in San José, to provide disposal capacity for the City of

[95] CalEEMod Results. December 2022. Indoor Water Usage Rates: 28,997 gallons for each 1,000 square feet/year (90)/300 days = 8,699 gallons per day. Non-profit donation center (Free Standing Discount Store) = 74,073 gallons for each 1,000 square feet (34.9)/365 days = 7,083 gallons of water per day.

[96] City of Santa Clara. *Recycled Water System Map*. www.santaclaraca.gov/index.aspx?page=2091 Accessed February 26, 2019.

[97] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed February 18, 2022. https://www.sanjoseca.gov/home/showpublisheddocument/32061/637267825445900000.

[98] Ibid.

Santa Clara through 2024. The City of San José approved expansion of Newby Island Landfill in August 2012 and the landfill could continue to provide disposal capacity to Santa Clara beyond 2024. Prior to 2024, the City would need to amend their contract with Newby Island or contract with another landfill operator, which would be subject to environmental review. The City also owns property outside its jurisdictional boundaries that could provide for solid waste disposal. The Newby Island Landfill has a remaining capacity of 12.8 million cubic yards.[99] If the landfill is not available to accept waste, the City will prepare a contract with another landfill, such as Guadalupe Mines in San José, which is anticipated to close in 2048.

As discussed in Section 3.19.1.1 Regulatory Framework, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. In addition to the state targets, the City of Santa Clara has a construction debris diversion ordinance which requires all projects over 5,000 square feet to divert a minimum of 50 percent of construction and demolition debris from landfills. Landscaping/tree maintenance would occur on the project site that would generate yard waste. Minimal soil waste is generated from site maintenance.

The existing MCA-1 building generates approximately 780 pounds of solid waste per day and the MCA-3 building generates approximately 822 pounds of solid waste per day.[100]

**Other Utilities**

Silicon Valley Power supplies the electricity to the project site (including the MCA-3 property (and PG&E provides natural gas services to the site. Refer to Section 4.6, *Energy* includes a discussion of electricity and natural gas use at the site.

[99] Personal Communication. Huber, Rachelle, Newby Island Landfill. *Re: Newby - remaining capacity and est. closure date needed.* June 2, 2022.

[100] California Air Pollution Control Officers Association. *California Emissions Estimator Model User's Guide: Version 2020.4.0,* Elementary School: 1.3 tons for each 1,000 square feet/year (90)/300 days *(2,000 pounds per ton) = 780 pounds of solid waste per day. Non-profit donation center (Free Standing Discount Store): 4.3 tons for each 1,000 square feet (34.9)/365 days * (2,000 pounds per ton) = 822 pounds of solid waste per day.

### 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? | ☐ | ☐ | ☒ | ☐ |
| 5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

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

The proposed project would not require the construction or expansion of water, wastewater treatment or stormwater drains, natural gas lines, or telecommunication facilities. The proposed expansion of the MCA school into the MCA-3 building would result in approximately 12,662 gallons per day of indoor water use and 10,762 gallons of wastewater per day which is an increase in 5,579 gallons of water and 4,741 gallons of wastewater per day when compared to the existing uses at the MCA-3 building.[101] While there would be an increase in water demand, the project would not result in the construction or expansion of water or wastewater utilities. Stormwater from the site would be directed to existing storm drains on-site and to the City's existing storm drainage system. The existing storm drainage system has sufficient capacity to support the proposed uses at the MCA-3

[101] CalEEMod MCA-3 Energy and Utilities Output. December 6, 2022.

property and the existing surrounding development. As discussed in Section 4.9, *Hydrology and Water Quality*, the project would result in the addition of 616 square feet of impervious surfaces and would not result in a substantial increase in runoff.

The proposed project would result in a decrease in electricity demand and would increase natural gas demand at the MCA-3 by 86,000 kBtu (refer to Section 4.6, *Energy*). Electricity and natural gas services would continue to be provided by Silicon Valley Power and PG&E, respectively, and would not result in an exceedance of capacity. The project would not impact telecommunication facilities.

The project would relocate underground utilities (including utility boxes, valves, underground lines) along the MCA-3 building frontage to allow for the construction of a five-foot wide sidewalk along Alfred Street. The relocated utilities would connect to the City's existing utilities, which would not result in a significant environmental impact. **(Less Than Significant Impact)**

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

As discussed in the response to Impact UTL-1, project would result in an increase in water demand by 5,579 gallons of water per day when compared to the existing non-profit donation center and MCA-1 school uses; however, the increase in water demand would not exceed the capacity of the Santa Clara Water Utility to provide water services to the site. The project would connect to existing water lines on Alfred Street. Water usage at the MCA-1 building would not change from the existing usage. The City's existing water utilities has sufficient capacity for the proposed water usage at the site. **(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)** |

The RWF has the capacity to treat 167 mgd of wastewater, and the City's allocation of treatment capacity is approximately 28.8 mgd.[102] As discussed in the response to Impact UTL-1, the project would result in an increase of wastewater generation (by 4,741 gallons of water per day) at the site. However, the project would not increase the need for wastewater treatment beyond the capacity of the RWF. Therefore, the project would not have a significant impact on the capacity of the RWF. **(Less Than Significant Impact)**

[102] City of Santa Clara. *Water and Sewer Utilities Fact Sheet.* Accessed December 8, 2022. https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/fact-sheet. RWF treatment capacity = 167 mgd, City of Santa Clara's Share = 15 percent of treatment capacity.

| 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. (Less than Significant Impact) |
|---|---|

### Landfill Capacity

The Newby Island Landfill, located in San José, has an agreement with the City to provide disposal capacity through 2024. It is estimated that the project would generate approximately 1,090 pounds of solid waste per day and 327,080 pounds of solid waste per year (which is approximately 752 cubic yards per year).[103] Therefore, the project would increase the amount of solid waste by 268 pounds per day and 97,820 pounds per year (which is approximately 225cubic yards per year).

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

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

The proposed project would result in an increase of solid waste by 268 pounds per day compared to the existing uses at the MCA-3 building. The project would comply with the City's General Policies and waste diversion goals, as well as state goals set forth in SB 1383, which targets a 75 percent reduction in the level of the statewide disposal of organic waste by 2025. The project would utilize organic waste collection services provided by the City. Thus, the project would not impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

[103] Source: CalEEMod Results. December 2022.

## 4.20 WILDFIRE

### 4.20.1 Environmental Setting

#### 4.20.1.1 *Existing Conditions*

The California Department of Forestry and Fire Protection (Cal Fire) is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZ), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. The project site is not located in or adjacent to a FHSZ.[104]

### 4.20.2 Impact Discussion

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|---|---|---|---|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| 1) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| 2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☐ | ☒ |
| 3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☐ | ☒ |
| 4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☐ | ☒ |

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

[104] California Board of Forestry and Fire Protection. *Fire Hazard Severity Zones Maps*. Accessed April 8, 2019. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.

## 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

### 4.21.1 Impact Discussion

| | | 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 project would not degrade the quality of the environment with the implementation of identified mitigation measures. As discussed in Section 4.4, Biological Resources, the project would not impact sensitive habitat or species. In addition, implementation of the identified mitigation measures in Section 4.4, Biological Resources would reduce construction impacts to nesting birds. Identified mitigation measures in Section 4.5, Cultural Resources would avoid or reduce impacts to unknown subsurface cultural resources. The project would have no impact on historic resources. The project does not include new building construction or result in significant impacts to geology and soils (refer to Section 4.6, Geology and Soils). Identified conditions of approval in Section 4.8, Hazards and

Hazardous Materials would reduce the risk of release of ACMs and lead into the environment during construction. **(Less Than Significant Impact with Mitigation Incorporated)**

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

A number of projects have been recently approved or are reasonably foreseeable in the City of Santa Clara in the general vicinity of the project site (refer to Appendix E, Transportation Analysis for a list of approved and pending projects). These cumulative projects include the development or redevelopment of office/R&D/industrial uses, residential/mixed-use, and hotel developments. The nearest cumulative projects to the site are an approved data center project which will be located at 3060 Raymond Street, approximately 0.25-mile east of the project site, and an approved data center/warehouse project, which will be located at 960 Central Expressway, approximately 0.25-mile southeast of the site. While these individual projects may result in significant impacts in particular issue areas, it is assumed that these projects would comply with existing regulations and statutes and would incorporate mitigation and avoidance measures to reduce potential impacts to a less than significant level, if necessary.

The project would not impact agricultural and forest resources, mineral resources, and recreational resources, and would not result in wildfire hazards. Therefore, the project would not contribute to a significant cumulative impact related to these resource areas.

### Cumulative Air Quality, Energy, GHG Emissions, and Noise Impacts

The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level thresholds identified by BAAQMD (which the project's impacts were compared to in Section 4.3, Air Quality) are the basis for determining whether a project has a cumulatively considerable contribution to the existing cumulatively significant air quality impact. Given the project includes demolition of a small wooden gazebo and no new building construction, the project would not result in a cumulatively considerable contribution to construction criteria air pollutant emissions (with the implementation of BAAQMD BMPs to reduce fugitive dust emissions). The project is below BAAQMD's screening size for operational criteria air pollutants for a junior high school and high school and would not result in a cumulatively considerable contribution to regional operational criteria air pollutant emissions.

The proposed project and past, present, and future development projects worldwide contribute to global climate change. A single project cannot change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. Since the project would be consistent with the measures in the City's Climate Action Plan, the project would not result in significant GHG emissions. For these reasons, the project would not result in a cumulatively considerable contribution to global GHG emissions.

The geographic area for construction air pollutant and noise sensitive receptors is within 1,000 feet of the project site. The nearest existing air quality and noise sensitive receptors are students at the existing MCA-1 building. The nearest off-site receptors are residences located 2,900 feet northeast of the project site. Given the project would require limited diesel/heavy equipment that would generate substantial emissions, the project would not result in a cumulatively considerable contribution to construction TAC and noise impacts to existing receptors on-site. Since the nearest noise and air quality off-site sensitive receptors are 2,900 feet northeast of the MCA-3 site, the project would not result in a cumulatively considerable contribution to construction air quality or noise impacts to these receptors. The addition of project traffic would not double traffic along local roadways and would, therefore, not result in a cumulatively considerable contribution to cumulative traffic noise impacts.

The geographic area for cumulative energy impacts is the State of California. If a project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. The project would not result in significant energy impacts or conflict with a state or local plan for energy efficiency. The project, therefore, would not have a cumulatively considerable contribution to a significant cumulative energy impact.

### Cultural Resources, Tribal Cultural Resources, Geology and Soils, and Hydrology and Water Quality Impacts

The geographic area is the project site and adjacent parcels for cumulative cultural resources, tribal cultural resources, and geology and soils impacts. With the implementation City's General Plan policies and mitigation measures, the project would not result in a significant cultural resources, tribal cultural resources, or geology and soils. The project would not contribute to cumulative impacts to these resources, since these are specific to the site, and do not have the potential to contribute to or combine with localized, specific conditions on other project sites across the City. The geographic area for cumulative hydrology and water quality impacts is the San Tomas Aquino Creek watershed. Cumulative developments within this watershed would have similar hydrological and urban runoff conditions. With the implementation of conditions of approval during construction to reduce water quality impacts, the project would not substantially contribute to the cumulative water quality impacts on nearby creeks.

### Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to trees is the project site and adjacent parcels, and to special status species is Santa Clara County. The project site consists of mostly paved surfaces with limited landscaping and does not include special-status species. The project would not contribute to a cumulative impact to special status species. The project would result in a loss of 13 trees (including two native redwood trees). Trees would be replaced in accordance with the City's tree replacement

policy, and therefore, the project would not result in a significant contribution to a cumulative biological impact.

### Cumulative Aesthetics, Land Use, and Hazardous Materials Impacts

The geographic area for cumulative aesthetics, land use, and hazards and hazardous materials is the project site and adjacent parcels. The project would be consistent with the MCA-1 school use and combined with pending and approved projects in the area, would not result in a significant cumulative land use impact. The project would make minor exterior renovations to the existing MCA-3 building and would not significantly contribute to a cumulative aesthetic impact. Given the results of previous sampling activities, soil and groundwater contamination at the MCA-3 property is below applicable thresholds. With the implementation of applicable regulations and measures to avoid the release of significant asbestos and lead during construction, the project would not result in a cumulatively considerable hazardous materials impact.

### Cumulative Population and Housing, Public Services and Utilities and Service Systems Impacts

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

Build out of the General Plan would result in an increase in sewage generated within the City. As discussed in the certified General Plan EIR, the average dry weather flows projected from the full build out of the General Plan were projected to be within the City's allocated treatment capacity at the RWF, which at the time of the certification of the General Plan EIR was 20.1 mgd[105] and below the City's 2017 flow allocation of approximately 20.5 mgd.

Since the certification date of the General Plan EIR, however, the City has approved development applications that have included General Plan amendments, each of which have incrementally increased the potential sewage generation at full build out. Consequently, it is conceivable that at some point prior to 2035, the City could exceed its current capacity allocation. However, the RWF has excess flow capacity of approximately 59.7 mgd, and the City has a process to obtain additional capacity rights at the RWF, without the need for any physical improvements to the RWF, should the need arise.[106]

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

[105] City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH# 2008092005. January 2011. Page 228.

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

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

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

Build out of the City and the proposed project would generate solid waste that would need to be disposed of appropriately. Consistent with the conclusion in the certified General Plan EIR and City Place Santa Clara Project EIR,[107] without a specific plan for disposing of solid waste beyond 2024, the solid waste generated by development in the City post-2024 (including waste from the proposed project and other cumulative projects) would result in a significant unavoidable cumulative impact.

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

The geographic area for cumulative population and housing and public service impacts is Citywide. Given the project would not increase the resident population in the City and would not substantially increase the number of employees at the site, the project would not substantially contribute to a cumulative impact on population and housing or public services. **(Less than Significant Cumulative Impact)**

### Cumulative Transportation Impacts

The geographic area for cumulative transportation impacts is Citywide. The project would result in a decrease in VMT per student compared to the existing VMT and would be below the VMT threshold. With the implementation of the identified mitigation measures (i.e., TDM measures), the project would have a VMT per employee below the VMT threshold. The project, in concert with other projects in the region, would not substantially impact the transit services in the area around the site. Additionally, the project would not result in significant changes to pedestrian or bicycle facilities and therefore, would not cumulatively impact these facilities throughout the City. Further, the project would not impact emergency access to the project area and would not cumulatively reduce emergency response in the City of Santa Clara. Therefore, the proposed development project would have a less than significant cumulative impact because the project would not result in a cumulatively considerable contribution to transportation impacts in the project area. **(Less Than Significant Cumulative Impact with Mitigation Incorporated)**

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

| 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 conditions of approval, mitigation measures, and General Plan policies would, however, reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less Than Significant Impact)**

# SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:


Association of Bay Area Governments. *Future Place Type for Priority Development Areas in Santa Clara County*. http://www.sanjoseca.gov/DocumentCenter/View/735. Accessed February 4, 2019.

California Air Resources Board. *The Advanced Clean Cars Program.* Accessed February 4, 2019. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program.

California Air Pollution Control Officers Association. *CalEEMod User's Guide, Appendix D; Default Data Tables. Table 9.1: Water Use Rates*. October 2017.

California Air Pollution Control Officers Association. *California Emissions Estimator Model User's Guide: Version 2016.3.2, Appendix D, Default Data Tables. Table 9.1. Water Use Rates.*

California Board of Forestry and Fire Protection. *State Responsibility Area Viewer*. Accessed June 29, 2023. https://bof.fire.ca.gov/projects-and-programs/state-responsibility-area-viewer/.

California Building Standards Commission. *Welcome to the California Building Standards Commission*. Accessed December 22, 2022. http://www.bsc.ca.gov/.

California Department of Conservation. *Santa Clara County Important Farmland 2016*. September 2018. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/scl16.pdf. Accessed December 22, 2022.

California Department of Conservation. *Santa Clara County Tsunami Inundation Maps*. Milpitas and Mountain View Quadrangles. https://www.conservation.ca.gov/cgs/Pages/Tsunami/Maps/SantaClara.aspx. Accessed December 22, 2022.

California Department of Finance. *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark*. May 2018.

California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed December 5, 2022.

California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed May 10, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.

California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed May 10, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

California Environmental Protection Agency. “Cortese List Data Resources.” Accessed June 29, 2023. https://calepa.ca.gov/sitecleanup/corteselist/.

California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022.

California State Water Resources Control Board. “2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report).” May 11, 2022. Accessed December 5, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

Caltrans. *Technical Noise Supplement to the Traffic Noise Analysis Protocol.* September 2013.

CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. Accessed June 29, 2023. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

City of Santa Clara. City of Santa Clara General Plan 2010-2035. 2010. Amended 2022.

--. *2010-2035 General Plan Integrated Final Environmental Impact Report.* SCH# 2008092005. January 2011.

- *Central Park Library.* Accessed June 29, 2023. https://www.sclibrary.org/about-us/locations-and-hours/central-park-library..

--. *Climate Action Plan.* June 2022.

--. *Emergency Operations Plan: Hazard Mitigation Plan*. October 2017. Accessed June 29, 2023. https://www.santaclaraca.gov/services/emergency-services/emergency-preparedness.

--. Santa Clara Fire Department  Annual Report. Accessed December 5, 2022. https://www.santaclaraca.gov/home/showpublisheddocument/77310/637993717508570000.

--. Santa Clara Police Department. *Divisions*. Accessed December 5, 2022. https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet.

--. *Santa Clara City Library: About the Library*. Accessed June 29, 2023. https://www.sclibrary.org/..

Federal Emergency Management Agency.  Map 06085C0064H. May 18, 2009. Accessed June 29, 2023. https://msc.fema.gov/portal/home.

Hexagon Transportation Consultants. *MCA School Expansion: Transportation Analysis*. December 16, 2022.

Illingworth & Rodkin. *Muslim Community Association Health Risk Assessment, Santa Clara, California*. November 30, 2022.

National Highway Traffic Safety Administration. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards.* August 28, 2012. Accessed December 22, 2022.

https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.

Norman Y. Mineta San José International Airport. *Notice Requirement Criteria for Filing FAA Form 7460-1*. 2013.

Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed December 22, 2022. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

Ramboll. *Phase I Environmental Site Assessment: 3080-3100 Alfred Street, Santa Clara, California 95054*. September 30, 2016.

--. *Indoor Air Quality Investigation Report, 3080/3011 Alfred Street, Santa Clara, California*. September 21, 2018.

--. *Screening Site Investigation Results, 3080/3011 Alfred Street, Santa Clara, California*. November 2, 2016.

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* May 2011.

Santa Clara County Airport Land Use Commission. C*omprehensive Land Use Plan, Santa Clara County: Norman Y. Mineta San José International Airport.* Adopted May 25, 2011. Amended November 16, 2016.

Santa Clara Valley Urban Runoff Pollution Prevention Program. "Hydromodification Management Applicability Maps - City of Santa Clara."

Santa Clara Valley Water District. *2021 Groundwater Management Plan*. November 2021.

Santa Clara Valley Water District. Local Dams and Reservoirs. Accessed December 5, 2022. https://www.valleywater.org/your-water/local-dams-and-reservoirs.

Santa Clara Valley Water District. *Subsidence.* Accessed December 22, 2022. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/subsidence.

Silicon Valley Power. Accessed December 22, 2022. http://www.siliconvalleypower.com/.

United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed June 29, 2023. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed June 29, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.

U.S. Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014–2043*. Revised August 2016.

# SECTION 6.0 LEAD AGENCY AND CONSULTANTS

## 6.1 LEAD AGENCY

**City of Santa Clara**
Community Development Department
Andrew Crabtree, Director of Community Development
Steve Le, Project Planner

## 6.2 CONSULTANTS

**David J. Powers & Associates, Inc.**
Environmental Consultants and Planners

Shannon George, *Principal Project Manager*
Amber Sharpe, *Project Manager*
Ryan Osako, *Graphic Artist*

**Hexagon Transportation Consultants**
Gilroy, CA
Transportation

**Illingworth & Rodkin**
Petaluma, CA
Air Quality Consultant

**Ramboll**
San Francisco, CA
Hazardous Materials Consultant

**Running Moose Environmental Consulting**
San José, CA
Hazardous Materials Consultant