

Draft Environmental Impact Report

Tasman East Specific Plan Amendment + 1500 Units

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All appendices are incorporated herein by this reference. No other documents are incorporated by reference.

Summary

The City of Santa Clara proposes to modify the approved Tasman East Specific Plan (approved project) to accommodate up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare. The proposed amendment to the approved project is the project evaluated in this Draft Subsequent Environmental Impact Report (SEIR).

Summary of Significant Impacts and Mitigation Measures

The following table is a brief summary of the significant environmental impacts of the project identified and discussed within this Draft SEIR. The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0, Project Information and Description*, and *Section 3.0, Environmental Setting, Impacts, and Mitigation*. Alternatives to the proposed project are also summarized at the end of this section.

Impact	Mitigation Measures
Air Quality	
Impact AQ-1: The project would result in significant construction air pollutant emissions due to dust generation and emissions of TACs and criteria pollutants during construction.	MM AQ-1.1: During any construction period ground disturbance, the applicant shall ensure that the project contractor implements the following Bay Area Air District Best Management Practices (BMPs): • All exposed unpaved 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 five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall

Impact	Mitigation Measures
	be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the construction firm 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 contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., generators). MM AQ-1.2: Construction criteria pollutant and TAC quantification will be required on a project-level basis for individual development projects once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. The analysis must be submitted for City review and approval, once complete. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and PM_{2.5} emissions of 0.3 µg/m³. Criteria pollutant emissions shall not exceed the Bay Area Air District's construction criteria pollutant emissions thresholds. Reduction in emissions can be accomplished through, though is not limited to, the following measures: • Construction equipment selection for low emissions; • Use of alternative fuels, engine retrofits, and added exhaust devices; • Low-volatile organic compound (VOC) paints; • Modify construction schedule; and • Implementation of the Bay Area Air District's Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact AQ-2: The operation of the project would result in significant operational ROG emissions thereby contributing to regional ozone impacts.	MM AQ-2.1: Proposed residential development within the Specific Plan shall implement TDM programs to reduce residential vehicle miles traveled as required by the City's Climate Action Plan. The TDM programs would be reviewed and approved by the Community Development Director prior to issuance of building permits. An annual TDM monitoring report shall be

Impact	Mitigation Measures
	submitted to the Community Development Director to document each development is meeting the required TDM program reductions. MM AQ-2.2: Proposed development within the Specific Plan shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Community Development Director. MM AQ-2.3: Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the “Low-VOC” or “Super-Compliant” requirements. “Low-VOC” refers to paints that meet the more stringent regulatory limits in South Coast AQMD Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as “Super-Compliant” Architectural Coatings. [New Impact (Significant and Unavoidable Impact With Mitigation Incorporated)]
Impact C-AQ-1: The project would make a cumulatively considerable contribution to regional criteria pollutant emissions (ROG).	Consistent with the approved Specific Plan FEIR, the proposed project shall be required to implement mitigation measures MM AQ-2.1 to MM AQ-2.3 to reduce the regional criteria pollutant emissions of the project. Although the Specific Plan would meet the required CAP reduction, this impact would remain significant and unavoidable given that such a reduction would not reduce significant operational ROG emissions below the Bay Area Air District’s threshold of 54 pounds per day. The cumulative criteria pollutant emissions impacts of the Specific Plan; therefore, would remain significant and unavoidable. [New Potentially Significant Impact (Significant Unavoidable Cumulative Impact with Mitigation Incorporated)]
Biological Resources	
Impact BIO-1: Development under the Specific Plan could result in the injury or mortality of individual western pond turtles due to worker foot traffic,	MM BIO-1.1: Prior to any construction activity in natural habitat/substrate on the extreme eastern portion of the site (i.e., ruderal grassland, perennial freshwater wetland, or riparian habitat), a qualified biologist will examine the impact area for pond turtles

Impact	Mitigation Measures
equipment use, or vehicle traffic if western pond turtles were present on site.	and their nests 48 hours before proposed construction activities begin. If a western pond turtle is observed within the work area at any time before or during proposed construction activities, all activities will cease until such time that either (1) the pond turtle leaves the area or (2) the qualified biologist can capture and relocate the animal to suitable habitat away from construction activity.
	[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-2: Development under the proposed Specific Plan may harm individual burrowing owls or result in the permanent loss of active burrows.	MM BIO-2.1: Preconstruction surveys for burrowing owls will be conducted prior to the initiation of all construction activities within suitable burrowing owl roosting habitat (i.e., ruderal grassland habitat with burrows of California ground squirrels) in the Specific Plan area, or within 250 feet of this habitat. Preconstruction surveys will be completed in conformance with the CDFW’s 2012 guidelines. An initial habitat assessment will be conducted by a qualified biologist to determine if suitable burrowing owl habitat is present. During the initial site visit, which will be conducted no less than 14 days prior to the onset of ground disturbing activities, a qualified biologist will survey the entire activity area and (to the extent that access allows) the areas within 250 feet of the site for suitable burrows that could be used by burrowing owls for nesting or roosting. If no suitable burrowing owl habitat (i.e., ruderal grasslands with burrows of California ground squirrels) is present, no additional surveys will be required. If suitable burrows are determined to be present within 250 feet of work areas, a qualified biologist will conduct at least one additional survey to investigate each burrow within the survey area for signs of owl use and to determine whether owls are present in areas where they could be affected by proposed activities. The final survey will be conducted within the 24-hour period prior to the initiation of construction activities in any given area. MM BIO-2.2: If burrowing owls are present during the nonbreeding season (generally September 1 to January 31), a 160-foot buffer zone will be maintained around the occupied burrow(s), if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls. During the breeding season (generally February 1 to August 31), a 250-foot buffer, within which no newly initiated construction-related activities will be permissible, will be maintained between construction activities and

Impact	Mitigation Measures
	occupied burrows. Owls present between February 1 and August 31 will be assumed to be nesting, and the 250-foot protected area will remain in effect until August 31. If monitoring evidence indicates that the owls are no longer nesting or the young owls are foraging independently, the buffer may be reduced or the owls may be relocated prior to August 31, in consultation with the CDFW. MM BIO-2.3: Any owls occupying the Specific Plan area or immediately adjacent areas are likely habituated to frequent human disturbances. As a result, they may exhibit a tolerance of greater levels of human disturbance than owls in more natural settings, and work within the standard 250-foot buffer during the nesting season may be able to proceed without disturbing the owls. Therefore, if nesting owls are determined to be present within the Specific Plan area or within 250 feet of this area, and construction activities cannot feasibly avoid disturbance of the area within 250 feet of the occupied burrow during the nesting season (i.e., February 1 through August 31) due to other seasonal constraints, a qualified biologist will be present during all activities within 250 feet of the nest to monitor the owls' behavior. If, in the opinion of the qualified biologist, the owls are unduly disturbed (i.e., disturbed to the point of harm or reduced reproductive success), all work within 250 feet of the occupied burrow will cease until the nest is determined to no longer be active by a qualified biologist. MM BIO-2.4: In the unlikely event that construction will directly impact occupied burrows, a qualified biologist will passively evict owls from burrows during the nonbreeding season (September 1 to January 31). No burrowing owls will be evicted during the nesting season (February 1 through August 31) except with the CDFW's concurrence that evidence demonstrates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Eviction will occur through the use of one-way doors inserted into the occupied burrow and all burrows within impact areas that are within 250 feet of the occupied burrow (to prevent occupation of other burrows that will be impacted). One-way doors will be installed by a qualified biologist and left in place for at least 48 hours before they are removed. The burrows will then be back-filled to prevent re-occupation. Although relocation of owls may be necessary to avoid the direct injury or mortality of owls during construction, relocated owls may suffer

Impact	Mitigation Measures
	predation, competition with other owls, or reduced health or reproductive success as a result of being relegated to more marginal habitat. However, the benefits of such relocation, in terms of avoiding direct injury or mortality, would outweigh any adverse effects. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-3: The project proposes structures with lighting, glass windows, building facades, and vegetation which may result in impacts to migrant birds.	MM BIO-3.1: Due to the potential for buildings in the Specific Plan area to result in high numbers of bird collisions, particularly if extensive glass facades are used, all new construction and building additions within the Specific Plan area will implement the following bird-safe building design considerations: • Reduce the extent of glass on the facades of new buildings and additions to the extent feasible. • Prohibit visibility of interior landscaped areas behind glass. • No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments. • Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible. If any such features are included in building designs, all glazing used in any such features will be 100 percent treated. • Reduce glass at tops of buildings, especially when incorporating a green roof into the building design. • If a green roof or green wall is incorporated into the building design, no more than 10 percent of

Impact	Mitigation Measures
	the surface area of the building's combined facades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments. • Avoid the funneling of flight paths between buildings or trees towards a glazed building façade. • Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds toward glazed facades. • Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Specific Plan area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area. • Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. Exterior shades shall also be considered to reduce light pollution. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise. The City may waive or reduce any of the above-listed bird-safe design requirements based on analysis by a qualified biologist indicating that proposed construction will not pose a collision hazard to birds. Such a waiver will generally not be appropriate for façades adjacent to well-vegetated areas, but a waiver may be appropriate, for example, for façades that face developed areas lacking vegetation, water features, or other features that would be particularly attractive to birds. [Same Impact as Approved Project (Significant Unavoidable Impact)]
Impact BIO-4: Increased artificial lighting may adversely impact bird species by increasing predation,	MM BIO-4.1: To the extent consistent with the normal and expected operations of commercial and/or

Impact	Mitigation Measures
decreasing habitat availability, and altering physiological processes.	residential uses under the Specific Plan, take appropriate measures to avoid use of unnecessary lighting at night, especially during the bird migration season (February through May and August through November). Such measures may include the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, and others. Exterior lighting within the Specific Plan area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River to the east or Ulistac Natural Area to the south. Lighting plans for each development site shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.
	[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-5: Redevelopment under the proposed Specific Plan could impact nesting birds, if present, on or adjacent to proposed development sites.	MM BIO-5.1: To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31. MM BIO-5.2: If it is not possible to schedule construction activities between September 1 and January 31 then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during Plan implementation. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist would inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. MM BIO-5.3: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist would determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation under the Specific Plan.

Impact	Mitigation Measures
	A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal. MM BIO-5.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by projects covered under the Specific Plan may be removed prior to the start of the nesting season (e.g., prior to February 1). This would preclude the initiation of nests in this vegetation and prevent the potential delay of a project due to the presence of active nests in these substrates. Any vegetation removal shall occur consistent with required tree removal and grading permits, as applicable. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-6: Construction of the proposed project may result in the permanent loss of 810 linear feet (0.39 acres) of freshwater wetlands.	MM BIO-6.1: If avoidance of the wetlands is not proposed, to compensate for the permanent loss of wetlands, perennial marsh habitat shall be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, unless a higher ratio is required by a regulatory agency, in which case that higher ratio shall apply. This ratio is not higher due to the relatively low quality of the wetlands in the project area relative to more extensive, less fragmented wetlands elsewhere along the Guadalupe River, but is not lower due to the temporal loss of wetland functions and values that will result from the lag between impacts to the wetlands in the Specific Plan area and maturation of the mitigation habitat. Compensation will be provided by creating or restoring wetland habitat so as to achieve the 2:1 ratio (or higher ratio, if required by a regulatory agency) somewhere in the Santa Clara Valley. Among other criteria, the mitigation site(s) must not currently be wetlands. A qualified biologist shall develop a “Wetland Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions): • Summary of habitat impacts and proposed mitigation ratios

Impact	Mitigation Measures
	• Goal of the restoration to achieve no net loss of habitat functions and values • Location of mitigation site(s) and description of existing site conditions (among other criteria, the site(s) must not currently be wetlands) • Mitigation design: ○ Existing and proposed site hydrology ○ Grading plan if appropriate, including bank stabilization or other site stabilization features ○ Soil amendments and other site preparation elements as appropriate ○ Planting plan ○ Irrigation and maintenance plan ○ Remedial measures and adaptive management • Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of wetland vegetation type (e.g., dominance by natives) and extent appropriate for the restoration location, and provision of ecological functions and values equal to or exceeding those in the wetland habitat affected. At a minimum, success criteria will include following: ○ At Year 5 post-mitigation, at least 75 percent of the mitigation site will be dominated by native hydrophytic vegetation. The Wetland Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the wetland impacts, and it must be implemented within one year following impacts. Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara. MM BIO-6.2: In compliance with the NPDES, the Specific Plan will comply with the SWRCB General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, which requires preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) that will include

Impact	Mitigation Measures
	specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. These controls will include methods to minimize indirect impacts as a result of construction activities that may compromise water quality in the Eastside Drainage Swale. Additional control measures identified in this SWPPP will mitigate the release of construction-related pollutants from the main site during the various construction phases. Unless otherwise authorized by the RWQCB and in compliance with the NPDES permit issued for the proposed activities, the following measures will be implemented during project implementation to avoid or minimize impacts on water quality: • All permit conditions, legal requirements, and appropriate dredging and engineering practices shall be followed to avoid and minimize water quality impacts associated with project activities. Suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," available at www.capmphandbooks.com. • Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). Feasible measures shall be implemented to ensure that hazardous materials are properly handled and the quality of wetland and aquatic resources is protected by all reasonable means when removing vegetation and sediments from the channels. • No fueling shall be done in areas along the Eastside Drainage Swale. For stationary equipment that must be fueled within 50 feet of the swale, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water. • A hazardous materials management/fuel spill containment plan will be developed and implemented by the construction contractor and given to all contractors and biological monitors. One copy of the hazardous materials management/fuel spill containment plan located will be on the work site at all times, and will provide construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill prevention, and spill

Impact	Mitigation Measures
	response/cleanup measures associated with the construction of the Plan elements. Elements of the materials management/fuel spill containment plan will include, but are not limited to the following: ○ A discussion of hazardous materials management, including delineation of hazardous material and hazardous waste storage area, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas; ○ Materials Safety Data Sheets for all chemicals used and stored on site; ○ An inventory list of emergency equipment; ○ Spill control and countermeasures including employee spill prevention/response training; ○ Notification and documentation procedures; ○ A monthly reporting plan; and ○ Obtain appropriate permits from the fire department for storage of hazardous materials. • Vehicles will be checked daily for oil or fuel leaks and will be washed only at an approved area. No washing of vehicles will occur outside of designated staging areas in uplands. • The work site, areas adjacent to the site, and access areas will be maintained in an orderly condition, free and clear from debris and discarded materials. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust onto adjacent areas or wetlands or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the Specific Plan area. • Stockpiled materials will be covered by plastic sheeting, tarps, or similar material that can be secured during wind and rain. A sediment fence or berm will be installed around stockpiled material to prevent runoff from transporting sediment into the Eastside Drainage Swale. • Silt fencing will be erected along the limits of disturbance between the Specific Plan area and the Eastside Drainage Swale. • As to any portion of the drainage swale that is not culverted, for construction activities occurring within 50 feet of aquatic habitat in the drainage swale, protective measures shall be put in place to ensure that impacts on the swale are avoided and

Impact	Mitigation Measures
	minimized. The following measures shall be implemented during construction: ○ Orange construction barrier fencing shall be installed around the boundaries of portions of the drainage swale that are to be avoided prior to the initiation of construction activities. ○ The fenced area will be designated as an Environmentally Sensitive Area and will be clearly identified in the construction specifications. ○ The fencing shall be maintained throughout the grading and construction period. ○ Grading, construction activities, traffic, equipment, or materials shall be prohibited in fenced wetland areas. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-7: Construction of the proposed project could result in the loss of 0.05 acres of riparian woodland habitat.	MM BIO-7.1: If avoidance is not proposed, to compensate for the permanent loss of mixed riparian woodland, riparian woodland habitat will be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, based on canopy area. This ratio is not higher due to the relatively low quality of the riparian woodland in the Specific Plan area relative to more extensive, less fragmented riparian woodland elsewhere along the Guadalupe River, but is not lower due to the temporal loss of riparian functions and values that will result from the lag between impacts to the woodland in the Specific Plan area and maturation of the mitigation habitat. Compensation will be provided by planting riparian habitat so as to achieve the 2:1 ratio somewhere in the Santa Clara Valley, preferably along the Guadalupe River but along another stream if appropriate. Among other criteria, the mitigation site(s) must not currently be riparian. Mitigation habitat may be hydrologically isolated from the stream in question as long as it is located within 300 feet of the stream, is not separated from the stream by development other than a trail or levee, and is dominated by native riparian trees. Although some portions of the Ulistac Natural Area are more than 300 feet from the Guadalupe River, mitigation anywhere within the Natural Area would satisfy this measure. A qualified biologist shall develop a “Riparian Habitat Mitigation and Monitoring Plan”

Impact	Mitigation Measures
	describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions): • Summary of habitat impacts and proposed mitigation ratios • Goal of the restoration to achieve no net loss of habitat functions and values • Location of mitigation site(s) and description of existing site conditions (among other criteria, the site(s) must not currently be riparian) • Mitigation design: ○ Existing and proposed site hydrology ○ Grading plan if appropriate, including bank stabilization or other site stabilization features ○ Soil amendments and other site preparation elements as appropriate ○ Planting plan ○ Irrigation and maintenance plan ○ Remedial measures and adaptive management • Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of riparian vegetation type (e.g., dominance by natives) and extent appropriate for the riparian restoration location, and provision of ecological functions and values equal to or exceeding those in the riparian habitat affected. At a minimum, success criteria will include following: ○ At Year 10 post-planting, canopy closure at the mitigation site will be at least 60 percent of the canopy closure at a nearby reference site (i.e., a site supporting the same habitat type as that being established at the mitigation site). • The Riparian Habitat Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the impact on mixed riparian woodland, and it must be implemented within one year following impacts. Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of

Impact	Mitigation Measures
	Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-8: Construction of the proposed project and improvements providing connectivity to the levee would impact the riparian buffer.	MM BIO-8.1: If encroachment into the riparian buffer with incompatible uses (defined as hardscape or other impermeable surfaces, non-native landscape plantings, and paved permeable surfaces such as permeable pavers) is proposed, no buildings shall be constructed closer to the buffer baseline than are currently present (i.e., in one location, a corner of a building is within approximately 95 feet of the buffer baseline, and that limited area can include a building), unless mitigation is provided in accordance with MM BIO-8.2. In addition, no new buildings or structures, impervious surface, or non-native landscaping shall occur closer to the buffer baseline than is currently present (i.e. 75 feet). Compatible uses within these areas are public trails, native landscaping, and unpaved permeable surfaces (e.g. open ground). Development and landscaping of the area along the levee should also consider opportunities such as site layout, fencing, landscaping, and education to discourage the public from creating pioneer trails up the levee slope to access the existing trail. A 15-foot zone free of tree plantings shall be provided from the levee toe to allow for emergency access. MM BIO-8.2: If any encroachment into the riparian buffer is proposed, compensatory mitigation shall be provided to offset the impacts on the ecological functions and values of the riparian corridor. Such compensatory mitigation will be provided in one of two ways: At a minimum ratio of 1:1 (compensation:impact), on an acreage basis excluding wetlands and mixed riparian woodland, existing development (e.g., buildings or hardscape) along the Guadalupe River, either on-site or off-site (e.g., at Ulistac Natural Area), will be removed, and the developed area restored to native habitats and dedicated to natural habitat (rather than active human uses such as a park). For example, if a portion of the Specific Plan area were subject to riparian buffer encroachment, but a commensurate acreage of existing developed areas adjoining the Guadalupe

Impact	Mitigation Measures
	River levee in other parts of the Specific Plan area were restored to native habitat, that would compensate for the riparian buffer encroachment impact. At a minimum ratio of 2:1 (compensation:impact) on an acreage basis, riparian woodland habitat will be restored or created as described in Mitigation Measure BIO-6.1 above to provide ecological functions and values that offset those lost due to riparian buffer encroachment. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact BIO-9: Construction of the proposed project may result in the spread of invasive weeds in sensitive habitats including the Eastside Drainage Swale and Guadalupe River.	MM BIO-9.1: During construction under the proposed Specific Plan, all seeds and straw materials used on-site shall be weed-free rice straw (or similar material acceptable to the City), and all gravel and fill material will be certified weed free to the satisfaction of the City and any deviation from this shall be approved by the Public Works Director. MM BIO-9.2: During construction of projects under the proposed Specific Plan, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or legally operating car washes. MM BIO-9.3: Following construction of projects under the proposed Specific Plan, a standard erosion control seed mix (acceptable to the Public Works Director) from a local source would be planted within the temporary impact zones on any disturbed ground that would not be under hardscape, landscaped, or maintained in order to minimize the potential for the germination of the majority of seeds from non-native, invasive plant species. The erosion control seed mix shall adhere to the guidance for temporary erosion control in SCVWD's¹ Guidelines and Standards for Land Use Near Streams, Design Guide 5. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]

¹ Following the publishing of this guide, the Santa Clara Valley Water District (SCVWD) has been renamed to Valley Water.

Impact	Mitigation Measures
Impact BIO-10: Tree removal from redevelopment of individual parcels under the Specific Plan would result in a significant impact to mature trees.	MM BIO-10.1: Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on ordinance-protected trees that are to be retained. A tree protection plan shall be prepared by a qualified arborist that, at a minimum, requires installation of an open material (e.g., chain link) fence six feet in height around the drip line and maintenance of the existing grade level around a tree and out to its drip line. MM BIO-10.2: Project proponents under the Specific Plan will comply with the City Code and submit permit applications for removal of all trees covered by the City's tree ordinance. Any street trees or heritage trees to be removed would require replacement on-site or off-site at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10. To the extent feasible, the replacement trees will be planted on-site and the project proponent will comply with all other tree removal requirements imposed by the City. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact C-BIO-1: The proposed Specific Plan in combination with Related Santa Clara, and including the implementation of mitigation measures, would result in significant unavoidable cumulative impacts due to bird strikes.	The proposed project would not result in a substantial change in the design of buildings and would only increase the density of development in the Specific Plan area. Further the proposed project would not expand the Specific Plan area to more areas beyond the approved plan. Therefore, the proposed project would not result in more severe cumulative impacts and would still result in significant unavoidable impacts from bird strikes. [Same Cumulative Impact as Approved Project (Significant Unavoidable Cumulative Impact)]
Cultural Resources	
Impact CUL-1: Redevelopment of the Specific Plan area could result in impacts to unknown, buried archaeological resources and human remains.	MM CUL-1.1: A qualified archaeologist shall monitor the demolition of the building foundations and any other below surface disturbances, such as but not limited to, grading, excavation, roadway improvements, potholing for utilities, utility removal, and addressing storm drain issues. After demolition activities and surface improvements are removed for projects involving excavation, and prior to other construction activities, conduct mechanical presence/absence exploration to a depth ranging from 6.5 to 10 feet below ground surface.

Impact	Mitigation Measures
	Presence/absence efforts shall be conducted by a qualified local archaeologist. If any cultural resources are identified, all activity in the vicinity of such resources shall stop until a research design and treatment plan is prepared to address those types of resources encountered and such plan is approved by the City. Any cultural resources identified shall be evaluated to determine if these resources would qualify for the NRHP or CRHR. If no resources are found during presence/absence testing, the implementation of mitigation measures, MM CUL-1.2 and MM CUL-1.3, would ensure any resources discovered during construction are adequately protected. MM CUL-1.2: In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Preservation in place is the preferred treatment of an archeological resource. When preservation in place of an archeological resource is not feasible, data recovery, in accord with a data recovery plan prepared and adopted by the City, is the appropriate mitigation. Construction and potential impacts to the area within a radius determined by the archaeologist shall not recommence until the assessment is complete. MM CUL-1.3: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Impact CUL-2: Development proposed under the Specific Plan has the potential to disturb	MM CUL-2.1: Projects involving excavations 25 feet or greater below ground surface would require

Impact	Mitigation Measures
paleontological resources if projects include deep excavations.	monitoring by a qualified paleontologist. In the event paleontological resources are discovered all work shall be halted within 50 feet of the find and a Paleontological Resource Mitigation Plan shall be prepared by a qualified paleontologist to address assessment and recovery of the resource. A final report documenting any found resources, their recovery, and disposition shall be prepared in consultation with the Community Development Director and filed with the City and local repository. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Noise and Vibration	
Impact NV-1: Existing and planned land uses in the project vicinity would be exposed to an increase in ambient vibration levels due to project construction activities.	MM NV-1.1: Comply with construction hours ordinance to limit hours of exposure. The City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. MM NV-1.2: Minimize or avoid using vibratory rollers and tampers near sensitive areas, such as shared property lines with residential land uses. Whenever possible, use cast-in-drilled-holes piles for projects requiring deep foundations to reduce construction vibration. MM NV-1.3: When vibration-sensitive structures are within 18 feet of a project development site or within 86 feet of a project proposing pile-driving, survey condition of existing structures and, when necessary due to the structure type and resulting vibration due to the construction activities proposed, perform site-specific vibration studies to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures, notify the Community Development Director of any damage caused by vibration, and offer to repair or compensate for any such damage caused by vibration within a time period established by the Community Development Director upon receiving notice pursuant to this measure. The results of the vibration monitoring shall be summarized and submitted in a report to the Community Development Director prior to issuance of an occupancy permit.

Impact	Mitigation Measures
	MM NV-1.4: Construction management plans for construction projects that have the potential to exceed the 0.3 in/sec. PPV threshold, particularly those involving pile driving, shall include predefined vibration reduction measures, notification requirements for properties within 200 feet of scheduled construction activities, and contact information for on-site coordination and complaints. The construction management plan shall be submitted to the City for approval prior to issuance of a demolition or grading permit. MM NV-1.5: Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area. [Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]
Impact NV-2: Land uses in the project vicinity would be exposed to a substantial temporary increase in ambient noise levels due to project construction activities.	MM NV-2.1: Develop and adhere to a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls: • Ensure that construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. • Ensure that excavating, grading and filling activities (including warming of equipment motors) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. • Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists. • Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to screen

Impact	Mitigation Measures
	stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers can reduce construction noise levels by five dBA. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project area. • Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines. • Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses. • A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were unresolvable by proper scheduling. • Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. • Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. • Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area. MM NV-2.2: If pile driving occurs, the following best management practices shall be included in the construction noise control plan: • Schedule pile driving during a period when school is not in session. • During pile driving, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. • During pile driving activities, install "acoustical blankets" to provide shielding for receptors located within 100 feet of the site, or use a noise attenuating shroud on the pile driving hammer.

Impact	Mitigation Measures
	[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Transportation	
Impact TRANS-1: An existing gap in sidewalks on the north side of Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing would create a safety hazard for pedestrians.	MM TRANS-1.1: Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing would reduce the safety hazard impacts to pedestrians to a less than significant level. Construction of a sidewalk on this segment of Tasman Drive is a required mitigation for Phase 1 of the Related Santa Clara project. In the event the new residential buildings within the Plan Area fronting Tasman Drive are constructed prior to Related Santa Clara Phase 1, such development shall construct the necessary improvements prior to occupancy of the building and would be reimbursed by Related Santa Clara. Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing, as needed to address pedestrian safety hazards, shall be in place prior to occupancy of any new residential buildings within the Specific Plan area fronting Tasman Drive. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]
Utilities and Service Systems	
Impact C-UTIL-1: The proposed Specific Plan would contribute considerably to identified exceedances of the existing pump station capacity at the Rabello and Northside Pump Stations.	MM C-UTIL-1.1: The proposed Specific Plan shall require that individual projects implemented within the Specific Plan area make a fair share contribution to the sanitary sewer pump station improvements required by cumulative development in Santa Clara. The fair share contributions for future projects developed under the Specific Plan shall be determined based on a detailed engineering study prepared by the City. The City shall determine the fair-share cost contribution for the individual projects based on their percent of wastewater flow cumulative capacity needs above the current pump capacity. [Same Impact as Approved Project (Less Than Significant Cumulative Impact With Mitigation Incorporated)]

Summary of Project Alternatives

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would

feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in *Section 7.0, Alternatives*.

Design Alternative

Development under the proposed Specific Plan would result in significant impacts at a project and cumulative level due to bird collisions with buildings proposed in the Specific Plan area. The design alternative would increase setbacks or reduce allowed building heights within 300 feet of the riparian areas near the project site. Regardless of the distance from adjacent natural areas or height of the proposed buildings, any redevelopment of the Specific Plan area would have an impact due to bird strikes regardless of any additional design limitations being placed on the proposed buildings.

No Project Alternative

The No Project Alternative assumes that up to 4,500 dwelling units, approximately 106,000 square feet of retail space (including a 25,000 square foot grocery store) and a 600-student school would be developed within the Specific Plan area as previously approved.

No Residential Development Alternative

The No Residential Development Alternative assumes that no residential units would be proposed and that the additional 20,000 square feet of retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare, as currently proposed, would be developed within the Specific Plan area.

Relocation of 1,500 Dwelling Units Alternative

The Relocation of 1,500 Dwelling Units Alternative assumes that up to 1,500 additional dwelling units, which are currently proposed, would be relocated on an alternate site such as the Freedom Circle Focus Plan area or Patrick Henry Specific Plan area.

Areas of Public Controversy

Areas of public concern include:

- Operational impacts to City of Sunnyvale intersections
- Potential traffic congestion and associated impacts on emergency service access to Sunnyvale neighborhoods
- Future building heights and its impact on solar power opportunities for smaller buildings

Section 1.0 Introduction

1.1 Purpose of the Subsequent Environmental Impact Report (SEIR)

The City of Santa Clara, as the Lead Agency, has prepared this Draft SEIR for the Tasman East Specific Plan Amendment in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

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

Subsequent environmental review is environmental analysis prepared for a later discretionary approval after an agency has certified a prior EIR or adopted a Negative Declaration [Public Resource Codes (PRC) Section 21166; CEQA Guidelines Section 15162)]. Prior to approving a later project based on a Program EIR, an agency must first determine whether the project is “within the scope” of the Program EIR and whether it triggers the requirements for subsequent environmental review. Both determinations must be supported by substantial evidence. If the agency is required to conduct subsequent environmental review after a Program EIR, the later analysis may rely on the Program EIR for some portion of the subsequent review.

In accordance with CEQA Guidelines Section 15162(a), when an EIR has been certified or a negative declaration adopted for a project, no SEIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
- A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the analysis contained in this SEIR, the proposed project's significant impacts to air quality, biological resources, transportation, and utilities and service systems requires a SEIR.

1.1.1 Focus of the SEIR

This SEIR focuses on the potential for new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to the proposed increase in allowed development within the Specific Plan area. The City of Santa Clara has determined that the project's effects on the following environmental resources were previously addressed and adequately covered in the certified Tasman East Specific Plan (Specific Plan) Final EIR (FEIR) (SCH # 2016122027):

- Aesthetics
- Agriculture and Forestry Resources
- Cultural Resources
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources

As described in the Initial Study (refer to Appendix A), the project would not result in any new or substantially more severe significant impacts to those resources listed above when compared to those discussed in the Specific Plan FEIR. Given the proposed increase in development in the Specific Plan area, the operational and construction impacts of the project are discussed in *Section 3.0 Environmental Setting, Impacts, and Mitigation* of this SEIR.

1.2 SEIR Process

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of Santa Clara prepared a Notice of Preparation (NOP) for this Draft SEIR. The NOP was circulated to local, state, and federal agencies on July 6, 2022. The standard 30-day comment period concluded on August 8, 2022. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City of Santa Clara also held a virtual public scoping meeting via Zoom on July 21, 2022 to discuss the project and solicit public input as to the scope and contents of this Draft SEIR. Appendix F of this Draft SEIR includes the NOP and comments received on the NOP.

1.2.2 Draft SEIR Public Review and Comment Period

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

John Davidson, Principal Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Phone: (408) 615-2450; Email: jdavidson@santaclaraca.gov

1.3 Final SEIR/Responses to Comments

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

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

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the Lead

Agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.3.1 Notice of Determination

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

Section 2.0 Project Information and Description

2.1 Project Location

The Tasman East Specific Plan (Specific Plan) is located in an existing industrial neighborhood, 46.0 gross acres in size (Specific Plan area), and is bounded by the former Santa Clara Golf & Tennis Club to the north (future Related Santa Clara), Tasman Drive to the south, the Guadalupe River to the east, and Lafayette Street to the west (refer to Figure 2.0-1 and 2.0-2). The Specific Plan is adjacent to the Lick Mill Light Rail Transit Station on Tasman Drive and the Great America Station on the west side of Lafayette Street which is served by both the Altamont Commuter Express (ACE) and Capitol Corridor trains. The Specific Plan includes approximately 36 parcels, including one City-owned utility parcel, and has a total net land acreage of 41.4 acres with approximately 4.6 acres of public right-of-way. Of the 36 parcels, there are five parcels currently approved² and six parcels that have been redeveloped. The remaining parcels are currently developed with light industrial and commercial uses. The Specific Plan is in a Priority Development Area (PDA) under Plan Bay Area, the region's Sustainable Communities Strategy, pursuant to California Public Resources Code Section 21099 (SB 743).

2.2 Project Background

The City of Santa Clara adopted its comprehensive 2010-2035 General Plan in November 2010 which designated nine Future Focus Areas throughout the City to support and foster the City's diverse economic and cultural base. For Phase II of the General Plan (2015-2023), the Future Focus Areas included the Tasman East Area. The Specific Plan area continues to provide an opportunity for reaching housing goals identified in the City's share of the State-required Regional Housing Needs Allocation (RHNA), and for meeting the demand for housing that has resulted from job and retail growth in the City and region. A prerequisite to the development of this Focus Area was the approval of a Specific Plan (General Plan Policy 5.4.6-P19).

In April 2014, the City of Santa Clara initiated its Housing and General Plan Land Use Planning Elements update for the 2015-2023 planning period, including the 2015-2023 State RHNA housing cycle. This update was adopted by the City Council on December 9, 2014. The work on the Housing and General Plan Land Use Element Update helped inform the comprehensive planning process for the Specific Plan. The City of Santa Clara also recently completed an update to its Housing Element which has a planning period of 2023-2031. In addition, the 2023-2031 State RHNA was adopted in December 2021 and updated in November 2022.³

² Two of the approved projects (2200 Calle De Luna and 2101 Tasman Drive) have since been abandoned.

³ The current State RHNA housing cycle (2023-2031) aligns with Phase III of the City's General Plan (2023-2035).

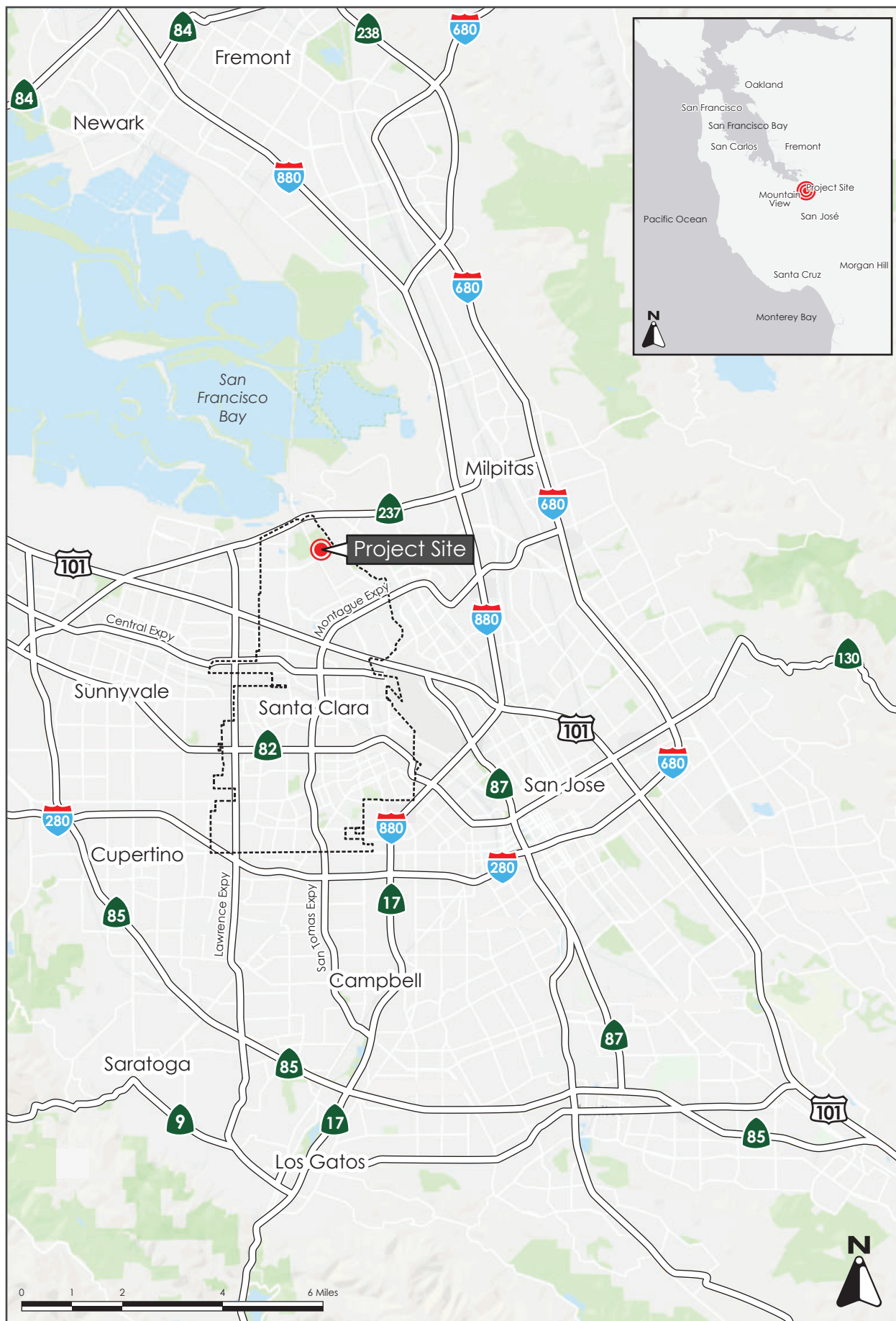


FIGURE 2.0-1



VICINITY MAP

FIGURE 2.0-2

In June 2016, the City of Santa Clara certified the Final Environmental Impact Report (FEIR) and Master Community Plan for the City Place Santa Clara project (now Related Santa Clara). The 240-acre mixed-use development will be developed in phases. Parcel 4, the largest parcel of the existing five parcels located west of the Specific Plan area and Lafayette Street, will house the majority of the residential, entertainment, retail, and restaurant space.

The Related Santa Clara project includes up to 1,680 residential housing units and approximately 1.1 million square feet of retail, restaurant and entertainment uses and 700 hotel rooms. Related Santa Clara also includes approximately 5.7 million square feet of office space. Construction of the first phase is anticipated to begin in 2023. Future phases are expected to be developed over a period of 10-15 years and subject to market demand.

In November 2018, the City of Santa Clara certified the Tasman East Specific Plan FEIR and approved the Specific Plan project. The Specific Plan was envisioned by the City to create a Transit-Oriented Development (TOD) mixed-use neighborhood and supports existing and planned land uses in the project area. The Specific Plan FEIR analyzed the development of up to 4,500 dwelling units, approximately 106,000 square feet of retail space (including a 25,000 square foot grocery store) and a 600-student school in the City of Santa Clara. To date, the City of Santa Clara has received development applications for approximately 4,183 dwelling units, which includes the abandoned Holland project at 2200 Calle De Luna (580 units) and abandoned Related project at 2101 Tasman Drive (939 units).

Currently, the total number of dwelling units for active and completed projects is 2,664 dwelling units.⁴ There are approximately 12.0 acres of land remaining within the Specific Plan area that could be redeveloped. As a result, the City of Santa Clara is proposing to modify the Specific Plan to accommodate up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare.

In September 2020, the City of Santa Clara adopted an amendment to the Specific Plan (Amendment #1) which allows the northern extension of Calle Del Sol to be replaced with a pedestrian and bicycle paseo and allows for alternate methods of trip reduction than what was previously approved in the Specific Plan FEIR. The approved and fully constructed projects within the Specific Plan are shown in Table 2.2-1 and Figure 2.0-3 below.

⁴ Site Nos. 4 (2200 Calle De Luna) and 5 (2101 Tasman Drive) have been abandoned and are not accounted for.

Table 2.2-1: Development Project Summary in Specific Plan

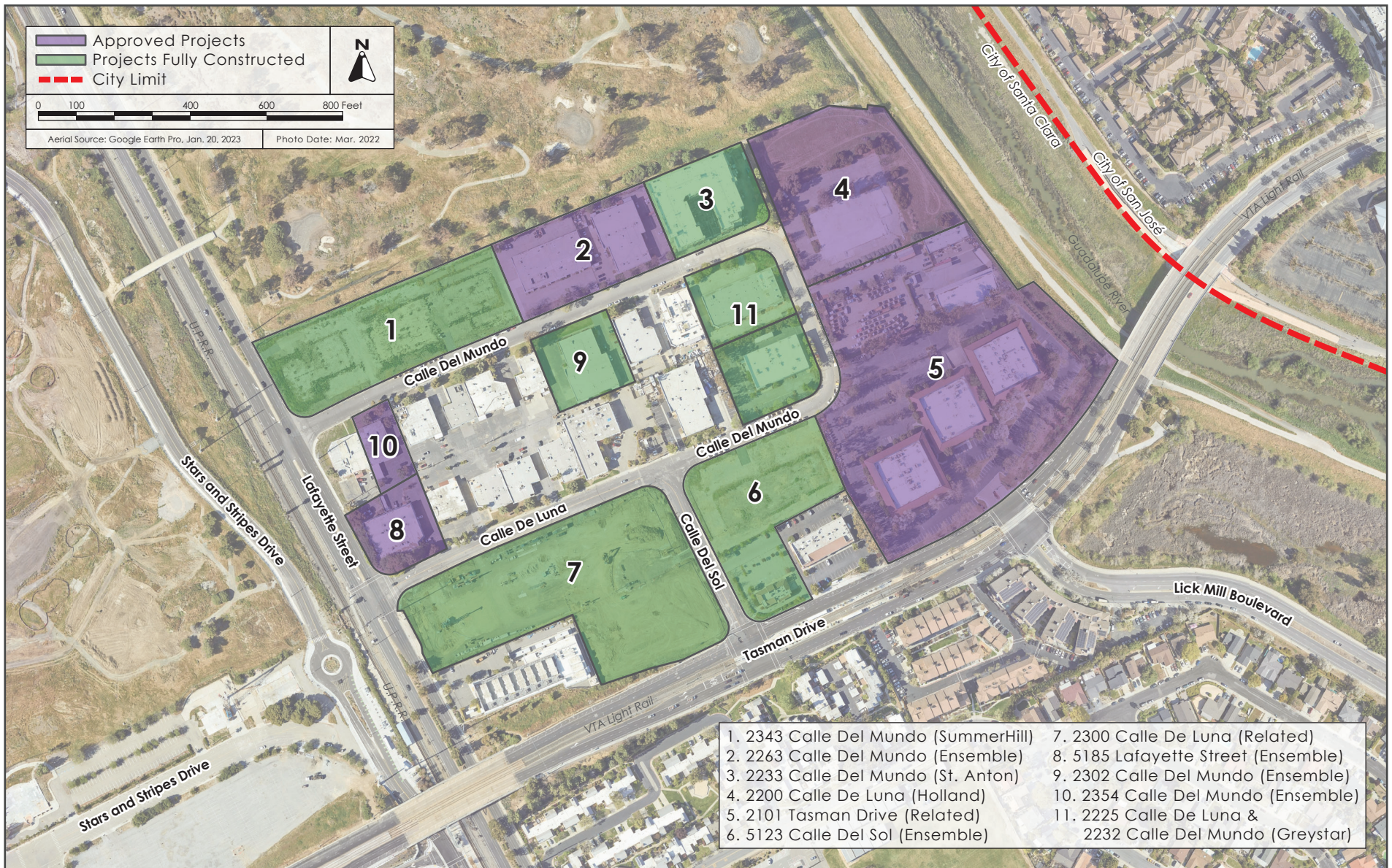
Site No. ¹	Location	Description
Approved		
2	2263 Calle Del Mundo	Construction of a mixed-use, mid-rise building with up to 301 residential units and structured parking.
4	2200 Calle De Luna	Construction of up to 583 residential units in two 12-story buildings and one 11-story building with basement and garage parking.
5	2101 Tasman Drive	Construction of up to 939 multi-family residential units within two high-rise towers or mid-rise buildings over a podium garage and a 1.5 acre public park
8	5185 Lafayette Street	Construction of up to 198 residential units and 24,730 square feet of double height retail/commercial space interconnected on the first two floors with 223 parking spaces within an 18-story building.
10	2354 Calle Del Mundo	Construction of a 89-unit mid-rise apartment community.
Constructed		
1	2343 Calle Del Mundo	Construction of a 347-unit apartment building and construction and dedication of a 0.42 acre park to the City of Santa Clara.
3	2233 Calle Del Mundo	Construction of a 196-unit apartment community.
6	5123 Calle Del Sol	Construction of up to 311 residential units and 23,870 square feet of retail space within two buildings (one mid-rise and one high-rise building), and the construction and dedication of a 0.10-acre park and a 0.02-acre plaza.
7	2300 Calle De Luna	Construction of up to 509 residential units, 191 senior assisted living units, 19,410 square feet of retail within three buildings and a 0.5 acre park.
9	2302 Calle Del Mundo	Construction of up to 151 residential units, a parking structure, and 5,000 square feet of retail space in an eight-story building.
11	2225 Calle De Luna & 2232 Calle Del Mundo	Construction of a 371-unit in two eight-story buildings.

Source: City of Santa Clara. "Tasman East Specific Plan." Accessed January 24, 2023.

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/specific-plans/tasman-east>.

Davidson, John. City of Santa Clara. Personal Communication. March 25, 2026.

Note: ¹ Refer to Figure 2.0-3 for the Site No. locations.



SPECIFIC PLAN MAP OF APPROVED AND FULLY CONSTRUCTED PROJECTS

FIGURE 2.0-3

In March 2022, the City of Santa Clara certified the Patrick Henry Drive Specific Plan FEIR and adopted the Patrick Henry Drive Specific Plan. The 73.59-acre mixed-use development will be developed in three phases, with up to approximately 5,968 dwelling units reasonably foreseeably built during Phase 1 (i.e., ready for occupancy by 2029); up to an additional approximately 2,919 dwelling units built during Phase 2 (ready for occupancy by 2035); and approximately 3,113 dwelling units built during Phase 3 (ready for occupancy after 2035). In total, the Patrick Henry Drive Specific Plan includes up to 12,000 housing units, 785,000 square feet of office uses, and 310,000 square feet of other non-residential uses (e.g., retail, flex, and community facilities).

In June 2022, the City of Santa Clara adopted the Freedom Circle Future Focus area and certified the Final Environmental Impact Report (EIR) for the Freedom Circle Future Focus Area/Greystar General Plan Amendment (GPA) project. The Freedom Circle Future Focus Area is approximately 108 acres and would allow up to 3,600 dwelling units, 2.0 million square feet of office, 2,000 square feet of retail, and a two-acre public park. The 13.3-acre Greystar (GPA) project is located within the Freedom Circle Focus Area and consists of up to 1,075 dwelling units, a two-acre park, and up to 2,000-square feet of neighborhood-serving retail. Development within the Freedom Circle Future Focus Area would occur in two phases (i.e., up to approximately 1,100 housing units and 2,000 square feet of retail would be built during 2020-2024, up to approximately 2,500 additional housing units and up to 3,020,000 square feet of office space would be built by 2025-2040).

2.2.1 Existing General Plan Land Use Classification and Zoning District

The Specific Plan area is currently designated as *Transit Neighborhood* (100-350 dwelling units/acre), which allows multi-family residential uses and supportive commercial and public/quasi-public uses. This density range is intended to take advantage of proximity to transit, offering an urban feel, including a positive public realm within a right-of-way accommodating all modes of transportation. Building forms are typically mid- to high-rise buildings featuring structured or below-grade parking, as well as shared outdoor space. Under the Specific Plan, all sites of one acre or more in size are required to accommodate a minimum density of 100 dwelling units per acre (du/ac). Each parcel of less than one acre in size is required to accommodate a minimum density of 60 du/ac.

The Specific Plan area is located in the *Transit Neighborhood* zoning district, which allows for development of a high density residential neighborhood with a mix of uses at the ground floor. As described above, residential densities within the Specific Plan area would range from a minimum of 60 du/ac on sites less than one acre in size to a minimum of 100 du/ac for sites of one acre or larger in size with no maximum density for individual parcels.

2.3 Project Description

As mentioned above, there are 12.0 acres of land remaining that could be redeveloped within the Specific Plan area. The City of Santa Clara is proposing to modify the Specific Plan to accommodate

up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000 square foot day care. Residential densities in the Specific Plan area would range from a minimum of 60 du/ac on sites less than one acre in size to a minimum of 100 du/ac for sites larger than one acre. Maximum densities have not yet been determined for individual properties, but the modifications to the Specific Plan would support a maximum of 6,000 units. Buildings in the Specific Plan area would be, at maximum, 220 feet in height. Given that the majority of the remaining properties which could be redeveloped are located within the “island properties⁵,” the amendment includes an increase from a minimum of one acre to a minimum of 1.5 acres of public parkland within the “island properties.” The size, shape and location(s) of the public parkland within the “island properties” would be subject to negotiation with City staff, including the Director of the Parks and Recreation Department by individual projects and would be provided by the dedication of unencumbered land from individual property owners or through land purchase of specific properties by the City of Santa Clara, or some combination thereof.

The physical footprint of the Specific Plan area will not change. The planned circulation network was modified in 2020 to convert the northern extension of Calle Del Sol from a two-lane road into a pedestrian and bicycle paseo. The currently adopted Tasman East Specific Plan includes the addition of a Class II bicycle lanes on Calle Del Mundo. As proposed, the project would modify the Calle Del Mundo right-of-way. Two potential alternate configurations to Calle Del Mundo are proposed: 1) removal of the westbound bicycle lane on Calle Del Mundo and replacing it with on-street parking and 2) removal of the center turn lane in exchange for maintaining parking and bicycle lanes on both sides of the street. In addition, the Specific Plan FEIR assumed that Lick Mill Boulevard would extend north of Tasman Drive (through the Specific Plan area) to connect to the Related Santa Clara project.⁶ The Related Santa Clara project has not begun development; therefore, its construction timeframe is currently unknown. The effects on the proposed modifications and Lick Mill Boulevard extension is discussed further in *Section 3.8, Transportation*, of this document.

No additional changes to the roadway network and vehicular connections are proposed as part of this Specific Plan amendment (refer to Figures 2.0-4 and 2.0-5).

2.3.1 Green Development Measures

The Specific Plan includes the following range of measures to be implemented on a project-by-project basis to reduce energy use below Title 24 standards and adhere to the City’s Climate Action Plan (CAP):

- Energy efficiency – use of Energy Star rated appliances and Dark Sky-compliant⁷ lighting, energy efficient building envelopes, smart controls and switches to reduce energy use in

⁵ Island properties include properties at the center bounded by Calle Del Mundo to the north and east, Calle De Luna to the south, and Lafayette Street to the west.

⁶ The extension is a Condition of Approval for the Related Santa Clara project.

⁷ Exterior lighting fixtures that meet the International Dark Sky Association’s standards for artificial lighting designed to protect the night sky.

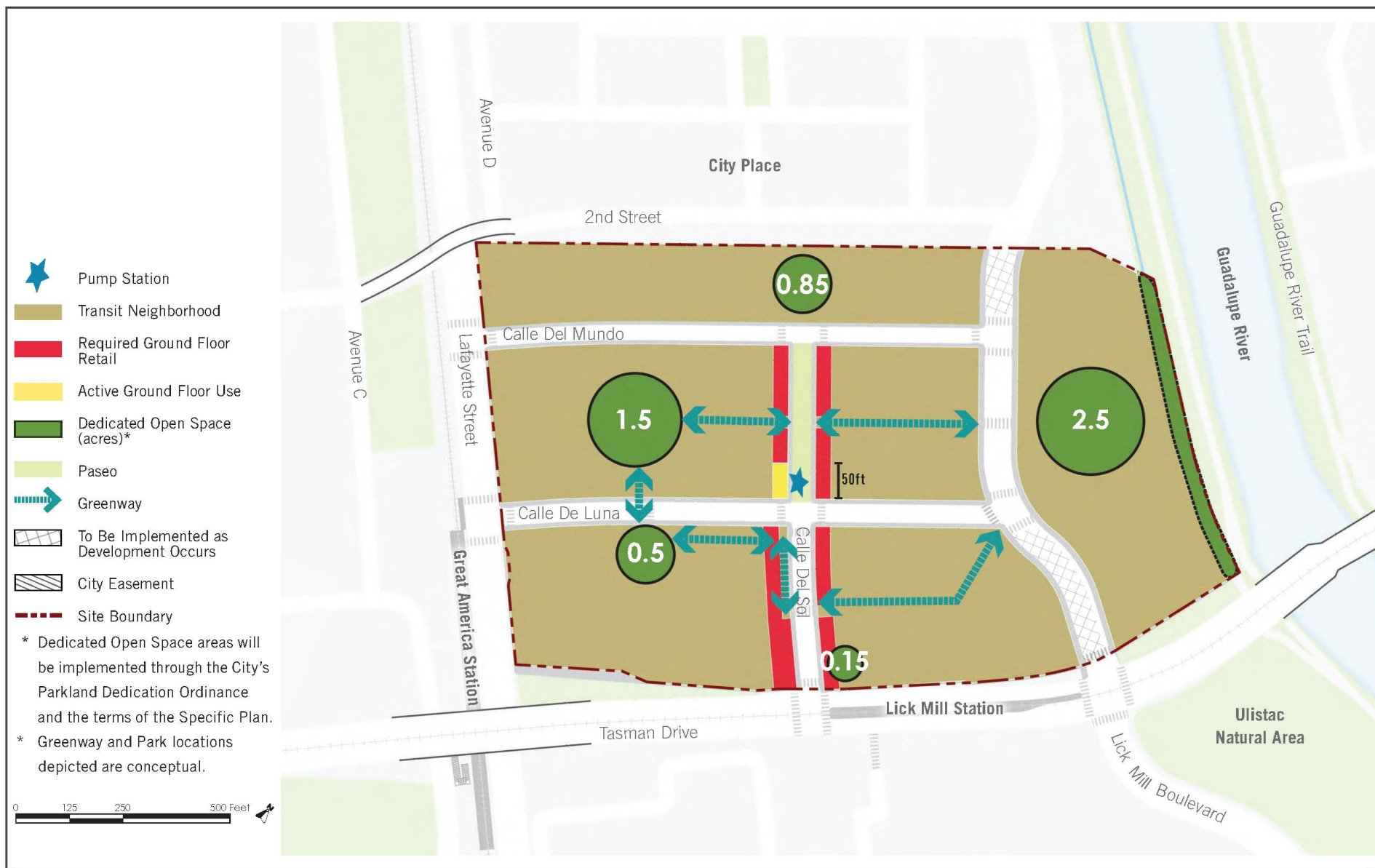
unoccupied spaces, maximization of daylighting for interior spaces, use of operable windows for natural ventilation, where feasible.

- Mechanical systems – best technology furnaces, heat pumps, ventilation systems, and water heaters
- Renewable energy – photovoltaics on rooftops and shade structures, at minimum incorporation of solar ready infrastructure (e.g., solar panel standoffs, conduit, and roof water spigots), low-grade heat recovery from sanitary building flows
- Zero Carbon Development – install best technology and non-combustion appliances such as water heaters and furnace systems, purchase of renewable energy credits through Silicon Valley Power (SVP) or other off-site sources
- Transportation – reduced parking ratios offset by TDM measures, provide transit passes to residents, all buildings to have conduit rough-ins for Electric Vehicle (EV) charging points, install EV charging points, provide bike kitchen and storage facilities, participate in bike share programs
- The use of locally sourced and sustainable building materials is encouraged.

The Specific Plan requires that buildings, whenever possible, incorporate visible elements of sustainability – such as green roofs, shading devices, or photovoltaic panels – into the fabric of the building, and especially seen at the ground level so as to make visible the building’s energy saving features.

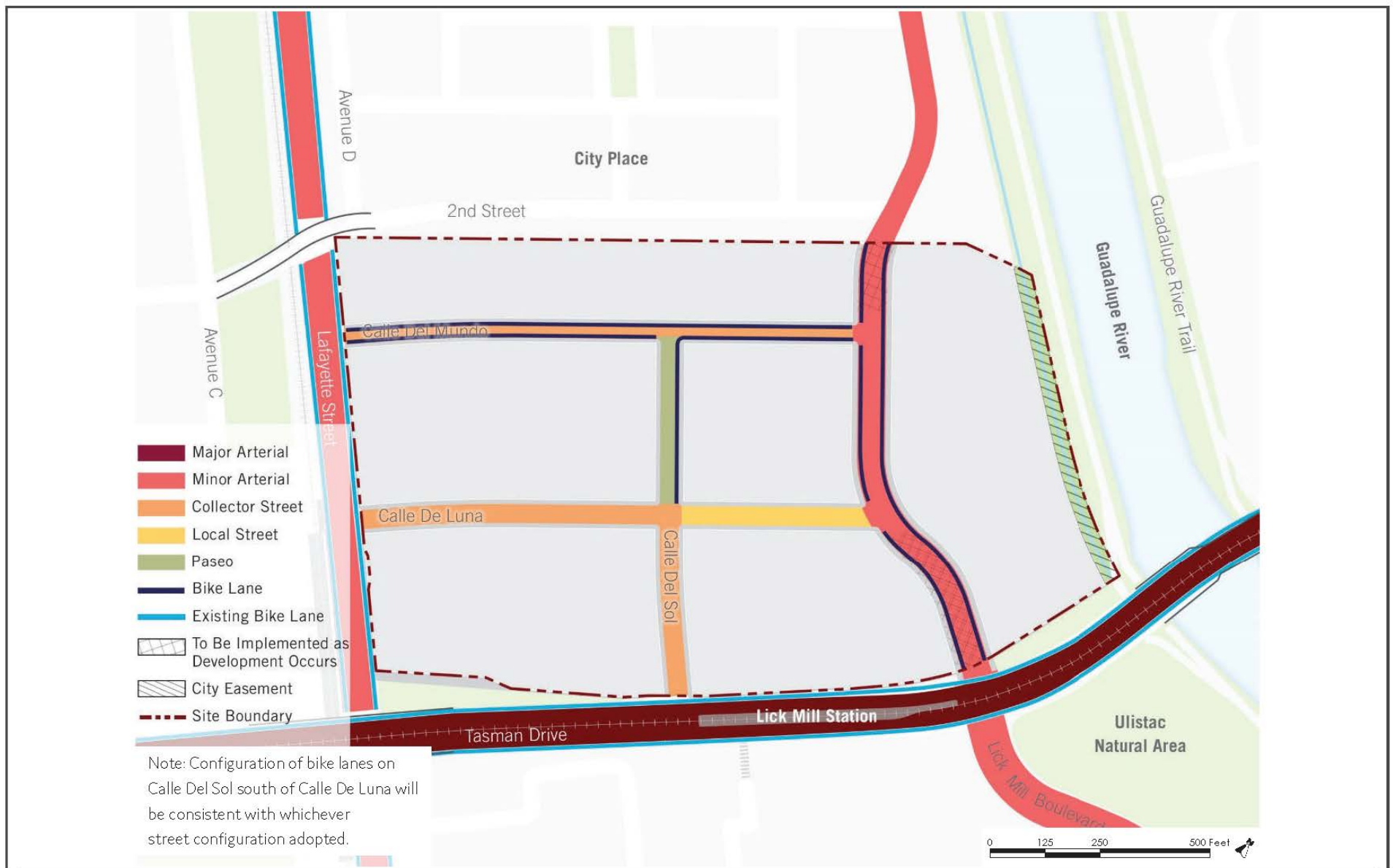
The following measures may be incorporated in future development on a project by project basis to efficiently use and treat water resources:

- The Specific Plan area would be connected to the reclaimed water pipeline from the San José-Santa Clara Regional Wastewater Facility (RWF) to maximize the use of recycled water,
- Install internal dual plumbing for selected uses when such practices are permitted,
- All irrigation would be via sub-surface drip systems,
- Stormwater management would be incorporated in landscaping and common open space as bioswales, and in buildings through activated drainage facades, flow-through planters, permeable paving, and green roofs. Private stormwater management plans shall not include public parks.



SPECIFIC PLAN LAND USES

FIGURE 2.0-4



SPECIFIC PLAN CIRCULATION NETWORK

FIGURE 2.0-5

2.3.2 Proposed Utility Improvements

The proposed project would require either a new water storage tank and booster pump be located in or near the development, or an approximately 3,000 lineal feet of 12-inch water main be upsized to 16-inch in Lafayette Street, consistent with the approved project. The existing 12-inch water lines within the Specific Plan area streets may also require replacement. The planned pedestrian and bicycle paseo aligned with Calle Del Sol is adjacent to the Primavera Pump Station. Relocation of the City's Primavera Pump Station is no longer required; however, upgrades (e.g., enclosure) to the pump station and associated equipment will be required. The design of the enclosure shall adhere to building code requirements and be submitted for City approval. One cell tower would be relocated towards the rear of the Specific Plan area, facing Calle De Luna.

The existing sewer piping within the Specific Plan area is 12-inch vitrified clay pipe (VCP). The existing piping will need to be relocated to conform with the new street sections and comply with required clearances to other utilities. In addition, recycled water facilities are currently under construction in Lafayette Street and a portion of Calle De Luna. As discussed in the Water Supply Assessment, the Specific Plan will be required to connect to the existing recycled water system.⁸ Any recycled water line extension for on-site use and demand would require approval from the City, South Bay Water Recycling, and State Water Resources Control Board (SWRCB) - Division of Drinking Water.

2.3.3 Phasing

Although it is not possible to accurately predict if and when each of the individual properties within the Specific Plan would redevelop, the first phase of transformation includes most of the perimeter properties (except the data center near Tasman Drive and Lafayette Street and the strip mall facing Tasman Drive), including the "loop" roads of Calle De Luna, Calle Del Mundo, and the portion of Lick Mill Boulevard which connects these two routes. Lick Mill Boulevard would be constructed as a two-lane roadway to serve build out of the Specific Plan and widened to four-lanes when required by Related Santa Clara at full buildout. With the phasing of the project, the City may require additional operational analysis to ensure the (phased) project is supported by the interim roadway network.

As shown in Figure 2.0-3, there are several parcels within the "island properties" that have projects on file or are approved. Phase two will include redevelopment of the remaining "island properties," construction of the pedestrian and bicycle paseo, and modification to the Primavera Pump Station and cell towers which are affected by the new pedestrian and bicycle paseo (Amendment #1). The projected potential phasing for the Specific Plan area is shown in Figure 2.0-6.

⁸ City of Santa Clara. *Tasman East Specific Plan Supplemental Water Supply Assessment*. August 2022.



POTENTIAL SPECIFIC PLAN PHASING

FIGURE 2.0-6

2.4 Project Objectives

The City's objectives for redevelopment within the Specific Plan include the following:

Land Use

Establish a land use plan and policy framework that will guide future development and redevelopment activities within the area toward transit supportive uses and improvements, by:

- Increasing the overall development on-site to meet the projected demand by adding additional dwelling units, retail space, and a day-care center within the "island properties" of the Specific Plan area,
- Providing housing density in the 100 units per acre range to help meet the City's state mandated RHNA,
- Providing convenient access to commercial uses, nearby employment, retail, services, entertainment, and other community supportive facilities and services.

Transportation

Improve vehicular, pedestrian, bicycle and transit connectivity between stations and existing and future adjacent commercial and residential areas, to encourage the use of alternative modes of transportation and foster a healthy lifestyle, by:

- Providing direct linkages from Tasman East to the Santa Clara Valley Transportation Authority, Amtrak, and Altamont Corridor Express stations and transit stops to promote transit use for access to services and jobs.

Public Realm

Provide a vital neighborhood in this area of the City, by:

- Developing and implementing urban design standards for streets, streetscapes, buildings, and open space, which promote walkable and livable environments within the project area,
- Promoting pedestrian-friendly design that includes features such as shade trees, streetscapes that contain lighting and landscaping, street furniture, pedestrian and bike paths, limited driveway curb cuts, traffic-calming features, and pedestrian street crossings, and
- Encouraging parking to be located in structures to minimize their visibility from streets and public spaces.

Parks

Create a vibrant, high density neighborhood with integrated on-site open space, recreational amenities, and neighborhood serving parks and recreational facilities, which includes:

- Provision of publicly accessible open space within the Tasman East Focus Area that is accessible to all residents, adequate to meet their activity needs, and consistent with the General Plan requirements and other City regulations, and
- New residential development that contains public open spaces, neighborhood parks and recreational amenities that are connected by trails and bikeways, and to other open space facilities such as the Guadalupe River Trail, San Tomas Aquino Creek Trail, and Ulistac Natural Area.

Environmental

- Meet infrastructure needs and public service levels for the neighborhood in the context of the surrounding area, including allocating fair share cost burdens related to public facilities and benefits, and
- Require new development to comply with the local floodplain management ordinance to ensure the safety of residents.

2.5 Uses of the EIR

This SEIR provides decision-makers and the general public with relevant environmental information to use in considering the proposed project and associated policies and regulations, as well as in implementing the Specific Plan over the coming years. It is expected that this SEIR would be used for appropriate discretionary and other approvals necessary to implement the project, as proposed. These actions may include, but are not limited to, the following approvals:

- Amendment of the Tasman East Specific Plan
- Design Permits/Site Review and other Permits for Development Consistent with the Specific Plan
- Development Agreements
- Parkland Dedication Agreements
- Park Maintenance Agreements
- Streetscape Improvements
- Acquisition, redevelopment, and/or sale of property
- Disposition and Development Agreements
- Utility Infrastructure Improvements
- USACE Section 404 Permit
- RWQCB Section 401 Water Quality Certification
- CDFW Section 1602 Lake and Streambed Alteration Agreement

- Santa Clara Valley Water District (Valley Water) Encroachment Permit
- Local Enforcement Agency Clearance

Section 3.0 Environmental Setting, Impacts, and Mitigation

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

3.1	Air Quality	3.7	Recreation Land Use
3.2	Biological Resources	3.8	Transportation
3.3	Greenhouse Gas Emissions	3.9	Tribal Cultural Resources
3.4	Noise	3.10	Utilities and Service Systems
3.5	Population and Housing	3.11	Wildfire
3.6	Public Services		

The discussion for each environmental subject includes the following subsections:

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

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

- **Project Impacts** – This subsection discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).
- **Planning Considerations** – The California Supreme Court in a December 2015 opinion (*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 [No. S 213478]) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The court ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted: 1) if the project would exacerbate existing environmental hazards (such as exposing hazardous waste that is currently buried); 2) if the project qualifies for certain specific specified exemptions (certain housing projects and transportation priority projects PRC 21159.21 (f),(h); 21159.22 (a),(b),(3); 21159.23 (a)(2)(A); 21159.24 (a)(1),(3); or 21155.1(a)(4),(6)); 3) if the project is exposed to potential noise and safety impacts on the project occupants due to proximity to an airport (PRC 21096); and 4)

school projects requiring specific assessment of certain environmental hazards (per PRC 21151.8).

The City of Santa Clara currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this section will discuss non-CEQA effects that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

- **Cumulative Impacts** – This subsection discusses the project’s cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this Draft SEIR.

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

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

Table 3.0-1 includes projects identified in the Transportation Analysis (Appendix D of this document) that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative List of Projects

Project Name	Location	Description
Related Santa Clara Buildout	5155 Stars and Stripes Drive	Construction of up to 1,680 residential units, 5,400,000 square feet of office, 1,100,000 square feet of retail, 250,000 restaurant, 700 room hotel, 190,000 entertainment.
Mission Point Buildout	4995 Patrick Henry Drive	Construction of up to 13,170 residential units, 3,060,000 square feet of office, 250,000 square feet of retail, 300 room hotel, 600 student school, 160 student daycare.
Patrick Henry Drive Specific Plan Buildout / Option 2	Patrick Henry Drive	Construction of up to 10,300 residential units, 785,000 square feet of office, 150,000 square feet of retail, 45,000 square feet of library space, 25,000 square feet of civic uses, and 90,000 square feet of flex space.
Freedom Circle Future Focus Area Plan Buildout with Greystar	Freedom Circle	Construction of up to 3,600 residential units, 5,369,000 square feet of office, 2,000 square feet of retail, and 750 room hotel.
4301 Great America Parkway Expansion	4301 Great America Parkway	Construction of an approximately 718,000-square foot office.
Mission College	3000 Mission College Blvd, Santa Clara	10 percent enrollment growth over 2018.

Source: Haynes, Matt. Fehr & Peers. Personal Communication. February 17, 2023.

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that Lead Agencies should define the geographic scope of the area affected by the cumulative effect. In each cumulative analysis, the geographic area of impact is identified.

The baseline for analysis is the conditions generally at the time the NOP was first circulated (July 6, 2022) unless otherwise noted.

3.1 Air Quality

The following discussion is based on an Air Quality and Greenhouse Gas (GHG) Assessment and an Updated Operational Emissions Memo⁹ prepared by *Illingworth & Rodkin, Inc.* in May 2023 and April 2026, respectively. Copies of these reports can be found in Appendices B and B-1 of this SEIR, respectively.

3.1.1 Environmental Setting

3.1.1.1 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 (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁰ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health effects are summarized in Table 3.1-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.1-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

⁹ Since preparation of the 2023 Air Quality and GHG Assessment, newer modeling methods have been implemented and the federal court issued its ruling in *Cal. Restaurant Assn. v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094. Therefore, an operational memo was prepared to reflect the newer modeling methods and ruling.

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

High O₃ 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 O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

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

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

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children, the elderly, 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.

¹¹ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 23, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

3.1.1.2 *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, O₃, 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 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 addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air District, formerly known as the Bay Area Air Quality Management District, 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 Bay Area Air District, must prepare air quality plans specifying how state and federal air quality standards will be met. The Bay Area Air District's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related Bay Area Air District goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the Bay Area Air District will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate

pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹²

CEQA Air Quality Guidelines

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

Local

Santa Clara Reach Code

The City adopted its first Reach Code in November 2021, following a public process, and adopted a first set of updates in November 2022. The Reach Code increased requirements on new construction to install EV infrastructure and imposed new obligations to install solar panels.

The 2021 and 2022 Reach Codes also mandated the use of electricity as a power source in most new construction, and limited the installation of natural gas plumbing and meters. However, the City of Berkeley adopted a similar ordinance in 2019 that was challenged by the California Restaurant Association, ultimately resulting in the Ninth Circuit Court of Appeals concluding that the federal law preempted local regulations that prohibited natural gas delivery systems in new development. In response, on January 14, 2025, the Santa Clara City Council indefinitely suspended the all-electric provisions of the Reach Code. On November 4, 2025, the City of Santa Clara adopted its most recent updates to its Reach Code, which makes local amendments to the California Energy Code and California Green Building Standards Code to support sustainability goals.¹³

City of Santa Clara 2010-2035 General Plan

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

Policies	Description
5.1.1-P24	Prior to the implementation of Phase III, the City will include a community Risk Reduction Plan ("CRRP") for acceptable Toxic Air Contaminant ("TAC") concentrations, consistent with the Bay Area Air Quality Management District ("BAAQMD") CEQA Guidelines, including risk and exposure reduction targets, measures to reduce emissions, monitoring procedures, and a public participations process.

¹² Bay Area Air District. *Final 2017 Clean Air Plan*. April 19, 2017. Accessed November 23, 2022. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

¹³ The current update to the Reach Code does not contain the all-electric requirements.

Policies	Description
5.8.5-P1	Require new development and City employees to implement transportation demand management programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.
5.8.5-P5	Encourage transportation demand management programs that provide incentives for the use of alternative travel modes to reduce the use of single-occupant vehicles.
5.8.5-P9	Promote transportation demand management programs that provide education, information and coordination to connect residents and employees with alternate transportation opportunities.
5.10.2-P1	Support alternative transportation modes and efficient parking mechanisms to improve air quality.
5.10.2-P2	Encourage development patterns that reduce vehicle miles traveled and air pollution.
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 greenhouse gas emissions to reach 30 percent below 1990 levels by 2020.
5.10.2-P5	Promote regional air pollution prevention plans for local industry and businesses.
5.10.2-P6	Require “Best Management Practices” for construction dust abatement.
5.10.5-P34	Implement minimum setbacks of 500 feet from roadways with average daily trips of 100,000 or more and 100 feet from railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures, such as site design, tiered landscaping, air filtration systems, and window design, to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.
5.10.5-P35	Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be reduced to acceptable levels.

3.1.1.3 *Existing Conditions*

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. The Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. There are sensitive receptors located approximately 150 feet south of the Specific Plan area.

3.1.2 Impact Discussion

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

- 1) Conflict with or obstruct implementation of the applicable air quality plan?

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

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

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of Santa Clara has considered the air quality thresholds updated by the Bay Area Air District 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 City has applied these thresholds consistently in its environmental documents. The Bay Area Air District CEQA Air Quality thresholds used in this analysis are identified in Table 3.1-2 below.

Table 3.1-2: Bay Area Air District Air Quality Significance Thresholds

Criteria Air Pollutants	Construction Thresholds	Operation Thresholds	
Pollutant	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
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)	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	Not Applicable
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)	Construction Thresholds	Operation Thresholds	
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)	

As previously discussed in *Section 3.0*, in December 2015, the California Supreme Court issued an opinion in “*CBIA vs. BAAQMD*” holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project’s future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies (refer to *Section 3.1.1.2*) that address existing conditions affecting a proposed project, which are discussed below as planning considerations.

3.1.2.1 *Cumulative Contribution to Non-Attainment Criteria Pollutant Emissions*

As discussed previously in *Section 3.1.1.3*, the Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act. The area has attained both state and federal ambient air quality standards for CO and NO₂. As part of an effort to attain and maintain ambient air quality standards for O₃ and PM₁₀, the Bay Area Air District has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O₃ precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5} and apply to both construction period and operational period impacts for projects.

Construction Emissions

Implementation of the proposed project would result in temporary emissions from construction activities associated with subsequent development including demolition, site grading, asphalt paving, building construction, and architectural coating. Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit dirt/mud on local streets, which could be an additional source of airborne dust after it dries.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions may still pose community risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

Construction exhaust emissions include those from equipment (i.e., off-road) and traffic (on-road vehicles and trucks). Off-road construction equipment is often diesel-powered and can be a substantial source of NO_x emissions, in addition to PM₁₀ and PM_{2.5} emissions. Architectural coatings and application of asphalt pavement are dominant sources of ROG emissions. The Bay Area Air District CEQA Air Quality Guidelines do not identify quantified plan-level thresholds for construction emissions; however, there are project-level thresholds of 54 pounds per average day for NO_x, ROG and PM_{2.5} exhaust and 82 pounds per average day for PM₁₀ exhaust. The combination of temporary dust from activities and diesel exhaust from construction equipment and related traffic may exceed the Bay Area Air District's project-level thresholds on a project-by-project basis. In addition, NO_x emissions during grading and soil import/export for large projects may exceed the Bay Area Air District NO_x emission thresholds for projects.

Impact AQ-1: The project would result in significant construction air pollutant emissions due to dust generation and emissions of TACs and criteria pollutants during construction. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures shall be implemented on a project-by-project basis to control dust and reduce TAC and criteria pollutant emissions during construction.

MM AQ-1.1: During any construction period ground disturbance, the applicant shall ensure that the project contractor implements the following Bay Area Air District Best Management Practices (BMPs):

- All exposed unpaved 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 five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- 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 and person to contact at the construction firm 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 contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., generators).

MM AQ-1.2:

Construction criteria pollutant and TAC quantification will be required on a project-level basis for individual development projects once those details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions. The analysis must be submitted for City review and approval, once complete. Health risks from construction TACs shall be reduced below 10 in one million excess cancer cases, a hazard index of 1.0, and PM_{2.5} emissions of 0.3 µg/m³. Criteria pollutant emissions shall not exceed the Bay Area Air District's construction criteria pollutant emissions thresholds. Reduction in emissions can be accomplished through, though is not limited to, the following measures:

- Construction equipment selection for low emissions;
- Use of alternative fuels, engine retrofits, and added exhaust devices;
- Low-volatile organic compound (VOC) paints;
- Modify construction schedule; and

- Implementation of the Bay Area Air District's Basic and/or Additional Construction Mitigation Measures for control of fugitive dust.

Site-specific construction schedules and equipment are not known at this time for the future development of the Specific Plan and, therefore, air pollutant emissions have not been quantified at the project-level. Consistent with the approved Specific Plan FEIR, implementation of mitigation measure MM AQ-1.1 would ensure that all construction projects employ the proper Bay Area Air District-Recommended Measures to Control Particulate Matter Emissions and mitigation measure MM AQ-1.2 would ensure that construction of future development areas under the Specific Plan, including the proposed project, would be analyzed through project-level review to quantify construction criteria pollutant emissions and identify the specific measures needed to reduce potential impacts so as not to exceed the Bay Area Air District construction criteria emissions thresholds, as necessary. As described under mitigation measure MM AQ-1.1 and AQ-1.2 and as identified in the Specific Plan FEIR, the construction emissions impacts from individual development projects under the Specific Plan would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Effects to On-Site Sensitive Receptors (Planning Consideration)

The on-site effects of the project on future sensitive receptors within the Specific Plan area is a planning consideration and not required as part of the CEQA analysis since it does not involve off-site impacts of the project on the environment. Since project construction would be phased, future on-site residences would be considered sensitive receptors for later phases of construction within the Specific Plan area. Emissions and dispersion modeling would be conducted to estimate the on-site DPM concentrations resulting from construction, so that lifetime cancer risks and non-cancer health effects can be evaluated and mitigation identified.

With the implementation of mitigation measures MM AQ-1.1 and MM AQ-1.2, future on-site sensitive receptors would not be exposed to harmful pollutants resulting from construction emissions because construction equipment would include necessary emissions controls to reduce the effects of TACs below the Bay Area Air District's significance thresholds.

Operational Emissions

Operational air emissions from the proposed project were modeled and would be generated primarily from automobiles driven by future residents, employees, customers, and vendors. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. In addition, vehicle trip generation rates, energy usage, and other default California Emissions Estimator Model (CalEEMod) model assumptions for roadway silt loading were input into CalEEMod to estimate the emissions from operation of the project (refer to Appendix B of this document).

Implementation of the Specific Plan would result in long-term area and mobile source emissions from operation and use of subsequent development. Implementation of the Specific Plan would also contribute to an increase in planned regional growth and a large increase in VMT in the Specific Plan area. The Specific Plan FEIR would require implementation of a TDM program, consistent with the CAP, which would reduce residential vehicle trips.

Santa Clara's CAP was updated in June 2022 and requires that the new projects implement vehicle miles traveled (VMT) reductions, depending on the General Plan land use classification, project type and transportation district where the project is located. Based on the Transportation Analysis prepared by *Fehr & Peers* (refer to Appendix D), a 24 percent mixed use trip reduction and a 10 percent TDM reduction consistent with the 2018 Specific Plan's TDM requirements was applied. The project will comply with the City's CAP concerning TDM programs and VMT reduction.

Plan-level documents are not required to model operational emission levels at a project-level since operational emissions are based on a project-by-project basis. To better understand the extent of future operational criteria air pollutant emissions generated from build out of the Specific Plan, operational emissions were modeled and compared to project-level Bay Area Air District thresholds.

The City's Reach Code, which came into effect on January 1, 2023, prohibited natural gas usage in new residential developments and most businesses. Many of the Specific Plan projects included in the Specific Plan FEIR were approved prior to the adoption of the City's Reach Code. In 2025, the City updated its Reach Code to allow for natural gas usage in new construction, consistent with the *California Restaurant Association v. City of Berkeley* decision. Therefore, this analysis assumes build out of the Specific Plan and the proposed project with CalEEMod default electricity and natural gas consumption rates to calculate operational emissions. Table 3.1-3 summarizes the approved and proposed project's estimated operational emissions (assuming natural gas usage).

Table 3.1-3: Summary of Specific Plan Operational Air Emissions (with Natural Gas Usage)

Scenario	ROG	NO _x	PM ₁₀	PM _{2.5}
Existing Specific Plan Operational Emissions (tons/year) ¹	32.91	9.72	9.10	2.53
Additional Specific Plan Operational Emissions (tons/year)	9.35	2.59	2.65	0.74
Existing Emissions	3.11	3.03	1.38	0.46
Total Net Operational Emissions (tons/year)	39.15	9.28	10.37	2.82
<i>Bay Area Air District Thresholds (tons/year)</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>
Exceed Threshold?	Yes	No	No	No
Average Daily Net Emissions (pounds/day)	214.52	50.86	56.83	15.43
Specific Plan Update Only	51.22	14.21	14.51	4.06
<i>Bay Area Air District Thresholds (pounds/day)</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>

Scenario	ROG	NO _x	PM ₁₀	PM _{2.5}
Exceed Threshold?	Yes	No	No	No

Note: ¹ There is a substantial difference between ROG and NO_x emissions due to the updated CalEEMod modeling used.

Source: Illingworth & Rodkin, Inc. *Updated Operational CalEEMod Modeling of Air Pollutant and GHG Emissions Memo*. April 7, 2026.

As shown in the table above, the total net operational ROG emissions would be 39.15 tons per year with an average daily net emissions of 214.52 pounds per day.

Consistent with the approved project and as shown in the table above, buildout of the Specific Plan (2018 Specific Plan and proposed project) would exceed the Bay Area Air District's thresholds of 54 pounds per day for ROG.

Impact AQ-2: The operation of the project would result in significant operational ROG emissions thereby contributing to regional ozone impacts. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would reduce operational ROG emissions impact resulting from the project:

- MM AQ-2.1:** Proposed residential development within the Specific Plan shall implement TDM programs to reduce residential vehicle miles traveled as required by the City's Climate Action Plan. The TDM programs would be reviewed and approved by the Community Development Director prior to issuance of building permits. An annual TDM monitoring report shall be submitted to the Community Development Director to document each development is meeting the required TDM program reductions.
- MM AQ-2.2:** Proposed development within the Specific Plan shall incorporate additional green building measures such as rooftop solar photovoltaic (PV) systems, rough-ins for electric vehicle charging, use of efficient lighting and irrigation, and recycled water, as feasible, to the satisfaction of the Community Development Director.
- MM AQ-2.3:** Developed parcels shall require within their CC&Rs and/or ground leases requirements for all future interior spaces to be repainted only with architectural coatings that meet the "Low-VOC" or "Super-Compliant" requirements. "Low-VOC" refers to paints that meet the more stringent regulatory limits in South Coast AQMD Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as "Super-Compliant" Architectural Coatings.

While the impact conclusion is the same level of significance disclosed in the Specific Plan FEIR (i.e., significant and unavoidable), the proposed project would increase the severity of the previously identified ROG emissions impact. Consistent with the approved project, even with implementation of mitigation measures MM AQ-2.1 to MM AQ-2.3 which require TDM programs and green building techniques, emissions of ROG would not be reduced below the Bay Area Air District's significance threshold for criteria pollutants. The criteria pollutant emissions impacts of the buildout of the Specific Plan with the proposed project would be greater than the 2018 Specific Plan approval; therefore, the revised project, including up to 1,500 additional units, would result in a substantial increase in the severity of the previously identified significant impact. **[New Potentially Significant Impact (Significant and Unavoidable Impact With Mitigation Incorporated)]**

3.1.2.2 *Health Effects for Criteria Pollutants*

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. 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. In developing thresholds of significance for air pollutants, the Bay Area Air District 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 pollutants, it is assumed to have no adverse health effect.

As discussed above, future developments associated with the Specific Plan would have less than significant construction criteria air pollutant impacts, but significant operational criteria air pollutant impacts. With implementation of mitigation measures MM AQ-2.1 to MM AQ-2.3, consistent with the approved project, the proposed project would result in a new significant and unavoidable impact due to the substantial increase of ROG emissions compared to the approved project.

The operational emissions from buildout of the proposed project were compared against regional emissions to determine the project's increase on regional ozone levels and potential to increase adverse health effects. Table 3.1-4 below provides a comparison of project emissions to the Bay Area air basin.

Table 3.1-4: Comparison of Project Emissions to Bay Area Air Basin

Scenario	ROG
Bay Area Air Basin in 2020	238 tons/day
Bay Area Air Basin in 2035 ¹	238 tons/day
Mitigated Specific Plan Update Operation	0.11 tons/day (39.15 tons/year)
Percent (%) of Basin in 2035	0.05%

Note: ¹ Closest year of analysis to the proposed operational year.

Sources: Illingworth & Rodkin, Inc. *Update To The Tasman East Specific Plan and FEIR – Air Quality And Greenhouse Gas Assessment*. May 23, 2023.

Illingworth & Rodkin, Inc. *Updated Operational CalEEMod Modeling of Air Pollutant and GHG Emissions Memo*. April 7, 2026. The operational emissions for ROG were revised based on the updated operational CalEEMod modeling numbers.

As shown in the table above, ROG project emissions (with mitigation) would contribute to a very small percentage of the region's air quality in 2035 (0.05 percent for ROG). The resulting health effects from the project, therefore, would be low relative to existing health risks and represent only a very small fraction of the total background health risks from regional ozone levels. While the proposed project would not substantially increase regional ozone levels nor would the project result in measurable significant health effects, the Bay Area Air District's significance thresholds for ROG would be exceeded with buildout of the Specific Plan and the proposed project as discussed above.

3.1.2.3 *Effects on Other Air Quality Standards*

CO emissions from traffic generated by the project would be a pollutant of concern at the local level. CO emissions are generated by the incomplete combustion of fuels making motor vehicles the largest source of CO. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of CO. Air pollutant monitoring data indicate that CO levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the CO standard.

The Bay Area Air District CEQA Air Quality Guidelines state that a project would have a less than significant impact if it would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. Based on the trip generation rates, the project would add approximately 2,246 trips in the PM peak hour and would not affect high-volume intersections that have the potential to result in exceedances of an ambient air quality standard for CO. Therefore, the project would have a less than significant effect with respect to CO.

Consistent with the approved project, the proposed project would not violate air quality standards (including those for CO) other than ROG. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.1.2.4 *Exposure of Sensitive Receptors to Pollutant Concentrations*

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. To address exposure of sensitive receptors to substantial pollutant levels, the Bay Area Air District CEQA Guidelines developed thresholds that address community health risk. These include increased cancer risk, non-cancer hazards and increased annual concentrations of PM_{2.5}. Sources of TACs and PM_{2.5} lead to increased community risk levels. Diesel particulate matter, or DPM, is the predominant TAC in the area.

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources include construction sites, freeways or highways, busy surface streets, and stationary sources identified by the Bay Area Air District. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in proximity to the roadway. For local roadways, the Bay Area Air District considers roadways with traffic volumes of over 10,000 vehicles per day to have a potentially significant impact on sensitive receptors.

Exposure of On-Site Sensitive Receptors from Existing TAC Sources (Planning Consideration)

The proposed project would introduce new sensitive receptors (e.g., residences and children attending daycare) in proximity to nearby TAC sources, including Lafayette Street, Tasman Drive, and Lick Mill Boulevard. The rail line and the Great America train station near the project site is a source of TAC emissions from diesel-powered locomotives. Light rail transit trains operating on Tasman Drive are electrified and, therefore, not a source of DPM. Table 3.1-5 on the following page shows the existing stationary and roadway sources that could adversely affect on-site sensitive receptors.

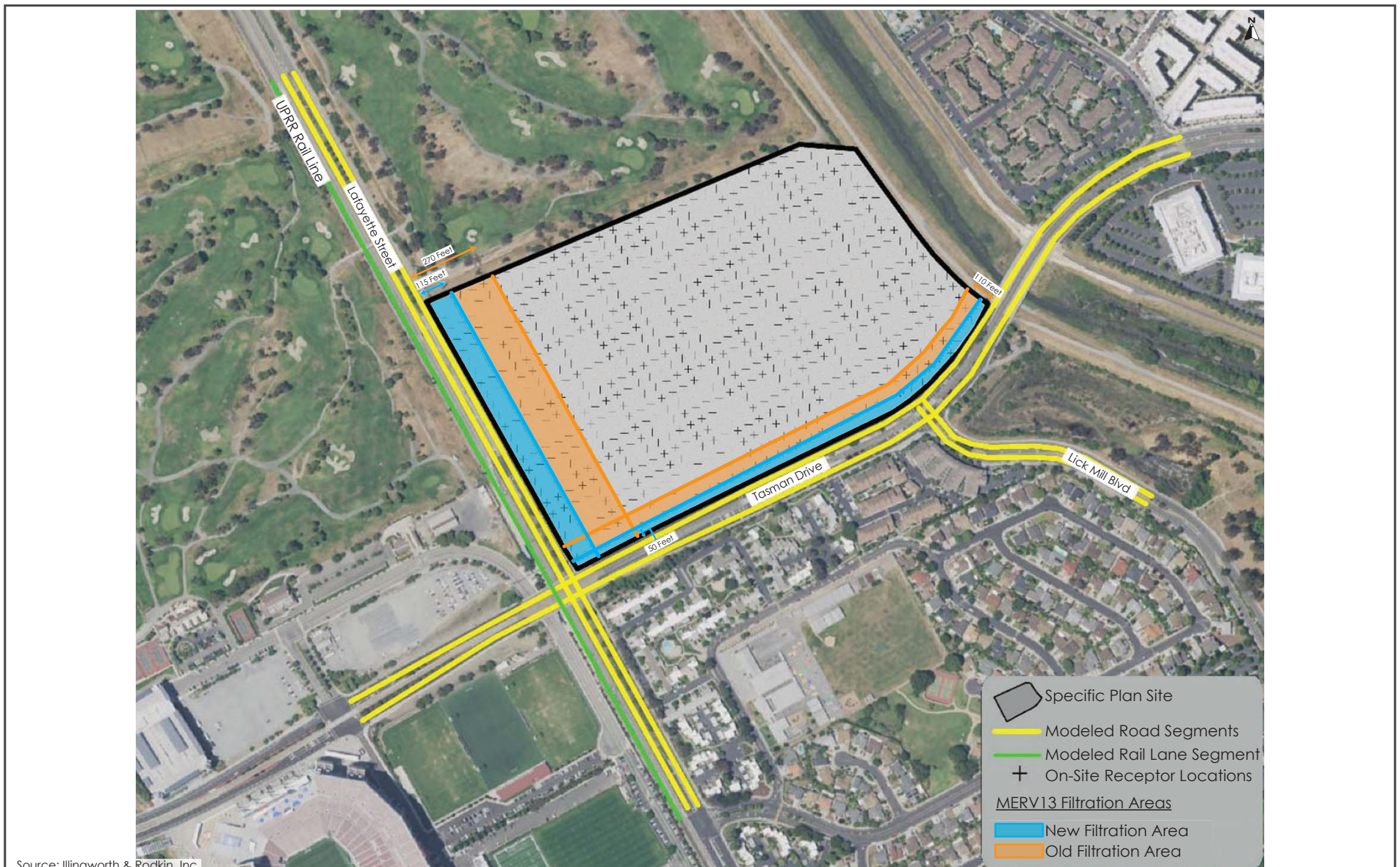
Table 3.1-5: Maximum Health Risk to Proposed On-Site Sensitive Receptors

Single Source	Maximum Cancer Risk (per million)	Maximum PM_{2.5} Concentration (µg/m³)	Maximum Hazard Index
Lafayette Street	5.4	0.53	<0.01
Tasman Drive	4.3	0.36	<0.01
Lick Mill Boulevard	1.4	0.10	<0.01
Stationary Sources			
• Plant 1636 (Alzeta Corporation)	0.01	<0.01	0.03
• Plant 23330 (EPZ Inc.)	N/A	<0.01	<0.01
• Plant 24828 (Zayo Group, LLC)	4.95	0.01	<0.01
• Plant 22633(City of Santa Clara)	0.68	N/A	<0.01
• UPRR Rail Line Great America Station (110 feet away)	9.1	0.01	<0.01
Total ¹	25.84	1.03	<0.10
Bay Area Air District Threshold for Single Sources	10.0	0.3	1.0
Exceed Single Threshold?	No	Yes	No
Bay Area Air District Threshold for Cumulative Sources	100.0	0.8	10.0
Exceed Cumulative Threshold?	No	Yes	No

Notes: Bold text indicates levels above single source thresholds.

¹ The actual cumulative level would be less because this value represents the sum of the maximum impacts where the maximum impacts from each source does not occur at one location.

The approved project was found to exceed the Bay Area Air District significance thresholds from three sources of TACs and PM_{2.5} emissions which included the UPRR Rail Line Great America Station, Lafayette Street, and Tasman Drive. As shown in the table above, none of the sources identified would exceed the Bay Area Air District's significance threshold of 10.0 for cancer risk and 1.0 for hazard index (HI). Both Lafayette Street and Tasman Drive would exceed the Bay Area Air District's significance threshold of 0.3 for PM_{2.5} by 0.23 µg/m³ and 0.06 µg/m³, respectively. The areas affected by Lafayette Street and Tasman Drive include the southwestern portion of the site that is within 115 feet of the Lafayette Street edge of travel lane and the southeastern portion of the site that is within 50 feet of the Tasman Drive edge of travel lane. Any development of sensitive receptors within these affected areas would expose sensitive receptors to significant PM_{2.5} concentrations. The locations requiring the use of MERV13 filters and other site design measures are shown in Figure 3.1-1 on the following page.



RESIDENTIAL AREAS REQUIRING MERV13 FILTRATION

FIGURE 3.1-1

As previously discussed in *Section 3.0*, in December 2015, the California Supreme Court issued an opinion in *CBIA vs. BAAQMD* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbate those environmental hazards or risks that already exist. Nevertheless, the City has General Plan policies (refer to *Section 3.1.1.2, Policy 5.10.5-P34*) that address existing conditions affecting a proposed project.

Due to the outcome of the *CBIA vs. BAAQMD* ruling discussed in *Section 3.0*, the following measures are listed as Conditions of Approval as they are required by the project to address existing conditions in accordance with the City's General Plan policies. Based on the results of the calculated health risks to the on-site sensitive receptors (refer to Table 3.1-5), the Conditions of Approval identified in the approved Specific Plan FEIR have been revised to remove references to the UPRR Rail Line.

Conditions of Approval:

Where cancer risk is identified in Figure 3.1-1 as exceeding annual PM_{2.5} concentrations of 0.3 µg/m³ or 0.8 µg/m³ for cumulative sources within the Specific Plan area and 1,000 feet of the Specific Plan area, the following Conditions of Approval shall be imposed:

- Design the site to limit exposure from sources of TACs and PM_{2.5} emissions. The final site layout shall locate operable windows and air intakes as far as possible from Lafayette Street and Tasman Drive.
- To the greatest degree possible, plant vegetation along the project site boundaries with Lafayette Street and Tasman Drive and around outdoor use areas. This barrier would include trees and shrubs that provide a dense vegetative barrier.
- Install air filtration at units that have predicted PM_{2.5} concentrations above 0.3 µg/m³. Air filtration devices shall be rated MERV13 or higher. Alternately, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk below significance thresholds.
- As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Ensure that any lease agreements and other property documents (1) require cleaning, maintenance, and monitoring of the affected units for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce PM_{2.5} concentrations above 0.3 µg/m³ for any source and 0.8 µg/m³ for all sources.

The Bay Area Air District Guidelines require that developments in areas affected by air pollutant sources install and maintain air filtration systems of fresh air supply. These systems would use MERV13 filters and would be installed on either an individual unit-by-unit basis, with individual air intake and exhaust ducts ventilating each unit separately, or through a centralized building ventilation system. The ventilation system would be certified to achieve certain effectiveness. Consistent with the approved Specific Plan FEIR, the measures described above would reduce PM_{2.5} concentrations to below the Bay Area Air District significance thresholds.

3.1.2.5 *Odors*

The proposed project would increase localized emissions of diesel exhaust during construction equipment operation and from truck activity when compared to the approved project. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints.

Consistent with the approved project, the proposed project does not identify any typical sources of odors that could lead to objectionable odors that generate frequent odor complaints. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Existing Odor Sources on Future Residents (Planning Consideration)

Odor impacts could occur if residents associated with the project experienced objectionable odors and made complaints. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative methodologies to determine the presence of a significant odor impact.

The Bay Area Air District publishes screening buffer distances for odor sources and sensitive receptors in their CEQA Air Quality Guidelines. There is a wastewater treatment plant and a materials recovery resource facility within two miles of the Specific Plan area. Specifically, the San José-Santa Clara Regional Wastewater Facility is approximately 1.4 to 1.8 miles northeast of the Specific Plan area. Zero Waste Energy Development Company's facility on Zanker Road lies about 1.6 to two miles away in the same direction. Both facilities have been identified to have odor complaints by the Bay Area Air District in the past, however, most complaints occur in Milpitas (which lies to the east-southeast of these facilities).

The predominant wind direction in the project area is from the northwest to the southeast. The project site is not located downwind of these sources and, therefore, windflow from a direction that could direct odors toward the project site would occur less than five percent of the time.

3.1.2.6 Consistency with Plans

2017 Clean Air Plan

Consistency of the approved project and the proposed project with the 2017 CAP control measures is demonstrated by assessing whether the Specific Plan implements the applicable 2017 CAP control measures. Buildout of the approved project (4,500 dwelling units) would result in an additional 12,285 residents. The proposed project would further increase population in the Specific Plan area by approximately 4,095 residents. The General Plan Land Use Component and Housing Element Updates EIR Addendum also accounted for and analyzed 1,676 dwelling units within the Tasman East Focus Area or Specific Plan area. The proposed project and the previously approved project would include up to 6,000 dwelling units. This leaves up to 4,324 dwelling units that have not been accounted for in the General Plan Addendum. Although the increase in housing dwelling units allowed by the Specific Plan would be inconsistent with quantitative 2017 CAP projections, the Specific Plan is a high-density development located near major transit infrastructure and would incorporate green building measures. The approved project was found to be generally consistent with the 2017 CAP and measures intended to reduce automobile and energy use, which are discussed in Table 3.1-6.

Table 3.1-6: 2017 CAP Measures

Applicable Bay Area Air District Control Strategy Measures	Consistency
Transportation Control Measures	
TR1: Clean Air Teleworking Initiative	The Specific Plan would require implementation of a TDM program, which would include measures such as increased support for telecommuting.
TR2: Trip Reduction Programs	The Specific Plan would require implementation of a TDM program, which would include measures such as transit subsidies, carpool incentives, bicycling incentives, carshare memberships, and/or vanpools.
TR 5: Transit Efficiency and Use	While this is mostly a regionally implemented control measure, the Specific Plan would provide connections to regional and local transit with its convenient location near the Great America train station and Lick Mill light rail transit (LRT) station.
TR7: Safe Routes to Schools and Safe Routes to Transit	The Specific Plan would ensure clear and safe pedestrian circulation. Convenience, safety and integrated access would be prioritized for all modes of transportation.
TR8: Ridesharing, Last-Mile Connection	The Specific Plan would require implementation of a TDM program, which may include measures such as carpool incentives, carshare memberships, additional Last Mile services, and/or vanpools.
TR9: Bicycle and Pedestrian Access and Facilities	The Specific Plan would result in a dense, walkable environment, simplify wayfinding, and ensure clear and safe pedestrian circulation.

Applicable Bay Area Air District Control Strategy Measures	Consistency
TR10: Land Use Strategies	The Specific Plan would design new buildings around walkable streets and close to transit, creating opportunity for more sustainable transportation modes less reliant on the car.
TR13: Parking Policies	The Specific Plan would reduce demand for parking through design, transit accessibility and TDM programs.
Building Control Measures	
BL1: Green Buildings	The Specific Plan would meet new Title 24 standards as well as City requirements.
BL2: Decarbonize Buildings	The Specific Plan would utilize energy generation through on-site photovoltaic on buildings. Buildings within the Specific Plan area would avoid natural gas use. In addition, the Specific Plan aims for net zero energy on-site over time as the electricity provider, SVP, strives to provide carbon free generated electricity to their Santa Clara customers as well as the purchase of renewable energy credits.
BL4: Urban Heat Island Mitigation	The Specific Plan would reduce cooling load by maximizing shade through tree planting and natural foliage.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	The Specific Plan would provide a comfortable, well-shaded environment defined by a consistent, linear planting plan along the streets and a variety of trees in parks and greenways.
Waste Management Control Measures	
WA4: Recycling and Waste Reduction	The Specific Plan would include visible recycling and composting stations in the public realm and include public awareness campaigns for all users. The Specific Plan would provide means for waste separation at point of collection.
Water Control Measures	
WR2: Support Water Conservation	The Specific Plan would maximize water reuse. The Specific Plan buildings would reduce water fixture use below Code minimum requirements through efficient devices. Irrigation water would rely on reclaimed water and be minimized through the use of drip systems.

Consistent with the approved Specific Plan FEIR, the proposed project would not disrupt or hinder the implementation of any applicable control measures or conflict with or obstruct implementation of the 2017 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Santa Clara General Plan

Similar to the approved project, the proposed project would be consistent with applicable General Plan policies regarding air quality by proposing high-density residential mixed-use near employment centers, existing alternative transportation (which reduces vehicle miles traveled), implementing BMPs for construction dust abatement, evaluating and mitigating health risks impacts from the

project to off-site sensitive receptors, identifying recommendations to reduce health risks to on-site receptors from existing sources, and implementing a TDM program. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.1.2.7 *Cumulative Impacts*

By its very nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. Past, present, and future development projects contribute to the region's adverse air quality impacts. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts.

Construction Air Pollutant Emissions

In developing thresholds of significance for air pollutants, the Bay Area Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed above, with the implementation of mitigation measures MM AQ-1.1 and MM AQ-1.2, the project's cumulative construction impacts to air quality would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Operational Air Pollutant Emissions

Since the proposed project would continue to exceed the Bay Area Air District's thresholds for ROG emissions, it would have a cumulatively considerable contribution to regional criteria pollutant emissions.

Impact C-AQ-1: The project would make a cumulatively considerable contribution to regional criteria pollutant emissions (ROG). **(Significant Cumulative Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the proposed project shall be required to implement mitigation measures MM AQ-2.1 to MM AQ-2.3 to reduce the regional criteria pollutant emissions of the project. Although the Specific Plan would meet the required CAP reduction, this impact would remain significant and unavoidable given that such a reduction would not reduce significant operational ROG emissions below the Bay Area Air District's threshold of 54 pounds per day. The cumulative criteria pollutant emissions impacts of the Specific Plan; therefore, would remain significant and unavoidable. **[New Potentially Significant Impact (Significant Unavoidable Cumulative Impact with Mitigation Incorporated)]**

Exposure of On-Site Sensitive Receptors to Cumulative Pollutant Concentrations (Planning Consideration)

As discussed above, per the *CBIA vs. BAAQMD* ruling discussed in *Section 3.0*, the cumulative effects of local air pollutants sources on the Specific Plan area would not be a CEQA impact. The Specific Plan area, however, is affected by multiple sources of TACs, the effects of which are considered for consistency with the City's General Plan. Table 3.1-5 above summarizes the health risk associated with each source affecting the Specific Plan area. The sum of impacts from combined sources (i.e., sources within 1,000 feet of the project) would exceed the cumulative threshold for annual PM_{2.5} concentrations. However, with the implementation of the Conditions of Approval identified to reduce the health risk from existing TAC sources to future occupants of the Specific Plan area, the health risk to future on-site receptors would be reduced to below Bay Area Air District significance threshold for annual PM_{2.5} from combined sources.

Cumulative Odor

The proposed project does not include land uses that would generate considerable odors. Therefore, the proposed project would not have a considerable contribution to a significant cumulative odor impact. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

3.2 Biological Resources

The following discussion is based in part on a Biological Resources Report prepared by *H.T. Harvey & Associates* in July 2018.

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

Federal

Clean Water Act

Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under provisions of Section 404 of the 1972 Clean Water Act (CWA). Construction activities and the placement of fill within jurisdictional waters are regulated by the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California. Many wetlands fall into RWQCB jurisdiction, including some wetlands that are not subject to federal USACE jurisdiction. RWQCB jurisdiction of other waters, such as streams and lakes, extends to all areas below the ordinary high water mark.

Rivers and Harbors Appropriation Act of 1899

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) prohibits the unauthorized obstruction or alteration of any navigable water of the United States. This section provides that the construction of any structure in or over any navigable water of the United States, or the accomplishment of any other work affecting the course, location, condition, or physical capacity of such waters is unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The Secretary's approval authority has since been delegated to the Chief of Engineers.¹⁴

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. 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

¹⁴ U.S. Environmental Protection Agency. Section 10 of the Rivers and Harbors Appropriation Act of 1899. Accessed November 10, 2022. <https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899>.

and/or loss of reproductive efforts through disturbance.

State

California Endangered Species Act

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

Porter-Cologne Water Quality Control Act

Porter-Cologne broadly defines waters of the state as “any surface water or groundwater, including saline waters, within the boundaries of the state.” Because Porter-Cologne applies to any water, whereas the CWA applies only to certain waters, California’s jurisdictional reach overlaps and may exceed the boundaries of waters of the U.S. For example, Water Quality Order No. 2004-0004-DWQ states that “shallow” waters of the state include headwaters, wetlands, and riparian areas. Where riparian habitat is not present, jurisdiction is taken to the top of bank. In 2019, the SWRCB adopted a wetland definition and procedures to address impacts to waters of the state that were no longer protected by the CWA.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

California 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.

California Native Plant Protection Act

The California Native Plant Protection Act (CNPPA), enacted in 1977, prohibits the import of rare and endangered plants into California, the take of rare and endangered plants, and the sale of rare and endangered plants (the threatened category replaced the rare category when CESA was enacted in 1984). CESA defers to the CNPPA, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA.

Local

City of Santa Clara Tree Protection Policies

The City of Santa Clara provides tree protection under the City Code (Chapter 12.35), and under the General Plan (Conservation Policies 5.10.1-P3 and 5.10.1-P4 and Appendix 8.10). These policies detail protections for trees on City property, rights-of-way, easements, and streets (“City trees”), and as well as certain privately-owned trees. A permit is required for removal of any City trees, City-designated heritage trees, trees from nine listed species with a diameter of 12 inches or more at 54 inches above grade, and any tree with a diameter of 38 inches or more at 54 inches above grade. The General Plan also requires new development to provide street trees as well as a minimum 2:1 on or off-site replacement for trees removed.

City of Santa Clara 2010-2035 General Plan

The General Plan includes the following policies that are related to biological resources:

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-G1	The protection of fish, wildlife, and their habitats, including rare and endangered species.
5.10.1-G2	Conservation and restoration of riparian vegetation and habitat.
5.10.1-P1	Require environmental review prior to approval of any development with the potential to degrade the habitat of any threatened or endangered species.
5.10.1-P2	Work with the SCVWD and require that new development follow the “Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resource in Santa Clara County” (SCVWD 2007).
5.10.1-P3	Require preservation of all City-designated heritage trees listed in the Heritage Tree Appendix 8.10 of the General Plan.
5.10.1-P4	Protect all healthy cedars, redwoods, oaks, olives, bay 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.
5.10.1-P5	Encourage enhancement of land adjacent to creeks in order to foster reinstatement of natural riparian corridors where possible.

Policies	Description
5.10.1-P11	Require use of native plants and wildlife-compatible nonnative plants, when feasible, for landscaping on City property.
5.10.1-P12	Encourage property owners and landscapers to use native plants and wildlife-compatible nonnative plants, when feasible.

3.2.1.2 *Existing Conditions*

The Specific Plan area included approximately 36 parcels that are developed with light industrial and commercial uses, and the current buildings on-site are generally warehouses with associated parking and rear-yard storage areas. Under current conditions, approximately six projects are fully constructed, which have added residential land uses and some active construction to the project area. The surrounding land uses include Levi's Stadium and Santa Clara Youth Soccer Park to the southwest, the former Santa Clara Golf & Tennis Club to the north and west, Lafayette Street and Great America Station to the west, and residences and Ulistac Natural Area to the south.

The project site is located in a highly urbanized area of Santa Clara. Semi-natural features in the project area include the Guadalupe River to the east of the site. The Eastside Drainage Swale, or Tasman Channel, which is located at the toe of the Guadalupe River levee and flows south to north along the eastern edge of the project site boundary, is a man-made feature constructed in 1971 to convey stormwater to the discharge and pumping station. The Eastside Drainage Swale is subject to an easement to the City of Santa Clara for purposes of maintenance. The City conducts periodic maintenance activities to maintain the drainage capacity of the Eastside Drainage Swale including removal of vegetation in the Drainage Swale using rotary mowers; hauling of removed vegetation in dump trucks to the Eastside Storm Retention Basin area; and drying out the vegetation and loading it into 50-cubic yard debris bins for transport to the Newby Island Landfill. A standard maintenance operation takes approximately two weeks, with a four-person crew working full-time.

The freshwater wetland habitat within the Eastside Drainage Swale supports a diverse assemblage of wildlife species. The heavily urbanized context of the project site area, long history of human disturbance, and other urban-associated pressures on wildlife populations limit the value of this habitat to wildlife, but this wetland provides habitat for several waterbird species.

Several riparian trees and shrubs, such as blue elderberry (*Sambucus nigra* ssp. *caerulea*) and Fremont cottonwood (*Populus fremontii*), are rooted in the banks of the Eastside Drainage Swale. Riparian habitats typically support high wildlife diversity because of the multi-layered vegetation, presence of water, and abundance of invertebrate prey. However, the mixed riparian woodland within the project site is extremely sparse, discontinuous, and limited in extent, and provides only very limited resources for wildlife.

The project site is adjacent to the Guadalupe River, which provides breeding and foraging habitat for many species of waterbirds and wetland-associated birds. The majority of these species are common resident, migrant, or wintering wading birds, waterfowl, and passerines. The site is not subject to regulation pursuant to the Santa Clara Valley Habitat Plan (Habitat Plan) that addresses

habitats and species south and east of the City. The Habitat Plan is both a habitat conservation plan and natural community conservation plan, or HCP/NCCP, however, Santa Clara is not a permittee covered by the Habitat Plan.

Ulistac Natural Area is approximately 40.0 acres of open space that showcases seven distinctive natural habitats. It is located south of the Specific Plan area along the Guadalupe River on Lick Mill Boulevard between Tasman Drive and Montague Expressway. A wetland exists on this site as well as a bird and butterfly garden. The park's location along the Guadalupe River connects these planted habitats with other natural areas in the region (e.g., riparian habitats upstream and marsh habitats downstream). More than 140 species of birds are known to occur at Ulistac including resident and migrant waterbirds, raptors, and landbirds, and the park is a local bird hotspot with the highest number of bird species observed by birdwatchers in Santa Clara, including those that occur along the Guadalupe River as well as many additional species of passerines. In the context of highly urbanized

Santa Clara, Ulistac represents a valuable area of native habitat that is important to the City's populations of resident and migrating birds.¹⁵

Special-Status Species

Plant Species

The majority of potentially occurring special-status plant species were determined to be absent from the project site due to absence of suitable habitat types, the elevation range of the species is outside of the range on the project site; and/or the species is presumed extirpated from the project site region. No suitable habitat for any state-listed plant occurs in the Specific Plan area.

Animal Species

A number of special-status animal species are known to occur in the project region; however, the majority of these species are determined to be absent from the project site due to lack of suitable habitat or due to evidence that the species does not occur in the project vicinity. Special-status animal species with the potential to occur in the Specific Plan area are described below in *Section 3.3.2.1*.

Two state fully protected species, the American peregrine falcon (*Falco peregrinus anatum*) and white-tailed kite (*Elanus leucurus*), could occasionally occur in the Specific Plan area as non-breeding foragers. The pallid bat (*Antrozous pallidus*), a California species of special concern, may also forage over habitats in the Specific Plan area. These species are not expected to nest, roost, or breed in or immediately adjacent to the Specific Plan area (though the white-tailed kite may nest nearby at the Ulistac Natural Area), and will be affected very little, if at all, by proposed development under the Specific Plan. In addition, the yellow warbler (*Setophaga petechia*), a bird species that is considered a California species of special concern when it is breeding, may occur occasionally in trees or other vegetation on the site itself as a nonbreeding transient, forager, or

¹⁵ City of Santa Clara. *Tasman East Specific Plan Final Environmental Impact Report*. October 2018.

migrant, but no suitable nesting habitat for this species occurs in the Specific Plan area. Because this species is only considered a species of special concern when nesting, it is not a “special-status species” when it occurs as a nonbreeding visitor to the Specific Plan area.

The Specific Plan area is located adjacent to the Guadalupe River, which provides habitat for several special-status fish species, including the Central California Coast steelhead and the Central Valley Fall-run Chinook salmon (*Oncorhynchus tshawytscha*). In addition, the green sturgeon (*Acipenser medirostris*) and longfin smelt (*Spirinchus thaleichthys*) occur in tidal waters downstream in Alviso Slough.

The Eastside Drainage Swale has no direct hydrologic connection to the Guadalupe River or tidal waters of the San Francisco Bay, and instead flows north into the Eastside Storm Retention Basin, downstream of the Specific Plan area. Therefore, special-status fish species that could occur in the Guadalupe River or downstream in tidal waters of the Bay, will not be affected by development activities within the Specific Plan area.

The western pond turtle (*Actinemys marmorata*), burrowing owl (*Athene cunicularia*), and San Francisco common yellowthroat (*Geothlypis trichas sinuosa*) are addressed in greater detail below because these species can potentially breed or occur in or immediately adjacent to the Specific Plan area and/or may be significantly impacted by development, if present on site (see *Section 3.2.2.1* below).

Mature Trees

Existing trees on-site are a mixture of mainly non-native or not naturally-occurring, planted, ornamental species and include eucalyptus, acacias, and London planes. Some of these trees are adjacent to City streets and thus may be considered street trees. A permit is required for any street tree removal, regardless of size or species.

3.2.2 Impact Discussion

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

- 1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
- 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

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

The Specific Plan area is not located within the boundaries of an HCP/NCCP. The Specific Plan, therefore, is not subject to an HCP/NCCP and impacts related to such plans are not discussed further in this section.

3.2.2.1 *Special-Status Species*

The western pond turtle, burrowing owl, and San Francisco common yellowthroat are addressed below because these species can potentially breed or occur in or immediately adjacent to the Specific Plan area and/or may be significantly impacted by development under the approved Specific Plan.

Western Pond Turtle

Western pond turtles may occur in aquatic habitat along the Guadalupe River. Individual pond turtles may occasionally disperse across upland and wetland portions of the Specific Plan area, and there is some potential that they could occasionally use uplands for nesting. However, pond turtles are unlikely to excavate nests in the approved Specific Plan area due to the dense, compacted nature of the soils on the Guadalupe River levee and the gravel present within much of the ruderal grassland habitat.

Although there may be some upland habitat for western pond turtles in the approved Specific Plan area, this habitat is of limited value to the species. Nevertheless, it is possible that individual pond turtles from populations in freshwater habitats upstream in the Guadalupe River could potentially disperse downstream to the Specific Plan area, although they are expected to do so in extremely small numbers if at all. Approved Specific Plan development was determined to potentially result in the injury or mortality of pond turtles due to worker foot traffic, equipment use, or vehicle traffic. Movements of pond turtles may be temporarily affected during construction activities because of disturbance, and dewatering activities (e.g., in the Eastside Drainage Swale) may expose pond turtles to a greater risk of predation and interfere with predator detection, causing a decrease in time spent foraging. Dewatering may result from the development of the River District and amenities, bike and pedestrian connections to the adjacent Guadalupe River levee, and potential culverting of the Eastside Drainage Swale. Petrochemicals, hydraulic fluids, and solvents that are

spilled or leaked from construction vehicles or equipment may kill pond turtles. Additionally, increases in human presence and activity in the vicinity of suitable habitat during construction may result in an increase in native and non-native predators that would be attracted to trash left at the work site. For example, raccoons, American crows (*Corvus brachyrhynchos*), and common ravens (*Corvus corax*) are attracted to trash and may prey opportunistically on western pond turtles.

Further, the Eastside Drainage Swale within the Specific Plan area is densely vegetated with California bulrush and cattails, and no suitable open water foraging habitat or basking habitat for pond turtles is present. Thus, a local population of pond turtles is not expected to regularly use the habitat within the Specific Plan area, although small numbers of individual pond turtles could potentially disperse along the Eastside Drainage Swale and/or nest in nearby upland areas. Thus, impacts on western pond turtles resulting from the approved Specific Plan were determined to be very limited. However, due to the regional rarity of this species, Specific Plan impacts on individual western pond turtles were considered significant under CEQA. The proposed project would result in similar impacts to western pond turtles, if present within the Specific Plan area.

Impact BIO-1: Development under the Specific Plan could result in the injury or mortality of individual western pond turtles due to worker foot traffic, equipment use, or vehicle traffic if western pond turtles were present on site. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the proposed project would implement the following mitigation measure to reduce impacts to the western pond turtle to a less than significant level:

MM BIO-1.1: Prior to any construction activity in natural habitat/substrate on the extreme eastern portion of the site (i.e., ruderal grassland, perennial freshwater wetland, or riparian habitat), a qualified biologist will examine the impact area for pond turtles and their nests 48 hours before proposed construction activities begin. If a western pond turtle is observed within the work area at any time before or during proposed construction activities, all activities will cease until such time that either (1) the pond turtle leaves the area or (2) the qualified biologist can capture and relocate the animal to suitable habitat away from construction activity.

As mentioned in *Section 2.3, Project Description*, the physical footprint of the Specific Plan area will not change as a result of the proposed project. With the implementation of mitigation measures MM BIO-1.1, impacts to the western pond turtle would be reduced to a less than significant level. Therefore, the proposed project would not result in new or more significant impacts to western pond turtles. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Burrowing Owl

Suitable habitat for burrowing owls (i.e., ruderal areas with burrows of California ground squirrels) is present in the ruderal grassland habitat in the Specific Plan area. However, burrowing owls are not expected to nest in the Specific Plan area and were determined in the approved Specific Plan to be unlikely to roost or forage there due to high levels of disturbance and because this habitat has never been known to be occupied despite a number of surveys of the region between 2006 and 2016. Nevertheless, there is some possibility that an owl from a nearby location where owls are known to occur may occasionally forage and roost in the Specific Plan area.

Because burrowing owls roost underground, individual burrowing owls (especially adults in burrows) may be killed or injured during development activities from trampling by construction personnel or equipment. Construction activities that occur in close proximity to active burrows may disturb owls to the point of abandoning their burrows. In addition, clearing and grading could result in the direct loss of habitat or individuals through the disturbance of grassland areas that support ground squirrel burrows.

Potentially suitable roosting and foraging habitat is present in ruderal grassland habitat in the northwest corner of the Specific Plan area and within 250 feet of the site (the typical buffer distance recommended around active burrows by the CDFW). This habitat is either unoccupied or is used infrequently by nonbreeding burrowing owls and, therefore, the loss of roosting and foraging habitat in the approved Specific Plan was determined to be less than significant. Burrowing owls; however, could be present on-site and/or within 250 feet of the site when construction activities occur, and construction activities may result in the loss or disturbance of an active owl burrow. Heavy ground disturbance, noise, and vibrations caused by proposed construction could potentially disturb foraging or roosting burrowing owls and cause them to move away from work areas. Due to the rarity of burrowing owls in the region and the effects on burrowing owl populations of the loss of any individuals, the loss of individual burrowing owls or active burrowing owl burrows were determined to be significant under CEQA.

Impact BIO-2: Development under the proposed Specific Plan may harm individual burrowing owls or result in the permanent loss of active burrows.
(Significant Impact)

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the proposed project would implement the following mitigation measures to reduce impacts to burrowing owls to a less than significant level:

MM BIO-2.1: Preconstruction surveys for burrowing owls will be conducted prior to the initiation of all construction activities within suitable burrowing owl roosting habitat (i.e., ruderal grassland habitat with burrows of California ground squirrels) in the Specific Plan area, or within 250 feet of this habitat. Preconstruction surveys will be completed in conformance with the CDFW's 2012 guidelines. An initial habitat assessment will be conducted by a

qualified biologist to determine if suitable burrowing owl habitat is present. During the initial site visit, which will be conducted no less than 14 days prior to the onset of ground disturbing activities, a qualified biologist will survey the entire activity area and (to the extent that access allows) the areas within 250 feet of the site for suitable burrows that could be used by burrowing owls for nesting or roosting. If no suitable burrowing owl habitat (i.e., ruderal grasslands with burrows of California ground squirrels) is present, no additional surveys will be required. If suitable burrows are determined to be present within 250 feet of work areas, a qualified biologist will conduct at least one additional survey to investigate each burrow within the survey area for signs of owl use and to determine whether owls are present in areas where they could be affected by proposed activities. The final survey will be conducted within the 24-hour period prior to the initiation of construction activities in any given area.

MM BIO-2.2:

If burrowing owls are present during the nonbreeding season (generally September 1 to January 31), a 160-foot buffer zone will be maintained around the occupied burrow(s), if feasible. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls. During the breeding season (generally February 1 to August 31), a 250-foot buffer, within which no newly initiated construction-related activities will be permissible, will be maintained between construction activities and occupied burrows. Owls present between February 1 and August 31 will be assumed to be nesting, and the 250-foot protected area will remain in effect until August 31. If monitoring evidence indicates that the owls are no longer nesting or the young owls are foraging independently, the buffer may be reduced or the owls may be relocated prior to August 31, in consultation with the CDFW.

MM BIO-2.3:

Any owls occupying the Specific Plan area or immediately adjacent areas are likely habituated to frequent human disturbances. As a result, they may exhibit a tolerance of greater levels of human disturbance than owls in more natural settings, and work within the standard 250-foot buffer during the nesting season may be able to proceed without disturbing the owls. Therefore, if nesting owls are determined to be present within the Specific Plan area or within 250 feet of this area, and construction activities cannot feasibly avoid disturbance of the area within 250 feet of the occupied burrow during the nesting season (i.e., February 1 through August 31) due to other seasonal constraints, a qualified biologist will be present during all activities within 250 feet of the nest to monitor the owls' behavior. If, in the opinion of the qualified biologist, the owls are unduly disturbed (i.e., disturbed to the point of harm or reduced reproductive success), all work within 250 feet of the occupied burrow will cease until the nest is determined to no longer be active by a qualified biologist.

MM BIO-2.4:

In the unlikely event that construction will directly impact occupied burrows, a qualified biologist will passively evict owls from burrows during the nonbreeding season (September 1 to January 31). No burrowing owls will be evicted during the nesting season (February 1 through August 31) except with the CDFW's concurrence that evidence demonstrates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Eviction will occur through the use of one-way doors inserted into the occupied burrow and all burrows within impact areas that are within 250 feet of the occupied burrow (to prevent occupation of other burrows that will be impacted). One-way doors will be installed by a qualified biologist and left in place for at least 48 hours before they are removed. The burrows will then be back-filled to prevent re-occupation. Although relocation of owls may be necessary to avoid the direct injury or mortality of owls during construction, relocated owls may suffer predation, competition with other owls, or reduced health or reproductive success as a result of being relegated to more marginal habitat. However, the benefits of such relocation, in terms of avoiding direct injury or mortality, would outweigh any adverse effects.

The proposed project would modify the approved Specific Plan by increasing the number of dwelling units and square footage of retail space, adding co-working space, and adding a daycare to the approved Specific Plan. The size of the Specific Plan area would not expand beyond what was previously analyzed in the approved Specific Plan. Therefore, with implementation of mitigation measures MM BIO-2.1 to MM BIO-2.4, adverse impacts to burrowing owls would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

San Francisco Common Yellowthroat

Potential impacts on the San Francisco common yellowthroat could occur as a result of activities within or near the freshwater wetland habitat within the Eastside Drainage Swale. Impacts could result from conversion of the swale into a culvert and construction activities in the vicinity of the swale. No impacts on this species are expected to occur as a result of activities located elsewhere within the Specific Plan area.

Because San Francisco common yellowthroats may nest in vegetation along the Eastside Drainage Swale within the Specific Plan area, eggs or young in nests may be killed or injured during construction activities as a result of destruction by construction personnel or equipment, or removal of vegetation containing nests. In addition, construction activities causing a substantial increase in noise, movement of equipment, or human presence near (i.e., within 100 feet) active nests could result in the abandonment of nests, and possibly the loss of eggs or young as a result. However, the potential disturbance of nesting and loss of eggs or young in nests of this species as a

result of construction activities was not expected to result in a substantial impact on the regional population under the approved Specific Plan.

Clearing and grading of the swale to construct a culvert may result in the permanent loss of up to 0.39 acres of perennial freshwater wetland nesting and/or foraging habitat for this species. These birds are not particularly rare in the region, and suitable habitat for this species within the region is relatively abundant. Additionally, the Eastside Drainage Swale is currently subject to periodic maintenance by the City to maintain its drainage capacity, including removal of vegetation. Therefore, the permanent loss of up to 0.39 acres of nesting and foraging habitat for this species within the Specific Plan area was not determined to result in appreciable impacts on its regional population. Consistent with the approved Specific Plan, the permanent loss of up to 0.39 acres of nesting and foraging habitat for this species within the Specific Plan area would not result in appreciable impacts on its regional population. The proposed project would modify the approved Specific Plan by increasing the number of dwelling units and square footage of retail space, adding co-working space, and adding a daycare to the approved Specific Plan. The size of the Specific Plan area would not expand beyond what was previously analyzed in the approved Specific Plan and, therefore, the proposed project would result in the same less than significant impacts as the approved project. **[Same Impact as Approved Project (Same Impact as Approved Project)]**

3.2.2.2 *Migratory Birds*

Avian Collisions with New Buildings

Numerous resident and migratory songbirds are known to occur at the adjacent Ulistac Natural Area south of Tasman Drive and a number of songbirds, waterbirds, and wetland-associated birds also occur along the Guadalupe River. Ulistac Natural Area has the highest reported number of bird species of any location in the City of Santa Clara and is one of only three inland hotspots in urbanized areas of the Santa Clara Valley floor where more than 150 bird species have been reported. The reach of the Guadalupe River immediately adjacent to the Specific Plan area does not support particularly high bird diversity due to the lack of woody riparian vegetation, but the reach immediately upstream from the Specific Plan area supports a mix of woody riparian and emergent vegetation that supports high bird diversity and abundance. Many of the birds that are attracted to Ulistac Natural Area and the Guadalupe River are likely to fly through the site, even though they are not particularly attracted to, or expected to make heavy use of, the habitats in the Specific Plan area. Due to the high importance of the Guadalupe River and Ulistac Natural Area to regional bird populations, relatively large numbers of birds that are associated with these habitats may fly past the approved Specific Plan area relative to the size of regional populations.

The zoning under the approved Specific Plan allows for the construction of midrise (i.e., four to eight stories) and high-rise (i.e., eight or more stories) towers with maximum building heights of up to 220 feet. The proposed project would accommodate up to 1,500 dwelling units for a total of 6,000 dwelling units. The exact locations of buildings, open spaces, pedestrian pathways, public parks, and other Specific Plan components will be determined as the Specific Plan area develops.

Depending on the design and location of the buildings in the Specific Plan area, some of the birds using habitats on the site or flying through the site along the Guadalupe River and to native habitats at Ulistac Natural Area are expected to strike the buildings, resulting in injury or death. Considering the close proximity of the Guadalupe River and Ulistac Natural Area, relatively large numbers of birds, compared to other areas of Santa Clara and most of the remainder of the urban Santa Clara Valley floor, are expected to fly past the site over the long term. Enough birds of these common species can potentially strike the buildings over the long term which was determined to result in a significant impact.

Glass windows and building facades can result in injury or mortality of birds due to birds' collisions with these surfaces. Because birds do not perceive glass as an obstruction the way humans do, they may collide with glass when the sky or vegetation is reflected in glass (e.g., they see the glass as sky or vegetated areas); when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation results in attempts by birds to fly through glass to reach that vegetation. The area of a building that poses the greatest risk of avian collisions, or "primary bird collision zone," is located in the lower portion of the building because (a) most of the daily, routine activities of birds, such as foraging, roosting, and nesting, occur relatively close to the ground, and (b) these lower areas are where adjacent landscape vegetation (which provides both bird habitat and a source for reflections of vegetation within windows) may be present adjacent to glass façades. The height of this zone has been variously described by different organizations: New York City Audubon defines it as "the ground level and bottom few stories" (New York City Audubon 2007), the American Bird Conservancy defines it as the lower 40 feet of the building (but then also suggests that bird-safe design is necessary above 40 feet) (Sheppard and Phillips 2015), and the City of San Francisco defines it from ground level to a height of 60 feet (San Francisco Planning Department 2011). The 60-foot height of the primary bird collision zone used by the City of San Francisco Bird-Safe Standards has generally been adopted by other San Francisco Bay Area municipalities to establish local standards for bird-safe building design (e.g., by the City of Oakland and City of Mountain View [2017]). As discussed in the approved Specific Plan FEIR, the primary bird collision zone is defined as the area from ground level to a height of 60 feet.

Additionally, as migrant birds ascend toward or rise from high-quality habitats in the Guadalupe River (particularly south of Tasman Drive) and at the Ulistac Natural Area, they will fly through areas more than 60 feet off the ground where taller buildings may be located. If only occasional migrants were to use nearby bird habitats, then relatively few birds would be expected to fly through the airspace above the primary bird collision zone. However, owing to the value of the high-quality habitats near the Specific Plan area, numbers of migrants ascending or descending through the Specific Plan area's airspace more than 60 feet above the ground may be high during some portions of the spring and fall migratory periods.

Disagreements Among Experts

As discussed in the approved Specific Plan FEIR, there is disagreement among experts regarding the adequacy of building height restrictions to address the potential for bird strikes near the Guadalupe

River and Ulistac Natural Area. According to the CEQA Guidelines Section 15151 Standards for Adequacy of an EIR, an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision that takes account of environmental consequences. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. As such, the following discussion outlines the points of disagreement among experts.

The biological consulting firm H.T. Harvey and Associates recommended that no buildings taller than 55 feet be constructed within 300 feet of the top of bank along the Guadalupe River or the Ulistac Natural Area habitat on the southeast side of Tasman Drive. This distance is sufficiently broad to continue to allow adequate aerial movement space for birds that are entering, exiting, or flying in between Ulistac Natural Area and the Guadalupe River following implementation of the approved Specific Plan. H.T. Harvey and Associates further recommended bird-safe building treatments for all buildings within the Specific Plan area.

An independent review of the bird strike analysis and building height limitations was completed by the biological consulting firm WRA, which did not find necessary the mitigation recommended by H.T. Harvey and Associates of limiting building heights to 55 feet within 300 feet of the Guadalupe River and the Ulistac Natural Area. WRA's analysis disagreed with H.T. Harvey and Associates' building height restriction based on the following:

Analysis of prior studies of bird strikes found that in the distribution of bird strikes based on building type 56 percent occurred at buildings four to 11 stories tall, 44 percent occurred at residences one to three stories tall, and one percent occurred at buildings of 12 stories or greater. Moreover, bird collisions are primarily related to the extent of reflective and/or untreated glass on buildings and the height and density of vegetation adjacent to the building. In one of the few studies evaluating species richness and abundance in the surrounding area, no relationship between collision frequency and local bird abundance was found which suggests other physical factors such as the amount of glass and window heights were more important factors. A study of multiple buildings in New York City similarly concluded that the expanse of glass on a building façade is the most predictive factor of bird mortality rates. Nighttime lighting has also shown to be correlated with bird mortality and is considered a better predictor of bird mortality than building height. All of these studies were conducted on buildings in which bird safe features were not used.

Standards that have been developed, based on the studies described above, relate to the type/reflectivity of glass used, the size and orientation of windows, the use of design elements to visually "break up" exterior glass from a bird's perspective, and landscaping restrictions to better ensure that birds are more aware of the presence of windows. WRA found there is no scientific data indicating that building height in and of itself is a significant cause of bird mortality. In their expert opinion the adoption of bird safe design features for the buildings within the approved Specific Plan area would be sufficiently effective at

reducing bird-strikes and there is no need to also restrict building heights near the Guadalupe River and Ulistac Natural Area.

Based on the discussion above, the City concurred with WRA's analysis and proposed to apply bird-safe building design features to all buildings in the Specific Plan area as described in mitigation measure MM BIO-3.1. Building heights were not otherwise limited due to proximity to the Guadalupe River or Ulistac Natural Area.

Tall buildings have been proposed and approved adjacent to the Guadalupe River and/or adjacent to Tasman Drive near Ulistac Natural Area (e.g., Site Nos. 4 and 5 as shown in Figure 2.0-3) with lighting, glass windows, building façades, and vegetation which may result in bird strikes. Consistent with mitigation measure MM BIO-3.1 identified in the Specific Plan FEIR and below, all proposed and approved projects within the Specific Plan area would be required to incorporate bird-safe design features.

Impact BIO-3: The project proposes structures with lighting, glass windows, building facades, and vegetation which may result in impacts to migrant birds.
(Significant Impact)

Mitigation Measures: Consistent with the approved Specific Plan FEIR, implementation of the following mitigation measures would reduce impacts to the migratory birds to the extent feasible:

MM BIO-3.1: Due to the potential for buildings in the Specific Plan area to result in high numbers of bird collisions, particularly if extensive glass facades are used, all new construction and building additions within the Specific Plan area will implement the following bird-safe building design considerations:

- Reduce the extent of glass on the facades of new buildings and additions to the extent feasible.
- Prohibit visibility of interior landscaped areas behind glass.
- No more than 10 percent of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground, unless located within 300 feet of the top of bank of the Guadalupe River within such boundary this requirement would extend to the entirety of the structure. Bird-safe glazing treatments may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or ultraviolet patterns visible to birds. Vertical elements of the window patterns should be at least 0.25 inches wide at a maximum spacing of four inches or have horizontal elements at least 0.125 inches wide at a maximum spacing of two inches. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.

- Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed segments 24 square feet and larger where feasible. If any such features are included in building designs, all glazing used in any such features will be 100 percent treated.
- Reduce glass at tops of buildings, especially when incorporating a green roof into the building design.
- If a green roof or green wall is incorporated into the building design, no more than 10 percent of the surface area of the building's combined facades within 12 vertical feet above and/or below the green roof or green wall shall have untreated glazing. Any remaining untreated glazed areas will be broken up into sections no greater than 24 square feet in size by mullions or bird-safe glazing treatments.
- Avoid the funneling of flight paths between buildings or trees towards a glazed building façade.
- Landscaping, including planted vegetation and water features, shall be designed to minimize the potential for collisions. For example, vegetation providing particularly valuable resources to birds (such as fruits) will be planted away from buildings with extensive glazing, and vegetation in general will be planted in such a way that it is not clearly reflected in windows. Water features would be located away from building exteriors to reduce the attraction of birds toward glazed facades.
- Minimize exterior lighting to the extent feasible, except as needed for safety. All exterior lights shall be directed toward facilities in the Specific Plan area (e.g., rather than directed upward or outward) and shielded to ensure that light is not directed outward toward the Guadalupe River or Ulistac Natural Area.
- Occupancy sensors or other switch control devices shall be installed on interior lights, with the exception of emergency lights or lights needed for safety purposes. Exterior shades shall also be considered to reduce light pollution. On commercial buildings, these lights shall be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise.

The City may waive or reduce any of the above-listed bird-safe design requirements based on analysis by a qualified biologist indicating that proposed construction will not pose a collision hazard to birds. Such a waiver will generally not be appropriate for façades adjacent to well-vegetated areas, but a waiver may be appropriate, for example, for façades that face developed areas lacking vegetation, water features, or other features that would be particularly attractive to birds.

Mitigation measure MM BIO-3.1 would incorporate bird-safe design elements into the future building designs and reduce this impact to the extent feasible. Given the potential for bird strikes to result from implementation of the proposed project, this impact would be significant and unavoidable.

The proposed changes to the Specific Plan would increase the density of some development, however the new development would still be required to comply with the mitigation measures MM BIO-3.1 included in the approved Specific Plan. Therefore, the impacts from potential bird strikes would be the same as the approved project and would remain significant and unavoidable. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Increased Lighting Impacts

Development under the approved Specific Plan would result in the construction of buildings and features that may increase the amount of lighting within and around the Specific Plan area. Lighting from projects constructed under the Plan would be the result of light fixtures illuminating buildings, building architectural lighting, and parking lot and pedestrian lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into adjacent natural areas, thereby resulting in an increase in lighting compared to existing conditions.

Many animals are sensitive to light cues, which influence their physiology and shape their behaviors, particularly during the breeding season. The wetland habitat in the Eastside Drainage Swale (if this wetland area is not impacted under the approved Specific Plan by placement of the swale in a culvert), wetland habitat in the Guadalupe River, and wetland and native habitats at Ulistac Natural Area all provide suitable habitat for a variety of wildlife species, including sensitive species such as the San Francisco common yellowthroat, and are close enough to the approved Specific Plan area to be affected by an increase in lighting.

Wildlife species using the Guadalupe River and/or Ulistac Natural Area were determined to be subject to increased predation, decreased habitat availability (for species that show aversions to increased lighting), and alterations of physiological processes if development under the approved Specific Plan produces greater illuminance than the existing conditions. This impact on local wildlife populations was determined to be potentially significant under CEQA due to the high ecological value of the adjacent habitat areas along the Guadalupe River and at Ulistac Natural Area.

Impact BIO-4: Increased artificial lighting may adversely impact bird species by increasing predation, decreasing habitat availability, and altering physiological processes. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measure would minimize lighting impacts on birds to a less than significant level:

MM BIO-4.1: To the extent consistent with the normal and expected operations of commercial and/or residential uses under the Specific Plan, take appropriate

measures to avoid use of unnecessary lighting at night, especially during the bird migration season (February through May and August through November). Such measures may include the installation of motion-sensor lighting, automatic light shut-off mechanisms, downward-facing exterior light fixtures, and others. Exterior lighting within the Specific Plan area will be shielded as needed to block illumination from shining upward, or outward into the Guadalupe River to the east or Ulistac Natural Area to the south. Lighting plans for each development site shall be reviewed and approved by the Community Development Director prior to the issuance of building permits.

Mitigation measure MM BIO-4.1 would minimize lighting as part of project design under the approved Specific Plan and, therefore, would reduce this impact to a less than significant level. The proposed project would not result in changes to the lighting required for the Specific Plan and would comply with the same mitigation measure included in the approved project. Therefore, the proposed project would not result in new or more significant lighting impacts from lighting on migratory species. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Nesting Raptors

The approved Specific Plan area included mature trees that could be used by nesting birds (including migratory birds and raptors). Nesting birds are protected under the MBTA, and are protected by the California Fish and Game Code 3503, 3503.5, and 3800. Construction disturbance during the breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone was determined to constitute a significant impact.

Impact BIO-5: Redevelopment under the proposed Specific Plan could impact nesting birds, if present, on or adjacent to proposed development sites. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would reduce impacts to nesting birds to a less than significant level:

MM BIO-5.1: To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the

MBTA and California Fish and Game Code would be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

MM BIO-5.2: If it is not possible to schedule construction activities between September 1 and January 31 then pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests would be disturbed during Plan implementation. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist would inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests.

MM BIO-5.3: If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist would determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation under the Specific Plan.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.

MM BIO-5.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by projects covered under the Specific Plan may be removed prior to the start of the nesting season (e.g., prior to February 1). This would preclude the initiation of nests in this vegetation and prevent the potential delay of a project due to the presence of active nests in these substrates. Any vegetation removal shall occur consistent with required tree removal and grading permits, as applicable.

With implementation of mitigation measures MM BIO-5.1 to MM BIO-5.4, the proposed project would reduce impacts to nesting birds (if present) by avoiding construction during nesting bird season or completing pre-construction nesting bird surveys to minimize and/or avoid impacts to nesting birds. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

3.2.2.3 *Sensitive Habitats*

Freshwater Wetland

Implementation of the approved Specific Plan FEIR was determined to result in the permanent loss of up to 0.39 acres and 810 linear feet of perennial freshwater wetlands within the active channel of the Eastside Drainage Swale if these wetlands are filled or culverted. These wetlands may be subject to regulatory jurisdiction of the USACE, RWQCB, and/or CDFW. As noted above, the Eastside Drainage Swale is a man-made feature that has no direct hydrologic connection to the Guadalupe River or tidal waters of the San Francisco Bay. Regardless of whether these wetlands are determined to be jurisdictional, they serve a variety of important functions, such as sediment stabilization, sediment/toxicant retention, nutrient removal/transformation, and aquatic and terrestrial wildlife species habitat.

The wetland habitat within the Eastside Drainage Swale has some ecological value within the urban matrix of the project vicinity. Even though the acreage of impacts to wetlands (0.39 acre) is relatively small, wetlands are relatively scarce regionally, and even small wetland areas have disproportionate contributions to water quality, groundwater recharge, watershed function, and wildlife habitat in the region. This habitat also provides valuable refuge and foraging resources for wildlife species that typically occur in the more extensive wetland habitat in the adjacent Guadalupe River during winter flooding events, when wetland habitat in the river is inundated. For all these reasons, permanent impacts on vegetated wetlands in the approved Specific Plan Area was determined to be significant.

Water quality in the Eastside Drainage Swale could be impacted by construction activities within the project site area. Bank erosion and sedimentation are potential effects of disturbance associated with construction within the swale. Construction activities located outside of the swale may also result in indirect impacts on the plant and animal species that occur in aquatic habitats (perennial freshwater wetlands) in the Eastside Drainage Swale through erosion and sedimentation.

Impact BIO-6: Construction of the proposed project may result in the permanent loss of 810 linear feet (0.39 acres) of freshwater wetlands. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would minimize impacts to freshwater wetlands to a less than significant level:

MM BIO-6.1: If avoidance of the wetlands is not proposed, to compensate for the permanent loss of wetlands, perennial marsh habitat shall be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage basis, unless a higher ratio is required by a regulatory agency, in which case that higher ratio shall apply. This ratio is not higher due to the relatively low quality of the wetlands in the project area relative to more extensive, less fragmented wetlands elsewhere along the Guadalupe River, but is not lower due to the temporal loss of wetland functions and values that will result

from the lag between impacts to the wetlands in the Specific Plan area and maturation of the mitigation habitat.

Compensation will be provided by creating or restoring wetland habitat so as to achieve the 2:1 ratio (or higher ratio, if required by a regulatory agency) somewhere in the Santa Clara Valley. Among other criteria, the mitigation site(s) must not currently be wetlands. A qualified biologist shall develop a “Wetland Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

- Summary of habitat impacts and proposed mitigation ratios
- Goal of the restoration to achieve no net loss of habitat functions and values
- Location of mitigation site(s) and description of existing site conditions (among other criteria, the site(s) must not currently be wetlands)
- Mitigation design:
 - Existing and proposed site hydrology
 - Grading plan if appropriate, including bank stabilization or other site stabilization features
 - Soil amendments and other site preparation elements as appropriate
 - Planting plan
 - Irrigation and maintenance plan
 - Remedial measures and adaptive management
- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of wetland vegetation type (e.g., dominance by natives) and extent appropriate for the restoration location, and provision of ecological functions and values equal to or exceeding those in the wetland habitat affected. At a minimum, success criteria will include following:
 - At Year 5 post-mitigation, at least 75 percent of the mitigation site will be dominated by native hydrophytic vegetation.

The Wetland Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the wetland impacts, and it must be implemented within one year following impacts.

Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project

undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara.

MM BIO-6.2:

In compliance with the NPDES, the Specific Plan will comply with the SWRCB General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, which requires preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) that will include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. These controls will include methods to minimize indirect impacts as a result of construction activities that may compromise water quality in the Eastside Drainage Swale. Additional control measures identified in this SWPPP will mitigate the release of construction-related pollutants from the main site during the various construction phases. Unless otherwise authorized by the RWQCB and in compliance with the NPDES permit issued for the proposed activities, the following measures will be implemented during project implementation to avoid or minimize impacts on water quality:

- All permit conditions, legal requirements, and appropriate dredging and engineering practices shall be followed to avoid and minimize water quality impacts associated with project activities. Suitable erosion control, sediment control, source control, treatment control, material management, and stormwater management BMPs will be implemented consistent with the latest edition of the California Stormwater Quality Association "Stormwater Best Management Practices Handbook," available at www.capmphandbooks.com.
- Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). Feasible measures shall be implemented to ensure that hazardous materials are properly handled and the quality of wetland and aquatic resources is protected by all reasonable means when removing vegetation and sediments from the channels.
- No fueling shall be done in areas along the Eastside Drainage Swale. For stationary equipment that must be fueled within 50 feet of the swale, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water.
- A hazardous materials management/fuel spill containment plan will be developed and implemented by the construction contractor and given to all contractors and biological monitors. One copy of the hazardous materials management/fuel spill containment plan located will be on the work site at all times, and will provide construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill

prevention, and spill response/cleanup measures associated with the construction of the Plan elements. Elements of the materials management/fuel spill containment plan will include, but are not limited to the following:

- A discussion of hazardous materials management, including delineation of hazardous material and hazardous waste storage area, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;
 - Materials Safety Data Sheets for all chemicals used and stored on site;
 - An inventory list of emergency equipment;
 - Spill control and countermeasures including employee spill prevention/response training;
 - Notification and documentation procedures;
 - A monthly reporting plan; and
 - Obtain appropriate permits from the fire department for storage of hazardous materials.
- Vehicles will be checked daily for oil or fuel leaks and will be washed only at an approved area. No washing of vehicles will occur outside of designated staging areas in uplands.
- The work site, areas adjacent to the site, and access areas will be maintained in an orderly condition, free and clear from debris and discarded materials. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust onto adjacent areas or wetlands or waterways. Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the Specific Plan area.
- Stockpiled materials will be covered by plastic sheeting, tarps, or similar material that can be secured during wind and rain. A sediment fence or berm will be installed around stockpiled material to prevent runoff from transporting sediment into the Eastside Drainage Swale.
- Silt fencing will be erected along the limits of disturbance between the Specific Plan area and the Eastside Drainage Swale.
- As to any portion of the drainage swale that is not culverted, for construction activities occurring within 50 feet of aquatic habitat in the drainage swale, protective measures shall be put in place to ensure that impacts on the swale are avoided and minimized. The following measures shall be implemented during construction:
 - Orange construction barrier fencing shall be installed around the boundaries of portions of the drainage swale that are to be avoided prior to the initiation of construction activities.

- The fenced area will be designated as an Environmentally Sensitive Area and will be clearly identified in the construction specifications.
- The fencing shall be maintained throughout the grading and construction period.
- Grading, construction activities, traffic, equipment, or materials shall be prohibited in fenced wetland areas.

The approved Specific Plan would result in the permanent loss of up to 0.39 acres and 810 linear feet of perennial freshwater wetlands within the active channel of the Eastside Drainage Swale as a result of new development. Since the proposed project would not increase the footprint of the Specific Plan area, the proposed project would not result in new or more significant impacts to these resources. Nevertheless, the proposed project would implement mitigation measures MM BIO-6.1 through MM BIO-6.2, to reduce impacts to freshwater wetlands to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Mixed Riparian Woodland

The approved project was determined to have the potential to impact 0.05 acres of mixed riparian woodland associated with the eastern drainage swale. This woodland may be destroyed due to tree removal and replacement with developed structures such as the placement of the swale within a culvert, and grading or paving over the root zone of riparian trees will impair the health of riparian trees, possibly to the point of causing tree death. Although this riparian vegetation is not particularly high-quality habitat due to its narrow, sparse nature, it is dominated by native riparian species such as blue elderberry and Fremont cottonwood, and due to its proximity to the drainage swale, the Guadalupe River, and the Ulistac Natural Area, this riparian vegetation provides important resources that are used by migratory birds and other wildlife.

Owing to the functions and values of this riparian habitat, the importance of woody riparian habitat to birds in the South Bay, and the regional scarcity of riparian habitat due to historical losses of these woodlands, the impact to 0.05 ac of mixed riparian woodland would be considered significant.

Impact BIO-7: Construction of the proposed project could result in the loss of 0.05 acres of riparian woodland habitat. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measure would minimize impacts to riparian woodland habitat to a less than significant level:

MM BIO-7.1: If avoidance is not proposed, to compensate for the permanent loss of mixed riparian woodland, riparian woodland habitat will be restored or created at a minimum ratio of 2:1 (compensation:impact) on an acreage

basis, based on canopy area. This ratio is not higher due to the relatively low quality of the riparian woodland in the Specific Plan area relative to more extensive, less fragmented riparian woodland elsewhere along the Guadalupe River, but is not lower due to the temporal loss of riparian functions and values that will result from the lag between impacts to the woodland in the Specific Plan area and maturation of the mitigation habitat.

Compensation will be provided by planting riparian habitat so as to achieve the 2:1 ratio somewhere in the Santa Clara Valley, preferably along the Guadalupe River but along another stream if appropriate. Among other criteria, the mitigation site(s) must not currently be riparian. Mitigation habitat may be hydrologically isolated from the stream in question as long as it is located within 300 feet of the stream, is not separated from the stream by development other than a trail or levee, and is dominated by native riparian trees. Although some portions of the Ulistac Natural Area are more than 300 feet from the Guadalupe River, mitigation anywhere within the Natural Area would satisfy this measure. A qualified biologist shall develop a “Riparian Habitat Mitigation and Monitoring Plan” describing the mitigation, which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

- Summary of habitat impacts and proposed mitigation ratios
- Goal of the restoration to achieve no net loss of habitat functions and values
- Location of mitigation site(s) and description of existing site conditions (among other criteria, the site(s) must not currently be riparian)
- Mitigation design:
 - Existing and proposed site hydrology
 - Grading plan if appropriate, including bank stabilization or other site stabilization features
 - Soil amendments and other site preparation elements as appropriate
 - Planting plan
 - Irrigation and maintenance plan
 - Remedial measures and adaptive management
- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule). Success criteria will include quantifiable measurements of riparian vegetation type (e.g., dominance by natives) and extent appropriate for the riparian restoration location, and provision of ecological functions and values equal to or exceeding those in the

riparian habitat affected. At a minimum, success criteria will include following:

- At Year 10 post-planting, canopy closure at the mitigation site will be at least 60 percent of the canopy closure at a nearby reference site (i.e., a site supporting the same habitat type as that being established at the mitigation site).
- The Riparian Habitat Mitigation and Monitoring Plan must be approved by the City of Santa Clara prior to the impact on mixed riparian woodland, and it must be implemented within one year following impacts.

Alternatively, mitigation may be provided by restoring or creating at a minimum ratio of 2:1 (compensation:impact) on an acreage basis by either: (a) purchasing credits at a suitably located mitigation bank in the Santa Clara Valley approved by the City of Santa Clara; or (b) donating funds to a project undertaking enhancement or restoration of wetland or riparian habitats in the Santa Clara Valley, approved by the City of Santa Clara.

With the implementation of mitigation measure MM BIO-7.1, impacts to riparian woodland habitat would be reduced to a less than significant level. As mentioned previously, the proposed project would not expand the footprint of the Specific Plan area; therefore, the proposed project would not result in new or more significant impacts. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Riparian Stream/Buffer

To protect the ecological functions and values of a stream, buffers are often prescribed between new development and the stream or its banks. These buffers provide habitat for plants and animals associated with the stream, provide habitat connectivity (i.e., areas used for wildlife movement), reduce indirect effects of adjacent development (e.g., noise, lighting, human activity, or invasive species) on the natural stream and riparian habitats, allow for the possible future expansion of natural habitat, help to maintain site hydrology, and in some areas allow for runoff to be treated (e.g., by flowing over vegetated areas) before it enters the stream.

The City of Santa Clara does not have an established policy regarding the widths of buffers that should be maintained between development and streams. However, a number of other jurisdictions and entities have evaluated suitable buffers, and the results of those evaluations are applicable to the Tasman East Specific Plan. Therefore, a 100-foot setback would be required between development and the Guadalupe River in the vicinity of the approved Specific Plan area to maintain suitable riparian functions and values.

Impacts of encroachment into the 100-foot riparian buffer would be significant for the proposed project only if development (e.g., new buildings, parking areas, or other hardscape) or non-native

landscaping were to be located within 100 feet of the baseline, or in areas where such development is already present, any closer to the baseline than existing conditions (refer to Figure 3.2-1).¹⁶

Development features compatible with open space and/or maintenance of water quality functions within the Guadalupe River and nearby sensitive habitats such as vegetated retention basins and bio-treatment swales that occur within the 100-foot setback are considered a beneficial use and were not determined to be considered a significant impact.

Impact BIO-8: Construction of the proposed project and improvements providing connectivity to the levee would impact the riparian buffer. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would minimize impacts to the riparian buffer to a less than significant level:

MM BIO-8.1: If encroachment into the riparian buffer with incompatible uses (defined as hardscape or other impermeable surfaces, non-native landscape plantings, and paved permeable surfaces such as permeable pavers) is proposed, no buildings shall be constructed closer to the buffer baseline than are currently present (i.e., in one location, a corner of a building is within approximately 95 feet of the buffer baseline, and that limited area can include a building), unless mitigation is provided in accordance with MM BIO-8.2. In addition, no new buildings or structures, impervious surface, or non-native landscaping shall occur closer to the buffer baseline than is currently present (i.e. 75 feet). Compatible uses within these areas are public trails, native landscaping, and unpaved permeable surfaces (e.g. open ground). Development and landscaping of the area along the levee should also consider opportunities such as site layout, fencing, landscaping, and education to discourage the public from creating pioneer trails up the levee slope to access the existing trail. A 15-foot zone free of tree plantings shall be provided from the levee toe to allow for emergency access.

MM BIO-8.2: If any encroachment into the riparian buffer is proposed, compensatory mitigation shall be provided to offset the impacts on the ecological functions and values of the riparian corridor. Such compensatory mitigation will be provided in one of two ways:

- At a minimum ratio of 1:1 (compensation:impact), on an acreage basis excluding wetlands and mixed riparian woodland, existing development (e.g., buildings or hardscape) along the Guadalupe River, either on-site or off-site (e.g., at Ulistac Natural Area), will be removed, and the

¹⁶ The riparian buffer is measured from a “buffer baseline” along the levee, at the top of bank of the Guadalupe River.



BIOTIC HABITATS MAP

FIGURE 3.2-1

developed area restored to native habitats and dedicated to natural habitat (rather than active human uses such as a park). For example, if a portion of the Specific Plan area were subject to riparian buffer encroachment, but a commensurate acreage of existing developed areas adjoining the Guadalupe River levee in other parts of the Specific Plan area were restored to native habitat, that would compensate for the riparian buffer encroachment impact.

- At a minimum ratio of 2:1 (compensation:impact) on an acreage basis, riparian woodland habitat will be restored or created as described in Mitigation Measure BIO-6.1 above to provide ecological functions and values that offset those lost due to riparian buffer encroachment.

With the implementation of the mitigation measures MM BIO-8.1 to MM BIO-8.2, encroachment into the riparian buffer was determined to be reduced to a less than significant level. The proposed project would not change the footprint of the approved Specific Plan; therefore, the proposed project would not result in new or more significant impacts. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Invasive Weeds

Several non-native invasive plant species occur in the approved Specific Plan area. Of these, wild oats and black mustard are the most abundant, and are rated as moderately invasive, thus they can cause substantial ecological impacts on physical processes, plant and animal communities, and vegetation structure (Cal-IPC 2016). English ivy and fennel occur sparsely in the approved Specific Plan area, but are considered to be highly invasive and thus may also potentially cause significant ecological impacts (Cal-IPC 2016). Invasive weeds can occur in all habitat types in the approved Specific Plan area and can be difficult to eradicate. One of the characteristics of some invasive plant species that make them successful is that they produce seeds that germinate readily following disturbance. In addition, newly disturbed areas are highly susceptible to colonization by non-native, invasive species that occur locally, or whose propagules are brought in by personnel, vehicles, and other equipment. While the approved Specific Plan is unlikely to introduce new weeds to the approved Specific Plan area, ground-disturbing activities within existing weed stands can result in the unintentional introduction of these species into adjacent sensitive habitats such as the wetlands within the Eastside Drainage Swale or Guadalupe River. The further expansion of weeds into sensitive habitats downstream can have detrimental effects on their vegetative composition and wildlife habitat value. Introduction or spread of invasive weeds into sensitive wetland or riparian habitats was determined to be a significant impact.

Impact BIO-9: Construction of the proposed project may result in the spread of invasive weeds in sensitive habitats including the Eastside Drainage Swale and Guadalupe River. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would minimize impacts from potential invasive weed dispersal to a less than significant level:

MM BIO-9.1: During construction under the proposed Specific Plan, all seeds and straw materials used on-site shall be weed-free rice straw (or similar material acceptable to the City), and all gravel and fill material will be certified weed free to the satisfaction of the City and any deviation from this shall be approved by the Public Works Director.

MM BIO-9.2: During construction of projects under the proposed Specific Plan, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or legally operating car washes.

MM BIO-9.3: Following construction of projects under the proposed Specific Plan, a standard erosion control seed mix (acceptable to the Public Works Director) from a local source would be planted within the temporary impact zones on any disturbed ground that would not be under hardscape, landscaped, or maintained in order to minimize the potential for the germination of the majority of seeds from non-native, invasive plant species. The erosion control seed mix shall adhere to the guidance for temporary erosion control in SCVWD's¹⁷ Guidelines and Standards for Land Use Near Streams, Design Guide 5.

With the implementation of the mitigation measures MM BIO-9.1 to MM BIO-9.3, impacts from invasive weeds were determined to be reduced to a less than significant level. The proposed project would result in similar disturbance and would implement mitigation measures MM BIO-9.1 to MM BIO-9.3, consistent with the approved project. Therefore, the proposed project would not result in new or more significant impacts from invasive weeds. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Mature Trees

The implementation of projects under the approved Specific Plan would potentially remove numerous trees that occur throughout the individual development parcels. Existing trees throughout the developed portions of the approved Specific Plan area are a mixture of mainly non-native or not naturally-occurring, planted, ornamental species and include eucalyptus, acacias, and London planes. Some of these trees are adjacent to City streets and thus may be considered street trees. A permit is required for removal of any City trees, City-designated heritage trees, trees from nine listed species with a diameter of 12 inches or more at 54 inches above grade, and any tree with

¹⁷ Following the publishing of this guide, the Santa Clara Valley Water District (SCVWD) has been renamed to Valley Water.

a diameter of 38 inches or more at 54 inches above grade. These trees are considered “protected” trees, and the City Code also prohibits the attaching of anything to a protected tree in the City, unless it is necessary and proper to the growth and care of the tree. The General Plan also requires replacement of trees removed as part of a proposed development project. The removal of trees would not have a significant impact on wildlife because the trees are mostly landscaped and non-native species that are not regionally limited. Given the substantial number of trees that would be removed by development proposed under the Specific Plan, impacts to mature trees from the approved Specific Plan were determined to be significant.

Impact BIO-10: Tree removal from redevelopment of individual parcels under the Specific Plan would result in a significant impact to mature trees. **(Significant Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measures would minimize impacts from construction on mature trees to a less than significant level:

MM BIO-10.1: Projects proposing or required to retain trees on-site shall implement precautionary measures during site construction to limit adverse environmental effects on ordinance-protected trees that are to be retained. A tree protection plan shall be prepared by a qualified arborist that, at a minimum, requires installation of an open material (e.g., chain link) fence six feet in height around the drip line and maintenance of the existing grade level around a tree and out to its drip line.

MM BIO-10.2: Project proponents under the Specific Plan will comply with the City Code and submit permit applications for removal of all trees covered by the City’s tree ordinance. Any street trees or heritage trees to be removed would require replacement on-site or off-site at a minimum 2:1 ratio per General Plan Policy 5.3.1-P10. To the extent feasible, the replacement trees will be planted on-site and the project proponent will comply with all other tree removal requirements imposed by the City.

The approved project concluded that with the implementation of mitigation measures MM BIO-10.1 to MM BIO-10.2, impacts to mature trees would be reduced to a less than significant level. As mentioned previously, the physical footprint of the Specific Plan area will not change; therefore, the proposed project would not result in new or more significant impacts to mature trees within the Specific Plan area. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Upland Habitats and Common Species

Construction activities related to the approved Specific Plan may permanently impact up to 43.02 acres of developed/landscaped habitat and 2.70 acres of ruderal grasslands (refer to Figure 3.2-1). The redevelopment of the Specific Plan area would alter and/or remove existing vegetation in these

areas which are relatively abundant and widespread regionally and, therefore not particularly sensitive or valuable. Redevelopment of these upland habitat would result in removal of common plant species and effects to common animal species. These species would experience a direct loss of habitat and could potentially suffer death and injury in addition to disturbance and displacement. Loss of habitat and displacement could indirectly increase competition for wildlife and increase pressure on available resources.

Plants observed in the approved Specific Plan area during the reconnaissance-level survey are not regulated under state or federal laws nor are they considered rare in California. All native plant species found on the site are regionally abundant and common in California. As described above, impacts on the common species and habitat resulting from the approved Specific Plan were not determined to have a substantial adverse effect nor significant impact under CEQA. The area of impact would be the same as the approved Specific Plan; therefore, the proposed project would not result in new or more significant impacts to upland habitats and common species. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Nonbreeding Special-Status Birds and Mammals

Several special-status bird and mammal species occur in the approved Specific Plan area as non-breeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers in the Specific Plan area. These species are the yellow warbler, Alameda song sparrow, tricolored blackbird, American peregrine falcon, white-tailed kite, and pallid bat.

Redevelopment under the approved Plan would have some potential to impact foraging habitats and/or individuals of these species. Construction activities may result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals. Further, the Specific Plan area does not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. Impacts under the approved Specific Plan, therefore, will have little impact on these species' foraging habitat and no substantive impact on regional populations of these species.

The proposed project would affect the same area and would not change the species impacted under the approved Specific Plan. Therefore, the proposed project would not result in new or more significant impacts to nonbreeding special-status bird species and mammals. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Wildlife Movement Corridors

The wetland and upland habitats along the Eastside Drainage Swale serve as a movement pathway for terrestrial wildlife species, providing vegetative cover and foraging opportunities. Common, urban-adapted species such as raccoons, striped skunks, the non-native Virginia opossum, and small mammals may use the vegetation along the swale to move north and south through the Specific Plan area. The potential culverting and associated removal of up to 0.39 ac of this habitat would

create a gap of open, developed habitat along this corridor, which any wildlife species traveling along this corridor must cross in order to traverse the approved Specific Plan area. The many terrestrial wildlife species that use this habitat are acclimated to high levels of disturbance and existing fragmented habitats in the vicinity, therefore, the potential removal of the Eastside Drainage Swale would not result in significant impacts on the movements of individuals or habitat connectivity.

To the east of the approved Specific Plan area, the Guadalupe River and the associated wetland/riparian corridor provides an important movement pathway for both aquatic and terrestrial wildlife species, connecting the associated wetlands to the San Francisco Bay. The approved Specific Plan would not result in any loss of aquatic or wetland habitat along the Guadalupe River or in any substantial reduction in the value of the Guadalupe River corridor for wildlife movement.

Based on the discussion above, it was determined that the approved Specific Plan 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, and this impact was determined to be less than significant.

Based on the approved Specific Plan FEIR, the Specific Plan 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. The proposed project would not expand the footprint of the Specific area and would not increase impacts to wildlife corridors located in the Guadalupe River and/or Ulistac Natural Area. Therefore, the proposed project would not result in new or increase the severity of impacts to wildlife corridors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.2.2.4 *Cumulative Impacts*

Future development activities in the City of Santa Clara would result in impacts on the same habitat types and species that would be affected by the proposed project. The approved Specific Plan would result in increased population adjacent to the Ulistac Natural Area which may result in increased use of the Ulistac Natural Area and increased activity in the area. Projects under the approved Tasman East Specific Plan, in combination with other projects in the area and other activities that impact the species that are affected under the approved Plan, could contribute to cumulative effects on special-status species. Other projects in the area include both development and maintenance projects that could adversely affect these species and restoration projects that will benefit these species.

The cumulative impact on biological resources resulting from development under the approved Specific Plan in combination with other projects in the larger region, including Related Santa Clara, would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; and

compensatory mitigation and proactive conservation measures associated with each project. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur. Both the approved Tasman East Specific Plan and Related Santa Clara include mitigation measures to reduce impacts to most affected species to a less than significant level. No special-status plant or animal species, or habitat type were determined to be cumulatively impacted by the concurrent development of these sites.

The Santa Clara Valley Habitat Plan (Habitat Plan) addresses the indirect effects of nitrogen deposition to serpentine grassland habitat and dependent species, including Bay Checkerspot butterfly. Nitrogen deposition is a regional cumulative issue from both existing development and projected other future growth. Serpentine land-covers in the Habitat Plan area are particularly sensitive to deposition of airborne nitrogen compounds generated by vehicle emissions and other sources from throughout Santa Clara County and the greater Bay Area region. These nitrogen compounds enter ecosystems as nitrogen fertilizer. This increased soil fertility can favor non-native annual grasses over native plant species found in serpentine soils. NO_x emissions associated with the City's electrical utility, SVP, are being mitigated on an ongoing basis through management of serpentine habitat on Coyote Ridge in San José.

According to the General Plan EIR, the City's increased nitrogen emissions in 2035 from development under the General Plan would comprise approximately 1.5 percent of the Habitat Plan's modeled nitrogen emissions. The proposed project allows for increased development in the Specific Plan area resulting in an increased service population (SP) of approximately 12,289¹⁸ above what was considered in the General Plan EIR.¹⁹ The City's service population, therefore, would increase by approximately 14 percent of the Citywide service population and potential nitrogen emissions would increase by approximately two-tenths of one percent from full buildout of the Specific Plan. Given the limited amount of additional NO_x emissions generated compared to the General Plan nitrogen emissions, the proposed project would not represent a cumulatively considerable contribution to nitrogen deposition impacts to serpentine grassland or Bay Checkerspot butterfly and those effects are being adequately addressed by the Habitat Plan. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

However, the Santa Clara General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts on these resources. Many projects in the region that impact resources similar to those impacted by development under the approved Specific Plan were covered activities under the Habitat Plan and mitigated impacts on sensitive habitats and many special-status species through that program, which continue to require payment of fees for habitat restoration.

Further, the approved Specific Plan FEIR implemented a number of BMPs and mitigation measures to reduce impacts on both common and special-status species, as described above. Thus, provided

¹⁸ Approved Specific Plan - 7,709 residents (2,824 DU x 2.73 persons per household) + 315 employees = 8,024 SP
Proposed Specific Plan - 4,095 residents (1,500 DU x 2.73 persons per household) + 170 employees = 4,265 SP

¹⁹ The General Plan EIR assumed an increased service population of 86,000 through 2035.

that this proposed amendment to the approved Specific Plan implements the mitigation measures identified in this SEIR, the implementation of the Specific Plan would not contribute to substantial cumulative effects on most biological resources.

The proposed amendments to the approved Specific Plan in combination with Related Santa Clara, however, would construct large buildings in close proximity to Ulistac Natural Area and the Guadalupe River. Given the potential for birds to encounter substantially taller structures (60 feet and above), representing at least double the height of existing structures, the cumulative projects would result in increased bird strikes. Although both projects incorporate bird-safe design elements, required in the approved Specific Plan area by mitigation measure MM BIO-3.1, this EIR and the Related Santa Clara EIR conclude that each project would have significant unavoidable impacts due to the bird strikes, therefore, the cumulative impact on birds in the Specific Plan area are significant and unavoidable.

Impact C-BIO-1: The proposed Specific Plan in combination with Related Santa Clara, and including the implementation of mitigation measures, would result in significant unavoidable cumulative impacts due to bird strikes. **(Significant Unavoidable Cumulative Impact)**

The proposed project would not result in a substantial change in the design of buildings and would only increase the density of development in the Specific Plan area. Further the proposed project would not expand the Specific Plan area to more areas beyond the approved plan. Therefore, the proposed project would not result in more severe cumulative impacts and would still result in significant unavoidable impacts from bird strikes. **[Same Cumulative Impact as Approved Project (Significant Unavoidable Cumulative Impact)]**

3.3 Greenhouse Gas Emissions

The following discussion is based on an Air Quality and Greenhouse Gas (GHG) Assessment and an Updated Operational Emissions Memo²⁰ prepared by *Illingworth & Rodkin, Inc.* in May 2023 and April 2026, respectively. Copies of these reports can be found in Appendices B and B-1 of this SEIR, respectively.

3.3.1 Environmental Setting

3.3.1.1 Background Information

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ 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 SF₆ 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

²⁰ Since preparation of the 2023 Air Quality and GHG Assessment, newer modeling methods have been implemented and the federal court issued its ruling in *Cal. Restaurant Assn. v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094. Therefore, an operational memo was prepared to reflect the newer modeling methods and ruling.

frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

3.3.1.2 *Regulatory Framework*

State

Assembly Bill 32

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

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

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), the Bay Area Air District, 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. Plan Bay Area 2050 establishes a course for reducing per capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified PDAs.

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 PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.²¹

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by the Bay Area Air District) 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.

Bay Area Air District CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the Bay Area Air District 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 the Bay Area Air District'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 these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 Bay Area Air District CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

City of Santa Clara 2010-2035 General Plan

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

Policies	Description
5.4.6-P2	Provide direct linkages from Tasman East to the Santa Clara Valley Transportation Authority, Amtrak, and Altamont Corridor Express stations and transit stops to promote transit use for access to services and jobs.
5.4.6-P3	Work with appropriate transportation agencies, businesses, and surrounding cities to maximize rail and bus transit to and from the stations.
5.4.6-P4	Promote pedestrian-friendly design that includes features such as shade trees, streetscapes that contain lighting and landscaping, street furniture, pedestrian and bike paths, limited driveway curb cuts, traffic-calming features, and pedestrian street crossings.
5.4.6-P7	Provide for future connections, which encourage walking and bicycling, to the new development in the north when it is redeveloped to promote accessibility between the two areas.
5.4.6-P15	Encourage parking to be located in structures to minimize their visibility from streets and public spaces.
5.4.6-P17	Encourage new development to build to a green neighborhood rating standard.
5.8.1-P4	Expand transportation options and improve alternate modes that reduce GHG emissions.

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

City of Santa Clara Climate Action Plan

The City of Santa Clara adopted the updated Climate Action Plan (2022 CAP) on June 7, 2022. The 2022 CAP establishes goals and measures to create a 40 percent reduction in GHG emissions by 2030 (compliant with SB 32), an 80 percent reduction in GHG emissions by 2035, and carbon neutrality no later than 2045 (compliant with EO B-55-18).²² 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 & wellbeing. Projects that comply with the policies and strategies outlined in the 2022 CAP would have a less than significant GHG impact.

3.3.1.3 *Existing Conditions*

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

The Specific Plan area is mostly developed with light industrial and commercial uses with nine parcels currently under construction. One of the parcels has been redeveloped into an apartment complex. GHG emissions associated with the Specific Plan area are from building operations (area sources), energy consumption, vehicular travel, solid waste disposal, and water usage. The Specific Plan FEIR estimated annual GHG emissions of 6,028 metric tons (MT) of CO₂e from the light industrial and commercial uses in the Specific Plan area. With initiation of the redevelopment of the Specific Plan area, operational GHG emissions have been reduced while short-term construction GHG emissions have increased.

3.3.2 Impact Discussion

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

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

²² City of Santa Clara. "Climate Action Plan." Accessed December 2, 2022. <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan/climate-action-plan>.

3.3.2.1 Greenhouse Gas Emissions

Operational GHG Emissions

The approved project assumed that the Specific Plan would be built-out post 2020 and, therefore, was analyzed based on the 2030 GHG reduction target. A “Substantial Progress” efficiency metric of 2.6 MT CO₂e per year per service population was calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels. An efficiency metric of 1.7 MT CO₂e per service population per year for 2040 was also calculated using the same method.

The Bay Area Air District’s current thresholds for addressing GHG emissions from long-term communitywide planning documents require demonstrating that GHG emissions will decline consistent with California’s GHG reduction targets of 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. As mentioned in *Section 3.1*, the City’s Reach Code, which came into effect on January 1, 2023, prohibited natural gas usage in new residential developments and most businesses. Many of the Specific Plan projects included in the Specific Plan FEIR were approved prior to the adoption of the City’s Reach Code. In 2025, the City updated its Reach Code to allow for natural gas usage in new construction, consistent with the California Restaurant Association v. City of Berkeley decision. Therefore, operational emissions were estimated assuming build out of the Specific Plan and the proposed project with CalEEMod default electricity and natural gas consumption rates.

GHG emissions from the approved Specific Plan and the proposed project (assuming natural gas usage) were modeled using the most current version of CalEEMod (Version 2022.1.1.39) and are shown below in Table 3.3-1.

**Table 3.3-1: Annual Project GHG Emissions MT CO₂e and Metric Tons per Capita, 2030
(with Natural Gas Usage)**

Source	Existing Uses in 2018	Approved Specific Plan Emissions	Additional Specific Plan Emissions from Update	Total Emissions
Area	<1	58	19	78
Energy Consumption	2,776	2,512	901	3,413
Mobile	2,490	16,214	4,620 ¹	20,834
Solid Waste Generation	442	1,108	363	1,470
Water Usage	321	120	45	165
Refrigerants	--	5	2	7
Total (Metric Tons per Year)	6,028	20,017	5,950 ²	25,967
Significance Threshold	2.6 in 2030	2.6 in 2030	1.7 in 2040	1.7 in 2040
GHG Per Capita (Efficiency Metric Tons per Year)	25.5 ³	1.59 ⁴	1.45 ⁵	1.56 ⁶

Notes: ¹Includes 10 percent TDM reduction required by approved Specific Plan.

²Gross GHG emissions from full buildout by 2030.

³Based on a service population of 236.

⁴Based on a service population of 12,600.

⁵Based on a service population of 4,095.

⁶Based on a service population of 16,695.

The population would increase with the plan such that the emissions per capita would decrease slightly.

The emissions shown in the table above confirm the proposed project would be consistent with California's GHG reduction targets of 40 percent below 1990 levels by 2030 and contribute to the goal of carbon neutrality by 2045.

Additionally, per the Bay Area Air District's latest thresholds of significance for operational emissions from land use projects, adopted in April 2022, any new land use project would be required to be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). Since approval of the Specific Plan FEIR, the City of Santa Clara adopted the 2022 CAP which is considered a qualified GHG reduction strategy plan.

The proposed project is in compliance with several 2022 CAP measures which are summarized below. All new building permit applications would be required to implement EV charging (Action T-1-2). Consistent with the approved Specific Plan and Action T-3-1, a 20 percent VMT reduction for multifamily developments with a 10 percent reduction through active TDM measures is required. The proposed project would also comply with Action T-3-2 since the Specific Plan area is located in an area which allows for the development of a high density residential neighborhood with a mix of uses. As discussed in *Section 2.3.2*, recycled water facilities are currently under construction in Lafayette Street and a portion of Calle De Luna and the Specific Plan will be required to connect to the existing recycled water system. This is consistent with Action N-3-5. Future projects proposed

under the Specific Plan would be required to comply with the following Condition of Approval to ensure consistency with the 2022 CAP.

Condition of Approval:

- For future projects proposed under the Specific Plan, the project applicant shall demonstrate conformance with the City of Santa Clara's 2022 CAP by completing the City's 2022 CAP Compliance Checklist.²³

The proposed project's GHG emissions are below the substantial progress metrics for 2030 and, with implementation of the CAP, the proposed project would be below the per capita GHG metric in 2040 consistent with California's GHG reduction targets. Implementation of the Condition of Approval for individual project compliance with the City's 2022 CAP would further reduce the less than significant GHG emissions impacts from the proposed project. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Construction GHG Emissions

Site-specific construction schedules and equipment are not known at this time for the future development of the Specific Plan and, therefore, GHG emissions have not been quantified at the project-level. Implementation of mitigation measure MM AQ-1.1 and as identified in the approved Specific Plan FEIR would ensure that all construction projects employ the proper Bay Area Air District-Recommended Measures to reduce emissions and mitigation measure MM AQ-1.2 would ensure that construction of future development areas under the Specific Plan would be analyzed through project-level review to quantify construction criteria pollutant emissions. Therefore, with implementation of mitigation measures MM AQ-1.1 and MM AQ-1.2, the construction emissions from individual development projects under the Specific Plan would be minimized to the extent feasible. The Bay Area Air District does not currently have a construction-related GHG emissions threshold.

Neither the City of Santa Clara nor the Bay Area Air District have quantified thresholds for construction-related GHG emissions. Because project construction would be a temporary condition and would not result in a permanent increase in local or regional emissions that would interfere with the implementation of SB 32, the increase in emissions from construction would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.3.2.2 *Consistency with Plans*

2017 Clean Air Plan

Consistent with the approved project, the proposed project will support the goals of the 2017 CAP through incorporation of the following:

²³ City of Santa Clara. "City of Santa Clara 2022 Climate Action Plan Compliance Checklist." Accessed February 2, 2023. <https://www.santaclaraca.gov/home/showpublisheddocument/78990/638060101646470000>

- Reducing motor vehicle miles traveled by developing a mixed-use project in proximity to existing/proposed/planned pedestrian, bicycle, and transit facilities;
- Including a TDM program that encourages automobile-alternative transportation;
- Tree planting programs to reduce the urban heat island effect;
- Encouraging on-site electricity generation and requiring incorporation of solar-ready infrastructure in buildings;
- Extensive use of recycled water for onsite irrigation and use of dual plumbing within each building; and
- Complying with applicable regulations that would result in energy and water efficiency including Title 24 and California Green Building Standards Code.

Consistent with the approved project, the proposed project would not disrupt or hinder the implementation of applicable control measures in the 2017 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Plan Bay Area 2050

The Specific Plan area is identified as a PDA in Plan Bay Area 2050. Consistent with the approved project, the proposed project would be consistent with Plan Bay Area 2050 because it allows development of a compact, mixed-use neighborhood near transit, promotes alternative modes of transportation, and requires future development to prepare TDM programs, consistent with the 2022 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Santa Clara General Plan

The proposed Specific Plan is consistent with General Plan policies to reduce GHG emissions by developing high-density residential development near existing transit and bike facilities, requiring a TDM program per the 2022 CAP, and incorporating green building measures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Climate Action Plan

The proposed buildings within the Specific Plan would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficiency standards. In addition, the Reach Code includes residential and non-residential mandatory measures for EV charging for new construction. The Specific Plan would require implementation of a TDM program, which may include measures such as transit subsidies, carpool incentives, bicycling incentives, carshare memberships, and/or vanpools. Furthermore, future development of the Specific Plan would be required to demonstrate substantial compliance with GHG reduction strategies from the 2022 CAP by completing the 2022 CAP Compliance Checklist (refer to Condition of Approval above).

Consistent with the approved project, the proposed project would not interfere with the statewide GHG reduction measures identified in CARB's Climate Change Scoping Plan and the City's 2022 CAP. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.3.2.3 *Cumulative Impacts*

Past, present, and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in *Section 3.3.2.1*, development under the Specific Plan would not generate significant levels of GHG emissions; therefore, the project would not result in a cumulatively considerable GHG emissions impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.4 Noise

The following discussion is based, in part, on a Traffic Noise and Construction Noise Assessment completed by *Illingworth & Rodkin, Inc.* dated May 2023. This report is included as Appendix C to this SEIR.

3.4.1 Environmental Setting

3.4.1.1 *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.²⁴ 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. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this report, a PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints.

²⁴ 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} .

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure, and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Railroad and light-rail operations are potential sources of substantial ground vibration depending on distance, the type and the speed of trains, and the type of railroad track. Human responses to ground vibration has been correlated best with the velocity of the ground. The velocity of the ground is expressed on the decibel scale. Although not a universally accepted notation, the abbreviation “VdB” is used in this document for vibration decibels to reduce the potential for confusion with sound decibels.

3.4.1.2 *Regulatory Framework*

Federal and State

Federal Transit Administration Vibration Limits

The US Department of Transportation Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. FTA has vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.4-1 on the following page. As summarized in Table 3.4-1, there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

California Building Code, Title 24, Part 2

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartments, and dwellings other than

single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dBA DNL or CNEL²⁵ in any habitable room.

California Green Building Standards Code

The state established exterior sound transmission control standards for non-residential buildings as set forth in the California Green Building Standards Code (CALGreen), Section 5.507.4.1 and 5.507.4.2. CALGreen requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40. Exterior windows must have a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element.

Table 3.4-1: Groundborne Vibration Impact Criteria

Land Use Category	Impact Levels for Frequent Events¹ (VdB re 1 μinch/sec, RMS)	Impact Levels for Occasional Events² (VdB re 1 μinch/sec, RMS)	Impact Levels for Infrequent Events³ (VdB re 1 μinch/sec, RMS)
Category 1 – Buildings where vibration would interfere with interior operations.	65 VdB ⁴	65 VdB ⁴	65 VdB ⁴
Category 2 – Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
Category 3 – Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB

Notes: VdB re 1 μinch/sec, RMS = Root-mean-square vibration velocity in vibration decibel relative to 1 micro-inch per second

¹ “Frequent Events” is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.

² “Occasional Events” is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.

³ “Infrequent Events” is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.

⁴ This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.

²⁵ Title 24 states that the determination of whether to apply DNL or CNEL should be consistent with the metric used in the noise element of the local general plan.

Regional and Local

Norman Y. Mineta San José International Airport's Land Use Compatibility Plan (ALUCP)

The project site is located within the Airport Influence Area (AIA), as defined by the Airport's ALUCP, adopted by the Santa Clara County Airport Land Use Commission (ALUC) on May 25, 2011. The ALUCP includes noise policies and contains standards for projects within the vicinity of the Norman Y. Mineta San José International Airport. These policies include, but are not limited to, the following:

Policies	Description
N-1	The CNEL method of representing noise levels shall be used to determine if a specific land use is consistent with the CLUP.
N-2	In addition to the other policies herein, the Noise Compatibility Policies presented in Table 4-1 of the CLUP shall be used to determine if a specific land use is consistent with this CLUP, which shows residential uses are generally acceptable in 55-60 CNEL environments, conditionally acceptable in 60-65 CNEL environments, generally unacceptable in 65-70 CNEL environments and unacceptable in 70+ CNEL environments. Transient lodging including motels and hotels are generally acceptable in 55-65 CNEL noise environments, conditionally acceptable in 65 to 70 CNEL noise environments, unacceptable at 70+ CNEL noise environments. Commercial uses are generally acceptable in 55-65 CNEL noise environments, conditionally acceptable in 65-70 CNEL noise environments, generally unacceptable in 70-75 noise environments, and unacceptable in 75+ CNEL noise environments.
N-3	Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 of the CLUP.
N-4	No residential or transient lodging construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project or a multi-unit residential project.
N-5	All property owners within the Airport Influence Area who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL in a manner that is consistent with current state law including AB2776 (2002).
N-6	Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 4-1 presents acceptable noise levels for other land uses in the vicinity of the Airport (refer to Policy N-2 to land uses proposed by the project).
N-7	Single-event noise levels (SENL) from single aircraft overflights are also to be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. Single-event noise levels are especially important in the areas regularly overflown by aircraft, but which may not produce significant CNEL contours, such as the down-wind segment of the traffic pattern, and airport entry and departure flight corridors.

According to the Aircraft Noise Contours (ALUCP Figure 5), the project site is not within the 65 dB CNEL noise contour for the Norman Y. Mineta San José International Airport.

City of Santa Clara 2010-2035 General Plan

The City of Santa Clara's General Plan identifies noise and land use compatibility standards for various land uses and establishes policies to control noise within the community. The General Plan noise standards table, shown below in Table 3.4-2, identifies acceptable noise levels for various land uses. Residential land uses are considered compatible in noise environments of 55 dBA CNEL or less. The guidelines state that where the exterior noise levels are greater than 55 dBA CNEL and less than 70 dBA CNEL, the design of the project should include measures to reduce noise levels to acceptable levels. Noise levels exceeding 70 dBA CNEL at residential land uses are considered incompatible. Residential land uses proposed in noise environments exceeding 70 dBA CNEL should generally be avoided, except when the residential use is entirely indoors and where interior noise levels can be maintained at 45 dBA CNEL or less.

Table 3.4-2: Noise and Land Use Compatibility (CNEL)

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

Notes:

Crossed lines = Compatible.

Horizontal lines = Require design and insulation to reduce noise levels.

Hatched diagonal lines = Incompatible. Avoid land use except when entirely indoors and an interior noise level of 45 dBA can be maintained.

Source: City of Santa Clara 2010-2035 General Plan (2014).

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

Policies	Description
5.10.6-P1	Review all land use and development proposals for consistency with the General Plan compatibility standards and acceptable noise exposure levels.
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 above).
5.10.6-P3	New development should include noise control techniques to reduce noise to acceptable levels, including site layout (setbacks, separation and shielding), building treatments (mechanical ventilation system, sound-rated windows, solid core doors and baffling) and structural measures (earthen berms and sound walls).
5.10.6-P4	Encourage the control of noise at the source through site design, building design, landscaping, hours of operation and other techniques.
5.10.6-P5	Require noise-generating uses near residential neighborhoods to include solid walls and heavy landscaping along common property lines, and to place compressors and mechanical equipment in sound-proof enclosures.
5.10.6-P6	Discourage noise sensitive uses, such as residences, hospitals, schools, libraries and rest homes, from areas with high noise levels, and discourage high noise generating uses from areas adjacent to sensitive uses.
5.10.6-P8	Continue to encourage safe and compatible land uses within the Norman Y. Mineta International Airport Noise Restriction Area.
5.10.6-P9	Work with the City of San José Norman Y. Mineta International Airport to implement mitigation from aircraft noise to the fullest extent possible.
5.10.6-P11	Develop and include noise reduction measures with improvements and extensions of City streets.

City Code

The City Code establishes noise and vibration level performance standards for fixed sources. Section 9.10.040 of the City Code limits noise levels at residences to 55 dBA during daytime hours (7:00 AM to 10:00 PM) and 50 dBA at night (10:00 PM to 7:00 AM), noise levels at commercial uses to 65 dBA during daytime hours and 60 dBA during nighttime hours, and noise levels at light industrial uses to 70 dBA at any time. The noise limits are not applicable to emergency work, licensed outdoor events, City-owned electric, water, and sewer utility system facilities, construction activities occurring within allowable hours, permitted fireworks displays, or permitted heliports. The City Code does not expressly state the acoustical time descriptor such as L_{eq} (the average noise level) or L_{max} (the maximum instantaneous noise level) that is associated with the above limits. A reasonable interpretation of the City Code, however, which the City has used consistently in its environmental documents, is to identify the ambient base noise level criteria as an average or median noise level (L_{eq}/L_{50}).

Section 9.10.230 of the City Code states construction activities are not permitted within 300 feet of residentially zoned property except within the hours of 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 6:00 PM on Saturdays. No construction is permitted on Sundays or holidays.

Section 9.10.050 of the City Code states “It shall be unlawful for any person to operate or cause, permit, or allow the operation of, any fixed source of vibration of disturbing, excessive, or offensive vibration on property owned, leased, occupied, or otherwise controlled by such person, such that the vibration originating from such source is above the vibration perception threshold of an individual at the closest property line point to the vibration source on the real property affected by the vibration.”

3.4.1.3 *Existing Conditions*

The Specific Plan area is bounded by Tasman Drive to the south, the Guadalupe River to the east, the former Santa Clara Golf & Tennis Club to the north (future Related Santa Clara), and Lafayette Street to the west. The Specific Plan area is adjacent to the Lick Mill Light Rail Transit Station on Tasman Drive and the Great America Station on the west side of Lafayette Street which is served by both the Altamont Commuter Express (ACE) and Amtrak. The surrounding land uses include light industrial and office uses. Mineta San José International Airport is a public-use airport located approximately 2.5 miles south of the project site.

Ambient noise levels were monitored in March 2017.²⁶ The predominant sources of noise that affect the noise environment at the site and at nearby land uses results primarily from vehicular traffic along Lafayette Street and Tasman Drive. Traffic along the local streets within the project site, which include Calle Del Mundo and Calle De Luna, also affect the ambient noise environment. Aircraft associated with Norman Y. Mineta San José International Airport and trains passing along the Lick Mill Light Rail Transit Station and Great America Station also contribute to the noise environment in the area.

Long-term noise measurements were taken within the Specific Plan area from March 7 through March 9, 2017. The location of the measurements is shown in Figure 3.4-1. The CNEL at the southern property boundary near the Lick Mill Light Rail Transit (LRT) Station ranged from 62 to 72 dBA L_{eq} (LT-1), 63 to 76 dBA L_{eq} along Lafayette Street (LT-2) and 55 to 62 dBA L_{eq} along the northern property boundary (LT-3).

Short-term (ST) noise measurements were taken throughout the Specific Plan area and nearby residential neighborhoods (refer to Figure 3.4-1). ST-1 was made on the eastern bank of the Guadalupe River, away from traffic and LRT noise on Tasman Drive. ST-2 and ST-6 were made on the south side of Tasman Drive. ST-2 was made in the outdoor use area of the Riverwood Grove apartment complex and ST-6 was made in the common outdoor use area between Avenida De Los Alumnos and Plaza Corona. ST-3 and ST-5 were made at the west boundary of the Specific Plan area, adjacent to Lafayette Street. Measured noise levels at these locations were dominated by traffic noise along Lafayette Street and the Lafayette Street/Tasman Drive intersection. ST-4 and ST-

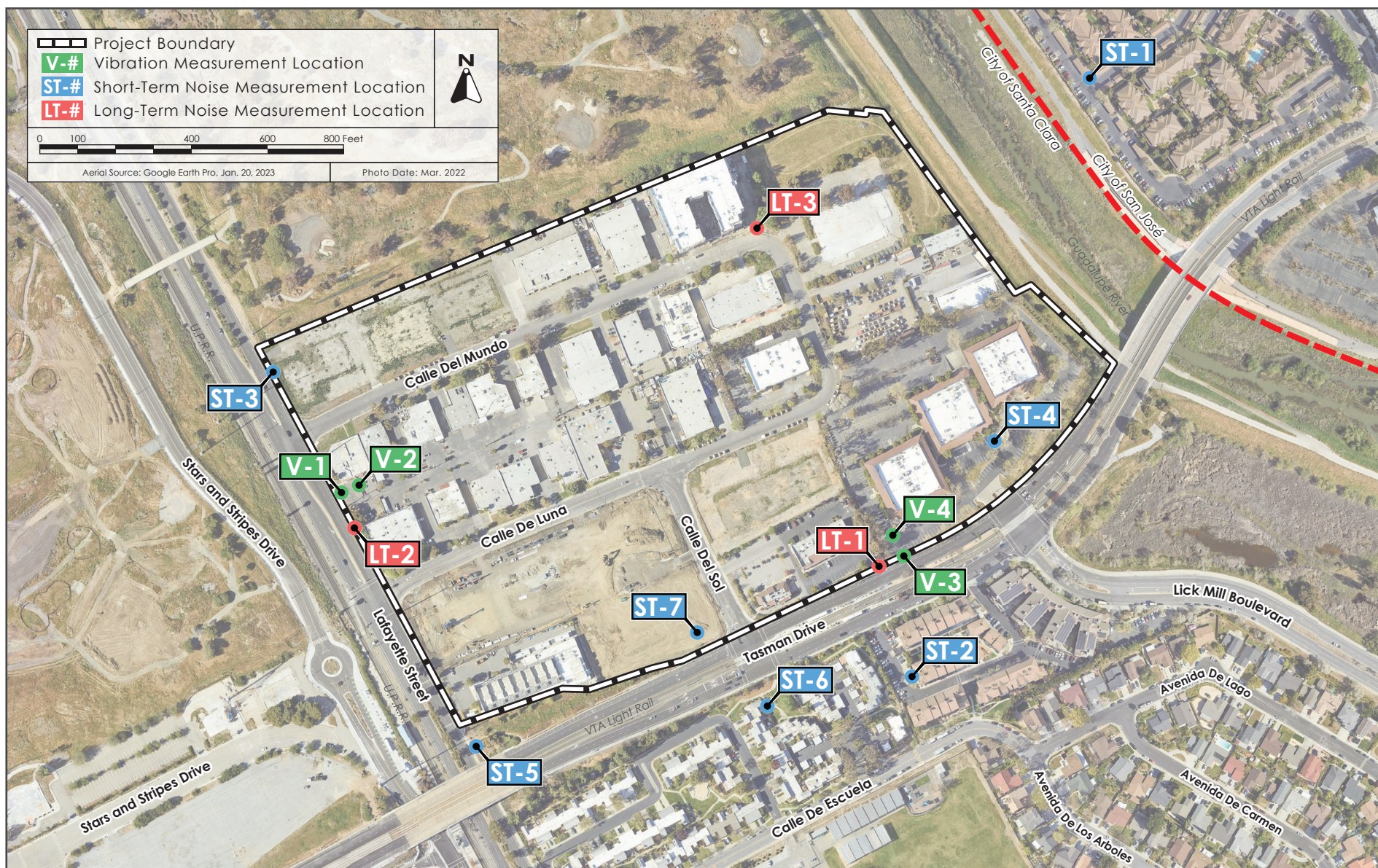
²⁶ Existing traffic volumes and other noise sources in the vicinity of the proposed project were conservatively assumed to result in similar ambient noise levels disclosed in the Specific Plan FEIR (2018). Therefore, construction and operational noise impacts were assessed based on the noise levels measured in 2017. Illingworth & Rodkin, Inc. *Tasman East SEIR, Santa Clara, CA – Traffic/Construction Noise Update Memo*. May 3, 2023.

7 were made in the parking lot along Tasman Drive and Calle Del Sol, respectively. At these locations, noise from vehicular traffic and LRT operations equally dominate the soundscape. Light rail trains at ST-7 were measured at 69 to 70 dBA. Short-term noise measurements are summarized in Table 3.4-3.

Table 3.4-3: Summary of Results at Short-Term Noise Measurement Locations

Noise Measurement Location	Start Time	L _(max)	L ₍₁₎	L ₍₁₀₎	L ₍₅₀₎	L ₍₉₀₎	L _{eq}
ST-1: 514 feet from Tasman Drive	12:30 PM	59	57	52	44	40	48
	12:40 PM	75	74	66	50	48	62
ST-2: 140 feet from Tasman Drive	12:50 PM	78	76	72	62	53	67
	1:00 PM	69	68	58	52	49	57
ST-3: 15 ft. from Lafayette St. and 170 ft. from Calle Del Mundo	1:30 PM	73	70	66	60	54	62
	1:40 PM	73	70	66	60	54	62
ST-4: 140 feet from Tasman Drive	2:20 PM	69	68	58	52	49	57
	2:30 PM	69	68	58	52	49	57
ST-5: 30 feet from Lafayette Street and 76 feet from Tasman Drive	2:40 PM	73	70	66	60	54	62
	2:50 PM	73	70	66	60	54	62
ST-6: 62 feet from Tasman Drive	3:00 PM	71	70	64	56	51	61
	3:10 PM	71	70	64	56	51	61
ST-7: 58 feet from Tasman Drive and 652 feet from Lafayette Street	3:20 PM	73	71	65	58	53	62
	3:30 PM	73	71	65	58	53	62

Levi's Stadium, approximately 1,175 feet away from the project area, will periodically contribute to the noise environment during large events such as NFL games and concerts. Based on findings from the 2009 Stadium EIR, residences within 2,000 feet of the stadium would experience elevated exterior noise levels during events which would result in an unavoidable significant impact.



NOISE AND VIBRATION MEASUREMENT LOCATIONS

FIGURE 3.4-1

3.4.2 Impact Discussion

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

- 1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2) Generation of excessive groundborne vibration or groundborne noise levels?
- 3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

CEQA does not define what noise level increase would be considered substantial. The following criteria based on standards identified in the California Building Code (CBC), CALGreen Code, General Plan, City Code, and City practice were used to evaluate the significance of environmental noise and vibration resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or City Code.
- A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels (refer to Table 3.4-1) at nearby structures. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to structurally intact buildings constructed prior to the 1990s.
- A significant impact would be identified if traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA CNEL or greater, with a future noise level of less than the "normally acceptable" standard, or b) the noise level increase is three dBA CNEL or greater, with a future noise level equal to or greater than the "normally acceptable" standard.
- A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq} , and the ambient noise environment by at least five dBA L_{eq} , for a period of more than one year would constitute a significant temporary noise increase at adjacent residential land uses. Where noise from construction activities exceeds 70 dBA L_{eq} and the ambient noise environment by at least five dBA L_{eq} at commercial land uses in the project vicinity for a period exceeding one year, the impact would be considered significant.

As previously discussed in *Section 3.0*, the California Supreme Court issued an opinion in "*CBIA vs. BAAQMD*" holding that CEQA is primarily concerned with the impacts of a project on the

environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents. The ruling provided for several exceptions to the general rule where an analysis of the project on the environment is warranted, including if the project is exposed to potential noise and safety impacts on the project occupants due to proximity to an airport (PRC 21096) as discussed in *Section 3.0*. Consequently, the noise impacts on the project that have the potential to qualify as significant impacts under CEQA are those related to airport noise. The City has policies and regulations (including those identified in *Section 3.4.1.2*) that address existing conditions affecting a proposed project, which are discussed below.

3.4.2.1 *Impacts from the Project*

Construction-Related Impacts

Construction-Related Vibration Impacts

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, paving, and new building framing and finishing. The proposed project may require pile driving, which can cause excessive vibration.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards (post-1990), 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for buildings that are documented to be structurally weakened. No buildings that are documented to be structurally weakened adjoin the project site. Therefore, groundborne vibration levels exceeding 0.3 in/sec PPV at buildings constructed prior to 1990 and 0.5 in/sec PPV at buildings constructed post-1990 would have the potential to result in a significant vibration impact.

Table 3.4-4 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet (reference distance) and 121 feet (distance to nearest sensitive receiver). Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

The nearest future off-site buildings are located approximately 121 feet north of the project site, opposite a future Related Santa Clara roadway. At this distance, vibration levels from construction activities, including pile driving, would be expected to be approximately 0.2 in/sec PPV, which would not exceed the 0.3 in/sec PPV significance threshold. All other off-site buildings have distances greater than 121 feet from the project boundary. Vibration levels at these buildings would not exceed 0.3 in/sec PPV.

Table 3.4-4: Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 feet (in/sec)	PPV at 121 feet (in/sec)
Pile Driver (Impact) upper range	1.158	0.204
Pile Driver (Impact) typical	0.644	0.114
Pile Driver (Sonic) upper range	0.734	0.130
Pile Driver (Sonic) typical	0.170	0.030
Clam Shovel Drop	0.202	0.036
Hydromill (slurry wall) in soil	0.008	0.001
Hydromill (slurry wall) in rock	0.017	0.003
Vibratory Roller	0.210	0.037
Hoe Ram	0.089	0.016
Large Bulldozer	0.089	0.016
Caisson Drilling	0.089	0.016
Loaded Trucks	0.076	0.013
Jackhammer	0.035	0.006
Small Bulldozer	0.003	0.001

Source: United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration. Transit Noise and Vibration Impact Assessment, May 2006.

Note: VdB is the term used for vibration decibels. in/sec = inches per second

Depending on the Specific Plan buildout, the existing commercial and industrial buildings located in the Specific Plan area would be exposed to construction vibration. With the exclusion of pile driving, new construction up to 18 feet away from existing commercial buildings has the potential to exceed the 0.3 in/sec PPV threshold. Accounting for possible pile driving, new construction up to 86 feet away from existing commercial buildings has the potential to exceed the 0.3 in/sec PPV threshold. While the construction-generated vibration levels for the proposed project would not result in “architectural” damage at any existing or future project buildings on or surrounding the site, construction activities could at times be perceptible.

Impact NV-1: Existing and planned land uses in the project vicinity would be exposed to an increase in ambient vibration levels due to project construction activities.
(Significant Impact)

Mitigation Measure: Consistent with the approved Specific Plan FEIR, the proposed project would be required to implement the following mitigation measures which would avoid impacts related to excessive groundborne construction vibration and to reduce perceptibility at noise-sensitive sites:

MM NV-1.1: Comply with construction hours ordinance to limit hours of exposure. The City Code limits construction activities within 300 feet of residentially zoned property to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between

the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.

- MM NV-1.2:** Minimize or avoid using vibratory rollers and tampers near sensitive areas, such as shared property lines with residential land uses. Whenever possible, use cast-in-drilled-holes piles for projects requiring deep foundations to reduce construction vibration.
- MM NV-1.3:** When vibration-sensitive structures are within 18 feet of a project development site or within 86 feet of a project proposing pile-driving, survey condition of existing structures and, when necessary due to the structure type and resulting vibration due to the construction activities proposed, perform site-specific vibration studies to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures, notify the Community Development Director of any damage caused by vibration, and offer to repair or compensate for any such damage caused by vibration within a time period established by the Community Development Director upon receiving notice pursuant to this measure. The results of the vibration monitoring shall be summarized and submitted in a report to the Community Development Director prior to issuance of an occupancy permit.
- MM NV-1.4:** Construction management plans for construction projects that have the potential to exceed the 0.3 in/sec. PPV threshold, particularly those involving pile driving, shall include predefined vibration reduction measures, notification requirements for properties within 200 feet of scheduled construction activities, and contact information for on-site coordination and complaints. The construction management plan shall be submitted to the City for approval prior to issuance of a demolition or grading permit.
- MM NV-1.5:** Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area.

Critical factors pertaining to the impact of construction vibration on sensitive receptors include the proximity of the existing structures to the project area, the soundness of the structures, and the methods of construction used. Implementation of the mitigation measures outlined above and as identified in the approved Specific Plan FEIR, would reduce vibration impacts to less than significant levels. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Construction-Related Noise Impacts to Off-Site Receptors

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance

between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

The City exempts noise due to construction activities from the noise level performance standards for fixed sources of noise, when construction falls within the City's allowable hours of between 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturdays. Construction on Sundays or holidays is prohibited. However, where noise from construction activities exceeds 60 dBA L_{eq} and exceeds the ambient noise environment by at least five dBA L_{eq} at noise-sensitive residential uses in the project vicinity for a period exceeding one year, the impact would be considered significant. For commercial uses, a significant impact would be identified if construction noise were to exceed 70 dBA L_{eq} and exceeds the ambient noise environment by at least five dBA L_{eq} for a period exceeding one year.

Construction activities generate considerable amounts of noise, especially during earth-moving activities and during the construction of the building's foundation when heavy equipment is used. The highest noise levels would be generated during grading, excavation, and foundation construction. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well. Construction activities would include site preparation, excavation, grading, trenching, building construction, paving, and architectural coating.

The nearest existing noise-sensitive receptors, which are multi-family residences, are located approximately 280 feet south of the center of potential construction activity within the Specific Plan area. At this distance, hourly average noise levels due to construction noise would range from 63 to 74 dBA L_{eq} , which would exceed 60 dBA L_{eq} , and the current ambient noise level by five dBA L_{eq} . To the east, multi-family residences are located 690 feet from the Specific Plan area. At this distance, hourly average noise levels due to construction noise would range from 55 to 66 dBA L_{eq} , which would exceed 60 dBA L_{eq} and the current ambient noise level by five dBA L_{eq} .

During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. The highest noise levels would be generated during demolition, excavation, grading, and foundation construction. Noise generated during the construction of the proposed structures is generally lower as less heavy construction equipment is required to complete the task. Once construction moves indoors, minimal noise would be generated at off-site locations.

Developments bordering the site are expected to be under construction for over a year. While the proposed project would not utilize more construction equipment or include unusual construction techniques, it is assumed that the duration of overall construction activities may be extended. The construction noise levels estimated in the approved Specific Plan FEIR would; therefore, continue to represent the worst-case scenario and development within the Specific Plan area would experience elevated construction noise levels over the buildout of the Specific Plan.

Impact NV-2: Land uses in the project vicinity would be exposed to a substantial temporary increase in ambient noise levels due to project construction activities. **(Significant Impact)**

Mitigation Measure: Consistent with the approved Specific Plan FEIR and in addition to adhering to the City Code for construction hours, future development allowed by the proposed project would be required to implement the following standard construction noise control measures to reduce construction noise levels at nearby land uses:

MM NV-2.1: Develop and adhere to a construction noise control plan to be submitted to the City for review and approval prior to issuance of a demolition and/or grading permit, including, but not limited to, the following available controls:

- Ensure that construction activities (including the loading and unloading of materials and truck movements) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) within 300 feet of residentially zoned property are limited to the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers can reduce construction noise levels by five dBA.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.

- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were unresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
- Include a disclosure in the lease of future tenants within the Tasman East Specific Plan properties that provides information regarding the on-going construction activities within the area.

MM NV-2.2:

If pile driving occurs, the following best management practices shall be included in the construction noise control plan:

- Schedule pile driving during a period when school is not in session.
- During pile driving, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- During pile driving activities, install “acoustical blankets” to provide shielding for receptors located within 100 feet of the site, or use a noise attenuating shroud on the pile driving hammer.

Consistent with the approved Specific Plan FEIR, implementation of mitigation measures MM NV-2.1 and MM NV-2.2 above would reduce construction noise levels from the proposed project. With the implementation of these controls, as well as the City Code limits on allowable construction hours, the impact would be reduced to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Operational Noise

Stationary Equipment Noise Impacts Off-Site

Operation of mechanical equipment, such as heating and air conditioning systems under the proposed project would be the same as those anticipated to occur under the approved project. Typical air conditioning units and heat pumps for multi-family uses residences would be approximately 60 dBA L_{eq} at a distance of 50 feet. Due to the distances of the off-site sensitive receptors at approximately 121 feet, the mechanical equipment would not impact off-site

receptors. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Project-Generated Traffic Noise

A significant impact would occur if the permanent noise level increase due to project-generated traffic at existing noise-sensitive receptors was three dBA CNEL or greater for existing ambient noise levels exceeding 55 dBA CNEL or was five dBA CNEL or greater for existing ambient noise levels at or below 55 dBA CNEL. To determine noise level increases at existing residential land uses due to project-generated traffic, the existing plus project peak hour traffic conditions from the *Fehr & Peers* traffic study were compared to the existing peak hour traffic conditions for 23 study intersections (refer to Appendix D of this document). The intersection of Tasman Drive and Lick Mill Boulevard is shown to have an increase in traffic noise of up to one dBA at the nearest residences to the south which is consistent with the traffic noise increase identified for the approved Specific Plan. All other traffic segments are shown to have noise increases lower than one dBA, consistent with the approved Specific Plan FEIR. Therefore, the future increase in traffic volumes would not cause a permanent noise increase of three dBA or greater at the nearest noise-sensitive receptors.

[Same Impact as Approved Project (Less Than Significant Impact)]

Aircraft Noise

Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.5 miles south of the Specific Plan area. The Specific Plan lies outside the 2037 65 dBA CNEL airport noise contour shown for the Norman Y. Mineta San José International Airport Master Plan Amendment Project.²⁷ The proposed project lies inside the 60 dBA CNEL noise contour. An interpolation of the contours indicates that future aircraft noise levels would reach approximately 62 dBA CNEL within the Specific Plan area. Such noise levels would be compatible with the proposed land uses with respect to the guidelines set forth in the Airport Master Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.4.2.2 *Impacts/Effects to the Project (Planning Considerations)*

Future Exterior Noise Levels

The future noise environment at the project site would continue to result primarily from vehicular traffic along Tasman Drive, Lafayette Street, and the future Lick Mill Boulevard extension. Aircraft associated with Norman Y. Mineta San José International Airport, and heavy-rail and light-rail train passbys would also contribute to the noise environment.

The approved Specific Plan FEIR concluded that future exterior noise levels would be 70 dBA CNEL at LT-1 along Tasman Drive, 74 dBA CNEL at LT-2 along Lafayette Street, and up to 67 dBA CNEL along the future Lick Mill Boulevard extension. Based on measurements made at the long-term measurement sites discussed in *Section 3.4.1.3 Existing Setting*, future exterior noise levels would

²⁷ Bridgenet International. *Norman Y. Mineta San Jose International Airport Noise Assessment for the Master Plan Environmental Impact Report*. October 2019.

be 70 dBA CNEL at LT-1 along Tasman Drive, 74 dBA CNEL at LT-2 along Lafayette Street, and up to 67 dBA CNEL along the future Lick Mill Boulevard extension.

High-Density Residential Areas

In mid/high density residential developments, private terraces or balconies are not typically considered sensitive to exterior noise levels. Aircraft noise exposure throughout the project site exceeds 55 dBA CNEL, and it is not normally feasible to reduce aircraft noise in outdoor activity areas. Residential development is proposed along Lafayette Street and Tasman Drive where the noise exposure is projected to exceed 70 dBA CNEL, which would be incompatible with residential outdoor activity areas. Additionally, residential development proposed along the future Lick Mill Boulevard extension where noise exposure is projected to exceed 60 dBA CNEL would be incompatible with residential outdoor activity areas.

Retail Areas

Retail areas planned for Tasman East are required along certain frontage roads to support a walkable neighborhood. The Specific Plan shows retail buildings being situated on Calle Del Sol. Current noise levels along Calle Del Sol range up to 68 dBA CNEL. Due to an anticipated increase in traffic volumes, retail units situated on Calle Del Sol are expected to experience sound levels up to 71 dBA CNEL. Based on Table 5-10.2 of the Santa Clara General Plan, noise levels on Calle Del Sol are acceptable if measures are taken to reduce interior noise at retail locations to acceptable levels.

Open Space Areas and Public Parks

The Tasman East Specific Plan includes a park in each of the districts identified in the Specific Plan. Open space areas and public parks within the center of the site could be as close as approximately 243 feet from Lafayette Street and 216 feet from Tasman Drive. At a distance of 243 feet from Lafayette Street, noise levels at a mini park and a neighborhood park would be expected to be 64 dBA CNEL, not accounting for the shielding provided by intervening buildings. At a distance of 216 feet from Tasman Drive, noise levels at a mini park and a neighborhood park would also be expected to be 64 dBA CNEL, not accounting for building shielding. These levels would be below the 65 dBA CNEL threshold of the Santa Clara General Plan.

The largest neighborhood park in the current plan would be located in the River District near the Guadalupe River. According to the Specific Plan, this park may lie as close as approximately 107 feet from Tasman Drive. At this distance, noise levels from Tasman Drive would be expected to be 69 dBA CNEL, not accounting for building shielding, exceeding the 65 dBA CNEL threshold. However, the noise environment throughout most of the River District would be compatible. At a setback of 200 feet from the center of Tasman Drive, noise levels would be below the 65 dBA CNEL threshold. Between 107 and 200 feet, noise levels would be between 65 and 69 dBA CNEL. Similarly, areas of River District bordering the future Lick Mill Boulevard extension would be expected to experience noise levels exceeding the 65 dBA CNEL threshold. At a setback distance of 100 feet or more from Lick Mill Boulevard, noise levels would be expected to be below the 65 dBA CNEL threshold.

The future exterior noise levels from the proposed project would not be substantially different than those previously identified in the Specific Plan FEIR. Furthermore, the proposed project would incorporate the following Conditions of Approval into future development proposed under the Specific Plan to reduce exterior noise levels at common outdoor activity areas consistent with the City's General Plan.

Conditions of Approval:

- Do not locate common outdoor activity areas immediately adjacent to Tasman Drive, Lafayette Street, or the future Lick Mill Boulevard extension.
- Utilize site planning by placing outdoor activity areas in courtyards, on shielded podium levels (sky gardens) or rooftops, or behind buildings adjoining Tasman Drive, Lafayette Street, and Lick Mill Boulevard. Development adjacent to existing and planned open spaces and public parks shall be designed to provide shielding of the open space and public parks from Tasman Drive, Lafayette Street, and Lick Mill Boulevard.

Future Interior Noise Levels

Commercial Land Uses

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. The CALGreen Code establishes that interior noise levels shall be maintained at 50 dBA $L_{eq}(1-hr)$ or less during hours of operation at any proposed commercial buildings. Standard commercial construction provides approximately 30 dBA of exterior-to-interior noise reduction. At a distance of 50 feet from Lafayette Street along the western edge of the project site, the future noise level is calculated to be up to 77 dBA. At a distance of 65 feet from Tasman Drive along the southern edge of the project site, the future noise level is calculated to be 74 dBA. Standard construction should result in compatible interior noise levels in commercial uses within the Specific Plan area.

Residential Land Uses

The City of Santa Clara requires that interior noise levels be maintained at 45 dBA CNEL or less for residences. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA CNEL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA CNEL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated

exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

At a distance of 50 feet from the southern and western border of the proposed project site, sound levels are anticipated to range from 72 to 74 dBA CNEL. Future interior noise levels at the Specific Plan area would be up to 55 dBA CNEL, exceeding the 45 dBA CNEL threshold of the Santa Clara General Plan.

As Conditions of Approval, the following noise insulation features shall be incorporated to reduce interior noise levels, as needed, at future residences bordering both Lafayette Street and Tasman Drive to 45 dBA CNEL or less.

Conditions of Approval:

- Assuming a conservative estimated ratio of 30 percent windows/doors to total wall area, preliminary calculations indicate that the facades of high-density residential buildings having line-of-sight to Lafayette Street would require windows and doors with a minimum STC rating of 30 to meet the interior noise threshold established by the City.
- Along the façades having direct line-of-sight to Tasman Drive and Lick Mill Boulevard, the minimum required STC for windows and doors would be 26.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the Community Development Director, for all residential units in the Specific Plan area so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- A qualified acoustical consultant shall review the final site plans, building elevations, and floor plans of the proposed residential buildings and make recommendations for noise insulation to reduce interior noise levels to 45 dBA CNEL or less. Treatments would include, but are not limited to, forced-air mechanical ventilation systems, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

Mechanical Equipment

Buildings developed within the Specific Plan would have mechanical equipment, such as heating, ventilation, and air conditioning systems. Under the Santa Clara City Code, noise generated by fixed sources of noise would be restricted to 55 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and to 50 dBA during nighttime hours (10:00 p.m. to 7:00 a.m.) at residential land uses.

Mechanical equipment noise would potentially impact adjacent noise-sensitive receptors within the Specific Plan area. Due to the number of variables inherent in the mechanical equipment needs of buildings within the Specific Plan (number and type of units, locations, size, housing or enclosures,

etc.), the impacts of mechanical equipment noise on adjacent noise-sensitive uses could be significant and therefore shall be assessed during the design phase of projects within the Specific Plan area.

Mechanical equipment shall be selected and designed to limit elevated mechanical noise on adjacent uses. Future development projects would be required to incorporate the following measures as Conditions of Approval.

Condition of Approval:

- Mechanical equipment shall be selected and designed to meet the City Code noise limits of 55 dBA during the daytime and 50 dBA at night. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City Code. Design planning for mechanical equipment shall take into account the noise criteria associated with such equipment and use site planning to locate equipment in less noise-sensitive areas, where feasible. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

Truck Circulation and Loading Activities

Noise measurements taken at grocery and large retail stores indicate that the highest noise levels generated by the retail uses in the proposed Specific Plan area would typically result from delivery and garbage trucks circulating to and from the docking area at a grocery store. Heavy truck deliveries typically generate maximum instantaneous noise levels of 70 to 75 dBA L_{max} at a distance of 50 feet. Smaller vendor trucks, which would be expected at the potential smaller retail uses within the Specific Plan area, would generate maximum noise levels ranging from 65 to 70 dBA L_{max} at a distance of 50 feet. Low speed truck noise results from a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air-brakes. The noise level of backup alarms can vary depending on the type and directivity of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA L_{max} at a distance of 50 feet. Noise generated by loading dock activities and slow-moving trucks would drop off at a rate of about six dB per doubling of distance between the noise source and receptor.

Truck circulation and loading activities would affect the residents surrounding the proposed commercial uses as well as potentially the school. Based on short-term measurements at locations ST-6 and ST-7, typical maximum instantaneous noise levels from truck circulation and loading activities would be consistent with current ambient noise. At a distance of 50 feet from Tasman Drive, current maximum instantaneous noise levels typically range from 70 to 75 dBA L_{max} . These levels are consistent with future truck circulation and loading activities associated with the Specific Plan. The project would be designed in accordance with the above conditions of approval to reduce

noise associated with truck circulation and loading activities that would affect residents and potentially the school surrounding the proposed commercial uses.

In addition, as Conditions of Approval, loading docks shall be designed to reduce impacts on surrounding uses to meet the City Code noise limits of 55 dBA during the daytime and 50 dBA at night.

Condition of Approval:

Prior to issuance of a building permit, a qualified acoustical consultant shall be retained to review proposed loading dock areas to determine specific noise reduction measures necessary to reduce noise to comply with the City Code. Noise reduction measures could include, but are not limited to, the following:

- Locate loading zones inside (e.g., within parking structures), where possible, and as far from adjacent residential uses as possible.
- Implement a no idling policy at all retail locations that requires engines to be turned off after five minutes.
- Recess truck docks into the ground.
- Equip loading bay doors with rubberized gasket type seals to allow little loading noise to escape.
- Limit deliveries to the hours between 7 a.m. and 10 p.m. daily.

Project-level analyses shall be submitted to the City of Santa Clara for review and approval prior to issuance of any building permits.

Construction Noise and Vibration Impacts to On-Site Receptors

The construction of the Specific Plan may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include site demolition, preparation work, foundation work, and new building framing and finishing. Buildings developed within the Specific Plan area may require pile driving, which can cause excessive vibration.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 inches/second PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. Groundborne vibration levels exceeding 0.3 in/sec PPV limit at existing buildings within the Specific Plan area constructed prior to 1990 and for recent developments, ground-borne vibration in excess of 0.5 in/sec PPV would have the potential to result in vibration impacts.

Accounting for possible pile driving, new construction up to 86 feet away from existing commercial buildings has the potential to exceed the 0.3 in/sec PPV threshold. While the construction-generated vibration levels for the proposed project would not result in architectural damage at any

existing or future project buildings on or surrounding the site, construction activities could at times be perceptible. As a result, the project would adhere to mitigation measures MM NV-1.1 through NV-1.5, MM NV-2.1, and MM NV-2.2 as a Condition of Approval to reduce potential impacts of construction noise and vibration to existing buildings within the Specific Plan area.

3.4.2.3 *Consistency with Plans*

The project is consistent with the ALUCP by preparing a noise assessment using the CNEL method to represent noise levels for the project site. The project site is inside the 60 CNEL noise contour, and the project proposes compatible land uses consistent with Table 4-1 of the ALUCP by including residential and school uses with noise insulation features, and commercial uses.

The project site is consistent with the City's General Plan by including noise attenuation measures to reduce residential and school interior noise levels to 45 dBA CNEL. Noise levels within the mini and neighborhood parks would be below the 65 dBA CNEL threshold of the Santa Clara General Plan for those areas of the parks not directly adjacent to roadways.

3.4.2.4 *Cumulative Impacts*

The noise and vibration impacts of the project are localized, therefore, the geographic extent of the cumulative impacts for noise and vibration is the surrounding area.

Cumulative Construction Noise Impact

Similar to the approved Specific Plan FEIR, the proposed project may contribute to cumulative construction noise levels resulting from the development of pending projects, and projects that are approved, but have not started construction. In light of the proximity and scale of surrounding development, construction of the future Related Santa Clara project would have the greatest potential for substantial temporary noise on receptors near the project site.

The nearest sensitive common noise receptor for both the Specific Plan and Related Santa Clara would be the residences south of Tasman Drive. Construction noise from Related Santa Clara construction would cause noise levels of 66 dBA L_{eq} at the neighborhood bordering Tasman Drive. As discussed in the Specific Plan FEIR, construction noise contributions from Specific Plan developments would be up to 74 dBA L_{eq} at the same location. While the proposed project would include up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000 square foot day care, the additional development would be distributed within the entire 46.0-acre site. The construction noise levels calculated in the approved project, which is an increase of one dBA from the project in combination with Related Santa Clara, represents the worst case cumulative construction noise scenario and would not make a noticeable increase to the overall construction noise level.

Furthermore, the proposed project would implement mitigation measures MM NV-2.1 and MM NV-2.2 to reduce construction noise levels emanating from the site. Since cumulative construction noise levels would not be noticeably higher than construction noise levels expected from the

individual projects alone, the cumulative construction noise impact would be considered less than significant. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

Cumulative Vibration Impacts

The proposed project may contribute to cumulative construction vibration levels resulting from the development of pending projects, and projects that are approved, but have not started construction. In light of the proximity and scale of surrounding development, construction of the future Related Santa Clara project would have the greatest potential for substantial temporary vibration impacts on receptors near the project site.

The nearest sensitive common noise receptor for both the Specific Plan and Related Santa Clara would be the residences south of Tasman Drive. The approved Specific Plan FEIR concluded that groundborne vibration levels exceeding 0.3 in/sec PPV limit at existing residential buildings south of Tasman Drive, constructed prior to 1990, would be considered significant. The closest residential structure that would be subject to potential groundborne vibration from the cumulative projects would be at least 300 feet from any construction activity and, based on Table 3.4-4, would not be subject to groundborne vibration exceeding 0.3 in/sec PPV. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

Cumulative Traffic Noise Impact

Similar to the Specific Plan FEIR, cumulative traffic noise level increases were calculated by comparing the cumulative traffic volumes and the cumulative plus project volumes to existing traffic volumes at the 23 study intersections (refer to *Section 3.8 Transportation*). A traffic noise increase of three dBA CNEL was calculated under both cumulative scenarios (cumulative and cumulative plus project) along multiple roadway segments in Santa Clara in which existing noise levels exceed 55 dBA CNEL. There were no segments with a noise level increase of three dBA CNEL for which the project contribution exceeded one dBA CNEL and, as a result, the project would not result in a cumulatively considerable contribution to the overall traffic noise increase. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

3.5 Population and Housing

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as the housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.²⁸ The City of Santa Clara Housing Element and related land use policies were last updated in June 2023.

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 PDAs. PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.²⁹

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

²⁸ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed July 25, 2022. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

²⁹ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

City of Santa Clara 2010-2035 General Plan

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

Policies	Description
5.3.2-P1	Encourage the annual construction of the housing units necessary to meet the City's regional housing needs assessment by reducing constraints to housing finance and development.
5.3.2-P2	Encourage higher-density residential development in transit and mixed-use areas and in other locations throughout the City where appropriate.
5.3.2-P3	Encourage below-grade parking and parking structures for development in Medium Density and High Density designations.
5.3.2-P6	Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low- and moderate-income and special needs households.
5.4.6-P20	Allow higher residential densities through the specific plan process.

3.5.1.2 *Existing Conditions*

The population of Santa Clara was estimated to be approximately 130,127 residents in January 2022 with 52,000 housing units.³⁰ ABAG projects the City's population will increase to 159,500 by 2040.³¹ Several parcels within the Specific Plan area have been redeveloped into residential uses (refer to Figure 2.0-3).

3.5.2 Impact Discussion

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

- 1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

3.5.2.1 *Population and Housing Impacts*

Consistent with the approved project, the proposed project would not displace existing housing or people such that replacement housing would be required elsewhere. **[Same Impact as Approved Project (Less Than Significant Impact)]**

³⁰ Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/22. Accessed January 17, 2023. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.

³¹ Association of Bay Area Governments. *Projections 2040*. Accessed January 17, 2023. <http://projections.planbayarea.org/>

The jobs/housing ratio quantifies the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. This is an environmental issue because proximity between jobs and housing strongly influences driving patterns, air quality, and other environmental factors. If the project were to induce substantial population growth without adequate employment opportunities for future residents, a direct or indirect impact from growth inducement may result due, in part, to the environmental impacts related to long commutes, as described above.

The 2010-2035 General Plan (adopted in 2011, updated in 2014 and 2023) focuses on increasing housing and the placement of housing near employment. However, the City is anticipated to maintain a greater ratio of jobs to housing and/or employed residents. Some employees who work within the City are, and still will be, required to seek housing outside the community with full implementation of the 2010-2035 General Plan.

The approved project would add up to 106,000 square feet of neighborhood-serving retail space, including up to 25,000 square additional feet of grocery store space. The addition of up to 106,000 square feet of retail space could result in up to approximately 265³² additional jobs on the site. A 600-student school within the Specific Plan area would be anticipated to require approximately 50 employees,³³ which would increase jobs citywide by one percent compared to the assumed job projections of the General Plan.³⁴ The addition of 4,500 residential units would result in an increase in approximately 12,285 residents.³⁵ The approved project would increase jobs which would incrementally decrease the overall jobs/housing imbalance within the City.

The proposed project would accommodate up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare. The proposed project could result in up to 4,095 new residents and 170 new employees.³⁶

Consistent with the approved project, the proposed project would further the City's efforts to provide more balanced development by providing housing near employment centers and reducing the current jobs/housing imbalance. Through continued implementation of the 2010-2035 General Plan, the City's job/housing imbalance would be further reduced. The allowed residential development within the Specific Plan area would contribute to the reduction in the City's jobs/housing imbalance and would have a less than significant impact, due to population growth,

³² Based on one employee per 400 square feet of commercial space.

³³ Healy, Michal, Director, Facilities Development and Planning, Santa Clara Unified School District. "RE: Tasman East Specific Plan; CEQ2016-12400." August 7, 2017.

³⁴ The *City of Santa Clara 2010-2035 General Plan* assumes 25,040 new jobs would be created in the City through 2035.

³⁵ 2.73 persons per household x 4,500 households = 12,285 new residents.

³⁶ Fehr & Peers. *Tasman East Specific Plan Update Draft Transportation Impact Analysis*. May 2024.

on population and housing in Santa Clara. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.5.2.2 *Cumulative Impacts*

The geographic area for cumulative population and housing impacts is the City of Santa Clara. The proposed project would intensify the use of the Specific Plan area and generate up to 4,095 new residents and 170 new employees in the City which would improve the jobs/housing imbalance. The proposed project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. Buildout of the Specific Plan is part of the high-density growth envisioned for the Tasman East Focus Area in the City's General Plan; therefore, implementation of the proposed project would not have a cumulatively considerable contribution to a significant cumulative unplanned population growth in the area. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

3.6 Public Services

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

State

Quimby Act-California Code Section 66477

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

Mitigation Fee Act

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

School Impact Fees

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

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

Local

City of Santa Clara 2010-2035 General Plan

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

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

City of Santa Clara City Code Chapter 17.35

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

3.6.1.2 Existing Conditions

Fire Protection Services

Fire protection services are provided to the project site by the City of Santa Clara Fire Department (SCFD). The SCFD is comprised of approximately 173 fire service personnel and additional reserve employees/volunteers.³⁷ The SCFD receives over 11,000 emergency calls annually.³⁸

Currently, the SCFD has nine fire stations. The closest station to the project site was Fire Station 10 located at 5111 Stars and Stripes Drive, approximately 260 feet west of the Specific Plan area. Fire Station 10 closed in 2020 and has been planned for relocation to Great America Parkway as part of the Related Santa Clara project. The planned fire station would be a driving distance of approximately 1.4-mile from the project site. The planned roadway network for Related Santa Clara would provide improved access to the Specific Plan area once the Lick Mill Boulevard extension is completed. Currently, the project area is served by Fire Station 6 at 888 Agnew Road, approximately 2.0 miles southeast from the Specific Plan area.

Police Protection Services

Police protection services are provided by the Santa Clara Police Department (SCPD). The SCPD is divided into four divisions: Administrative Services, Field Operations, Investigations, and Special Operations, and has approximately 153 sworn officers and 79 civilians.³⁹ There are currently two police stations, the headquarters located at 601 El Camino Real and a substation located at 3992 Rivermark Parkway. The SCPD headquarters is approximately four miles south of the Specific Plan area.

Schools

The Specific Plan area is located within the Santa Clara Unified School District (SCUSD). Students in the project area attend Kathryn Hughes Elementary School located at 4949 Calle De Escuela (approximately 530 feet south of the Specific Plan area), Huerta Middle School located at 3556 Zanker Road (approximately 1.2 miles southeast of the Specific Plan area), and MacDonald High School located at 3588 Zanker Road (approximately 1.2 miles southeast of the Specific Plan area).

Huerta Middle School and MacDonald High School are part of SCUSD's Agnews East School site located on Zanker Road between Descanso Drive and River Oaks Parkway. These new schools in addition to Agnew Elementary, also on the Agnews East School site, have added capacity to SCUSD following approval of the Specific Plan in 2018.

³⁷ City of Santa Clara. "History of the Fire Department." Accessed January 17, 2023.
<https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/about-us/history>.

³⁸ City of Santa Clara. "Santa Clara Fire Department Annual Report 2024." Accessed April 8, 2026.
<https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/about-us#docaccess-e676ed9ed78d4a0ab284a43f96c0787b3ce648e1bc017c5dbb074478cb6b284b>.

³⁹ City of Santa Clara. "Police Department Fact Sheet." Accessed January 17, 2023.
<https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet>.

Parks

The Santa Clara Parks and Recreation Department (Department) provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of May 2023, the Department maintains and operates Central Park, a 45.04-acre community park (a planned Central Park North of 34.93 acres is currently unimproved and would result in 79.97 acres), 31 neighborhood parks (125.57 acres improved and 5.22 acres unimproved resulting in 130.79 acres), 13 mini parks (2.59 acres improved and 3.19 acres unimproved resulting in 5.80 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.90 acres improved and excluding the BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.59 acres) throughout the City totaling approximately 269.41 improved acres and 83.62 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.

The closest neighborhood park to the Specific Plan area is Fairway Glen Park located at 2051 Calle De Primavera, a 4.0-acre park offering an open, contiguous grass area, a large children's play area, two tennis courts and picnic facilities with BBQs; however, it is further than a 10-minute walk from the Specific Plan area. Ulistac Natural Area at 4901 Lick Mill Boulevard, approximately 120 feet south of the Specific Plan area is the only natural open space in the City. A public community park of 34.93 acres (Central Park North, described above) is planned on the north side of the City within the Related Santa Clara development.

Libraries

The City is served by three libraries: 1) Central Park Library located at 2635 Homestead Road (approximately 4.6 miles southwest of the Specific Plan area); 2) Mission Library Family Reading Center located at 1098 Lexington Street (approximately 4.3 miles southeast of the Specific Plan area); and 3) Northside Branch Library located at 695 Moreland Way (approximately 1.25 miles southeast the Specific Plan area). These facilities total approximately 104,770 square feet and have approximately 457,210 items combined.⁴⁰ With a current service population of 130,127, the Santa Clara City Library (SCCL) provides approximately 0.81 square foot of library space per resident and 3.50 items per resident.⁴¹

The Central Park Library includes group study rooms, large community rooms, public art, a computer training facility, a café and bookstore, a genealogy and local history collection, a children's garden, fireplaces, and materials for educational and recreational use. The Mission Library contains reading materials and is headquarters for READ Santa Clara, a free adult literacy

⁴⁰ City of Santa Clara. *Tasman East Specific Plan Draft Environmental Impact Report*. July 2018.

⁴¹ Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/22. Accessed January 17, 2023. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.

program. The Northside Branch Library includes books, movies, digital collections, a community room, four small group study areas, and a technology center.

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

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

The development and growth allowed by the approved and proposed project are generally consistent with the high-density growth envisioned for the Tasman East Focus Area in the City's General Plan; however, additional dwelling units and residents are assumed for the Specific Plan area than previously considered in the General Plan.

3.6.2.1 Fire Protection Services Impacts

The City's General Plan FEIR concluded that the existing fire station facilities have capacity to absorb additional fire personnel (if needed to serve the buildout of the General Plan, which includes development of the Specific Plan area with residential uses) without the need to expand or construct new facilities.⁴² The proposed project would include up to an additional 1,500 dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare which could result in up to 4,095 new residents and 170 new employees.⁴³ Full buildout of the Specific Plan area (approved and proposed projects) would increase the resident population by 50 percent and jobs citywide by two percent when compared to the assumed resident and job projections of the General Plan.⁴⁴ Furthermore, the proposed project is within close proximity to the planned relocation of Fire Station 10 on Great America Parkway, which is included in the construction of projects underway in the project area. The area is also currently served by Fire Station 6 which is approximately 2.0 miles southeast from the project area.

⁴² City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan*. SCH# 2008092005. Certified November 16, 2010. Pages 206-207.

⁴³ Fehr & Peers. *Tasman East Specific Plan Update Draft Transportation Impact Analysis*. May 2024.

⁴⁴ The *City of Santa Clara 2010-2035 General Plan* assumes 32,400 residents and 25,040 new jobs would be created in the City through 2035. The approved project would generate approximately 12,285 residents and 315 employees.

In addition, future development under the Specific Plan would be reviewed by the SCFD and be built to applicable Fire Code standards to reduce fire hazards.

Demand for additional fire protection/EMS equipment resulting from the Specific Plan would be funded by the Specific Plan's infrastructure fee. The City has several options to ensure that adequate funds will be available for facilities required by Specific Plan development, including approaches and policies for both one-time and on-going costs of public infrastructure, improvements, and services. New development projects proposed under the Specific Plan would be required to pay their share of costs associated with provision of these facilities through the required infrastructure fee on a per unit basis.

While the project would intensify the use of the Specific Plan area compared to what was previously approved and assumptions in the General Plan, it would not result in the need for new or physically altered fire facilities in order to maintain response times or other performance objectives of SCFD because the project is located in proximity to other fire stations and future developments proposed under the Specific Plan would be reviewed by the SCFD. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.6.2.2 *Police Protection Services Impacts*

The General Plan FEIR concluded that additional officers (if needed to serve the buildout of the General Plan, which includes a portion of the development proposed in the Specific Plan) would be housed in the existing facilities and refurbishment of the facilities would consist of reconfiguration of space and regular upgrade of furniture and equipment.

As mentioned previously, the proposed project could result in up to 4,095 new residents and 170 new employees.⁴⁵ Full buildout of the Specific Plan area (approved and proposed projects) would increase the resident population by 50 percent and jobs citywide by two percent when compared to the assumed resident and job projections of the General Plan.⁴⁶ As a result, there may be a need for new or reconfigured space as the SCPD staff grows to serve the Specific Plan area. The City has determined that reconfiguration of existing facility space for additional SCPD workforce would be the near-term approach.⁴⁷ As Specific Plan development occurs, if reconfiguration is not feasible or is insufficient, then additional analysis would need to be undertaken at the time to consider possible options for expansion or a new facility. Since no determination on an expanded or new facility has been made or proposed at this time, any further analysis at this time would be speculative. Furthermore, as with the approved project, the design of future development projects within the Specific Plan area shall be reviewed by the SCPD to ensure safety features are incorporated to minimize criminal activity. While the proposed project would result in an increase in demand for police protection services, it would not result in the need for new or physically

⁴⁵ Fehr & Peers. *Tasman East Specific Plan Update Draft Transportation Impact Analysis*. May 2024.

⁴⁶ The *City of Santa Clara 2010-2035 General Plan* assumes 32,400 residents and 25,040 new jobs would be created in the City through 2035. The approved project would generate approximately 12,285 residents and 315 employees.

⁴⁷ City of Santa Clara. *Patrick Henry Drive Final Environmental Impact Report*. SCH #2019120515. July 2021.

altered police facilities in order to maintain response times or other performance objectives of SCPD because the project is located in an area currently served by the SCPD and future developments proposed under the Specific Plan would be reviewed by the SCPD. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.6.2.3 *School Impacts*

The proposed project includes up to 1,500 additional dwelling units, which would generate up to 85 school-aged students.⁴⁸ As discussed in the General Plan FEIR, SCUSD can accommodate students from buildout of the General Plan (which includes a portion of the development proposed in the Specific Plan) with existing school facilities, by modifying school catchment areas, and/or by adding modular classrooms on existing campuses.⁴⁹ The approved project allows for the development of a new school with the capacity for up to 600 students within the Specific Plan area. If a new school is developed within the Specific Plan area, the new school would more than offset the demand the project would have on local schools. Subsequent environmental review shall be required when a specific school development site is proposed as the exact location and adjacent uses are not currently known. The SCUSD has also developed new K-12 school facilities on the Agnews East site in San José, which further offset increased demands for school facilities in the district. Based on SCUSD's most recent school fee justification study and the opening of the MacDonald High School campus for the 2022-2023 school year, the district has excess student capacity at all grade levels through 2040.^{50,51}

As required by state law (Government Code Section 65996), the project proponents for future development projects shall pay the appropriate school impact fees to SCUSD to offset the increased demands on school facilities caused by their development projects. Consistent with the approved project, implementation of the proposed project, in conformance with state law (Government Code Section 65996), would not create an impact through substantial adverse physical impacts associated with the provision of new or physically altered school facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁴⁸ Enrollment Projection Consultants. *SCUSD 2019-20 Forecast Update Report*. January 17, 2020. Page 16. No developments of mainly below-market rate (BMR) units have been developed in the SCUSD in recent years; therefore, the BMR unit student generation rate (SGR) from Sunnyvale Elementary School District-Fremont Union High School District (SED-FUHSD) were used. The Specific Plan is anticipated to have five percent BMR units and 95 percent market rate units. Assumes a transitional kindergarten to 12th grade BMR unit SGR of 0.56 students per unit and a market rate unit SGR of 0.03 students per unit. 1,500 units x 0.05 BMR x 0.56 SGR = 42 students. 1,500 units x 0.95 units x 0.03 SGR = 43 students.

⁴⁹ City of Santa Clara. *City of Santa Clara Draft 2010-2035 General Plan: Integrated Final Environmental Impact Report*. Section 4.6.5.2, Schools and Community Facilities. January 2011.

⁵⁰ Cooperative Strategies. *Residential and Commercial/Industrial Development School Fee Justification Study*. March 24, 2022.

⁵¹ Santa Clara Unified School District. *Agnews East School Campus Facilities Expansion Final Supplemental Environmental Impact Report*. March 2019.

3.6.2.4 *Park Impacts*

The approved project includes approximately five acres of dispersed, non-contiguous mini and neighborhood parks. The Center District currently requires a 1.0 acre public park . The proposed project provides an additional 0.5 acres of parkland for the Center District (for a minimum of 1.5 acres).

The General Plan FEIR concluded that accelerated deterioration of existing park and recreational facilities resulting from increased use due to the buildout of the General Plan (including a portion of the development proposed in the Specific Plan area) would not be significant with the implementation of existing state and City regulations and policies.⁵² The increased density on site would increase the number of users of park and recreational facilities in the City. Future development under the Specific Plan shall comply with existing City and state laws, including the Parkland Dedication Ordinance, which requires project applicants to dedicate park and recreational facilities and/or pay a fee in-lieu of park dedication to mitigate the impacts of housing development growth on existing parkland and recreational facilities, at the City's discretion. However, even with the additional 0.5 acres of additional parkland, the sizes, shapes and locations of dedicated public parkland within the Specific Plan would still be below the required 2.6 to 3.0 acres per 1,000 new residents, which would result in a greater density of use on the planned smaller sized public parks and result in requiring the City to provide additional parkland outside of the Specific Plan area through the use of mitigation fees.

Based on the discussion above and consistent with the approved project, the proposed project would not substantially affect the provision of parks and open space, or result in the need for new or physically altered facilities in order to maintain acceptable performance objectives. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.6.2.5 *Library Impacts*

The proposed project would increase the resident and employee population in the Specific Plan area, which would incrementally increase the demand on library facilities compared to the approved project. The City does not currently have service ratios or other performance objectives for library services. The residents generated by the project would decrease the library space per resident ratio from 0.81 to 0.78 square feet and the library items (e.g., books and audio/visual volumes) per resident ratio from 3.50 to 3.41 items.

While the proposed project would incrementally increase the demand on library facilities compared to the approved project, it is not anticipated that the proposed project would result in substantial adverse physical impacts to library facilities in the City. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁵² City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan*. SCH# 2008092005. Certified November 16, 2010. Pages 240-241.

3.6.2.6 *Cumulative Impacts*

The geographic area for cumulative public services impacts is the City's boundaries. The General Plan FEIR discussed the cumulative impact on public services from the buildout of the General Plan (which includes a portion of the development and growth proposed by the Specific Plan) and concluded that future development, consistent with existing regulations, would not result in significant impacts to public facilities. The adjacent Related Santa Clara project would also provide for public services on its project site or pay in-lieu fees. Related Santa Clara proposes to move the existing Fire Station 10 to a site fronting the east side of Great America Parkway within or adjacent to the Related Santa Clara project boundary. The relocation of the fire station would not result in any cumulative impact to response times in the project vicinity. The in-lieu fees paid by projects developed under the Specific Plan would reduce cumulative impacts to school and park facilities. The incremental increase in density in the Specific Plan area would not contribute to any cumulative impact to fire or police facilities which were previously determined to be adequate to serve development allowed under the General Plan and approved project. For these reasons, implementation of the proposed project would not have a considerable contribution to a significant cumulative public services impact. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

3.7 Recreation

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act was approved by the California legislature to set aside parkland and/or payment of fees 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.

Mitigation Fee Act

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

Local

City of Santa Clara 2010-2035 General Plan

Applicable recreational services General Plan policies, include, but are not limited to, the following listed below.

Policies	Description
5.4.6-P5	Provide publicly accessible open space within the Tasman East Focus Area that is accessible to all residents, adequate to meet their activity needs, and consistent with the General Plan requirements and other City regulations.
5.4.6-P6	Ensure new residential development contains public open spaces that are connected by trails and bikeways, and to other open space networks such as the Guadalupe River Trail, Ulistac Natural Area, San Tomas Aquino Creek Trail, and the Santa Clara Golf and Tennis Club.
5.9.1-P1	Develop additional parkland in the City so that it is integrated into neighborhoods and meets the standards for size, amenities and location to serve residents and employees.

Policies	Description
5.9.1-P2	Develop new parks to serve the needs of the surrounding community based on the criteria for mini (less than one acre, appropriate for all areas), neighborhood (1-15 acres, appropriate for medium- and high density residential areas serving individual neighborhoods), and community (over 15 acres, appropriate for medium- and high-density residential areas serving the City as a whole) parks.
5.9.1-P5	Encourage public visibility for all parks, trails and open spaces.
5.9.1-P14	Encourage publicly accessible open space in new development.
5.9.1-P15	Provide opportunities for private maintenance of publicly accessible open space and trails.
5.9.1-P17	Foster site design for new development so that building height and massing do not overshadow new parks and plazas.
5.9.1-P18	Promote open space and recreational facilities in large-scale developments in order to meet a portion of the demand for parks generated by new development.
5.9.1-P20	Promote the continuation of parks per population ratio of 2.4 acres per 1,000 residents and explore the potential to increase the ratio to 3.0, based on the Parks and Recreation Needs Assessment (Parks Master Plan), referenced in Plan Prerequisite 5.1.1-P24 of the General Plan.

City of Santa Clara City Code Chapter 17.35

The purpose of City Code Chapter 17.35 is to help mitigate the impacts of new housing development growth on existing parkland and recreational facilities pursuant to the provisions of Quimby and/or the MFA. Chapter 17.35 requires new residential developments to provide adequate park and recreational facilities and/or pay a fee in-lieu of parkland dedication at the discretion of the City, and pursuant to the Quimby Act and/or the Mitigation Fee Act. The City is meeting the parkland dedication standard of three acres per 1,000 residents per the Quimby Act provisions of the City Code and 2.6 acres per 1,000 residents per the Mitigation Fee Act provisions of the City Code.

3.7.1.2 *Existing Conditions*

The Department provides parks and recreational services in the City. The Department is responsible for maintaining and programming the various parks and recreation facilities and works cooperatively with public agencies in coordinating all recreational activities within the City. Overall, as of May 2023, the Department maintains and operates Central Park, a 45.04-acre community park (a planned Central Park North of 34.93 acres is currently unimproved and would result in 79.97 acres), 31 neighborhood parks (125.57 acres improved and 5.22 acres unimproved resulting in 130.79 acres), 13 mini parks (2.59 acres improved and 3.19 acres unimproved resulting in 5.80 acres), public open space (16.13 acres improved and 40.08 acres unimproved resulting in 56.21 acres), recreational facilities (23.90 acres improved and excluding the BMX track), recreational trails (7.59 acres improved and 0.20 acres unimproved resulting in 7.79 acres), and joint use facilities (48.59 acres) throughout the City totaling approximately 269.41 improved acres and 83.62 unimproved acres. Community parks are over fifteen acres, neighborhood parks are one to fifteen acres and mini parks are typically less than one acre in size.⁵³

⁵³ Saporito, Gina. Santa Clara Parks and Recreation Department. Personal Communication. March 2023.

The closest neighborhood park to the Specific Plan area is Fairway Glen Park located at 2051 Calle De Primavera, a 4.0-acre park offering an open, contiguous grass area, a large children's play area, two tennis courts and picnic facilities with BBQs; however, it is further than a 10-minute walk from the Specific Plan area. Ulistac Natural Area at 4901 Lick Mill Boulevard, approximately 120 feet south of the Specific Plan area is the only natural, open space in the City. A public community park of 34.93 acres (Central Park North, described above) is planned on the north side of the City within the Related Santa Clara development that would serve the northern half of the City.

3.7.2 Impact Discussion

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

- 1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

3.7.2.1 *Impacts to Recreational Facilities*

The approved project has a goal to develop a total of five acres of park and five acres of open space on-site. The proposed project would allow up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare would increase density on-site resulting in greater use and demand on existing park and recreational facilities in the City. The proposed increase in development would be accompanied by an equivalent increase in public parkland of 1.5 acres for the "island properties," a net increase of 0.5 acres when compared to the approved project. The General Plan EIR concluded that accelerated deterioration of existing park and recreational facilities resulting from increased use due to the buildout of the General Plan (including a portion of the development proposed in the Specific Plan area) would not be significant with the implementation of existing state and City laws.⁵⁴ Consistent with the approved Specific Plan FEIR, future development projects under the Specific Plan shall comply with existing state and City laws, including the Quimby Act and the MFA, which require project applicants to dedicate park and recreational facilities and/or pay a fee in-lieu of parkland dedication, at the discretion of the City, to mitigate the impacts on existing parkland and recreational facilities. For these reasons, the proposed project would not result in a substantial physical deterioration of recreational facilities in the area. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁵⁴ City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan*. SCH# 2008092005. Certified November 16, 2010. Pages 240-241.

3.7.2.2 *Cumulative Impacts*

The geographic area for cumulative recreation impacts is the City's boundaries. The General Plan EIR discussed the cumulative impact on recreation facilities from the buildout of the General Plan and concluded that future development, consistent with existing regulations, would not result in significant impacts to recreational facilities. The previously approved Related Santa Clara project includes an approximately 34.93-acre park to provide recreational facilities north of US 101. Therefore, as concluded in the certified FEIR for Related Santa Clara, the buildout of the General Plan and the large cumulative Related Santa Clara and Specific Plan projects would not result in significant recreation impacts.⁵⁵ **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

⁵⁵ City of Santa Clara. *City Place Santa Clara Project Draft Environmental Impact Report*. SCH# 2014072078. Certified June 2016. Pages 3.13-23 through 3.13-25.

3.8 Transportation

The following analysis is based on a Transportation Analysis completed by *Fehr & Peers* in May 2024. A copy of this report is included in Appendix D of the SEIR.

3.8.1 Environmental Setting

3.8.1.1 *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 meets the requirements for 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 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 the 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

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that 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 2010-2035 General Plan

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

Policies	Description
5.8.1-P3	Identify opportunities to connect people to supportive services, public amenities and transit.
5.8.2-P1	Require that new and retrofitted roadways implement “Full-Service Streets” standards, including minimal vehicular travel lane widths, pedestrian amenities, adequate sidewalks, street trees, bicycle facilities, transit facilities, lighting and signage, where feasible.
5.8.2-P2	Discourage widening of existing roadway or intersection rights-of-way without first considering operational improvements, such as traffic signal modifications, turn-pocket extensions and intelligent transportation systems.
5.8.2-P3	Encourage undergrounding of utilities and utility equipment within the public right-of-way and site these facilities to provide opportunities for street trees and adequate sidewalks.
5.8.2-P9	Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.
5.8.3-P8	Require new development to include transit stop amenities, such as pedestrian pathways to stops, benches, traveler information and shelters.
5.8.3-P9	Require new development to incorporate reduced on-site parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.
5.8.3-P10	Require new development to participate in public/private partnerships to provide new transit options between Santa Clara residences and businesses.
5.8.4-P6	Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.
5.8.4-P7	Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas.
5.8.4-P8	Require new development and public facilities to provide improvements, such as sidewalks, landscaping and bicycling facilities, to promote pedestrian and bicycle use.
5.8.4-P9	Encourage pedestrian- and bicycle-oriented amenities, such as bicycle racks, benches, signalized mid-block crosswalks, and bus benches or enclosures.
5.8.4-P10	Encourage safe, secure and convenient bicycle parking and end-of-trip, or bicycle “stop” facilities, such as showers or bicycle repair near destinations for all users, including commuters, residents, shoppers, students and other bicycle travelers.
5.8.4-P13	Promote pedestrian and bicycle safety through “best practices” or design guidelines for sidewalks, bicycle facilities, landscape strips and other buffers, as well as crosswalk design and placement.
5.4.6-P2	Provide direct linkages from Tasman East to the Santa Clara Valley Transportation Authority, Amtrak, and Altamont Corridor Express stations and transit stops to promote transit use for access to services and jobs.

Policies	Description
5.4.6-P3	Work with appropriate transportation agencies, businesses, and surrounding cities to maximize rail and bus transit to and from the stations.
5.4.6-P4	Promote pedestrian-friendly design that includes features such as shade trees, streetscapes that contain lighting and landscaping, street furniture, pedestrian and bike paths, limited driveway curb cuts, traffic-calming features, and pedestrian street crossings.
5.4.6-P7	Provide for future connections, which encourages walking and bicycling, to the new development in the north when it is redeveloped to promote accessibility between the two areas.
5.4.5-P9	Emphasize walkability and access to transit and existing roadways in Future Focus Area comprehensive plans.
5.4.5-P10	Provide access across expressways or major arterial streets so that new residential development in Future Focus Areas has adequate access to neighborhood retail, services and public facilities.
5.4.7-P8	Require development of public amenities, including parks and open space, in the first phase of development for all Future Focus Areas
5.4.7-P9	Emphasize walkability and access to transit and existing roadways in Future Focus Area comprehensive plans.
5.4.7-10	Provide access across expressways or major arterial streets so that new residential development in Future Focus Areas has adequate access to neighborhood retail, services and public facilities.

Climate Action Plan TDM

The City requires all new multifamily developments or nonresidential uses over 500 employees and implement a VMT reduction strategy that reduces drive-alone trips. The degree to which each project implements a TDM program as part of the VMT reduction strategy will be based on the location and land use of the proposed project. The VMT reductions may be achieved through project design characteristics, land use, parking, access, or TDM best practices.

City of Santa Clara VMT Policy

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

In addition to establishing the environmental baseline and thresholds of significance, the VMT policy establishes screening criteria for certain projects that are presumed to have a less than significant VMT impact. Projects which meet the screening criteria would not be required to quantify VMT and compare it to the City's adopted threshold. Projects which generate less than 110 daily vehicle trips or less would be screened out from a quantitative VMT analysis and would be presumed to have a less than significant VMT impact. Retail land uses providing 50,000 square feet or less would be presumed to be less than significant. Transit supportive projects which are located

within ½-mile of an existing major transit stop or an existing transit stop along a High Quality Transit Corridor would also be presumed to be less than significant, provided that a minimum density of 35 units/acre is met for residential projects, a minimum FAR of 0.75 is met for office/R&D projects, no excess parking is provided, and no affordable dwelling units are replaced.

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

City of Santa Clara Bicycle Plan

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

City of Santa Clara Pedestrian Master Plan

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

3.8.1.2 *Existing Conditions*

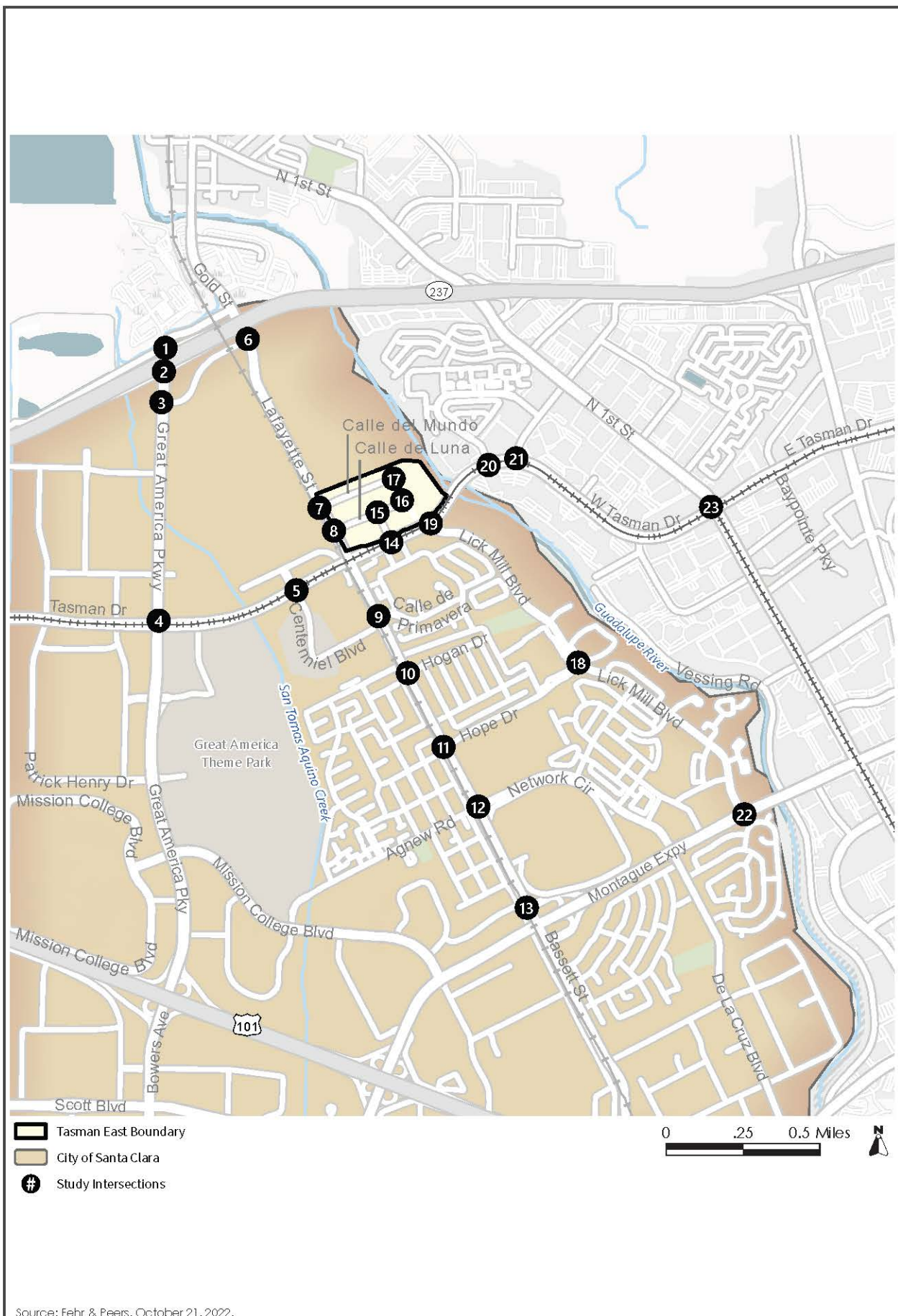
Existing Roadway Network

The existing roadway network serving the project area includes regional facilities and local roadways. Currently, public street access to the project site is provided via US 101, SR 237, Great America Parkway, Tasman Drive, and Lafayette Street. Regional and local access to the project site is provided via the streets described below and shown in Figure 3.8-1.

Regional Access

US Highway 101 (US 101) is a north/south freeway with six mixed-flow lanes and two HOV lanes through most of Santa Clara and San José. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via interchanges at I-880 and De La Cruz Boulevard/Trimble Road.

State Route 237 (SR 237) is a six-lane freeway that connects the east and west sides of Silicon Valley via Mountain View, Sunnyvale, Santa Clara, and north San José. One lane in each direction operates as an Express Lane from 5:00 AM to 8:00 PM, Monday through Friday.



EXISTING ROADWAY NETWORK AND STUDY INTERSECTIONS

FIGURE 3.8-1

Great America Parkway is a six-lane, north-south divided major arterial that extends from SR 237 to US 101, providing access to US 101, Central Expressway, and El Camino Real. It provides primary access to the project site from SR 237 and US 101.

Tasman Drive is a four- to six-lane, east-west divided arterial with an at-grade light rail running between I-880 to the east and Java Drive to the west.

Lafayette Street is a four-lane, north-south arterial that extends from SR 237 in the north to south of the project site.

Montague Expressway is an eight-lane divided expressway that connects to US 101 south of the project site. Montague Expressway begins at I-880 in north San José and transitions into San Tomas Expressway south of US 101. There is one westbound high-occupancy vehicle (HOV) lane on Montague Expressway beginning at O'Toole Avenue/McCarthy Boulevard and ending at the Lafayette Bridge overcrossing. There is one eastbound HOV lane on Montague Expressway beginning at Mission College Boulevard and ending at O'Toole Avenue/McCarthy Boulevard.

Lick Mill Boulevard is a four-lane, north-south arterial located between Tasman Drive and Montague Expressway. Lick Mill Boulevard is proposed to be extended north of Tasman Drive through the Specific Plan area to connect with the future Related Santa Clara development to the north.

North First Street is a four-lane, north-south arterial with an at-grade light rail. North First Street connects downtown San José to north San José.

Local Access

Calle Del Mundo is a two-lane, east-west local street located on the north end of the project site that loops east and connects with Calle De Luna. Calle Del Mundo has sidewalks on the north side of the street. Together, these streets form a short, half-mile loop branching off Lafayette Street.

Calle De Luna is a two-lane, east-west local street located immediately south of Calle Del Mundo. Calle De Luna has sidewalks on the north side of the street between Calle Del Sol and Lafayette Street. Calle De Luna west of Calle Del Sol and Calle Del Sol act as a loop connecting Tasman Drive to Lafayette Street.

Calle Del Sol is a four-lane, north-south street extending between Calle De Luna and Tasman Drive. Sidewalks are located on the east side of the street.

Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. A mostly complete network of sidewalks and crosswalks provides pedestrian connectivity surrounding the Specific Plan area. Sidewalks are present along the north and south

sides of Tasman Drive between Great America Parkway and the Guadalupe River Trail, the east side of Lafayette Street, the north side of Calle De Luna between Lafayette Street and Calle Del Sol, and on the east side of Calle Del Sol. A sidewalk gap exists along the north side of Tasman Drive between Centennial Boulevard and Calle Del Sol. Sidewalks are present along the east side of Lafayette Street.

Bicycle Facilities

There are several bicycle facilities in the vicinity of the project site. The existing bicycle facilities within the study area are described below and shown in Figure 3.8-2.

Class I Bikeways (Shared-Use Paths) are off-street paths with exclusive right-of-way for non-motorized transportation used for commuting as well as recreation. There are Class I bikeways that run along the Guadalupe River northeast of the project site that provides access to central San José and San Tomas Aquino Creek southwest of the project site that provides access to Santa Clara. Class I bikeways along SR 237 connect bicyclists to business districts in northern Sunnyvale and along North First Street in San José. These trails also provide access to the San Francisco Bay Trail, which is primarily used by recreational rather than commuter cyclists.

Class II Bikeways (Bike Lanes) are dedicated lanes within a roadway, adjacent to the outer lanes, that are designated for bicycles. Within the project vicinity, Class II bike lanes are present on Tasman Drive from Patrick Henry Drive to the City of San Jose. Great America Parkway has on-street bicycle lanes that extend from SR 237 to south of Central Expressway. Lafayette Street has on-street lanes between Agnew Road and SR 237. To the west of the site, Class II bike lanes along Old Mountain View-Alviso Road provide access from residential neighborhoods in northern Sunnyvale.

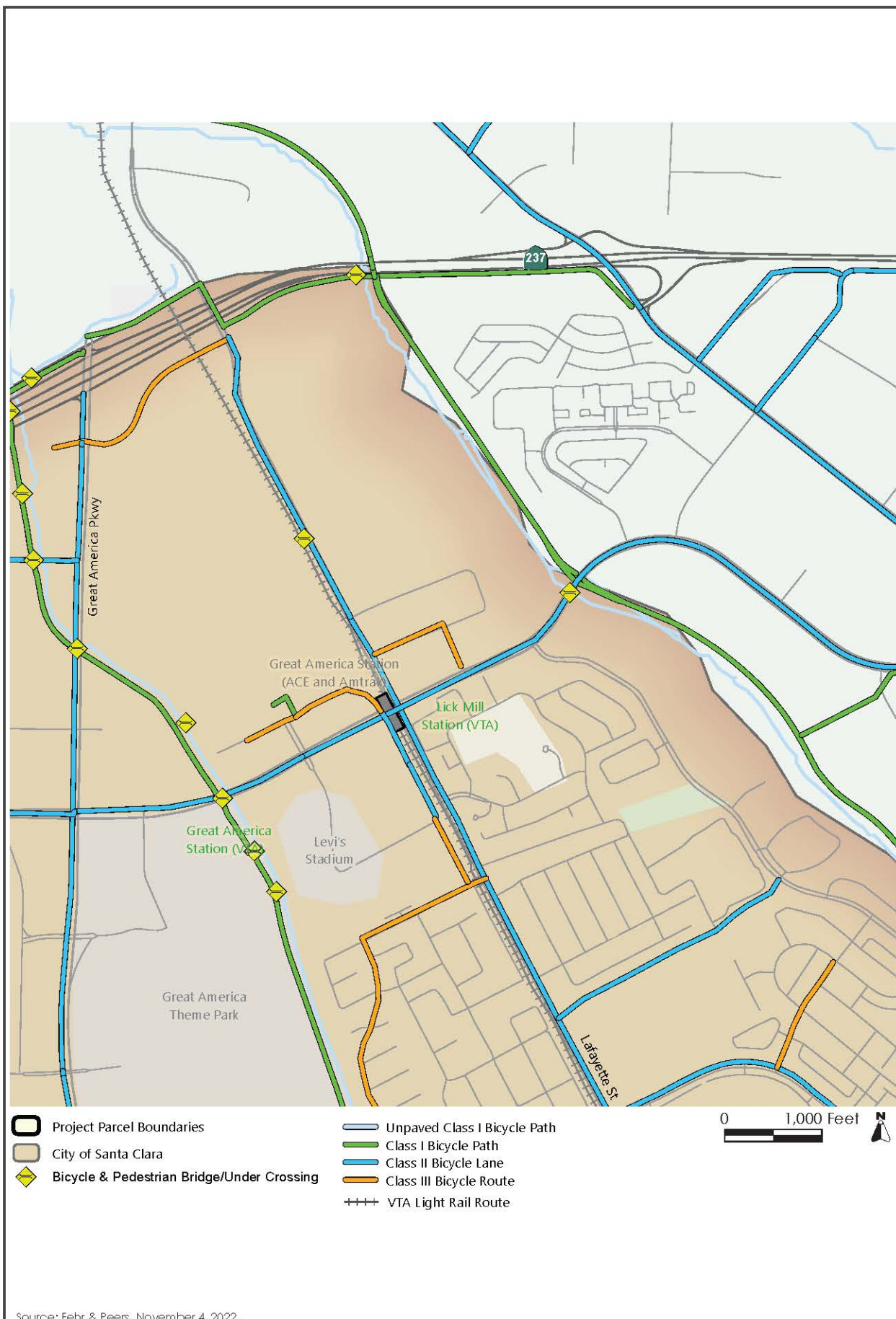
Class III Bikeways (Bike Routes) are designated by signs or pavement markings for shared use with pedestrians or motor vehicles, but have no separated bike right-of-way or lane striping. Bike routes serve either to: a) provide a connection to other bicycle facilities where dedicated facilities are infeasible, or b) designate preferred routes through high-demand corridors.

Existing Transit Service

Existing transit service to the study area is provided by several transit agencies, as described below and shown in Figure 3.8-3.

Santa Clara Valley Transportation Authority (VTA)

VTA provides light rail, bus and paratransit service to Santa Clara County, including the City of Santa Clara. Light rail trains operate at 15-, 20-, and 60-minute frequencies depending on the time of day. VTA bus routes generally operate between 5:00 AM and 1:00 AM.



EXISTING BICYCLE FACILITIES

FIGURE 3.8-2



Caltrain

Caltrain operates a commuter rail service seven days a week between San José and San Francisco. During weekday commuting hours, Caltrain also serves the south county including Gilroy, San Martin, and Morgan Hill. Caltrain provides shuttle service to businesses in the Silicon Valley and on the peninsula. The Lawrence Caltrain Station and the Santa Clara Caltrain Station are closest to the project site. Caltrain provides service with 30-minute headways during commute hours.

Altamont Commuter Express (ACE)

ACE provides passenger rail service across the Altamont corridor between the Central Valley and Silicon Valley. ACE trains connect to Caltrain at both the Santa Clara and San José Diridon Stations. The San Joaquin Regional Rail Commission is the owner and operator of ACE services. ACE provides service with 60-minute headways during commute hours. The nearest ACE station to the project site is the Santa Clara/Great America Station at 5099 Stars and Stripes Drive.

Amtrak Capitol Corridor Inter-City Rail

Amtrak provides commuter rail service between Sacramento and San José. Trains depart every hour to two hours during the weekdays. The nearest Amtrak stations to the project site are the Santa Clara Caltrain station and the Santa Clara/Great America Station. The Capitol Corridor is managed by the Capitol Corridor Joint Powers Authority (CCJPA), a partnership of six local transit agencies in the eight-county service area. Capitol Corridor trains operate between 4:30 AM and 11:30 PM with departures about every hour to two hours during the weekdays.

3.8.2 Impact Discussion

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

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

Since approval of the Specific Plan FEIR, the City of Santa Clara has adopted and implemented a new transportation policy. The City of Santa Clara uses VMT as the metric to assess transportation impacts from new development (refer to *Section 3.8.1.1* for more information).

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

Pedestrian Facilities Impact

Buildout of the Specific Plan would generate substantial numbers of pedestrians traveling to transit stops along routes where sidewalk gaps exist, thus potentially creating a hazardous condition for pedestrians. Pedestrian facilities are planned to be constructed on all internal streets in conjunction with development of the Specific Plan. New sidewalks and pedestrian crossings will support internal walking accessibility and circulation. The project would generate pedestrian travel that would occur between the Specific Plan area and surrounding land uses. Pedestrian travel would also be generated between the Specific Plan area and adjacent transit stops and stations, primarily Great America ACE/Amtrak and the Lick Mill light-rail stations.

Per General Plan Policy 5.4.6-P2, the Specific Plan would be required to provide direct linkages to transit stations and stops. In addition, General Plan Policies 5.8.4-P8 and 5.8.4-P9 require new development to provide improvements such as sidewalks to promote pedestrian use and access to transit services. As one of the Specific Plan's goals is to provide safe and convenient connections to transit, the Specific Plan would be required to include installation of any missing sidewalk on the north side of Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing to facilitate pedestrian access to the train station. The need for the installation of this missing sidewalk segment to complete a pedestrian connection to the train station is also required mitigation for Phase 1 of the Related Santa Clara project.

Impact TRANS-1: An existing gap in sidewalks on the north side of Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing would create a safety hazard for pedestrians. **(Significant Impact)**

Mitigation Measure: Consistent with the approved Specific Plan FEIR, the proposed project shall implement the following measure to address safety hazards related to the lack of key sidewalk connections adjacent to the Specific Plan area:

MM TRANS-1.1: Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing would reduce the safety hazard impacts to pedestrians to a less than significant level. Construction of a sidewalk on this segment of Tasman Drive is a required mitigation for Phase 1 of the Related Santa Clara project. In the event the new residential buildings within the Plan Area fronting Tasman Drive are constructed prior to Related Santa Clara Phase 1, such development shall construct the necessary improvements prior to occupancy of the building and would be reimbursed by Related Santa Clara. Sidewalk improvements to Tasman Drive between Calle Del Sol and the Lafayette Street overcrossing, as needed to address pedestrian safety hazards, shall be in place prior to occupancy of any new residential buildings within the Specific Plan area fronting Tasman Drive.

With implementation of mitigation measure MM TRANS-1.1, the proposed project would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of pedestrian facilities. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

Bicycle Facilities Impacts

The proposed project would generate bicycle travel primarily by residents as a commute mode and as an access mode to transit. The project would provide an on-street bicycle network with connections to the Guadalupe River Trail, and other existing and planned bicycle facilities.

General Plan Policy 5.8.4-P6 requires that new development connect to the existing and planned bicycle facilities in the vicinity of the Specific Plan area. The Specific Plan area includes bicycle racks and bicycle parking spaces for proposed development types as well as bicycle safety features consistent with General Plan Policies 5.8.4-P9 and 5.8.4-P13. The City of Santa Clara also has plans to support bicycle use within the Specific Plan area by constructing bike lanes on Lafayette Street, Tasman Drive, and Great America Parkway north of Great America Way. The site is adjacent to the Guadalupe River, which has a paved bike path along the east bank and an unpaved path on the west bank adjacent to the site. This path connects to the Bay Trail to the north of the site and can be used by bicycle commuters traveling to and from locations to the south. Consistent with the approved project, the proposed project provides adequate bicycle access to the Bay Trail and points south along the Guadalupe River Trail.

The proposed project includes two potential alternate configurations to the Calle Del Mundo right-of-way: 1) removal of a westbound bicycle lane on Calle Del Mundo and replacing it with on-street parking and 2) removal of the center turn lane in exchange for maintaining parking and bicycle lanes on both sides of the street. By removing the westbound bicycle lane, the bicycle traffic through the Specific Plan area would be disrupted and affect the ability of bicyclists to travel to and from nearby destinations. Therefore, removal of the westbound bicycle lane is not recommended.⁵⁶

The second configuration would result in several effects to future traffic volumes. By removing the center turn lane, turning vehicles would need to wait in the through travel lane to turn left into a driveway or parking garage which would result in additional vehicle delays. To reduce the overall vehicle speeds and potential conflicts under this scenario, *Fehr & Peers* recommends that the City include traffic calming measures such as raised crosswalks, speed tables and/or speed humps, alternating side on-street parking, chicanes⁵⁷ and/or other features to help manage traffic speeds if the City were to proceed with this configuration.⁵⁸ In addition, if this configuration were to move forward, space for the westbound left-turn and right-turn lanes approaching Lafayette Street would be required and on-street parking should be prohibited for at least 150-200 feet east of Lafayette Street.

⁵⁶ Fehr & Peers. *Tasman East Specific Plan Amendment – Street Network Modifications*. March 16, 2026.

⁵⁷ Serpentine curve in a roadway.

⁵⁸ Fehr & Peers. *Tasman East Specific Plan Amendment – Street Network Modifications*. March 16, 2026.

Based on *Fehr & Peers* Street Network Modification Memo, the recommended lane configuration would be to keep the approved bicycle lane configuration from the adopted Tasman East Specific Plan.

The proposed project would not conflict with any policies or plans regarding bicycle facilities or decrease the safety of bicycle facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Transit Facilities Impacts

An evaluation of project traffic effects on transit vehicle delay was completed. Traffic generated by the proposed project would increase travel times by less than 30 seconds for the ACE Purple shuttle under all scenarios and ACE Green, VTA Orange, and VTA Green lines under all scenarios except during the Cumulative Plus Project scenario (refer to Table 3.8-1). Along the Great America corridor, project traffic would increase travel times by less than 30 seconds for Routes 57, 59 and 121 under all scenarios.

Table 3.8-1: Additional Transit Vehicle Delay by Route

		Projected Additional Delay (sec)				
		Background ¹ Plus Project		Cumulative ² Plus Project		
Affected Transit Routes	Peak Hour	EB/NB	WB/SB	EB/NB	WB/SB	Corridor
VTA Orange Line	AM	0	6.3	2.8	40.2	Tasman Drive ³
	PM	27.5	11.1	34.7	46.1	
VTA Green Line	AM	0.2	6.3	3.0	40.1	Tasman Drive ³
	PM	26.9	0	37.5	43.5	
Route 57	AM	1.6	0	6.1	0	Great America Parkway ⁴
	PM	0.1	0	0	0	
Route 59	AM	0	0	6.2	5.6	Great America Parkway ⁴
	PM	0.1	0.9	1.1	2.3	
Route 121	AM	1.6	0	6.1	0	Great America Parkway ⁴
	PM	0.1	0	0	0	
ACE Green	AM	2.3	0	21.8	1.8	Tasman Drive ³
	PM	3.3	24.3	32.6	25.9	
ACE Purple	AM	0.6	5.5	1.9	22.3	Tasman Drive ³
	PM	17.5	8.5	8.3	19.1	

Notes: ¹Includes approved Specific Plan development.

²Includes projects in the vicinity of the Specific Plan area as shown in Table 3.0-1.

³Tasman Drive corridor is defined as between Great America Parkway and North First Street.

⁴Great America Parkway corridor is defined as between Tasman Drive and US 101 Southbound Ramps.

Neither the City nor VTA has established policies or quantitative significance criteria related to transit vehicle delay; however, development under the Specific Plan would contribute to approximately 45 seconds of delay during the peak commute period for VTA Orange Line which would be considered significant by the City of Santa Clara.

Impact TRANS-2: The proposed Specific Plan would result in approximately 45 seconds of delay on the VTA Orange Line. **(Significant Impact)**

At the signalized intersections along Tasman Drive, light-rail vehicles are given signal priority. The operating protocol would not change under project conditions and increased delays are estimated to result from the proposed project in combination with the previously approved project. As there are no feasible improvements, the impact of the proposed project on transit would be significant and unavoidable. **(Significant Unavoidable Impact)**

Although the development of the area is projected to increase transit delay by 45 seconds, by constructing dense land uses within walking distance of other complementary land uses and convenient transit, the project aims to attract transit ridership and pedestrian and bicycle travel

which may reduce project vehicle traffic. Additionally, the project will be implementing TDM measures designed to encourage multimodal transportation.

3.8.2.2 *VMT Impacts*

The OPR and City of Santa Clara VMT guidelines state that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor would have a less than-significant impact on VMT. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. This presumption might not be appropriate if the project: has an FAR of less than 0.75 for office/R&D developments, residential developments with density less than 35 units/acre, includes more parking for use by residents, customers, or employees than required by the jurisdiction (if the jurisdiction requires the project to supply parking), and replaces affordable residential units with a smaller number of moderate- or high income residential units. Additionally, the proposed project would allow for the development of up to 10,000 square feet of day care center uses, which would be constructed as part of mixed use developments with a minimum residential density of at least 35 units per acre. This would make the day care component meet the criteria for a transit supportive project.

The Specific Plan area is located within 0.5 miles of the Great America transit station and the Lick Mill VTA station. This would qualify as a high-quality transit corridor. The proposed project would construct a residential component with approximately 100 units per acre which exceeds the 75 unit per acre requirement for transit-oriented development. The project commercial elements exceed the 0.75 floor area ratio required by the policy as well. Additionally, the project is meeting but not exceeding the parking requirements of the City of Santa Clara. Therefore, the proposed development project would result in a less than significant VMT impact. **(Less than Significant Impact)**

3.8.2.3 *Design Hazards and Emergency Access*

Consistent with the approved Specific Plan FEIR, the project design does not include sharp curves or dangerous intersections that could result in safety hazards within the Specific Plan area; nor does the project propose incompatible uses. The Specific Plan would have an interconnected street network and all streets would be designed to accommodate emergency vehicles. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.8.2.4 *Cumulative Impacts*

The proposed project would amend the approved project to accommodate up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare. Because the project would bring new residents to an already developed area in proximity to high quality transportation options, it is anticipated that future development would result in less than significant VMT impacts. Pursuant to OPR's Technical

Advisory on Evaluating Transportation Impacts in CEQA, projects which utilize an efficiency metric to determine VMT (i.e., VMT per capita or VMT per employee) would not have a cumulative impact distinct from the project-level impact, provided that they align with long-term environmental goals and relevant plans. The proposed project would include various improvements to pedestrian and bicycle facilities throughout the Specific Plan area which would increase multimodal usage, safety, and connectivity; thus, the proposed project would not result in a cumulative impact to these facilities. As a component of site-specific transportation analyses, cumulative projects would be evaluated for potential hazards and/or incompatible uses and any identified hazards would be required to be mitigated to the extent feasible. For these reasons, the proposed project would not result in a cumulatively considerable contribution to a significant transportation impact. **(Less than Significant Cumulative Impact)**

3.8.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is focused on VMT, the following discussion is included for informational purposes pursuant to the City's Transportation Policy.

Trip Generation

The amount of traffic generated by the project land uses were estimated in the traffic assessment using multiple modeling procedures. Trip reductions were applied based on internal trips from mixed use development consistent with the Specific Plan FEIR, a five percent transit use reduction, and 10 percent TDM reduction consistent with the 2018 Specific Plan's TDM requirements. With the reductions, the amount of net-added traffic is estimated to be 6,118 daily vehicle trips with 525 in the AM peak hour and 492 in the PM peak hour. A summary of the trip generation is provided in Table 3.8-2 below.

Table 3.8-2: Trip Generation

Land Uses	Daily Trips	AM In	AM Out	AM Total	PM In	PM Out	PM Total
Strip Retail Plaza - 20,000 square feet	1,074	27	18	45	64	64	128
Day Care Center - 10,000 square feet	476	58	52	110	52	59	111
Multifamily Housing - 1,500 dwelling units	7,109	149	499	648	357	228	585
General Office Building - 20,000 square feet	286	37	5	42	7	37	44
Total New Trips	8,945	271	574	845	480	388	868
<i>Mixed Use Trip Reduction (24%)¹</i>	<i>-2,147</i>	<i>-84</i>	<i>-178</i>	<i>-262</i>	<i>-178</i>	<i>-144</i>	<i>-321</i>
<i>TDM Reduction (10%)</i>	<i>-680</i>	<i>19</i>	<i>40</i>	<i>58</i>	<i>30</i>	<i>24</i>	<i>55</i>
Net New Trips with Reduction	6,118	168	356	525	272	220	492

Source: Fehr & Peers. *Tasman East Specific Plan Update Draft Transportation Analysis*. May 2024.

Note: ¹ Includes the five percent transit use reduction.

Lick Mill Boulevard Extension

The Tasman East Specific Plan assumed that Lick Mill Boulevard would be extended north of Tasman East area to connect to the Related Santa Clara project. The Related Santa Clara project has not yet begun construction; therefore, its timeframe is currently unknown. *Fehr & Peers* prepared an analysis to determine the effects of not extending Lick Mill Boulevard until later phases of the Related Santa Clara project. If Lick Mill Boulevard were not extended, vehicles would travel via Lafayette Street or Tasman Drive. Based on the previous Traffic Impact Analysis prepared for the Specific Plan FEIR, most of the traffic occurring on Lick Mill Boulevard would be associated with the Related Santa Clara project. Until the Related Santa Clara project is constructed, the previously forecast trips between Tasman East and City Place would not occur. *Fehr & Peers* identified the following effects if the Lick Mill Boulevard extension is not constructed:

- Vehicular trips from the Specific Plan would not use Lick Mill Boulevard until the City Place development is fully constructed.
- Vehicle trips destined for the initial phases of the Related Santa Clara (Phases 1-3) would travel westbound along Tasman Drive, northbound along Lafayette Street, or switch to walking, biking, or transit if northbound travel via Lick Mill Boulevard is not available. This would result in additional traffic shifting from Lick Mill Boulevard to the intersections of Lick Mill Boulevard/Tasman Drive and Calle Del Sol/Tasman Drive.
- A smaller number of vehicle trips assumed to travel to the Related Santa Clara site may instead travel to other regional destinations. These trips would utilize multiple routes to travel to regional destinations and are not expected to substantially affect intersection operations at other locations.

Under Background Plus Project and Cumulative Plus Project conditions, traffic volumes would decrease at the Calle Del Mundo/Lick Mill Boulevard, Calle De Luna/Lick Mill Boulevard, and Tasman Drive/Lick Mill Boulevard intersections. Once the Related Santa Clara project is constructed, traffic volume would then increase along Lick Mill Boulevard, consistent with prior forecasts from the Specific Plan FEIR.⁵⁹

⁵⁹ Fehr & Peers. *Tasman East Specific Plan Amendment – Street Network Modifications*. March 16, 2026.

3.9 Tribal Cultural Resources

3.9.1 Environmental Setting

3.9.1.1 *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.

Archaeological Resources and Human Remains

Archaeological and historical sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission (NAHC) and a “most likely descendant” must also be notified.

Senate Bill 18

The intent of Senate Bill 18 (SB 18) is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native

American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Local

Both state law and the Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the NAHC and a “most likely descendant” must also be notified.

City of Santa Clara 2010-2035 General Plan

All future development allowed by the proposed Specific Plan shall be in conformance with adopted City plans and policies. General Plan policies applicable to TCRs 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-P2	Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.
5.6.3-P5	In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
5.6.3-P6	In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

3.9.1.2 *Existing Conditions*

Based on the cultural resources records search,⁶⁰ there are several known archaeological resources adjacent to the southeast corner of the Specific Plan area and along the leveed Guadalupe River to the south of the Specific Plan area. These resources include an extensive midden, tools, several Native American sites, a large village, and human remains that were part of a cemetery. Based on prior studies, cultural deposits near the Guadalupe River have been identified 6.5 to 10 feet below ground surface. No known archaeological resources exists within the Specific Plan area.

3.9.2 Impact Discussion

For the purpose of determining the significance of the project’s impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural

⁶⁰ Holman & Associates. Results of the Cultural Resources Literature Search for the 46.0-acre Tasman East Specific Plan. January 11, 2017.

resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

3.9.2.1 *Impacts to Tribal Cultural Resources*

Assembly Bill 52 requires Lead Agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the Lead Agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency.

The City contacted local Native American tribes for consultation regarding any TCRs known to be present in the Specific Plan area. At the time this SEIR was prepared, none of the local tribes responded to notification of the proposed Specific Plan amendment.

As described in *Section 4.5.1.2* of Appendix A of this document, the Specific Plan area and vicinity has a moderate to high potential for archaeological resources. Future development under the proposed project would be required to comply with applicable City policies, ordinances, and permitting procedures related to cultural resources, including General Plan Policies 5.6.3-P1, 5.6.3-P4, 5.6.3-P5, and 5.6.3-P6. Furthermore, development projects consistent with the Specific Plan would be required to implement mitigation measures MM CUL-1.1 to MM CUL-1.3 to reduce impacts to unknown buried archaeological resources and human remains, if encountered. Therefore, implementation of the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in state or local listings. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation Incorporated)]**

3.9.2.2 *Cumulative Impacts*

Cumulatively, other projects in Santa Clara may require excavation and grading or other activities that have the potential to affect TCRs. No TCRs were identified within the Specific Plan area, although the City of Santa Clara contains numerous Native American archaeological sites. Cumulative projects would be required to implement standard conditions or mitigation measures

that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. For these reasons, the proposed project in combination with other projects in Santa Clara would not result in a significant cumulative tribal cultural resources impact. **[Same Impact as Approved Project (Less than Significant Cumulative Impact)]**

3.10 Utilities and Service Systems

The following discussion is based on a Water Supply Assessment (WSA) completed by the City of Santa Clara Water and Sewer Utilities in August 2022. This report is included as Appendix E of this SEIR.

3.10.1 Environmental Setting

3.10.1.1 *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 (2020 UWMP).

Assembly Bill 939

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

Assembly Bill 341

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

Senate Bill 606 and Assembly Bill 1668

SB 606 and AB 1668 were signed into law by Governor Brown on May 31, 2018. SB 606 and AB 1668 emphasize efficiency and stretching existing water supplies in our cities and on farms. Specifically, the bills call for creation of new urban efficiency standards for indoor use, outdoor use, and water lost to leaks, as well as any appropriate variances for unique local conditions. The State Water

Board was required to adopt these standards by regulation no later than June 30, 2022, after full and robust public and stakeholder processes. Beginning January 2024, each urban retail water agency will annually calculate its own objective, based on local water needs and must meet their water use objectives. The State Water Board may issue informational orders beginning in January 2024, a written notice beginning January 2025, and conservation orders beginning in January 2026 to urban water suppliers that do not meet their water use objective. The indoor water use standard will be 55 gallons per capita daily (GPCD) until January 2025; the standard will become stronger over time, decreasing to 50 GPCD in January 2030. Outdoor water use standards were developed in June 2022 and were identified to be 0.80 GPCD from 2023 to 2029 and 0.65 GPCD in 2030 and thereafter.

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 Waste Reduction Goals” in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.⁶¹

Senate Bill X7-7 2009 (Water Conservation Act of 2009)

SB X7-7 requires a statewide reduction of 20 percent in urban per capita water use by December 31, 2020. In addition, SB X7-7 requires agricultural water management plans and efficient water management practices for agricultural water suppliers, and promotes expanded development of sustainable water supplies at the regional level. The portion of SB X7-7 focused on urban water management establishes processes for urban water suppliers to meet the statewide water conservation targets. Furthermore, SB X7-7 requires Department of Water Resources (DWR) review and reporting on urban water management plans; creates a Commercial, Industrial, and Institutional Task Force to develop best management practices (BMPs) for water use in this sector; requires that DWR promote implementation of regional water resource management practices through increased incentives; and requires that DWR in consultation with the State Water Board develop or update statewide targets for recycled water, brackish groundwater desalination, and urban stormwater runoff.

Senate Bill 221

SB 221 prohibits approval of subdivisions consisting of more than 500 dwelling units unless there is verification of sufficient water supplies for the project from the applicable water supplier(s). This requirement also applies to increases of 10 percent or more of service connections for public water systems with fewer than 500 service connections. The law defines criteria for determining “sufficient water supply” such as using normal, single-dry, and multiple-dry year hydrology and identifying the amount of water that the supplier can reasonably rely on to meet existing and future planned use.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the Sewer System Management Plan (SSMP) to provide adequate capacity to convey peak flows. Other RWQCB regulatory requirements include the General Waste Discharge Requirements (GWDR), which regulates the discharge from wastewater treatment plants.

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

⁶¹ CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals. August 18, 2020.

Accessed January 18, 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.](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.)

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 65 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

Local

City of Santa Clara Climate Action Plan

The City of Santa Clara adopted the 2022 CAP on June 7, 2022 which establishes goals and measures to create a 40 percent reduction in GHG emissions by 2030 (compliant with SB 32), an 80 percent reduction in GHG emissions by 2035, and carbon neutrality no later than 2045 (compliant with EO B-55-18).⁶² 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 & wellbeing.

Construction and Demolition Debris Recycling Program

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

City of Santa Clara 2010-2035 General Plan

General Plan policies applicable to utilities and service systems include, but are not limited to, the following listed below.

Policies	Description
5.1.1-P3	Prior to the implementation of Phase III of the General Plan, undertake a comprehensive assessment of water, sanitary sewer conveyance, wastewater treatment, solid waste disposal, storm drain, natural gas, and energy demand and facilities in order to ensure adequate capacity and funding to implement the necessary improvements to support development in the next phase.

⁶² City of Santa Clara. "Climate Action Plan." Accessed December 2, 2022. <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan/climate-action-plan>.

Policies	Description
5.1.1-P8	Prior to approval of residential development for Phase III in any Future Focus Area, complete a comprehensive plan for infrastructure and utilities, that specifies: • With provisions for sufficient storm drain, sanitary sewer conveyance, wastewater treatment, water, solid waste disposal and energy capacity
5.1.1-P21	Prior to 2023, identify and secure adequate solid waste disposal facilities to serve development in Phase III.
5.10.1-P6	Require adequate wastewater treatment and sewer conveyance capacity for all new development.
5.3.1-P9	Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.
5.3.1-P11	Encourage new developments proposed within a reasonable distance of an existing or proposed recycled water distribution system to utilize recycled water for landscape irrigation, industrial processes, cooling and other appropriate uses to reduce water use consistent with the CAP.
5.3.1-P17	Promote economic vitality by maintaining the City's level of service for public facilities and infrastructure, including affordable utilities and high quality telecommunications.
5.3.1-P27	Encourage screening of above-ground utility equipment to minimize visual impacts.
5.3.1-P28	Encourage undergrounding of new utility lines and utility equipment throughout the City.
5.10.4-P3	Promote water conservation, recycled water use and sufficient water importation to ensure an adequate water supply.
5.10.4-P4	Require an adequate water supply and water quality for all new development.
5.10.4-P5	Prohibit new development that would reduce water quality below acceptable State and local standards.
5.10.4-P6	Maximize the use of recycled water for construction, maintenance, irrigation and other appropriate applications.
5.10.4-P7	Require installation of native and low-water-consumption plant species when landscaping new development and public spaces to reduce water usage.
5.10.4-P8	Require all new development within a reasonable distance of existing or proposed recycled water distribution systems to connect to the system for landscape irrigation.
5.10.5-P20	Maintain, upgrade and replace storm drains throughout the City to reduce potential flooding.
5.10.5-P21	Require that storm drain infrastructure is adequate to serve all new development and is in place prior to occupancy.

3.10.1.2 *Existing Conditions*

Water Service

Potable Water

Potable water in the City of Santa Clara comes from three sources, including local, city-owned wells; Valley Water; and the San Francisco Public Utilities Commission (SFPUC). Water service to the site is

provided by the SFPUC through turnouts to the Bay Division Pipelines of the Hetch Hetchy delivery system.

The water system consists of more than 335 miles of water mains, 26 wells and seven storage tanks with more than 28.8 million gallons of water capacity.⁶³ Drinking water is provided by an extensive underground aquifer (accessed by the City's wells) and by two wholesale water importers: Valley Water (imported from the Sacramento-San Joaquin Delta) and the SFPUC Hetch Hetchy System. About 25 percent of the City's water comes from these imported treated water supplies and approximately 62 percent is pumped from the City's system of 26 deep wells.⁶⁴ The three sources (Valley Water, SFPUC, and groundwater) are used interchangeably or are blended together. A water recharge program administered by Valley Water from local reservoirs and imported water enhances the dependability of the underground aquifer.

There is a 12-inch water main in Lafayette Street along the western project frontage that extends from a system of 16-inch trunk mains near the City's water storage facility approximately 0.5-mile southwest of the Specific Plan area. A 12-inch water main is also located along Tasman Drive and Calle Del Sol.

Recycled Water

The South Bay Water Recycling (SBWR) Program was initiated to reduce the amount of treated wastewater entering San Francisco Bay from the San José-Santa Clara Regional Wastewater Facility (RWF). The City of Santa Clara sources the approximately 16 percent of its water from the SBWR Program for certain approved non-potable uses, which is delivered through separate pipelines.⁶⁵

Recycled water facilities are currently under construction along Lafayette Street and a portion of Calle De Luna. There are no other recycled water facilities within the Specific Plan area, though the main transmission line from San José enters the City of Santa Clara in Tasman Drive on the west bank of the Guadalupe River. There is a 30-inch transmission main located at the Calle Del Sol and Tasman Drive intersection.

Sewer Services

Wastewater Treatment

Wastewater from the City of Santa Clara is treated at the RWF, located near Alviso in north San José. The RWF serves eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of

⁶³ City of Santa Clara. "Water Utility." Accessed December 1, 2022. <https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-utility>.

⁶⁴ Ibid.

⁶⁵ City of Santa Clara. "Water Utility." Accessed December 1, 2022. <https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-utility..>

wastewater per day (mgd).⁶⁶ In 2021, the City of Santa Clara had rights to approximately 25.7 mgd of the total treatment capacity at the plant with peak sewage flows of 15.7 mgd.⁶⁷

The NPDES permitting program limits the amount of treated wastewater that can be discharged into the San Francisco Bay to 120 mgd of dry weather flow.⁶⁸ This limit is based upon the SWRCB and the RWQCB concerns over the impacts of freshwater discharges from the RWF to saltwater marsh habitat, as well as pollutant loading to the San Francisco Bay. The RWF currently treats an average of 102.4 mgd of wastewater.⁶⁹

Wastewater Conveyance

Wastewater conveyance facilities within the Specific Plan area are owned and maintained by the City of Santa Clara Water and Sewer Utilities Department (WSUD). The facilities consist of gravity pipelines constructed in 1973 with vitrified clay (VCP), as well as the Primavera Lift Station, which consists of six identical pumps with an estimated total capacity of 5.7 mgd. The Primavera Lift Station handles wastewater from the Specific Plan area, as well as incoming flows from a 24-inch gravity main in Tasman Drive that runs northward up Calle Del Sol.

Sewer pipelines within the Specific Plan area currently consist of 12-inch VCPs. Wastewater flows west of the Specific Plan area to a trunk system on Lafayette Street. As it flows north, it increases from a 36-inch to a 42-inch to a 48-inch pipe, and then enters a control chamber to the Rabello Pump Station and the Northside Pump Station. These two stations work in parallel to convey flows through a combination of 36-inch force mains, a junction structure, and a 48-inch force main to the Santa Clara Influent Junction Structure. This junction combines the City of San Jose's system and the Santa Clara system just prior to entering the RWF.

Wastewater Generation Rates

Based on 2013 and 2014 water billing records in the City's customer billing database, and prior to the start of redevelopment activities, the Base Water Flow (BWF) generated from development within the Specific Plan area was 0.036 mgd.

In April 2016, RMC Water and Environment prepared the City's Sanitary Sewer Master Plan to guide improvements to the City's wastewater system to accommodate current and future development. The study used future (based on Phase III Development of the City's General Plan) Peak Wet Weather Flow (PWWF) assumptions to analyze the system. The City's General Plan indicated a land

⁶⁶ City of San José, Environmental Services Department. "San José-Santa Clara Regional Wastewater Facility." Accessed December 1, 2022. <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>.

⁶⁷ City of San José, Environmental Services Department. *Tributary Agencies' Estimated Available Plant Capacity – 2021*. December 21, 2021.

⁶⁸ BKF Engineers. *Infrastructure Report*. December 2022.

⁶⁹ City of San José, Environmental Services Department. *Tributary Agencies' Estimated Available Plant Capacity – 2021*. December 21, 2021.

use classification of “High Density Residential” for the Specific Plan area with a density of 40 du/ac, which would have yielded a BWF of 0.336 mgd.

Storm Drainage

Storm drainage facilities within and adjacent to the Specific Plan area are owned and maintained by private property owners, the City of Santa Clara’s Department of Public Works, and Valley Water. Private systems in the individual parcels typically discharge through 12-inch through 24-inch lines into the backs of public catch basins in the public rights-of-way. The local public system consists of surface inlets and storm drainpipes in streets which vary in size between 12-inch and 33-inch. They generally flow northeasterly in Calle Del Mundo and Calle De Luna and north in a 33-inch pipe that runs in the north-south section of Calle De Luna. The system flows into the City’s Eastside Drainage Swale in the northeast corner of the project site along the Guadalupe River’s western levee. The Eastside Drainage Swale carries flows of approximately 3,000-linear feet to the Eastside Retention Basin. A pump station pumps stormwater from this basin through the levee and into the Guadalupe River. The Guadalupe River then flows to the San Francisco Bay.

During a one-percent storm event, stormwater runoff is unable to enter the storm drain system due to a lack of capacity, which causes the storm drain system to surcharge (pressurize) and force water out of the storm drain system through the open inlets and catch basins. Flooding from these stormwater spills is mostly contained within the street rights of way, and some overland flow enters the project site from Lafayette Street from the northwest.

Solid Waste

The Santa Clara County’s Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was most recently reviewed in 2021. According to the IWMP, the County has adequate disposal capacity beyond 2036.⁷⁰ Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills.

Solid waste collection in the City of Santa Clara is provided by Mission Trail Waste Systems through a contract with the City. Mission Trail Waste Systems 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 Recology Santa Clara. The City has a contract with the owners of the Newby Island Landfill (NISL), located in San José, to provide disposal capacity for the City of Santa Clara through 2024. The City of San José approved expansion of NISL in December 2016 and the landfill is currently anticipated to cease operation in 2041.⁷¹ The City of Santa Clara contract for solid waste and recycling processing with GreenWaste Recovery allows for disposal of solid waste at any

⁷⁰ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2021.

⁷¹ CalRecycle. “SWIS Facility/Site Activity Details Newby Island Sanitary Landfill (43-AN-0003).” Accessed May 4, 2023. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388>.

permitted disposal facility.⁷² As of June 2022, NISL had approximately 12.7 million cubic yards of remaining capacity.⁷³

The existing light industrial development is estimated to generate approximately 590 tons of solid waste annually.⁷⁴

Other Utilities (Electrical, Natural Gas, Telecommunications)

SVP provides electric utility power to all residences, as well as commercial and industrial businesses in the City. The existing electrical distribution system consists of both overhead and underground facilities. Per SVP's electric distribution maps, overhead 12-kilovolt (kv) lines serve all parcels within the Specific Plan area.

The Specific Plan area is served by Pacific Gas and Electric (PG&E) facilities. A four-inch distribution main is present on the east side of Lafayette Street that serves a two-inch distribution mains in Calle Del Mundo, Calle De Luna, and Calle Del Sol. Additionally, there is a transmission main on the west side of Lafayette Street.

AT&T and Comcast have telecommunication infrastructure adjacent to the Specific Plan area on an overhead joint pole line that runs north/south along the east side of Lafayette Street. The existing telecommunication infrastructure would serve all parcels in the Specific Plan area.

3.10.2 Impact Discussion

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

⁷² City of Santa Clara. "Residential Garbage & Recycling." May 4, 2023. Accessed May 19, 2023. <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/residential-garbage-recycling>.

⁷³ Huber, Rachelle. Environmental Manager, Republic Services. Personal Communication. June 2, 2022.

⁷⁴ At the time the Specific Plan FEIR was prepared, the Specific Plan area was developed with approximately 708,000 square feet of light industrial/office space. Since then, nine of the buildings have been demolished. The Specific Plan area is currently developed with approximately 539,428 square feet of light industrial/office space. The existing development is assumed to generate six pounds of solid waste per 1,000 square feet per day. (539 square feet x 6 lbs/day x 365 days)/2000 lbs. = 590 tons annually. California Integrated Waste Management Board. "Industrial Sector Generation Rates." Accessed January 19, 2023. <https://www2.calrecycle.ca.gov/WasteCharacterization/>.

- 3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

3.10.2.1 *Water Service and Supply Impacts*

The approved project would construct approximately 4,500 residential units, 106,000 square feet of commercial space, and a 600-student school in the Specific Plan area which would result in an increase in water use of approximately 627.3 acre-feet per year.⁷⁵ The proposed project would allow development of up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare and would result in an increase in water use of approximately 208.3 acre-feet per year in the Specific Plan area.⁷⁶ Full buildout of the Specific Plan would result in a water use of approximately 835.6 acre-feet per year.

As discussed in the approved Specific Plan FEIR, the Specific Plan is required to connect to the RWF reclaimed water pipeline primarily for irrigation purposes and allows for dual plumbing relying on recycled water in some buildings, as feasible. The City relies on imported water from Valley Water and the SFPUC. The City's contract with the SFPUC is interruptible and could be unavailable after 2028. If the SFPUC supplies are interrupted, the City may need to increase the use of treated water and groundwater supplies from Valley Water. Since approval of the Specific Plan and Specific Plan FEIR, the SWRCB has adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Bay-Delta Plan (BDP) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem.⁷⁷ If the BDP is implemented, the WSA concluded that the SFPUC will be able to meet the projected water demands during normal years, but would experience supply shortages in single or multiple dry years. Due to the uncertainty of the interruptible supply from SFPUC, the City has analyzed supply reliability under two scenarios: Scenario 1: supply interruption due to contract termination in 2028 and Scenario 2: continued SFPUC supply beyond 2028. During normal water years under both scenarios, there are no reductions in supplies to retailers due to BDP implementation and water supplies would be adequate to meet projected demands in the 2025 to 2045 planning period. The City would be able to increase the amount of groundwater pumped to meet reasonably anticipated deficiencies from other sources, thus supply is projected to be sufficient to meet demand out to 2045. The Santa Clara groundwater basin is not adjudicated, which means the right to pump groundwater from the basin has not been given by judgment of a court or board. For each of the five-year increments

⁷⁵ City of Santa Clara. *Tasman East Specific Plan Water Supply Assessment*. June 2018.

⁷⁶ City of Santa Clara. *Tasman East Specific Plan Supplemental Water Supply Assessment*. August 2022.

⁷⁷ The BDP requires the release of 30-50 percent of the "unimpaired flow" on the three tributaries from February through June in every year type.

presented above, the five-year dry period indicates that supplies will be able to meet demands through increased groundwater pumping and implementation of drought conservation programs. The City will be able to address the projected demands without rationing.

While the proposed project would exceed growth projections for multi-family residential development, the overall water demand would still be within the 2020 UWMP growth projections. The City of Santa Clara Water Utility has determined that supplies would be sufficient to provide service for the additional development changes made to the Specific Plan. The City Manager declared a Local Emergency for Extreme Drought Conditions on July 12, 2021 and the City Council ratified on July 13, 2021. The City has also implemented a Water Shortage Contingency Plan Stage 2 which requires up to 20 percent reduction in water usage. On May 9, 2023, the Council adopted a resolution to terminate the proclamation of emergency drought conditions, and on July 18, 2023, the Council adopted a resolution rescinding Stage 2 of the Water Shortage Contingency Plan. If, however, a subsequent drought condition arises, the Specific Plan may be subject to similar water shortage contingency measures, such as water supply or capacity fees, additional water efficiency standards, and establishment of annual water budgets. Additionally, alternative water supplies must be utilized to the maximum extent possible. Supplies such as recycled water, rainwater/stormwater capture and reuse, greywater reuse, reclaiming wastewater onsite or other water supplies would be appropriate for the use of non-potable uses on-site and a new eight-inch recycled water main would be adequate for providing access to these resources. This would offset the demand for potable water supply.

While the 12-inch water mains within the Specific Plan area are adequate to serve the potable water and fire suppression demands of future development under the Specific Plan, it is reasonable to assume that either a new storage tank and booster pump be located in or near the development, or approximately 3,000 linear feet of the 12-inch water main be upsized to 16-inch in Lafayette Street to meet the City's fire flow requirement of 4,000 gallons per minutes (gpm) for four hours. If the upsized water line is constructed, it would extend southerly on Lafayette Street and connect with the existing North Side Water Storage Tanks property. The project may also include replacement pipeline in existing City rights-of-way. Consistent with the approved project, any water line construction required for the Specific Plan would be subject to the same ground disturbance mitigation previously identified. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

3.10.2.2 *Sanitary Sewer/Wastewater Impacts*

According to the City's Sanitary Sewer Master Plan, the Rabello and Northside Pump Stations will operate within their estimated capacity (total of approximately 41 mgd) during future Peak Wet Weather Flow (PWWF) conditions.⁷⁸ The Primavera Lift Station, located within the Specific Plan area, has a capacity of 5.7 mgd and would have inflows of 2.76 mgd in 2035.⁷⁹ The approved and fully constructed projects within the Specific Plan area and the proposed project would generate

⁷⁸ City of Santa Clara. *Sanitary Sewer Master Plan Update Final Report*. April 2016.

⁷⁹ Woodard & Curran. *Sanitary Sewer Capacity Evaluation for the Proposed Updated Tasman East Specific Plan*. January 23, 2023.

approximately 0.77 mgd of wastewater⁸⁰, and is over double the flows estimated in the City's Sanitary Sewer Master Plan (0.336 mgd). The City's Sanitary Sewer Master Plan did not indicate any other elements of the conveyance system between the Specific Plan area and the RWF that are anticipated to need upgrades before 2035.

Given the estimated excess capacity at the existing Primavera Pump Station, no capacity upgrades would be needed.⁸¹ As discussed in Amendment #1, the northern extension of Calle Del Sol would be converted into a pedestrian and bicycle paseo; therefore, relocation of the City's Primavera Pump Station is no longer required. Instead, upgrades to the pump station and associated equipment will be required. The design of the enclosure shall adhere to building code requirements and be submitted for City approval.

As mentioned in *Section 3.10.1.2*, the existing sewer piping is 12-inch VCP. While the existing piping is adequately sized and would not require upsizing as a result of the project, it would need to be relocated to comply with the new street sections and clearances for other utilities.

Current and planned development would not exceed the City's allocation at the RWF of 25.7 mgd today or in 2035. As described in *Section 3.10.1.2*, the City's peak sewage flows to the RWF in 2021 were 15.7 mgd. With the addition of approximately 0.77 mgd⁸² of sewage from the proposed project and the approved and fully constructed projects under the Specific Plan, the City would not exceed its allocation of 25.7 mgd. Because the City has sufficient capacity allocation at the RWF to support future development under the Specific Plan, no significant impacts would result from implementation of the Specific Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.10.2.3 *Storm Drainage Impacts*

Since the Specific Plan area is already developed, there is relatively little potential for a substantial increase in runoff rate or volume. Within the Specific Plan area, current development consists of mostly commercial and light industrial. Planned and pending development will consist of comparable impervious surface area as to the existing land uses. As discussed in the approved Specific Plan FEIR, with the planned changes to the street system within the Specific Plan area (which includes the Lick Mill Boulevard extension and the widening of Calle De Luna), the planned changes would increase the existing peak runoff rate by approximately two percent and would not cause any significant increase in flooding downstream of the project boundary based on post-project modeling.

Implementation of the Specific Plan would import fill material to elevate the extension of Lick Mill Road to tie in with the Related Santa Clara development to the north. While the approved project itself does not create additional stormwater runoff that would exceed the capacity of the storm

⁸⁰ Ibid.

⁸¹ BKF Engineers. *Infrastructure Report*. February 13, 2023.

⁸² Woodard & Curran. *Sanitary Sewer Capacity Evaluation for the Proposed Updated Tasman East Specific Plan*. January 23, 2023.

drain system at Lafayette Street, the placement of fill associated with the development would block overland flow and without that release, the runoff tributary to the Lafayette Street storm drain system would be increased. The overland flow path at the northwest corner of the site would be blocked and, therefore, improvements to the storm drain system would be required to offset any significant off-site effects of the development. The Summerhill development at the northwest corner of the site adjacent to Lafayette Street and Calle Del Mundo is extending an 18-inch storm drain line in Calle Del Mundo to connect to the 21-inch storm drain line in Lafayette Street consistent with mitigation measure HYD-1.1 in the Specific Plan FEIR.

Any project proposed under the Specific Plan that creates or replaces more than 10,000 square feet of impervious surface shall comply with Provision C.3 of the Municipal Stormwater Permit (MRP) and with the California State Water Board. Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). BKF Engineers determined that no additional mitigation for stormwater peak flow conveyance (other than what was previously identified in the approved Specific Plan FEIR and mitigation measure MM HYD-1.1) would be needed as a result of the proposed project.⁸³ Therefore, implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that no new or expanded facilities would be required. **[Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]**

3.10.2.4 *Impacts to Other Facilities (Electricity, Natural Gas, and Telecommunications)*

The Specific Plan area is served by PG&E for natural gas. Projects under the Specific Plan would be responsible for coordinating and communications for any gas line upgrades or connections with PG&E.

As discussed in *Section 3.10.1.2*, SVP provides electric service within the City of Santa Clara. Overhead 12-kv lines serve the Specific Plan area. Projects under the Specific Plan would be responsible for any off-site frontage underground structure improvement, including on-site electrical underground substructure required to provide power. SVP has identified portions of the electric infrastructure along Tasman Drive that may require upgrades. In addition, AT&T typically provides service to a minimum point of entry (MPOE) for a single building on each parcel. For underground services, the individual projects would be responsible for trenching and installation of AT&T's conduits. Comcast conduits would be installed by Comcast's contractors in a trench provided by an individual project. Projects under the Specific Plan would be responsible for coordinating communications and connections with AT&T and Comcast.

In the event additional electrical, natural gas, or telecommunication infrastructure is identified as needed during environmental review for future development, the construction-related impacts would be less than significant in conformance with regulations, including General Plan and Specific Plan policies, and mitigation measures identified in *Sections 3.1 Air Quality, 3.2 Biological*

⁸³ BKF Engineers. *Infrastructure Report*. February 13, 2023.

Resources, 3.4 Noise and Vibration, and Appendix A - Initial Study Sections 4.5 Cultural Resources, 4.7 Geology and Soils, 4.9 Hazards and Hazardous Materials, and 4.10 Hydrology and Water Quality.

Implementation of the Specific Plan would include narrower street sections and will conflict with existing utility alignments within the Specific Plan area. Construction-related impacts associated with relocation of any underground utilities in the Specific Plan area would be less than significant in conformance with the regulations mentioned above. Therefore, implementation of the Specific Plan would not result in a significant environmental effect from the construction or relocation of natural gas, electricity, or telecommunication utilities. **(New Less Than Significant Impact)**

3.10.2.5 Solid Waste

The City's Development Guidelines for Solid Waste Service ("Solid Waste Guidelines") require new and redevelopment projects to demonstrate their ability to manage and monitor trash/recycling materials generated to City's specifications. The Solid Waste Guidelines specify solid waste generation rates for residential development: "Multi-family residential garbage level of service must be calculated at a rate of no less than 32 gallons per week per unit (roughly 1 cubic yard per every six units)." The Solid Waste Guidelines also specify solid waste generation rates for office/commercial, retail, and other non-residential development: "Office/Commercial: three cubic yards per 20,000 square feet; Retail (including food stores): three cubic yards per 8,000 square feet; Restaurants and food service: three cubic yards per 2,000 square feet."⁸⁴

Implementation of the approved project will result in construction waste as well as an ongoing net increase in solid waste and recyclable materials generated within the City of Santa Clara of approximately 1,413 tons (or 4,441 cubic yards) per year.^{85,86} Based on the City's Solid Waste Guidelines, implementation of the approved project would generate 13,624 cubic yards of annual solid waste⁸⁷ Solid waste generated from the approved project and the proposed project would contribute approximately 0.14 percent annually of the remaining solid waste capacity at NISL.⁸⁸ Consistent with the approved project, development within the Specific Plan area would be required

⁸⁴ City of Santa Clara. *City of Santa Clara Development Guidelines for Solid Waste Services*. May 2021. Accessed January 23, 2023. <https://www.santaclaraca.gov/home/showpublisheddocument/67135/637558277421530000>.

⁸⁵ The solid waste and recycled materials generated from the approved project was obtained from the 2018 assessment. For the purposes of this analysis, the solid waste and recycled materials of 1,413 tons from the approved Specific Plan FEIR was used and converted from tons to cubic yards. Illingworth & Rodkin, Inc. *Tasman East Specific Plan and EIR – Air Quality and Greenhouse Gas Assessment*. April 26, 2018. Attachment 2.

⁸⁶ The material type equivalency factors of 0.217590909 tons per 1 cubic yard for mixed solid waste (uncompacted) and 0.100547778 tons per 1 cubic yard for mixed recyclables was used. CalRecycle. "Facility Information Toolbox (FacIT)." January 2013. Accessed May 23, 2023. <https://www2.calrecycle.ca.gov/Docs/107834>.

⁸⁷ 1,500 dwelling units / 6 dwelling units = 250 x 1 cubic yard = 250 cubic yards per week (for residential).

The City's Solid Waste Guidelines do not have solid waste generation rates for daycare. For the purposes of this analysis, the generation rates for office/commercial was used to calculate solid waste for daycare. 30,000 square feet of co-working space and daycare / 20,000 square feet of office/commercial = 1.5 x 3 cubic yards = 4.5 cubic yards per week (for co-working space and daycare).

20,000 square feet of retail / 8,000 square feet of retail space = 2.5 x 3 cubic yards = 7.5 cubic yards per week (for retail).

262 total cubic yards per week (proposed project) x 52 weeks = 13,624 cubic yards of annual solid waste.

⁸⁸ 18,065 cubic yards (approved and proposed project) / 12,700,000 cubic yards (landfill) = 0.14 percent.

to provide recycling facilities within proposed buildings to assist the City in meeting AB 939 requirements. As mentioned in the approved Specific Plan FEIR, the Specific Plan includes recycling and composting stations in the public realm and public awareness campaigns for the Specific Plan area which would further increase diversions from landfills. As mentioned in *Section 3.10.1.2*, GreenWaste Recovery allows for the disposal of solid waste at any permitted disposal facility. General Plan policies 5.1.1-P3 and 5.1.1-P21, however, require the City complete an assessment of infrastructure and utility demand (including solid waste disposal) to ensure adequate capacity and funding to implement the necessary improvements to support development. Secure, adequate solid waste disposal facilities to serve development must be identified.

According to the IWMP, the County has adequate disposal capacity beyond 2036⁸⁹ and as of June 2022, NISL had approximately 12.7 million cubic yards of remaining capacity. There is existing capacity at local landfills, including NISL, to accommodate project generated waste through 2041. For this reason, the project would be served by a landfill with sufficient permitted capacity.

During construction, the proposed project would be required to comply with the City of Santa Clara construction debris diversion ordinance which requires all projects over 5,000 square feet to divert at least 65 percent of construction and demolition debris during the project. Chapter 8.25 of the City Code (Ordinance No. 1947; City Code 8.25) has regulations regarding the accumulation and disposal of solid waste.

New non-residential development projects must submit a solid waste management plan to the Department of Public Works. The plan would be required to include a site plan with all proposed solid waste container locations, enclosure locations, and street and alley widths, and would need to comply with the Solid Waste Guidelines. Consistent with the approved Specific Plan FEIR, the proposed project would not exceed capacity of local landfills or exceed state or local standards. The proposed project would be required to comply with Chapter 8.25 of the City Code, the Solid Waste Guidelines, and the diversion goals outlined in AB 939 to meet the solid waste reduction goals.

Buildout of the Specific Plan with the proposed project would comply with solid regulations, would not generate a substantial amount of solid waste for its size, and would be served by solid waste disposal and recycling facilities with sufficient capacities to accommodate the project's demolition/construction debris and solid waste disposal needs. The impact of the project impact on solid waste, therefore, would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.10.2.6 *Cumulative Impacts*

The geographic area for cumulative utility and service systems is the City boundaries.

⁸⁹ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2021.

Water Supply

The WSA prepared for the proposed project determined the City would have adequate water supply for the proposed project with supply discontinued from SFPUC after 2028. Buildout of the Specific Plan would contribute to the need for previously identified water supply improvements in the 2020 UWMP. Therefore, projects within the Specific Plan area may be subject to water supply or capacity fees, additional water efficiency standards, and annual water budgets may need to be developed. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

Sanitary System/Wastewater

Buildout of the General Plan would result in an increase in sewage generated within the City. As discussed in the General Plan FEIR, the average dry weather flows projected from the full buildout of the General Plan were projected to be within the City's allocated treatment capacity at RWF, which at the time of the certification of the General Plan FEIR was 20.1 mgd⁹⁰ and below the City's current flow allocation of approximately 25.7 mgd. As described in *Section 3.10.1.2*, the City's peak sewage flows to the RWF in 2021 were 15.7 mgd resulting in existing excess flow allocation of approximately 10 mgd. Since adoption of the General Plan FEIR, sewage flows have increased from development within the City by approximately 2.4 mgd.⁹¹

The Specific Plan and other large projects proposed within the City would increase sewage flows by approximately 6.6 mgd over existing conditions.^{92,93,94,95} The cumulative projects with the proposed project are not anticipated to collectively exceed the City's existing allocation at the RWF. The City

⁹⁰ City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011. Page 228.

⁹¹ Ibid.

⁹² Wastewater from the Related Santa Clara development (1.75 mgd), Patrick Henry Drive Specific Plan (2.15 mgd for Scenario A and 1.97 mgd for Scenario B), Freedom Circle Future Focus Area Plan with Greystar (1.06 mgd), and approved and proposed Specific Plan (0.77 mgd) would generate up to approximately 5.73 mgd. Wastewater information is currently not available for the Kylli project. By using the unit flow factors of 121 gallons per day (gpd) per DU for very high density residential, 0.30 gpd per square feet for retail space, and 0.18 gallons per day per square feet for daycare from the Sanitary Sewer Capacity Evaluation prepared for the proposed project, 100 gpd per room for hotels and 0.1 gpd per square feet for commercial offices from the City's 2016 Sewer Master Plan, and 15 gpd per student from the Sanitary Sewer Capacity Evaluation prepared for the Specific Plan FEIR, it is conservatively estimated that the Kylli project would generate sewage flows of 0.80 mgd. The 4301 Great America Parkway Expansion project would result in increased sewage flows of 0.09 mgd. Wastewater from these cumulative projects, except for enrollment growth for Mission College, would conservatively add up to approximately 6.62 mgd of wastewater flows projected in the General Plan FEIR. Wastewater information is not available for the 10 percent Mission College enrollment growth over 2018, it is assumed that the wastewater flows would still be below the City's allocation of approximately 25.7 mgd.

⁹³ City of Santa Clara Water & Sewer Utility. *2019 Sewer System Management Plan*. 2019. Accessed May 10, 2023. <https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/sewer-utility/sewer-system-management-plan-ssmp>.

⁹⁴ Woodard & Curran. *Sanitary Sewer Capacity Evaluation for Proposed Tasman East Specific Plan*. June 5, 2018.

⁹⁵ Woodard & Curran. *Sanitary Sewer Capacity Evaluation for Proposed Tasman East Specific Plan*. January 23, 2023.

has a process to obtain additional capacity rights at the RWF should the need arise.⁹⁶ **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

The City's Sanitary Sewer Master Plan does not indicate any elements of the conveyance system between the project site and the RWF that are anticipated to need upgrades before 2035. The Rabello and Northside Pump Stations; however, are anticipated to exceed their pump capacity of 41 mgd by 2035 with recent development approvals not previously considered in the General Plan. In the event that more development occurs than was anticipated by the General Plan, the capacity of the Rabello and Northside Pump Stations would need to be upgraded to meet the demand. The upgrades would include additional wet well and pumping capacity as well as, potentially, force main improvements. The timing for the pump station improvements is not currently known. As part of the mitigation for Related Santa Clara, a detailed engineering study and analysis to determine the precise size and timing needed for the required pump station capacity upgrades to address projected cumulative development is required. Such improvements are required to occur concurrent with Related Santa Clara Phase 2 which is anticipated to be complete prior to 2035, in advance of the capacity exceedances of the pump stations. The City shall implement the required capacity upgrades and the proposed project shall fund its fair share of such upgrades. This SEIR assumes the proposed improvements can be implemented on the existing pump station sites and within existing City rights-of-way to minimize any significant environmental impacts. Future upgrades to the Rabello and Northside Pump Stations would be subject to the environmental review requirements of CEQA.

Impact C-UTIL-1: The proposed Specific Plan would contribute considerably to identified exceedances of the existing pump station capacity at the Rabello and Northside Pump Stations. **(Significant Cumulative Impact)**

Mitigation Measures: Consistent with the approved Specific Plan FEIR, the following mitigation measure would reduce the impact of the proposed Specific Plan to sanitary sewer facilities to a less than significant level:

MM C-UTIL-1.1: The proposed Specific Plan shall require that individual projects implemented within the Specific Plan area make a fair share contribution to the sanitary sewer pump station improvements required by cumulative development in Santa Clara. The fair share contributions for future projects developed under the Specific Plan shall be determined based on a detailed engineering study prepared by the City. The City shall determine the fair-share cost contribution for the individual projects based on their percent of wastewater flow cumulative capacity needs above the current pump capacity.

⁹⁶ 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 35.2 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.

With implementation of Mitigation Measures C-UTIL-1.1, the Specific Plan would not result in a cumulatively considerable contribution to sanitary sewer facilities. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact With Mitigation Incorporated)]**

Storm Drainage System

Development projects (including future development under the proposed Specific Plan) are required by City ordinances to undertake steps to avoid, minimize, and/or mitigate drainage issues and water quality impacts. For example, projects north of the Specific Plan area including Related Santa Clara shall be designed to have no impacts to upstream water surface elevations and therefore would cause no negative storm drainage impacts to the project site. Redevelopment projects upstream of the Specific Plan area would also be required to minimize and treat stormwater runoff from their sites which would avoid stormwater flow rate increases in the drainage system. Therefore, consistent with the approved project, cumulative storm sewer impacts would be considered less than significant. **[Same Impact as Approved Project (Less Than Significant Cumulative Impact)]**

Solid Waste

Buildout of the City and the proposed project would generate solid waste that would need to be disposed of appropriately. All development projects in the City are required to comply with adopted solid waste disposal regulations and programs as described in *Section 3.10.1.1*. As of June 2022, NISL had approximately 12.7 million cubic yards of remaining capacity and buildout of the Specific Plan with the approved project would contribute approximately 0.14 percent annually of the remaining disposal capacity at NISL. Additionally, solid waste and recycling regulations and programs including AB 939, AB 341, SB 1383, Construction and Demolition Debris Recycling Program, and CALGreen were adopted to avoid and/or reduce solid waste and recycling impacts of cumulative development. Therefore, with implementation of existing solid waste regulations and programs, the Specific Plan in combination with the cumulative projects would not exceed the capacity of local landfills nor result in a cumulatively considerable contribution to a significant cumulative solid waste facility impact. **[Less Impact than Approved Project (Significant Unavoidable Cumulative Impact)]**

3.11 Wildfire

At the time the Specific Plan FEIR was approved, wildfire was not a required analysis and was not included. The 2019 CEQA Guidelines (adopted December 28, 2018) now include wildfire in the CEQA Checklist.

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

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

California Fire Code Chapter 47

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

California Public Resources Code Section 4442 through 4431

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

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);

- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

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

Fire Management Plans

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

3.11.1.2 *Existing Conditions*

The project site is located in a developed urban area of Santa Clara. The project site is not located within any of the fire hazard severity zones identified in the CAL FIRE, Fire and Resource Assessment Program map.⁹⁷

3.11.2 Impact Discussion

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

- 1) Substantially impair an adopted emergency response plan or emergency evacuation plan?

⁹⁷ CAL FIRE. Fire Hazard Severity Zones for Santa Clara County. November 6, 2007. Accessed December 2, 2022. https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf.

- 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?

3.11.2.1 *Project Impacts*

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

3.11.2.2 *Cumulative Impacts*

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

Section 4.0 Growth-Inducing Impacts

The CEQA Guidelines require that an EIR identify the likelihood that a proposed project could “foster” or stimulate “economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” (Section 15126.2(d)). This section of the EIR is intended to evaluate the impacts of such growth in the surrounding environment.

The proposed project is an “infill” project, meaning that the project site is within the City’s existing boundaries, already served by existing infrastructure, and planned for urban uses. Redevelopment of the Tasman East Focus Area was envisioned as part of the Santa Clara 2010-2035 General Plan. The approved project would increase the allowed density in the Specific Plan area from what was assumed in the General Plan. The resulting dwelling unit assumptions for the Specific Plan area have increased from 1,676 residential units as described in the 2014 Housing Element update to 6,000 dwelling units from full buildout of the Specific Plan (approved and proposed projects). Additionally, the proposed retail and co-working square footage and daycare are consistent with the mixed-use neighborhood envisioned for the Specific Plan area. The impacts to infrastructure and services resulting from the proposed project are described throughout this SEIR.

The Specific Plan is an envisioned growth area in the General Plan and is not anticipated to result in increased growth outside the City where urban development is not already planned. For these reasons and as discussed in the approved Specific Plan FEIR, the Specific Plan would not result in growth-inducing impacts beyond what is envisioned in the City’s General Plan. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Section 5.0 Significant and Irreversible Environmental Changes

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources. Applicable environmental changes are described in more detail below.

5.1 Use of Nonrenewable Resources

Implementation of future development under Specific Plan, during construction and operation, would require the use and consumption of nonrenewable resources. Renewable resources, such as lumber and other wood byproducts, could also be used. Unlike renewable resources, nonrenewable resources (e.g., fossil fuels and metals) cannot be regenerated over time.

Energy would be consumed during both the construction and operational phases of the Specific Plan development. The construction phase would require the use of nonrenewable construction material, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, preparation of the site, and construction of the buildings. The operational phases would consume energy for multiple purposes including, building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the Specific Plan area.

While the proposed project would result in a substantial increase in demand for nonrenewable resources, the project would be subject to Title 24 standards and CALGreen energy efficiency requirements. As discussed in *Section 4.6 Energy* of Appendix A of this document, the Specific Plan is consistent with the City's General Plan policies regarding energy use, which fosters development that reduces the use of nonrenewable energy resources in transportation, buildings, and urban services (utilities).

5.2 Commitment of Future Generations to Similar Use

The proposed project would modify the approved Specific Plan FEIR to accommodate up to 1,500 additional dwelling units, approximately 20,000 square feet of additional retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare within the Specific Plan area. While implementation of the proposed project would commit future generations to more intense development in this area, these land uses at the proposed higher density would benefit the City and the region by providing a sustainably-developed and planned community within an existing urban area.

5.3 Irreversible Damage from Environmental Accidents

The project does not propose any new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. As discussed in *Section 4.9 Hazards and Hazardous Materials* of the Initial Study (Appendix A), the Specific Plan area contains individual parcels that have been confirmed or may contain soil and groundwater contamination that may expose construction workers, future occupants, and the surrounding environment to contaminated soils and soil vapor intrusion. Phase I Environmental Site Assessments and Site Management Plans shall be implemented by future development under the Specific Plan to mitigate potential risks to construction workers, future occupants, and the environment from potential exposure to hazardous substances. There are no known significant unmitigable on-site or off-site sources of contamination that would substantially affect the proposed uses in the Specific Plan area. In addition, there are no significant geology and soils impacts from implementation of the project.

Based on the discussion above and consistent with the approved project, the proposed project would not likely result in irreversible damage that may result from environmental accidents.

Section 6.0 Significant and Unavoidable Impacts

The proposed Specific Plan would result in the following significant unavoidable impacts:

- Impact AQ-2:** The proposed project, with the incorporation of mitigation, would result in significant impacts during the operational period from regional criteria pollutant emissions of ROG both at a project-level and cumulatively.
- Impact C-AQ-1:** The project would make a cumulatively considerable contribution to regional criteria pollutant emissions (ROG) that cannot be reduced below the Bay Area Air District's threshold of 54 pounds per day with mitigation measures (MM AQ-2.1 to MM AQ-2.3) incorporated in the project.
- Impact BIO-3:** The proposed Specific Plan with incorporation of mitigation measure MM BIO-3.1 would incorporate bird-safe design elements into the future building designs and reduce this impact to the extent feasible. Given the potential for bird strikes to result from implementation of the Specific Plan this impact would be significant and unavoidable.
- Impact C-BIO-1:** The proposed Specific Plan in combination with Related Santa Clara, and including the implementation of mitigation measures, would result in significant unavoidable cumulative impacts due to bird strikes.
- Impact TRANS-2:** The proposed Specific Plan would result in approximately 45 seconds of delay on the VTA Orange Line.

Section 7.0 Alternatives

CEQA requires that an EIR identify alternatives to a project as it is proposed. The CEQA Guidelines specify that the EIR should identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The purpose of this section is to determine whether there are alternatives of design, scope, or location that would substantially lessen the significant impacts of the project, even if those alternatives would “impede to some degree the attainment of the project objectives” or are more expensive (Section 15126.6).

In order to comply with the purposes of CEQA, it is important to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented, but to try to meet as many of the project’s fundamental objectives as possible. The Guidelines emphasize a common sense approach – the alternatives should be reasonable, “foster informed decision making and public participation,” and focus on alternatives that avoid or substantially lessen the significant impacts. The range of alternatives selected for analysis is governed by the “rule of reason” which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: 1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, 2) the project’s objectives, and 3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.1 Significant impacts of the project

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the basic project objectives. The project has significant unavoidable impacts related to regional air quality, biological resources, and transportation (transit delay).

Alternatives may also be considered if they would further reduce impacts that are already less than significant because the project is proposing mitigation measures. Impacts that would be significant, but for which the project includes mitigation measures to reduce them to less than significant levels include impacts to air quality (construction-related emissions), biological resources, cultural resources, hazards and hazardous materials, and construction-related noise and vibration. The alternatives discussion does not focus on project impacts that are less than significant.

CEQA encourages consideration of an alternative site when impacts of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the impacts of the project and meet most of the project objectives need to be considered for inclusion in the EIR.

7.2 Objectives of the Project

While CEQA does not require that alternatives must be capable of meeting all of the project objectives, their ability to meet most of the basic project objectives is considered relevant to their consideration. As identified in *Section 2.4*, the City's objectives for redevelopment within the Tasman East Specific Plan include the following:

Land Use

Establish a land use plan and policy framework that will guide future development and redevelopment activities within the area toward transit supportive uses and improvements, by:

- Increasing the overall development on-site to meet the projected demand by adding additional dwelling units, retail space, and a day-care center within the "island properties" of the Specific Plan area,
- Providing housing density in the 100 units per acre range to help meet the City's state mandated RHNA,
- Providing convenient access to commercial uses, nearby employment, retail, services, entertainment, and other community supportive facilities and services.

Transportation

Improve vehicular, pedestrian, bicycle and transit connectivity between stations and existing and future adjacent commercial and residential areas, to encourage the use of alternative modes of transportation and foster a healthy lifestyle, by:

- Providing direct linkages from Tasman East to the Santa Clara Valley Transportation Authority, Amtrak, and Altamont Corridor Express stations and transit stops to promote transit use for access to services and jobs.

Public Realm

Provide a vital neighborhood in this area of the City, by:

- Developing and implementing urban design standards for streets, streetscapes, buildings, and open space, which promote walkable and livable environments within the project area,
- Promoting pedestrian-friendly design that includes features such as shade trees, streetscapes that contain lighting and landscaping, street furniture, pedestrian and bike paths, limited driveway curb cuts, traffic-calming features, and pedestrian street crossings,
- Encouraging parking to be located in structures to minimize their visibility from streets and public spaces.

Parks

Create a vibrant, high density neighborhood with integrated on-site open space, recreational amenities, and neighborhood serving parks and recreational facilities, which includes:

- Provision of publicly accessible open space within the Tasman East Focus Area that is accessible to all residents, adequate to meet their activity needs, and consistent with the General Plan requirements and other City regulations, and
- New residential development that contains public open spaces, neighborhood parks and recreational amenities that are connected by trails and bikeways, and to other open space facilities such as the Guadalupe River Trail, San Tomas Aquino Creek Trail, and Ulistac Natural Area.

Environmental

- Meet infrastructure needs and public service levels for the neighborhood in the context of the surrounding area, including allocating fair share cost burdens related to public facilities and benefits, and
- Require new development to comply with the local floodplain management ordinance to ensure the safety of residents.

7.3 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and the case law on the subject have found that feasibility can be based on a wide range of factors and influences. The Guidelines advise that such factors can include (but are not necessarily limited to) site suitability, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site (Section 15126.6[f][1]).”

7.4 Selection of Alternatives

7.4.1 Alternatives Considered But Rejected

Design Alternative

Development under the proposed Specific Plan would result in significant impacts at a project and cumulative level due to bird collisions with buildings proposed in the Specific Plan area. Mitigation measure MM BIO-3.1 requires that proposed buildings incorporate bird-safe design measures to reduce impacts to birds. Bird collisions with buildings have been found to primarily occur between the ground and 60 feet. Mitigation measure MM BIO-3.1 requires bird-safe design for all buildings in the Specific Plan area up to 60 feet in height with incorporation of bird-safe measures to the entirety of buildings within 300 feet of the Guadalupe River. Given the location of the Specific Plan

area adjacent to the Guadalupe River and Ulistac Natural Area, any redevelopment in the Specific Plan area would result in bird-strike impacts due to the primary collision zone with buildings defined as ground level to 60 feet in height. Therefore, regardless of the distance from adjacent natural areas or height of the proposed buildings, any redevelopment of the Specific Plan area would have an impact due to bird strikes regardless of any additional design limitations being placed on the proposed buildings. Consideration of a design alternative to increase setbacks or reduce allowed building heights, therefore, would not reduce bird-strike impacts to a less than significant level. For these reasons, a design alternative to address significant and unavoidable biological resource impacts was considered but rejected as infeasible.

7.4.2 Alternatives Selected

In addition to “No Project,” the CEQA Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant effects of the project” (Section 15126.6[f]). The discussion below addresses an alternative that could reduce project impacts and are feasible from a physical land use and infrastructure perspective. This EIR does not evaluate the financial or economic feasibility of alternatives.

7.5 Project Alternatives

7.5.1 No Project Alternative

The CEQA Guidelines specifically require consideration of a “No Project” Alternative. The purpose of including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The Guidelines specifically advise that the No Project Alternative is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment (Section 15126.6[e][3][B]).”

The Specific Plan area is currently being developed to the capacity established in the approved Specific Plan, and could remain at this level of development without the additional density. The No Project Alternative assumes that up to 4,500 dwelling units, approximately 106,000 square feet of retail space (including a 25,000 square foot grocery store) and a 600-student school would be developed within the Specific Plan area.

7.5.1.1 *Comparison of Environmental Impacts*

Under the No Project Alternative, all of the impacts identified in the approved Specific Plan FEIR would remain as is.

7.5.1.2 *Relationship to Objectives*

The No Project Alternative would meet most of the City's objectives for the Tasman East Focus Area as the approved Specific Plan would provide new housing and supporting uses on parcels surrounded by Calle Del Mundo, Calle De Luna, and Lafayette Street, provide access to supporting uses, provide direct linkages to alternative modes of transportation, promote walkable and livable environments within the project area, promote pedestrian-friendly design, provide publicly accessible open space, meet infrastructure needs for public service levels for the neighborhood, and require new development to comply with the local floodplain management ordinance. This alternative would not meet the City's objectives of increasing the overall density on-site by adding additional dwelling units, retail space, a day-care center, and providing additional privately-owned public open space within the "island properties."

7.5.2 No Residential Development Alternative

The No Residential Development Alternative assumes that no residential units would be proposed and that the additional 20,000 square feet of retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare, as currently proposed, would be developed within the Specific Plan area. Full buildout of the approved Specific Plan and the No Residential Development alternative would result in the development of up to 4,500 dwelling units, 126,000 square feet of retail space (including a 25,000 square foot grocery store), a 600-student school, 20,000 square feet of co-working space, and a 10,000-square foot daycare.

7.5.2.1 *Comparison of Environmental Impacts*

While impacts from the development proposed under the No Residential Development Alternative would be lessened without the additional residential units (e.g., construction and operational air quality, bird strikes, and transit delay), all of the impacts identified in the approved Specific Plan FEIR would remain as is.

7.5.2.2 *Relationship to Objectives*

Similar to the No Project Alternative, the No Residential Development Alternative would meet most of the City's objectives for the Tasman East Focus Area as the approved Specific Plan would provide new housing and provide access to supporting uses, provide direct linkages to alternative modes of transportation, promote walkable and livable environments within the project area, promote pedestrian-friendly design, provide publicly accessible open space, meet infrastructure needs for public service levels for the neighborhood, and require new development to comply with the local floodplain management ordinance. This alternative would not meet the City's objective of increasing the overall density on-site by adding additional dwelling units within the "island properties."

7.5.3 Relocation of 1,500 Dwelling Units Alternative

Under the Relocation of 1,500 Dwelling Units Alternative, it is assumed that up to 1,500 dwelling units, which are currently proposed, would be relocated on an alternate site such as the Freedom Circle Future Focus Plan area or Patrick Henry Drive Specific Plan area. Similar to the No Residential Development Alternative, the additional 20,000 square feet of retail, 20,000 square feet of co-working space, and a 10,000-square foot daycare, as currently proposed, would be developed within the Specific Plan area under this alternative.

The Freedom Circle Future Focus Area covers approximately 108 acres and is bounded by Great America Parkway to the west, California's Great America amusement park to the north, San Tomas Aquino Creek to the east, and US 101 to the south. Buildout of the Freedom Circle Future Focus Area Plan would result in the construction of 3,600 dwelling units, 2.0 million square feet of office, 2,000 square feet of retail, and public parkland. Under this alternative, the number of units would increase to 5,100 dwelling units.

The Patrick Henry Drive Specific Plan area is approximately 73.59 acres and is bounded by Calabazas Creek to the west, Mission Community College to the south, Great America Parkway to the east, and a vacant lot to the north. Buildout of the Patrick Henry Drive Specific Plan would consist of up to 12,000 housing units, 785,000 square feet of office uses, and 310,000 square feet of other non-residential uses (e.g., retail, flex, and community facilities).⁹⁸ If up to 1,500 dwelling units were relocated to the Patrick Henry Drive Specific Plan, the total number of housing units could increase up to 13,500 units.

7.5.3.1 *Comparison of Environmental Impacts*

If up to 1,500 dwelling units were relocated to an alternate site, the biological resources impacts from birds colliding with buildings in the Specific Plan area would remain significant and unavoidable as determined from the Specific Plan FEIR. As discussed under *Section 3.2.1.2*, the Ulistac Natural Area represents a valuable area of native habitat that is important to the City's populations of resident and migrating birds. The Freedom Circle Future Focus Plan area and Patrick Henry Drive Specific Plan area are located more than a mile from the Ulistac Natural Area; therefore, the potential for bird strikes to occur in these areas would be reduced when compared to the proposed project.

As discussed in the General Plan FEIR, the General Plan provides for more employment than housing and will lead to insufficient housing opportunities for all future Santa Clara workers. This would result in secondary effects related to increased VMT from workers commuting to Santa Clara due to the housing shortage. While relocating up to 1,500 units from the Specific Plan area to the Freedom Circle Future Focus Plan area or Patrick Henry Drive Specific Plan area, would continue to

⁹⁸ The City Council adopted the Patrick Henry Drive Specific Plan, allowing for two development scenarios (Scenario A and Scenario B). Scenario A allows for the development of up to 12,000 dwelling units and 310,000 square feet of non-residential use while Scenario B allows for the development of up to 10,300 dwelling units, 785,000 square feet of office space, and 310,000 square feet of non-residential use.

reduce VMT by providing Santa Clara workers more housing opportunities and residents in proximity to transit and other services, neither of these potential relocation sites are directly adjacent to light rail and commuter rail service. Additional residential development in either of the relocation areas may increase VMT as opposed to the proposed project. Relocation of 1,500 Dwelling Units Alternatives would have the same regional criteria air pollutant impacts as the proposed project but would increase the significant and unavoidable traffic noise levels identified in the Freedom Circle Future Focus Area/Greystar GPA FEIR and Patrick Henry Drive Specific Plan FEIR.

7.5.3.2 *Relationship to Objectives*

Similar to the other alternatives discussed above, the Relocation of 1,500 Dwelling Units Alternative would meet some of the City's objectives for the proposed project as it would not provide direct linkages to adjacent light rail and commuter rail services. This alternative would not meet the City's objective of increasing the overall density on-site to meet projected demand by adding additional dwelling units within the "island properties" but would continue to assist the City in meeting its RHNA targets.

7.5.4 Environmentally Superior Alternative

Because the No Project Alternative would not result in any new development on-site than what was previously approved, this alternative would avoid any new environmental impacts of the project. This alternative would meet most of the City's project objectives as discussed above.

Besides the No Project Alternative, the Relocation of 1,500 Dwelling Units Alternative would be the environmentally superior alternative as it would lessen bird strike impacts and transit delay impacts when compared to the project as currently proposed. This alternative would meet some of the City's objectives related the provision of services, parklands and promoting walkability while contributing to the City's objective of meeting RHNA targets but would not meet the objectives specific to the Tasman East Focus Area.

Section 8.0 References

The analysis in this SEIR 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 and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

Association of Bay Area Governments. *Projections 2040*. Accessed January 17, 2023.
<http://projections.planbayarea.org/>

BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. Accessed November 23, 2022.
<http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

BKF Engineers. *Infrastructure Report*. December 2022.

BKF Engineers. *Infrastructure Report*. February 13, 2023.

Bridgenet International. *Norman Y. Mineta San Jose International Airport Noise Assessment for the Master Plan Environmental Impact Report*. October 2019.

CAL FIRE. Fire Hazard Severity Zones for Santa Clara County. November 6, 2007. Accessed December 2, 2022. https://osfm.fire.ca.gov/media/6766/fhszs_map43.pdf.

California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 23, 2022. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed July 25, 2022. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

California Integrated Waste Management Board. "Industrial Sector Generation Rates." Accessed January 19, 2023. <https://www2.calrecycle.ca.gov/WasteCharacterization/>.

CalRecycle. "Facility Information Toolbox (FacIT)." January 2013. Accessed May 23, 2023.
<https://www2.calrecycle.ca.gov/Docs/107834>.

CalRecycle. "SWIS Facility/Site Activity Details Newby Island Sanitary Landfill (43-AN-0003)." Accessed May 4, 2023.
<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388>.

CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals. August 18, 2020. Accessed January 18, 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.](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 San José, Environmental Services Department. “San José-Santa Clara Regional Wastewater Facility.” Accessed December 1, 2022. <https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility>.

City of San José, Environmental Services Department. *Tributary Agencies’ Estimated Available Plant Capacity – 2021*. December 21, 2021.

City of Santa Clara 2010-2035 General Plan (2014).

City of Santa Clara. “City of Santa Clara 2022 Climate Action Plan Compliance Checklist.” Accessed February 2, 2023.

<https://www.santaclaraca.gov/home/showpublisheddocument/78990/638060101646470000>

City of Santa Clara. “Climate Action Plan.” Accessed December 2, 2022.

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan/climate-action-plan>.

City of Santa Clara. “History of the Fire Department.” Accessed January 17, 2023.

<https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/about-us/history>.

City of Santa Clara. “Police Department Fact Sheet.” Accessed January 17, 2023.

<https://www.santaclaraca.gov/our-city/departments-g-z/police-department/about-us/fact-sheet>.

City of Santa Clara. “Residential Garbage & Recycling.” May 4, 2023. Accessed May 19, 2023.

<https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/residential-garbage-recycling>.

City of Santa Clara. “Santa Clara Fire Department Annual Report 2024.” Accessed April 8, 2026.

<https://www.santaclaraca.gov/our-city/departments-a-f/fire-department/about-us#docaccess-e676ed9ed78d4a0ab284a43f96c0787b3ce648e1bc017c5dbb074478cb6b284b>.

City of Santa Clara. “Tasman East Specific Plan.” Accessed January 24, 2023.

<https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/specific-plans/tasman-east>.

- City of Santa Clara. "Water Utility." Accessed December 1, 2022.
<https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/water-utility..>
- City of Santa Clara. *2010-2035 General Plan Integrated Final Environmental Impact Report*. SCH# 2008092005. January 2011. Page 228.
- City of Santa Clara. *City of Santa Clara Development Guidelines for Solid Waste Services*. May 2021. Accessed January 23, 2023.
<https://www.santaclaraca.gov/home/showpublisheddocument/67135/637558277421530000>.
- City of Santa Clara. *City of Santa Clara Draft 2010-2035 General Plan: Integrated Final Environmental Impact Report*. Section 4.6.5.2, Schools and Community Facilities. January 2011.
- City of Santa Clara. *City Place Santa Clara Project Draft Environmental Impact Report*. SCH# 2014072078. Certified June 2016. Pages 3.13-23 through 3.13-25.
- City of Santa Clara. *Gateway Crossings Draft Environmental Impact Report*. April 2018. Page 147.
- City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan*. SCH# 2008092005. Certified November 16, 2010. Pages 206-207.
- City of Santa Clara. *Integrated Final Environmental Impact Report for the City of Santa Clara Draft 2010-2035 General Plan*. SCH# 2008092005. Certified November 16, 2010. Pages 240-241.
- City of Santa Clara. *Ordinance No. 2034*. Accessed January 23, 2023.
<https://www.santaclaraca.gov/home/showpublisheddocument/75885/637743917626000000>.
- City of Santa Clara. *Patrick Henry Drive Final Environmental Impact Report*. SCH #2019120515. July 2021.
- City of Santa Clara. *Sanitary Sewer Master Plan Update Final Report*. April 2016.
- City of Santa Clara. *Tasman East Specific Plan Draft Environmental Impact Report*. July 2018.
- City of Santa Clara. *Tasman East Specific Plan Supplemental Water Supply Assessment*. August 2022.
- City of Santa Clara. *Tasman East Specific Plan Water Supply Assessment*. June 2018.
- City of Santa Clara. *Tasman East Specific Plan Supplemental Water Supply Assessment*. August 2022.

City of Santa Clara Water & Sewer Utility. *2019 Sewer System Management Plan*. 2019. Accessed May 10, 2023. <https://www.santaclaraca.gov/our-city/departments-g-z/water-sewer-utilities/sewer-utility/sewer-system-management-plan-ssmp>.

Cooperative Strategies. *Residential and Commercial/Industrial Development School Fee Justification Study*. March 24, 2022.

Davidson, John. City of Santa Clara. Personal Communication. March 25, 2026.

Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/22. Accessed January 17, 2023. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.

Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/22. Accessed January 17, 2023. <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.

Enrollment Projection Consultants. *SCUSD 2019-20 Forecast Update Report*. January 17, 2020. Page 16.

Fehr & Peers. *Tasman East Specific Plan Amendment – Street Network Modifications*. March 16, 2026.

Fehr & Peers. *Tasman East Specific Plan Update Draft Transportation Impact Analysis*. May 2024.

Haynes, Matt. Fehr & Peers. Personal Communication. February 17, 2023.

Healy, Michal, Director, Facilities Development and Planning, Santa Clara Unified School District. "RE: Tasman East Specific Plan; CEQ2016-12400." August 7, 2017.

Holman & Associates. Results of the Cultural Resources Literature Search for the 46.0-acre Tasman East Specific Plan. January 11, 2017.

Huber, Rachelle. Environmental Manager, Republic Services. Personal Communication. June 2, 2022.

Illingworth & Rodkin, Inc. *Updated Operational CalEEMod Modeling of Air Pollutant and GHG Emissions Memo*. April 7, 2026.

Illingworth & Rodkin, Inc. *Tasman East SEIR, Santa Clara, CA – Traffic/Construction Noise Update Memo*. May 3, 2023.

Illingworth & Rodkin, Inc. *Tasman East Specific Plan and EIR – Air Quality and Greenhouse Gas Assessment*. April 26, 2018. Attachment 2.

Illingworth & Rodkin, Inc. *Update to the Tasman East Specific Plan and FEIR – Air Quality and Greenhouse Gas Assessment*. May 23, 2023.

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2021.

Santa Clara Unified School District. *Agnews East School Campus Facilities Expansion Final Supplemental Environmental Impact Report*. March 2019.

Saporito, Gina. Santa Clara Parks and Recreation Department. Personal Communication. March 2023.

United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration. *Transit Noise and Vibration Impact Assessment*, May 2006.

U.S. Environmental Protection Agency. Section 10 of the Rivers and Harbors Appropriation Act of 1899. Accessed November 10, 2022. <https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899>.

Woodard & Curran. *Sanitary Sewer Capacity Evaluation for the Proposed Updated Tasman East Specific Plan*. January 23, 2023.

Woodard & Curran. *Sanitary Sewer Capacity Evaluation for Proposed Tasman East Specific Plan*. June 5, 2018.

Section 9.0 Lead Agency and Consultants

9.1 Lead Agency

City of Santa Clara

Community Development Department

Afshan Hamid, Director

John Davidson, Principal Planner

9.2 Consultants

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

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Fiona Phung, Project Manager

Patrick Kallas, Associate Project Manager

Ryan Osako, Graphic Artist

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Air Quality and Noise Consultants

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Jay Witt, Senior Consultant

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Jordyn Bauer, Staff Consultant

Fehr & Peers

Traffic Consultants

Matt Haynes, Principal

Huimei Jiang, Transportation Engineer

Section 10.0 Acronyms and Abbreviations

Acronym	Definition
AB	Assembly Bill
ACE	Altamont Commuter Express
ACM	asbestos-containing material
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
BFE	base flood elevation
bgs	below ground surface
BMPs	best management practices
Btu	British thermal units
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	Division of Occupational Safety and Health
CalEPA	California Environmental Protection Agency
CAP	Climate Action Plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CGS	California Geological Survey
COC	contaminants of concern
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DEH	Department of Environmental Health
DTSC	Department of Toxic Substances Control
EO	Executive Order
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ESLs	Environmental Screening Levels
EV	Electric Vehicle

FAA	Federal Aviation Administration
FEIR	Final Environmental Impact Report
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
GHG	greenhouse gas
GWh	gigawatt hours
HSP	Health and Safety Plan
HSWA	Federal Hazardous and Solid Waste Amendments
kV	Kilovolt
LBP	lead-based paint
LOMR	Letter of Map Revision
LUST	Leaking Underground Storage Tank
mpg	miles per gallon
MRP	Municipal Regional Stormwater Permit
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OMMP	Operations, Maintenance, and Monitoring Plan
PCBs	chlorinated biphenyls
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RWF	San José-Santa Clara Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SCVNSPC	Santa Clara Valley Nonpoint Source Pollution Control Program
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SEIR	Subsequent Environmental Impact Report

SFHA	special flood hazard area
SFHAs	Special Flood Hazard Areas
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SR	State Route
SVP	Silicon Valley Power
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCE	Trichloroethene
TCR	tribal cultural resource
THQ	target hazard quotient
TMDLs	total maximum daily loads
TOD	Transit-Oriented Development
TPA	Transit Priority Area
TPH	total petroleum hydrocarbons
TPHg	total petroleum hydrocarbons as gasoline
TSCA	Toxic Substances Control Act
URMP	Urban Runoff Management Plan
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	underground storage tank
Valley Water	Santa Clara Valley Water District (SCVWD)
VCP	vitrified clay pipe
VMT	vehicle miles traveled
VOCs	volatile organic compounds
VTa	Santa Clara Valley Transportation Authority
WSUD	Water and Sewer Utilities Department
Williamson Act	California Land Conservation Act